

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

DIXIE ELECTRICAL MANUFACTURING, INC.

ORDER NO. 90-061-WP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, ALA. CODE §§ 22-22A-1 through 22-22A-16 (1975 and 1989 Cum. Supp.), the Alabama Water Pollution Control Act, ALA. CODE §§ 22-22-1 through 22-22-14 (1975 and 1989 Cum. Supp.), 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 FACT:

1. Dixie Electrical Manufacturing Company, Inc. (the Permittee) operates a galvanizing and metal finishing operation in Jefferson County, Alabama.

2. The Department issued to the Permittee a State Indirect Discharge Permit (SID) which authorized the discharge of pollutants and industrial wastes into Five Mile Creek, a water of the state, through Jefferson County's Five Mile Creek Waste Treatment Plant.

3. This permit, which was issued subject to certain terms, conditions, and limitations, contains daily minimum, average and maximum limits on the discharge of certain pollutants, as follows:



Acidity/Alkalinity (pH)	Daily Minimum 6 s.u.	Daily Maximum N/A	Daily Average 9 s.u.
Lead (Pb)	N/A	0.2 mg/l	0.1 mg/l
Zinc (Zn)	N/A	2.61 mg/l	1.48 mg/l
Iron (Fe)	N/A	20 mg/l	10 mg/l
Total Suspended Solids (TSS)	N/A	100 mg/l	50 mg/l

4. The Permittee violated the discharge limits of its SID permit on the following dates:

<u>DATE</u>	<u>PARAMETER</u>	<u>VIOLATION</u>
5/5/89	pH	4.35 s.u.
5/5/89	Pb	0.53 mg/l
5/5/89	Zn	32 mg/l
5/19/89	pH	9.55 s.u.
5/89	Zn	16.54 mg/l
5/5/89	Fe	23.2 mg/l
5/89	Fe	12.76 mg/l
4/7/89	pH	2.4 s.u.
4/7/89	Pb	2.32 mg/l
4/7/89	Zn	134.2 mg/l
4/7/89	Fe	225 mg/l
4/21/89	pH	3.25 s.u.
4/21/89	Pb	0.60 mg/l
4/21/89	Zn	25 mg/l
4/21/89	Fe	35.4 mg/l
4/89 Average	Pb	1.46 mg/l
4/89 Average	Zn	79.6 mg/l
4/89 Average	Fe	130.2 mg/l
3/10/89	pH	4.1 s.u.
3/10/89	Zn	18.8 mg/l
3/24/89	pH	4.1 s.u.
3/24/89	TSS	132 mg/l
3/24/89	Zn	53.2 mg/l
3/89 Average	TSS	83 mg/l
3/89 Average	Zn	36 mg/l
3/89 Average	Fe	40.2 mg/l
2/10/89	pH	33 s.u.
2/10/89	Zn	11 mg/l
2/10/89	Fe	23.6 mg/l
2/27/89	pH	3.0 s.u.
2/89 Average	Zn	5.77 mg/l
2/89 Average	Fe	16.03 mg/l
1/6/89	Zn	4.74 mg/l
1/13/89	pH	2.5 s.u.
1/13/89	Zn	11.0 mg/l
1/13/89	Fe	22.2 mg/l

