

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:)
)
)

Meadowcraft, Inc. – Carson Road Facility)
SID Permit Number IU393700746)
P.O. Box 1357)
4700 Pinson Valley Parkway)
BIRMINGHAM, ALABAMA)

ADMINISTRATIVE
ORDER NO. 03-143-WP

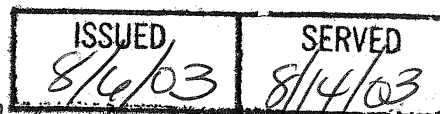
FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, *Code of Alabama* 1975, §§ 22-22A-1 through 22-22A-16, as amended, the Alabama Water Pollution Control Act, *Code of Alabama*, 1975, §§ 22-22-1 through 22-22-14, as amended, and §307 of the Federal Water Pollution Control Act, 33 U.S.C. §1317, the Alabama Department of Environmental Management (hereinafter "ADEM") makes the following FINDINGS:

1. Meadowcraft, Inc. – Carson Road Facility, (hereinafter "the Permittee") operates a facility engaged in metal finishing operations and is located on 4700 Pinson Valley Parkway in Birmingham, Alabama. Birmingham is in Jefferson County, Alabama.

2. ADEM issued a State Indirect Discharge (hereinafter "SID") Permit to the Permittee on March 5, 2001, authorizing the discharge of pollutants to Five Mile Creek, a water of the State, through the Jefferson County Five Mile Creek Wastewater Treatment Plant.

3. The Jefferson County Five Mile Creek Wastewater Treatment Plant is a "publicly owned treatment works" as defined in ADEM Admin. Code R. 335-6-5-.02(jj).



4. The permit was issued subject to certain terms, conditions, and limitations, including daily maximum, monthly maximum, and monthly average limitations on the amounts of pollutants which may be discharged.

5. Also among the terms, limitations, and conditions of the Permittee's SID permit are requirements for monitoring the discharges.

6. Additionally, the Permittee, pursuant to ADEM Admin. Code R. 335-6-5-.15(12)(e), is charged with the responsibility of the submission of a Discharge Monitoring Report (hereinafter referred to as "DMR"). Regulations require that the DMR be submitted on a form approved by ADEM and that submission shall be made so that the DMR is received by ADEM no later than the 28th day of the month following the reporting period specified in the permit.

7. The Permittee has violated its SID limitations as follows:

<u>REPORTING PERIOD</u>	<u>PARAMETER</u>	<u>PERMIT LIMIT</u>	<u>REPORTED</u>
6/13/02	Oil and Grease (daily max.)	150 mg/l	667.0 mg/l
5/02/02	Oil and Grease (daily max.)	150 mg/l	2240.0 mg/l
5/09/02	Oil and Grease (daily max.)	150 mg/l	272.0 mg/l
4/11/02	Oil and Grease (daily max.)	150 mg/l	188.0 mg/l
3/07/02	pH (daily minimum.)	5.0 s.u.	4.76 s.u.
3/21/02	Oil and Grease (daily max.)	150 mg/l	233.0 mg/l
2/14/02	Oil and Grease (daily max.)	150 mg/l	518.0 mg/l
2/21/02	pH (daily minimum.)	5.0 s.u.	4.10 s.u.
2/28/02	Oil and Grease (daily max.)	150 mg/l	1011.0 mg/l
1/03/02	Oil and Grease (daily max.)	150 mg/l	269.0 mg/l
1/10/02	Oil and Grease (daily max.)	150 mg/l	303.0 mg/l
1/25/02	pH (daily minimum.)	5.0 s.u.	4.82 s.u.
12/20/01	Oil and Grease (daily max.)	150 mg/l	151.0 mg/l
12/27/01	Oil and Grease (daily max.)	150 mg/l	562.0 mg/l
12/27/01	Nickel, Total (daily max.)	0.5 mg/l	2.34 mg/l
5/25/01	pH (daily minimum.)	5.0 s.u.	3.98 s.u.
3/01/01	Oil and Grease (daily max.)	150 mg/l	268.0 mg/l
2/21/01	pH (daily minimum.)	5.0 s.u.	4.78 s.u.
12/14/00	Oil and Grease (daily max.)	150 mg/l	297.0 mg/l
12/28/00	pH (daily minimum.)	5.0 s.u.	4.52 s.u.
10/05/00	Oil and Grease (daily max.)	150 mg/l	316.0 mg/l
8/03/00	Oil and Grease (daily max.)	150 mg/l	384.0 mg/l

8. The Permittee has failed to file reports as required by Administrative Regulations. In particular, the Permittee failed to report "pH" levels on three occasions during the month of October. Additionally, the Permittee has failed to report "TSS" levels, as required, on one occasion during the month of October.

