

ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

SWEET SUE KITCHENS DIVISION  
OF SARA LEE CORPORATION  
ATHENS, ALABAMA

ORDER NO. 89-014-WP

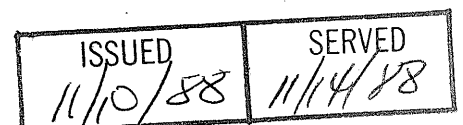
FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 through 22-22A-16 (1984 and 1988 Cum. Supp.) and the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 through 22-22-14 (1984 and 1988 Cum. Supp.), the Alabama Department of Environmental Management (hereinafter "the Department") makes the following FINDINGS OF FACT:

1. Sweet Sue Kitchens Division of Sara Lee Corporation (hereinafter "the Permittee") operates a poultry canning facility located in Athens, Alabama.

2. The Permittee was issued a State Indirect Discharge (hereinafter "SID") permit by the Department authorizing the discharge of pollutants and other wastes through the Athens sewage treatment plant, to Town Creek, a water of the State, subject to certain terms, limitations and conditions.

3. Among the terms and conditions of said SID permit is the requirement that the Permittee sample and analyze its effluent being discharged into the Athens sewage treatment plant and that



it report the results of said analyses to the Department on Discharge Monitoring Report (DMR) forms. Said reports are to be signed by a responsible official or a duly authorized representative of the Permittee, certifying that the information contained in the DMRs is true, accurate and complete.

4. Laboratory results of analyses performed by PBR Electronics, Inc. of samples of the effluent discharged by the Permittee to the Athens sewage treatment plant differ from the results reported by the Permittee to the Department on its DMRs. A comparison of those results is provided below.

DATE	OIL AND GREASE	
	PBR REPORTS	DMRs
3/12/87	422.4 mg/l	200 mg/l
3/26/87	2526.8 mg/l	500 mg/l
4/23/87	656.0 mg/l	65 mg/l
4/30/87	836.0 mg/l	86 mg/l
5/7/87	464.4 mg/l	364 mg/l
5/14/87	422.4 mg/l	400 mg/l
5/21/87	334.8 mg/l	200 mg/l
5/28/87	198.0 mg/l	85 mg/l
6/4/87	336.0 mg/l	300 mg/l
6/11/87	352.0 mg/l	300 mg/l
6/18/87	146.8 mg/l	140 mg/l
6/25/87	213.2 mg/l	200 mg/l
7/16/87	291.6 mg/l	290 mg/l
7/30/87	202.8 mg/l	200 mg/l
8/6/87	422.4 mg/l	222 mg/l
8/13/87	336.0 mg/l	330 mg/l
8/20/87	418.0 mg/l	300 mg/l
8/27/88	366.0 mg/l	316 mg/l
9/17/87	231.2 mg/l	230 mg/l
9/24/87	262.0 mg/l	260 mg/l
10/1/87	832.0 mg/l	83 mg/l
10/8/87	341.2 mg/l	340 mg/l
10/15/87	345.6 mg/l	245 mg/l
10/22/87	201.6 mg/l	201 mg/l
10/29/87	311.2 mg/l	230 mg/l
11/5/87	451.6 mg/l	Not Reported

DATE	OIL AND GREASE	
	PBR REPORTS	DMRs
11/19/87	207.2 mg/l	200 mg/l
11/25/87	104.4 mg/l	104 mg/l
12/23/87	336.0 mg/l	330 mg/l
12/30/87	231.2 mg/l	200 mg/l
1/14/88	995.6 mg/l (1328.5 ppd) <sup>1</sup>	96 mg/l
1/28/88	336.0 mg/l ( 428.5 ppd)	236 mg/l
2/4/88	367.2 mg/l ( 428.7 ppd)	300 mg/l
2/11/88	412.0 mg/l ( 549.8 ppd)	212 mg/l
2/18/88	64.4 mg/l ( 80.6 ppd)	64 mg/l
5/5/88	431.2 mg/l ( 647.3 ppd)	200 ppd
5/12/88	832.0 mg/l (1249 ppd)	200 ppd
5/19/88	118.8 mg/l ( 178.3 ppd)	118 ppd
5/26/88	442.4 mg/l ( 701 ppd)	350 ppd

5. Also among the terms, conditions and limitations of said SID permit are daily maximum and daily average discharge limitations for biochemical oxygen demand (BOD<sub>5</sub>), total suspended solids (TSS), and oil and grease (O&G). From the date of issuance of the permit until January 1, 1988, said limitations were as follows:

	BOD <sub>5</sub> (ppd)	TSS (ppd)	O&G (mg/l)
Daily Maximum	3600	1650	500
Daily Average	2400	1100	300

After January 1, 1988, said limitations were as follows:

	BOD <sub>5</sub> (ppd)	TSS (ppd)	O&G (ppd)
Daily Maximum	750	750	250
Daily Average	500	500	167

<sup>1</sup>The discharge value reported by PBR in mg/l was converted by Department staff to ppd using the flows reported by the Permittee on its DMRs.

