

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

ALABAMA BY-PRODUCTS CORP.
SESCO MINE
NPDES PERMIT NO. AL0003131

ORDER NO. 85-122-WP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management 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. Alabama By-Products Corporation (hereinafter "the Permittee") operates an underground coal mine and coal preparation facility known as the SESCO Mine located in Walker County, Alabama.
2. In connection with said operation, the Permittee was issued NPDES Permit Number AL0003131 on November 1, 1983, authorizing the discharge of pollutants and other industrial wastes from outfall serial number 018 to an unnamed tributary of

Lost Creek, a water of the State, subject to certain limitations, terms and conditions.

3. Among the limitations contained in said permit are daily average limitations of 35.0 mg/l and daily maximum limitations of 70.0 mg/l of total suspended solids.

4. The Permittee has violated its permit discharge limitations for total suspended solids as follows:

<u>DATE</u>	<u>TSS (mg/l)</u>
7/25/84	100
July '84 avg.	100
8/9/84	868
August '84 avg	868
12/12/84	87
December '84 avg.	74
March '85 avg.	46
6/25/85	161
June '85 avg.	161

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 not later than fourteen days after receipt of notice of this Order, the Permittee shall cease all discharges from outfall serial number 018 at the Segco Mine which are in violation of the terms and conditions of NPDES Permit Number AL0003131.

B. That not later than seven days after receipt of notice of this Order, the Permittee shall commence monitoring outfall 018 at the Segco Mine on a daily basis, analyzing each sample for total suspended solids in accordance with the requirements of NPDES Permit Number AL0003131 and shall report the results of said analyses to the Department on approved discharge monitoring report forms on a weekly basis. Said daily monitoring shall continue until such time as the Department releases the Permittee in writing from the daily monitoring requirement.

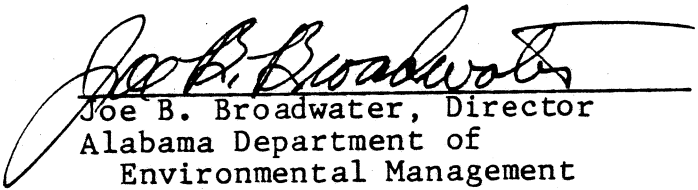
C. That not later than thirty days after receipt of notice of this Order, the Permittee shall submit to the Department for review a preliminary pollution abatement and prevention plan, prepared and certified by a registered professional engineer licensed to practice in the State of Alabama in accordance with Chapter 6-3 of the Department's Water Quality Rules and Regulations, and describing in detail the methods by which all discharge violations will be permanently abated and prevented at the Segco Mine. The Permittee shall respond to any comments made by the Department with reference to the plan by submitting a final plan addressing the Department's comments within ten days after receipt of the Department's comments.

D. That not later than thirty days after the Permittee has responded to the Department's comments with reference to the pollution abatement and prevention plan, the Permittee shall completely implement the plan and shall submit a certification by the design engineer that the plan has been implemented as submitted to the Department in its final form.

E. That the failure of the Permittee to comply with any of the provisions of this Order shall constitute cause for the immediate revocation of NPDES Permit Number AL0003131.

F. That the failure of the Permittee to comply with any of the provisions of this Order or of NPDES Permit Number AL0003131 shall constitute cause for commencement of legal action for the recovery of civil penalties, criminal fines, or other appropriate relief.

ORDERED and ISSUED this 24th day of September 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. 85-122-WP upon Alabama By-Products Corporation by sending the same, postage paid, through the United States Mail, as Certified Mail No. 093779797, with instructions to forward and return receipt requested to:

Charles Adair
Alabama By-Products Corporation
P.O. Box 10246
Birmingham, Alabama 35202

Done this 25th day of September 1985.


Olivia Hardy Hudgins

P 093 779 797

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

★ U.S.G.P.O. 1984-446-014 PS Form 3800, Feb. 1982	Sent to Charles Adair	
	Street and No. Alabama By-Products Corp.	
	P.O. Box 10246	
	Birmingham, Alabama 35202	
	Postage	\$
	Certified Fee	
	Special Delivery Fee	
	Restricted Delivery Fee	
	Return Receipt Showing to whom and Date Delivered	
	Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees		\$
Postmark or Date		

PS Form 3811, July 1982

• **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one):
☒ Show to whom and date delivered
☐ Show to whom, date, and address of delivery

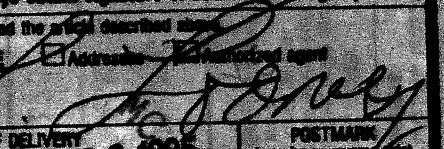
2. ☐ **RESTRICTED DELIVERY**
(The restricted delivery fee is charged in addition to the regular mailing fee.)

TOTAL \$

3. **ARTICLE ADDRESSED TO:**
Charles Adair
Alabama By-Products Corp.
P.O. Box 10246
Birmingham, Alabama 35202

4. **TYPE OF SERVICE:** **ARTICLE NUMBER**
☐ REGISTERED ☐ INSURED
☒ **CERTIFIED** ☐ COD **093779797**
☐ EXPRESS MAIL

(Always obtain signature of addressee or agent)

I have received the article described above
SIGNATURE ☐ Addressee ☒ Authorized agent


DATE OF DELIVERY **SEP 26 1985** **POSTMARK**
(may be on reverse side)

6. **ADDRESSEE'S ADDRESS (Only if requested)**

7. **UNABLE TO DELIVER BECAUSE:** 7a. **EMPLOYEE'S INITIALS**
OHH/rdg

• GPO: 1984-378-003