

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF
ARMCO, INC.
BESSEMER, ALABAMA

ORDER NO. 85-046-WP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 to 22-22A-15 (1984), the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (1984) and the National Pollutant Discharge Elimination System administered by the Alabama Department of Environmental Management (hereinafter, "the Department") and approved by the Administrator of the U.S. Environmental Protection Agency pursuant to the Federal Water Pollution Control Act § 402, 33 U.S.C. § 1342, the Department makes the following FINDINGS OF FACT:

1. ARMCO, Inc., under contract with the Jefferson County Commission, is constructing a sewer tunnel through Red Mountain in the City of Bessemer to connect sections of the Shades Valley Transfer Sewer.

2. Code of Alabama 1975, § 22-22-9(j)(6) (1984) provides that "every person, prior to discharging any new or increased pollution into any waters of this state shall apply to the [Department] in writing for a permit and must obtain such permit

before discharging such pollution." Rule 6-6-.03 of the Department's water quality program rules provides that "[n]o person shall discharge pollutants from a point source into waters without first having obtained a valid NPDES [National Pollutant Discharge Elimination System] permit"

3. ARMCO, Inc. has neither applied to the Department for a permit to discharge pollutants nor obtained a permit to discharge pollutants.

4. On January 24, 1985, ARMCO, Inc. discharged pollutants from a point source near the northern portal of the sewer tunnel at the Red Mountain construction site to an unnamed tributary of Valley Creek, a water of the State. Specifically, ARMCO, Inc. discharged solid and other wastes consisting of suspended solids (357 mg/l) and oil and grease (12.5 mg/l). ARMCO, Inc. was advised by Department personnel to cease the discharge of pollutants.

5. On January 28, 1985, ARMCO, Inc. discharged pollutants from a point source near the northern portal of the sewer tunnel at the Red Mountain construction site to an unnamed tributary of Valley Creek, a water of the State. Specifically, ARMCO, Inc. discharged solid and other wastes (suspended solids 334.7 mg/l) and oil and grease (5.0 mg/l). ARMCO, Inc. was again advised by Department personnel to cease the discharge of pollutants.

6. On January 29, 1985, ARMCO, Inc. discharged pollutants from a point source near the northern portal of the sewer tunnel at the Red Mountain construction site to an unnamed tributary of Valley Creek, a water of the State. Specifically, ARMCO, Inc. discharged solid and other wastes consisting of suspended solids (124.0 mg/l).

7. On March 11, 1985, ARMCO, Inc. discharged pollutants from a point source near the northern portal of the sewer tunnel at the Red Mountain construction site to an unnamed tributary of Valley Creek, a water of the State. Specifically, ARMCO, Inc. discharged solid and other wastes consisting of suspended solids (116 mg/l) and liquid with a high pH (12.1 s.u.). The creek bottom of the unnamed tributary had a heavy deposit of solids between County Road 18 and Alabama Avenue. Fifteen dead fish were identified in this stretch of the unnamed tributary. ARMCO, Inc. was again advised by Department personnel to cease the discharge of pollutants.

8. On March 12, 1985, ARMCO, Inc. discharged pollutants from a point source near the northern portal of the sewer tunnel at the Red Mountain construction site to an unnamed tributary of Valley Creek, a water of the State. Specifically, ARMCO, Inc. discharged solid wastes consisting of suspended solids (150 mg/l) and liquid with a high pH (11.3 s.u.). ARMCO, Inc. was again advised by Department personnel to cease the discharge of pollutants.

9. On March 13, 1985, ARMCO, Inc. discharged pollutants from a point source near the northern portal of the sewer tunnel at the Red Mountain construction site to an unnamed tributary of Valley Creek, a water of the State. Specifically, ARMCO, Inc. discharged solid wastes consisting of suspended solids (217 mg/l) and liquid with a high pH (11.2 s.u.). ARMCO, Inc. was again advised by Department personnel to cease the discharge of pollutants.

10. On March 14, 1985, ARMCO, Inc. discharged pollutants from a point source near the northern portal of the sewer tunnel at the Red Mountain construction site to an unnamed tributary of Valley Creek, a water of the State. Specifically, ARMCO, Inc. discharged solid wastes consisting of total suspended solids (ranging from 262 to 6,713 mg/l) and liquid with a high pH (10.5 s.u.). ARMCO, Inc. was again advised by Department personnel to cease the discharge of pollutants.