6. The Permittee has violated its permit discharge limitations as follows:

DATE	BOD <sub>5</sub>	TSS	O&G
1/8/87			747 mg/l
1/29/87			729 mg/l
1/87 average			575 mg/l
2/5/87			660 mg/l
2/87 average			371 mg/l
3/24/87			672 mg/l
3/87 average			837 mg/l
4/23/87			656 mg/l
4/30/87			836 mg/l
4/87 average			417.8 mg/l
8/87 average			385.6 mg/l
10/1/87			832.0 mg/l
10/87 average			406.3 mg/l
1/14/88			1328.5 ppd
1/21/88	772 ppd		439.5 ppd
1/28/88	866 ppd		504.4 ppd
1/88 average	694 ppd		757.5 ppd
2/4/88		754 ppd	428.7 ppd
2/11/88			549.8 ppd
2/18/88	1157 ppd		
2/25/88	1065 ppd		
2/88 average			327.3 ppd
3/3/88	1224 ppd	1244 ppd	
3/10/88	763 ppd		280 ppd
3/24/88	752 ppd		345 ppd
3/31/88			460 ppd
3/88 average	708 ppd	511 ppd	304 ppd
4/7/88	859 ppd		294 ppd
4/14/88			387 ppd
4/21/88			425 ppd
4/28/88			390 ppd
4/88 average	671 ppd		374 ppd
5/5/88			647.3 ppd
5/12/88			1249 ppd
5/19/88	1277 ppd		
5/26/88	866 ppd		701 ppd
5/88 average	860 ppd		693.9 ppd
6/2/88	795 ppd		565 ppd
6/9/88			45 ppd

DATE	BOD <sub>5</sub>	TSS	O&G
6/16/88	863 ppd		516 ppd
6/23/88			465 ppd
6/30/88			1215 ppd
7/14/88	860 ppd		762 ppd
7/21/88			746 ppd
7/28/88	792 ppd		691 ppd
7/88 average	788 ppd	502 ppd	733 ppd

7. Said SID permit also requires that the Permittee retain laboratory records for a period of three years.

8. The Permittee has violated this provision of its SID permit by failing to retain laboratory records for the following dates: 26 November 1986, 10 September 1987, 3 November 1987, 11 December 1987, 25 February 1988, 17 March 1988, 7 April 1988, and 23 June 1988.

9. Said SID permit also contains a compliance schedule which required that a preliminary engineering report be submitted to the Department no later than April 1, 1987 and that its wastewater treatment equipment be in operation no later than January 1, 1988.

10. The Permittee violated this condition of its permit by failing to submit the preliminary engineering report by April 1, 1987 and by failing to begin equipment operation by January 1, 1988.

11. The Permittee has recognized an economic benefit by failing to comply with the terms and conditions of its SID permit and saving monitoring and reporting costs as well as possible

civil penalties for failure to comply with the discharge limitations contained in its permit.

12. The Permittee's failure to submit complete and accurate DMRs gave the Department a false impression of the Permittee's compliance status.

13. The Permittee has the ability to pay a civil penalty.

#### ORDER

Based upon the foregoing FINDINGS OF FACT and pursuant to Code of Alabama 1975, §§ 22-22A-5(10), 22-22A-5(18), 22-22-9(i), and 22-22-9(k) (1987 Cum. Supp.), it is hereby ORDERED:

A. That not later than 30 days after receipt of notice of this Order the Permittee shall pay to the Department the sum of \$17,830 for the violations cited herein.

B. That not later than March 1, 1988 the Permittee shall submit to the Department a pollution abatement plan designed to bring the Permittee into compliance with the terms, limitations and conditions of its SID permit. Said plan shall include a compliance schedule which must be approved by the Department and shall be prepared in accordance with ADEM Admin. Code Chap 6-3 by a registered professional engineer licensed to practice in the State of Alabama.

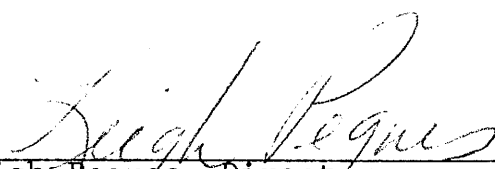
C. That not later than the date of final compliance contained in the pollution abatement plan and approved by the Department, the Permittee shall have achieved compliance with the

terms, limitations and conditions of its SID permit and shall continuously maintain compliance with the terms, conditions and limitations of its permit each and every day thereafter until the expiration of said permit.

D. That the failure of the Permittee to comply with any of the provisions of this Order or its SID permit shall constitute cause for the revocation of said SID permit and/or the commencement of legal action for the recovery of civil penalties, criminal fines, or other appropriate relief.

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

ORDERED and ISSUED this 10th day of November, 1988.

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

CERTIFICATE OF SERVICE

I, G. Keith Clark, hereby certify that I have served Order No. 89-014-WP upon Sweet Sue Kitchens Division of Sara Lee Corporation by sending the same, postage paid, through the U.S. Mail, as Certified Mail No. P-966 410 334, with instructions to forward and return receipt requested to:

Andy Beasly, Vice President  
Sweet Sue Kitchens Division  
Post Office Box 1107  
Athens, Alabama 35611

Done this 10th day of November, 1988.

  
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G. Keith Clark