

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

DIVERSIFIED PRODUCTS CORPORATION
TUBE MILL FACILITY
OPELIKA, ALABAMA

ORDER NO. 89-054-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.), and § 307 of the Federal Water Pollution Control Act, 33 U.S.C. § 1317, the Alabama Department of Environmental Management (hereinafter "the Department") makes the following FINDINGS OF FACT:

1. Diversified Products Corporation (hereinafter "the Permittee") operates a facility for the manufacture of steel tubing used in the assembly of physical fitness equipment located in Opelika, Alabama.

2. ~~The~~ Permittee was issued a State Indirect Discharge (hereinafter "SID") permit by the Department authorizing the discharge of pollutants and other wastes into Saugahatchee Creek, a water of the state, through the Opelika Westside Wastewater Treatment Plant, subject to certain terms, limitations and conditions.

ISSUED 3/7/89	SERVED 3/9/89
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3. Among the terms, limitations and conditions contained in said permit are daily maximum and daily average discharge limitations for total suspended solids (TSS), phosphates (PO₄-P), total iron (Fe,T), total lead (Pb,T), total zinc (Zn,T) and oil and grease (O&G) and daily minimum and daily maximum discharge limitations for pH. Said discharge limitations are as follows:

	pH (s.u.)	TSS (mg/l)	PO ₄ -P (mg/l)	Fe,T (mg/l)	Pb,T (mg/l)	Zn,T (mg/l)	O&G (mg/l)
Minimum	6.0						
Maximum	9.0	100	20	6.0	0.2	2.61	40.0
Average		50	10	3.0	0.1	1.48	20.0

4. The Permittee has violated these discharge limitations contained in its SID permit as follows:

DATE	pH (s.u.)	TSS (mg/l)	PO ₄ -P (mg/l)	Fe,T (mg/l)	Pb,T (mg/l)	Zn,T (mg/l)	O&G (mg/l)
2/23/88	10.4		67.4			6.2	98.0
2/88 average		79.0	67.4		0.2	6.2	98.0
3/2/88	9.9		38.4				358.0
3/10/88	9.2		34.3		0.45		
3/16/88	9.7		27.4				134.0
3/24/88		277.0	63.7	12.1			215.0
3/30/88			42.5				66.0
3/88 average		277.0	41.3	6.12	0.15		162.6
4/7/88		300.0	56.0	15.2		3.21	121.0
4/14/88	9.2	186.0	36.1	12.5			145.0
4/20/88		731.0	58.0			10.5	195.0
4/27/88		355.0	20.5	25.7			97.0
4/88 average		393.0	42.6	13.4	0.15	4.22	139.5
5/4/88				8.8			108.0
5/12/88		496.0	63.6	11.2	0.4	3.28	288.0
5/ /88	9.2						
5/26/88		171.0	32.4	7.35			128.0

DATE	pH (s.u.)	TSS (mg/l)	PO ₄ -P (mg/l)	Fe,T (mg/l)	Pb,T (mg/l)	Zn,T (mg/l)	O&G (mg/l)
5/88 average		195.0	32.9	8.21	0.18	2.065	135.8
6/1/88		1751.0	29.1	248.0			909.0
6/8/88		588.0				2.65	251.0
6/15/88		1726.0		6.87			264.0
6/21/88		229.0		9.93			74.0
6/88 average		1073.0	17.9	66.4		1.99	374.5
7/15/88		154.0	88.0	13.1			502.0
7/27/88		125.0	110.0	51.25			84.0
7/88 average		139.5	99.0	32.18		1.54	293.0
8/2/88		270.0	77.5	6.86			132.0
8/10/88		130.0	41.2				63.0
8/17/88		214.0	150.0				159.0
8/24/88			75.0	8.5			
8/31/88		392.0	217.0	47.3			575.0
9/7/88		240.0	43.6	26.7		3.32	178.0
9/14/88			49.0	18.9			77.0
9/21/88		139.0	95.0	22.5			122.0
9/28/88		264.0	36.0	6.1			220.0
9/88 average		173.5	55.9	18.55		1.50	149.0

ORDER

Based upon the foregoing FINDINGS OF FACT and pursuant to Code of Alabama 1975, §§ 22-22A-5(10), 22-22-5(18)(a), 22-22-9(i) and 22-22-9(k) (1988 Cum. Supp.) and § 307 of the Federal Water Pollution Control Act, 33 U.S.C. § 1317, it is hereby ORDERED:

A. That the Permittee shall implement the engineering report it submitted to the Department on February 24, 1989 and shall comply with the schedule for remedial action contained in said report, including installation of equipment not later than July 31, 1989.


B. That not later than September 28, 1989, the Permittee shall have attained, and shall continuously maintain each and

every day thereafter until the expiration of the Permittee's SID permit, compliance with the terms, limitations and conditions of the Permittee's SID permit.

C. That the failure of the Permittee to comply with any of the provisions of this Order or of the Permittee's SID permit shall constitute cause for the commencement of legal or other appropriate enforcement action for the recovery of civil penalties, criminal fines or other appropriate relief by the Department or others against the Permittee; and

D. That the issuance of this Order does not preclude the commencement of legal action for the recovery of civil penalties, criminal fines, or other appropriate relief for the violations cited herein by the Department against the Permittee.

ORDERED and ISSUED this 7th day of March, 1989.



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


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CERTIFICATE OF SERVICE

I, Olivia H. Jenkins, hereby certify that I have served the foregoing proposed Administrative Order, Order No. 89-054-WP, upon Diversified Products Corporation by sending the same, postage paid, through the United States Mail, as Certified Mail No. P 966 410 313, with instructions to forward and return receipt requested to:

Thomas Carruthers, Jr.
Registered Agent for
Diversified Products Corporation
1400 Park Place Tower
Birmingham, Alabama 35203

Done this 7th day of March, 1989.



Olivia H. Jenkins