<u>DATE</u>	<u>PARAMETER</u>	<u>VIOLATION</u>
1/27/89	pH	2.8 s.u.
1/27/89	Pb	1.62 mg/l
1/27/89	Zn	36.0 mg/l
1/27/89	Fe	65.4 mg/l
1/89 Average	Pb	0.62 mg/l
1/89 Average	Zn	13.55 mg/l
1/89 Average	Fe	23.6 mg/l
12/09/89	pH	4.0 s.u.
12/09/89	Pb	3.06 mg/l
12/09/89	Zn	92.6 mg/l
12/88 Average	Pb	3.06 mg/l
12/88 Average	Zn	92.6 mg/l
12/88 Average	Fe	85.8 mg/l
11/11/88	pH	2.5 s.u.
11/11/88	Pb	1.65 mg/l
11/11/88	Zn	185.8 mg/l
11/11/88	Fe	45.2 mg/l
11/23/88	pH	2.7 s.u.
11/23/88	Pb	3.50 mg/l
11/23/88	Zn	31.0 mg/l
11/23/88	Fe	55.2 mg/l
11/88 Average	TSS	95.5 mg/l
11/88 Average	Pb	2.58 mg/l
11/88 Average	Zn	108.4 mg/l
11/88 Average	Fe	50.2 mg/l
10/14/88	pH	3.1 s.u.
10/14/88	TSS	130.0 mg/l
10/14/88	Pb	0.77 mg/l
10/14/88	Zn	26.4 mg/l
10/28/89	pH	2.6 s.u.
10/28/89	Pb	2.03 mg/l
10/28/89	Zn	42.4 mg/l
10/28/89	Fe	63.6 mg/l
10/88 Average	TSS	76.5 mg/l
10/88 Average	Pb	1.40 mg/l
10/88 Average	Zn	34.4 mg/l
10/88 Average	Fe	57.2 mg/l
9/1/88	pH	10.2 s.u.
9/1/88	Zn	3.88 mg/l
9/16/88	TSS	110.0 mg/l
9/16/88	Zn	12.4 mg/l
9/16/88	Fe	38.4 mg/l
9/30/88	pH	10.6 s.u.
9/30/88	TSS	174.0 mg/l
9/30/88	Pb	0.57 mg/l
9/30/88	Zn	27.8 mg/l
9/30/88	Fe	56.0 mg/l
9/88 Average	Tss	103.0 mg/l
9/88 Average	Zn	14.7 mg/l
9/88 Average	Fe	34.5 mg/l
8/9/88	pH	3.1 s.u.

<u>DATE</u>	<u>PARAMETER</u>	<u>VIOLATION</u>
8/9/88	Pb	0.92 mg/l
8/9/88	Zn	31.8 mg/l
8/9/88	Fe	48.6 mg/l
8/19/88	pH	2.6 s.u.
8/19/88	Pb	3.66 mg/l
8/19/88	Zn	130.0 mg/l
8/23/88	Fe	266.6 mg/l
8/88 Average	Pb	2.29 mg/l
8/88 Average	Zn	8.09 mg/l
8/88 Average	Fe	157.6 mg/l
7/8/88	pH	3.7 s.u.
7/8/88	Zn	10.5 mg/l
7/8/88	Fe	58.2 mg/l
7/22/88	pH	2.9 s.u.
7/22/88	Pb	0.71 mg/l
7/22/88	Zn	39.4 mg/l
7/22/88	Fe	55.6 mg/l
7/88 Average	Zn	24.95 mg/l
7/88 Average	Fe	56.9 mg/l
6/10/88	pH	4.0 s.u.
6/10/88	Zn	17.4 mg/l
6/10/88	Fe	41.9 mg/l
6/24/88	pH	2.5 mg/l
6/24/88	Pb	1.96 mg/l
6/24/88	Zn	36.0 mg/l
6/24/88	Fe	377 mg/l
6/88 Average	Pb	1.03 mg/l
6/88 Average	Zn	26.5 mg/l
6/88 Average	Fe	209.5 mg/l
5/13/88	pH	2.8 s.u.
5/13/88	Zn	16.3 mg/l
5/13/88	Fe	59.9 mg/l
5/31/88	pH	3.4 s.u.
5/31/88	Zn	9.60 mg/l
5/31/88	Fe	32.4 mg/l
5/88 Average	TSS	74.0 mg/l
5/88 Average	Zn	12.95 mg/l
5/88 Average	Fe	46.1 mg/l
<u>Total</u>		<u>127</u>

5. In addition to the above discharge limits, the Permittee submitted untimely discharge monitoring reports (DMR's) as follows:

<u>MONTH</u>	<u>DUE DATE</u>	<u>DATE RECEIVED</u>
July 1989	8/28/89	9/1/89
June 1989	7/28/89	9/12/89

