

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

BAMA TEXTILES

SID PERMIT NUMBER IU 39 67 00035

ORDER NO. 92-163-WP

FINDINGS OF FACTS

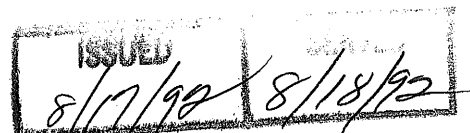
Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama (1975), §§ 22-22A-1 through 22-22A-16 (1990 Rplc. Vol.), the Alabama Water Pollution Control Act, Code of Alabama (1975), §§ 22-22-1 through 22-22-14 (1990 Rplc. Vol.), and the Federal Water Pollution Control Act § 307, 33 U.S.C. § 1317, the Alabama Department of Environmental Management (the Department) makes the following FINDINGS OF FACTS:

1. Bama Textiles (the Permittee) operates a textile manufacturing facility in Haleyville, Alabama.

2. On August 8, 1988 the Department issued SID Permit Number IU 39 67 00035 (the Permit) to the Permittee.

3. The permit authorized the discharge of process wastewaters to Moore Creek, a water of the State, through the Haleyville South Wastewater Treatment Plant subject to certain terms, conditions and limitations.

4. On February 1, 1990 the Department issued Administrative Order Number 90-062-WP to the Permittee for violations of the discharge limitations and reporting conditions of the Permit.



5. On March 25, 1991 the Department issued Administrative Order Number 91-062-WP to the Permittee for violations of the Permit and for violations of Order Number 90-062-WP.

6. On August 21, 1991 the Department issued Administrative Order Number 91-149-WP to the Permittee for violations of the Permit occurring subsequent to the issuance of Order Number 91-062-WP.

7. The Permittee continues to violate the discharge limitations of the permit as follows:

PERMIT LIMITATIONS

<u>PARAMETER</u>	<u>DAILY MINIMUM</u>	<u>DAILY MAXIMUM</u>	<u>MONTHLY AVERAGE</u>
FLOW	N/A	monitor	monitor
pH	6.0 s.u.	10.0 s.u.	N/A
TEMPERATURE	N/A	monitor	monitor
TSS	N/A	100 mg/l	50 mg/l
BOD	N/A	600 mg/l	300 mg/l
COD	N/A	2000 mg/l	1000 mg/l
COLOR	N/A	200 ADMI	200 ADMI

PERMIT LIMITATIONS VIOLATIONS

<u>DATE</u>	<u>PARAMETER</u>	<u>VIOLATION</u>
8/91 Max	TSS (mg/l)	109.0, 149.0, 148.0
8/91 Avg	TSS (mg/l)	125.5
8/91 Max	Color (ADMI)	343.0
9/91 Max	TSS (mg/l)	160.0, 244.0
9/91 Avg	TSS (mg/l)	147.6
9/91 Max	Color (ADMI)	660.0
10/91 Max	TSS (mg/l)	298.0
10/91 Avg	TSS (mg/l)	123.0
10/91 Max	Color (ADMI)	724.0
11/91 Max	TSS (mg/l)	110.0
11/91 Avg	TSS (mg/l)	85.9
11/91 Max	Color (ADMI)	1017.0
12/91 Max	TSS (mg/l)	106.0
12/91 Avg	TSS (mg/l)	90.9
12/91 Max	Color (ADMI)	585.0

PERMIT LIMITATIONS VIOLATIONS

<u>DATE</u>	<u>PARAMETER</u>	<u>VIOLATION</u>
1/92 Max	TSS (mg/l)	109.0, 104.0, 171.0, 142.0
1/92 Avg	TSS (mg/l)	123.20
1/92 Max	BOD (mg/l)	666.0
1/92 Avg	BOD (mg/l)	337.80
1/92 Max	COD (mg/l)	2128.0
1/92 Avg	COD (mg/l)	1175.20
1/92 Max	Color (ADMI)	1110.0
2/92 Max	TSS (mg/l)	123.0, 103.0
2/92 Avg	TSS (mg/l)	103.0
2/92 Avg	COD (mg/l)	1062.75
2/92 Max	Color (ADMI)	1003.0
3/92 Max	TSS (mg/l)	104.0, 109.0, 216.0, 105.0
3/92 Avg	TSS (mg/l)	133.5
3/92 Max	Color (ADMI)	1068.0
3/92 Avg	BOD (mg/l)	311.75
4/92 Max	TSS (mg/l)	217.0, 97.8
4/92 Avg	TSS (mg/l)	104.56
4/92 Max	BOD (mg/l)	312.0, 348.0, 348.0
4/92 Max	Color (ADMI)	214.0

