

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF)
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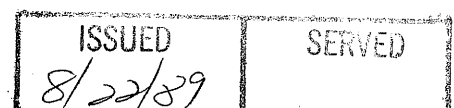
SLOSS INDUSTRIES CORPORATION)
BIRMINGHAM, ALABAMA)
NPDES PERMIT NUMBER AL0003247)
_____)

ORDER NO. 89-112 -WP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 to 22-22A-16 (1984 and 1988 Cum. Supp.), the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (1984 and 1988 Cum. Supp.), 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. Sloss Industries Corporation (hereinafter "the Permittee") operates a facility for the manufacture of coke, specialty organic chemicals, mineral fibers and by-product chemicals located in Birmingham, Alabama.



2.

2. The Permittee was issued NPDES Permit Number AL0003247 by the Department authorizing the discharge of pollutants and other wastes to Five Mile Creek, a water of the state, subject to certain terms, limitations and conditions.

3. Among the terms, limitations and conditions of NPDES Permit Number AL0003247 is a daily maximum discharge limitation for phenols of 0.27 ppd and a daily average discharge limitation for phenols of 0.14 ppd.

4. The Permittee has violated these discharge limitations as follows:

<u>DATE</u>	<u>VIOLATION (ppd)</u>
10/19/88	0.88
10/27/88	0.81
10/88 Avg.	0.85
11/10/88	3.76
11/22/88	1.43
11/88 Avg.	2.60
12/8/88	0.67
12/22/88	0.42
12/88 Avg.	0.55
1/12/89	0.93
1/26/89	0.39
1/89 Avg.	0.66
2/8/89	0.32
2/25/89	0.29
2/89 Avg.	0.23

5. In December of 1988 Permittee discovered and replaced a defective 8-inch bypass valve that was allowing small quantities of partially treated effluent to enter the 001-B effluent stream. This leak was contributing to the phenol violations listed above.

3.

6. In February of 1989 Permittee discovered analytical and sampling problems raising questions about the accuracy of prior reporting on phenol emissions. Permittee also discovered additional leaking similar to that discovered and repaired in December, 1988. Permittee repaired these leaks.

7. In late February and early March, 1989 Permittee contracted to have its treatment facility inoculated with a more efficient bacteria variety for treatment of effluent containing phenol. The inoculation is now complete.

8. Permittee's actions have resulted in compliance with its permit for phenol for the months of April, May and June, 1989.

ORDER

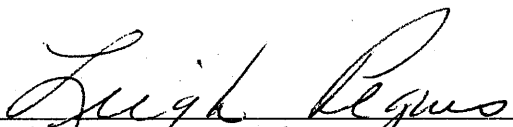
Based upon the foregoing FINDINGS OF FACT and pursuant to Code of Alabama 1975, §§ 22-22A-5(10), 22-22-9(c), 22-22-9(i) and 22-22-9(k) (1984 and 1988 Cum. Supp.) and the National Pollutant Discharge Elimination System administered by the Department and approved by the Administrator of the U.S. Environmental Protection Agency pursuant to the Federal Water Pollution Control Act § 402, 33 U.S.C. § 1342, it is hereby ORDERED:

A. That not later than sixty days from issuance of this Order the Permittee shall have attained and maintained compliance with the phenols limitations contained in NPDES Permit Number AL0003247.

B. That if any violation of the applicable compliance schedule is caused by circumstances over which the Permittee has little or no control, such as an Act of God, a strike, flood or material shortage, the Department may, upon request of the Permittee, revise or modify the compliance schedule if it determines that good and valid cause exists. If good and valid cause is found to exist by the Department, The Permittee's time for performance shall be extended for a period of time not exceeding the delay actually resulting from such circumstances.

C. That the failure to comply with any of the provisions of this Order shall be grounds for the commencement of legal action for the recovery of civil penalties, criminal fines, and/or any appropriate relief by the Department against the Permittee.

ORDERED and ISSUED this 22nd day of August, 1989.



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

CERTIFICATE OF SERVICE

I, Olivia H. Jenkins, hereby certify that I have served the foregoing proposed Administrative Order, Order No. 89- -WP, by sending the same, postage paid, through the U.S. Mail, as Certified Mail, with instructions to forward and return receipt requested to:

Jarred O. Taylor II
Maynard, Cooper, Frierson & Gale, P.C..
12th Floor, Watts Building
Birmingham, Alabama 35203

Done this 22nd day of August, 1989.



Olivia H. Jenkins