ORDER

Based upon the foregoing FINDINGS OF FACT and pursuant to Code of Alabama 1975, §§ 22-22A-5(10), 22-22-9(c), 22-22-9(j), 22-22-9(1) (1984) and the National Pollutant Discharge Elimination System administered by the Department and approved by the Administrator of the U.S. Environmental Protection Agency under the Federal Water Pollution Control Act § 402, 33 U.S.C. § 1342, it is hereby ORDERED:

A. That ARMCO, Inc. shall not discharge any pollutants from any point source near the northern portal of the sewer tunnel at the Red Mountain construction site to any waters of the State unless a permit therefor has first been obtained from the Department.

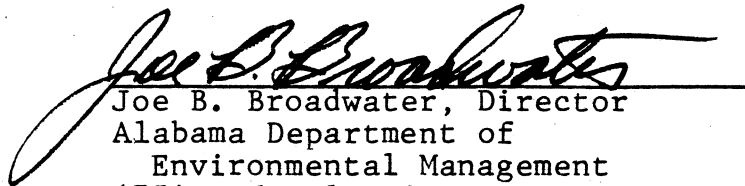
B. That within five days after receiving notice of this ORDER, ARMCO, Inc. shall submit to the Department a comprehensive plan for the prevention of all discharges of pollutants from any point or non-point source near the northern portal of the sewer tunnel at the Red Mountain construction site to any waters of the State. The plan shall be prepared and certified by a registered professional engineer and shall include at a minimum, a map (1"-500' scale) showing the location of the tunnel, sumps, settling basins, treatment facilities, fuel tanks, and chemical storage areas; the design specifications, including the rationale therefor, for all settling basins and treatment facilities; contingency plans in the event of equipment or treatment facility failure, spills, or violation of paragraph A hereof; and the location of disposal of any solids removed from settling basins or treatment facilities.

C. That, within five days after receiving notice of this ORDER, ARMCO, Inc. shall submit to the Department a plan for the removal from all creek bottoms between County Road 18 and Alabama Avenue, substantially all of the solids discharged by ARMCO, Inc. and deposited on such creek bottoms. The plan shall describe the

proposed method of solids removal; the measures to be taken to minimize the impact of solids removal activities on water quality; the proposed location of solids disposal; and the proposed schedule for completing the pollutant removal.

D. That the failure to comply with the provisions of 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 ARMC0, Inc.

ORDERED and ISSUED this 25th day of March 1985.

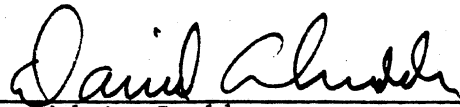

Joe B. Broadwater, Director
Alabama Department of
Environmental Management
1751 Federal Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I hereby certify that I have served Order No. 85-046-WP upon ARMC0, Inc. by sending the same, postage paid, through the United States Mail, as Certified Mail No. 9714803, with instructions to forward and return receipt requested to:

The Corporation Company
Registered Agent for ARMC0, Inc.
60 Commerce Street
Suite 1100
Montgomery, Alabama 36104

Done this 25th day of March 1985.


David A. Ludder



P15 9714803
RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO		
The Corporation Company Agent for ARMC0, Inc. 60 Commerce Street P.O., STATE AND ZIP CODE Montgomery, Alabama 36104		
POSTAGE	\$	
CONSULT POSTMASTER FOR FEES OPTIONAL SERVICES	CERTIFIED FEE	c
	SPECIAL DELIVERY	c
	RESTRICTED DELIVERY	c
	SHOW TO WHOM AND DATE DELIVERED	c
	SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	c
	SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	c
TOTAL POSTAGE AND FEES \$		
POSTMARK OR DATE		

PS Form 3800, Apr. 1976

DAL/rdg 85-046-WP 3/25/85

PS Form 3811, July 1983 DOMESTIC RETURN RECEIPT	SENDER: Complete items 1, 2, 3 and 4.	
	Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.	
	1. <input checked="" type="checkbox"/> Show to whom, date and address of delivery.	
	2. <input type="checkbox"/> Restricted Delivery.	
	3. Article Addressed to: The Corporation Company Registered Agent for ARMC0, Inc. 60 Commerce Street Suite 1100 Montgomery, Alabama 36104	
	4. Type of Service:	Article Number
	<input checked="" type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured <input type="checkbox"/> COD 9714803
	Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature - Addressee X 		
6. Signature - Agent X 		
7. Date of Delivery 3/26/85		
8. Addressee's Address (ONLY if requested and fee paid)		