9. The assessment of civil penalties for violations of the Department's rules and regulations, and for violations of any order, permit condition, license, certification, or variance issued by the Department is authorized by *Code of Alabama* 1975 § 22-22A-5(18), as amended. The statute also authorizes that the penalty amount may range from \$100 to \$25,000 per day for each violation, so long as the penalty amount does not exceed \$250,000 in any given order. Each day a violation continues constitutes a separate violation. In addition to the foregoing "findings", the Department has considered the factors detailed in the aforementioned statute in determining the appropriate penalty amount in this particular instance. Those factors are listed as follows:

- (a) The seriousness of the violation, including any irreparable harm to the environment and any threat to the health or safety of the public;
- (b) The standard of care manifested by the Permittee;
- (c) The economic benefit which delayed compliance may have conferred upon the Permittee;
- (d) The nature, extent and degree of success of the Permittee's efforts to minimize or mitigate the effects of such violations upon the environment;
- (e) The Permittee's history of previous violations; and
- (f) The Permittee's ability to pay the assessed penalty.

10. During the pendency of this enforcement action ADEM has been served with certain pleadings filed in Case No. 02-06910-TOM-11 currently pending in the United States Bankruptcy Court for the Northern District of Alabama, Southern Division.

ORDER

Based on the foregoing FINDINGS and pursuant to *Code of Alabama* 1975, §§ 22-22A-5(10), 22-22A-5(18), 22-22-9(c) and 22-22-9(k), as amended, and §307 of the Federal Water Pollution Control Act, 33 U.S.C. §1317, it is hereby ORDERED:

A. Due to the factors and circumstances described in paragraphs nine (9) and ten (10) of the portion of this Order entitled "Findings" no civil penalty will be assessed by ADEM for the violations cited herein.

B. That not later than 45 days after notification of the issuance of this Order, the Permittee shall submit an engineering report which describes the corrective action needed to achieve compliance with the requirements of SID Permit Number IU393700746 and ADEM Admin. Code R. 335-6-et seq. Said report shall be prepared by a "professional engineer" as described by ADEM Admin. Code R. 335-6-3-.002(a).

C. That, not later than 135 days after notification of the issuance of this Administrative Order, the Permittee shall have completed the corrective action described by the report described in paragraph "B" above.

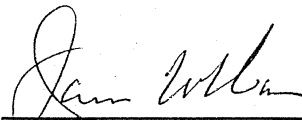
D. That, not later than 150 days after notification of the issuance of this Administrative Order, the permittee shall have achieved compliance with the requirements and limitations set forth in SID Permit Number IU393700746 .

E. That the issuance of this Order does not preclude the Department from seeking criminal fines or other appropriate sanctions or relief against the Permittee for

the violations cited herein if such actions are deemed appropriate in light of paragraphs eight (8) and nine (9) of the portion of this Order entitled "Findings".

F. That failure to comply with the provisions of this order shall constitute cause for commencement of legal action by the Department against the Permittee seeking appropriate sanctions or relief.

ORDERED and ISSUED this the 6th day of August , 2003.



JAMES W. WARR, DIRECTOR
Alabama Department of
Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110-2059

CERTIFICATE OF SERVICE

I, Harry A. Lyles, hereby certify that I have served Administrative Order No. 03-143-WP upon Meadowcraft, Inc. by sending the same, postage paid, through the United States Mail, as Certified Mail, with instructions to forward and return receipt requested to:

CERTIFIED MAIL NO. 7002 2030 0000 9488 7978

Mr. Larry York
Vice President - Administration
Meadowcraft, Inc.
P.O. Box 1357
Birmingham, AL 35201

DONE this the ^{7th}~~6th~~ day of August 2003.


HARRY A. LYLES