8. The Permittee submitted an incomplete Discharge Monitoring Report for the month of December, 1991.

9. The Permittee violated Paragraph B of Order Number 91-062-WP by failing to submit the required engineering report within 45 days from the date of the Order.

10. The Permittee violated Order Number 91-149-WP by failing to meet the March 30, 1992 deadline for compliance with the terms, conditions and limitations of the Permit.

11. Prior to the expiration of the deadline the Department warned the Permittee in writing of the pending deadline. The Permittee did not respond to the Department's warning until the statutory informal conference on July 17, 1992 preceding the issuance of the following Order.

12. Dyes discharged by the Permittee to the Haleyville sanitary sewer system have passed through the Haleyville South

Wastewater Treatment Plant causing violations of the Wastewater Treatment Plant's NPDES permit, and causing discoloration of Moores Creek, Wiley Branch and the Buttahatchee River.

13. The Permittee has a history of violations after increasingly severe enforcement actions, which have not yet secured compliance with the Permit by the Permittee.

14. The Permittee has yet to complete those actions required to meet the discharge limitations of the Permit.

15. The Permittee has recognized an economic benefit by delayed compliance with the terms, conditions and limitations of the Permit.

16. The Permittee employs a number of local people and is a contributor to the local economy.

17. The Department has considered the Permittee's ability to pay the civil penalty assessed herein.

18. The Permittee intends to achieve compliance by September 1, 1992 and to install an automatic monitoring system to help insure continued compliance with the Permit.

ORDER

Based upon the foregoing FINDINGS OF FACT, and pursuant to Code of Alabama (1975), §§ 22-22A-5(18) and 22-22-9 (1990 Rplc. Vol.) it is hereby ORDERED:

A. That within 30 days from the date of this Order the Permittee will pay to the Department a civil penalty in the amount of Thirty Thousand Dollars (\$30,000.00).

B. That the Permittee will either achieve complete compliance with the terms, conditions or limitations of the permit by September 1, 1992, or thereafter cease discharges to the Haleyville wastewater treatment system until the Permittee can achieve compliance with the Permit.

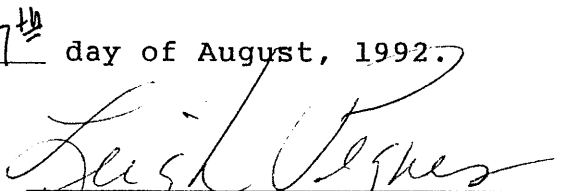
C. That upon the achievement of compliance with the Permit, the Permittee will maintain compliance with the terms of the Permit each and every day thereafter.

D. That the Permittee will install the above referenced monitoring system within 180 days from the date of receipt of the Order.

E. That failure to comply with this Order shall constitute cause for the commencement of legal action for the recovery of civil penalties, criminal fines or other appropriate relief by the Department against the Permittee.

F. That issuance of this Order does not preclude the Department from seeking civil penalties, criminal fines, or other appropriate sanctions or relief against the Permittee for the violations of it SID Permit Number IU 39 67 00035.

ORDERED and ISSUED this 17th day of August, 1992.



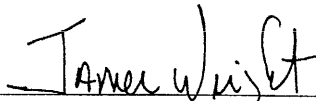
Leigh Pegues, Director
Alabama Department of
Environmental Management
1751 Cong. W. L. Dickinson Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Administrative Order No. 92-163-WP upon Bama Textiles, Inc. by sending the same, postage paid, through the United States Mail, as Certified Mail No. 055 116 370, with instructions to forward and return receipt requested to:

Joe Bachmuth, President
Bama Textiles, Inc.
215 5th Street, S.E.
Cullman, AL 35055

DONE this 17th day of August, 1992.



James L. Wright