<u>MONTH</u>	<u>DUE DATE</u>	<u>DATE RECEIVED</u>
May 1989	6/28/89	6/30/89
April 1989	5/28/89	5/29/89
March 1989	4/28/89	5/1/89
January 1989	2/28/89	3/2/89
November 1988	12/28/88	12/30/89
October 1988	11/28/88	12/1/88
September 1988	10/28/88	10/31/88
July 1988	8/28/88	9/1/88
May 1988	6/28/88	7/6/88
<u>Total</u>		<u>11</u>

6. The Permittee failed to submit notices of noncompliance for each month of noncompliance in violation of Part II, B.6. of its permit. (13 total violations)

7. The Permittee has failed to keep records of test results in violation of Part II, B.3 of its permit.

8. The Permittee failed to collect flow proportioned composite samples as required by Part I.A. of its permit.

9. The Permittee has a history of permit violations.

10. There is no evidence that the above violations have caused any damage or impact upon the environment.

11. The Permittee has acted in good faith to correct these violations, including the construction, installation and operation of a new waste treatment system.

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

13. The Permittee was issued Administrative Order Number 90-038-WP on December 19, 1989.

ORDER

Based upon the foregoing FINDINGS OF FACT, and pursuant to ALA. CODE §§ 22-22A-5(10), 22-22A-5(18), 22-22-9(c), 22-22-9(j), and 22-22-9(1) (1989 Cum. Supp.), and the Federal

Water Pollution Control Act §307, 33 U.S.C. §1317 it is hereby ORDERED:

A. That the Permittee pay to the Department a civil penalty in the amount of Fifteen Thousand Three Hundred Dollars (\$15,300) within 30 days of the date of receipt of this Order.

B. That the Permittee immediately and hereafter comply with the terms and conditions of its SID permit, including but not limited to the monitoring, reporting, and record retention requirements of that permit.

C. That the Permittee submit to the Department for review and comment an engineering report prepared by a professional engineer licensed in the State of Alabama. This report must show those steps the Permittee intends to take towards compliance with the discharge limits of its permit.

D. That the above report be submitted within 20 days of the date of receipt of this Order.

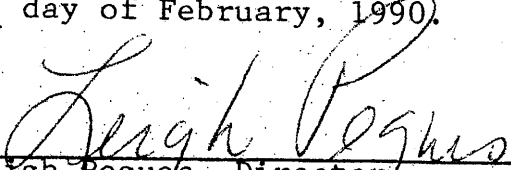
E. That the Permittee achieve compliance with discharge limitations within 90 days from the date of receipt of this Order, and will maintain compliance with those limits each and everyday thereafter.

F. That Administrative Order No. ⁹⁰~~89~~-038-WP is revoked and modified to the extent it is inconsistent with this Order.

G. That the failure to comply with any provision of this Order shall constitute cause for the revocation of the above permit, the assessment of additional civil penalties and/or the commencement of legal action for civil penalties, criminal penalties, or other appropriate relief.

H. That the issuance of this Order does not preclude the Department from seeking appropriate civil or criminal fines or relief for the violations stated herein.

ORDERED and ISSUED this 1st day of February, 1990.


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

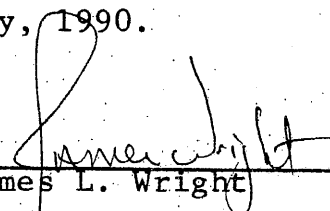
CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Order No. 90-061-WP upon Dixie Electrical Manufacturing Company by sending the same postage paid, through the U.S. Mail, as Certified Mail Number P 070 963 633, with instructions to forward and return receipt requested to:

Mr. Richard Norman
Dixie Electrical Manufacturing Company
Post Office Box 170040
Birmingham, AL 35217-0400

Jarred O. Taylor, II
Maynard, Cooper, Frierson & Gale
1901 Sixth Avenue North
2400 AmSouth/Harbert Plaza
Birmingham, Alabama 35203-2602

DONE this 1st day of February, 1990.



James L. Wright