

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

DRUMMOND COMPANY, INC.
ARKADELPHIA PREPARATION PLANT
NPDES PERMIT NUMBER AL0022888

ORDER NO 85-121-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 (1985), 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. Drummond Company, Inc. (hereinafter "the Permittee") operates a coal preparation plant known as the Arkadelphia Preparation Plant located in Cullman County, Alabama.

2. In connection with said facility the Permittee was issued modified NPDES Permit Number AL0022888 on September 4, 1984, authorizing the discharge of pollutants and other wastes from outfall serial number 003 to Stony Lonesome Branch, a water

of the State, subject to certain limitations, terms, and conditions.

3. Among the limitations contained in said permit are daily maximum and daily average limitations for iron (Fe) and manganese (Mn) and daily maximum and daily minimum limitations for pH. Said limitations are as follows:

	<u>pH(s.u.)</u>	<u>Fe(mg/l)</u>	<u>Mn(mg/l)</u>
Daily Minimum	6.0	N/A	N/A
Daily Maximum	9.0	7.0	4.0
Daily Average	N/A	3.5	2.0

4. The Permittee has violated its permit discharge limitations as follows:

<u>Date</u>	<u>pH(s.u.)</u>	<u>Fe(mg/l)</u>	<u>Mn(mg/l)</u>
7/11/84			7.70
7/25/84			8.80
July '84 avg.			8.25
8/22/84			5.61
August '84 avg.			4.79
9/12/84			5.46
9/26/84			5.88
Sept. '84 avg.			5.67
10/24/84	3.7		6.09

<u>Date</u>	<u>pH(s.u.)</u>	<u>Fe(mg/l)</u>	<u>Mn(mg/l)</u>
Nov. '84 avg.			3.33
1/23/85			5.37
Jan. '85 avg.			3.93
2/13/85	4.2		4.66
2/27/85	4.8		5.91
Feb. '85 avg.			5.28
April '85 avg.			3.85
5/22/85	4.2		
5/8/85	3.2		
May '85 avg.		16.1	4.12

5. The Permittee has presented to the Department evidence that it has taken measures which it believes will correct the above-described problems.

6. The Department cannot determine if the corrective measures taken by the Permittee are sufficient to maintain consistent compliance with the limitations, terms, and conditions of NPDES Permit Number AL0022888 without extensive monitoring over an extended period of time which should include periods of heavy rain.

ORDER

Based upon the foregoing FINDINGS OF FACT and pursuant to Code of Alabama 1975 §§ 22-22A-5(10), 22-22-9(c), 22-229(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 three days after receipt of notice of this Order, the Permittee shall cease all discharges from the Arkadelphia Preparation Plant which are in violation of the limitations, terms, and conditions of NPDES Permit Number AL0022888.

B. That not later than three days after receipt of notice of this Order, the Permittee shall commence monitoring outfall 003 at the Arkadelphia Preparation Plant on a weekly basis, analyzing each sample for pH, total iron, total manganese, and total suspended solids in accordance with the requirements of NPDES Permit Number AL0022888 and shall report the results of such analyses to the Department on approved discharge monitoring report forms on a weekly basis. Said weekly monitoring shall continue until such time as the Department releases the Permittee in writing from the weekly monitoring requirement.

C. That not later than three days after receipt of notice of this Order, the Permittee shall commence maintaining a written log for outfall number 003 as specified in Part I.B.(6) of NPDES Permit Number AL0022888 and shall submit copies of said log to the Department on a weekly basis. The Permittee shall continue

maintaining the log and making weekly submissions until such time as the Department releases the Permittee in writing from such requirement.

D. That not later than fourteen days after receipt of notice of this Order, the Permittee shall submit to the Department for review a 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 corrective measures it has already implemented and which the Permittee believes will permanently abate and prevent all discharge violations at the Arkadelphia Preparation Plant.

E. That not later than three days after receipt of notice of this Order, the Permittee shall maintain in good working order and shall operate as efficiently as possible all pollution abatement facilities and treatment systems associated with the Arkadelphia Preparation Plant including, but not limited to, sedimentation/treatment basins, chemical treatment systems and all other associated equipment and apparatus utilized to achieve compliance with the terms and conditions of NPDES Permit Number AL0022888.

F. That in the event the results of the monitoring required by paragraph A of this Order indicate that no further pollution abatement measures are necessary in order to comply

with the limitations, terms, and conditions contained in NPDES Permit Number AL0022888 and the Permittee remains in compliance with the limitations, terms, and conditions of said NPDES Permit through the end of the first quarter of 1986, the Permittee shall not be required to fulfill those conditions contained in paragraph G through I of this Order and will be so notified in writing by the Department.

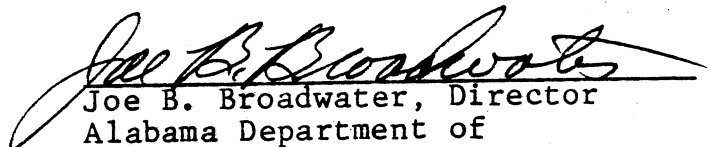
G. That in the event that the results of said monitoring indicate that the pollution abatement measures already implemented by the Permittee are not sufficient to allow the Permittee to meet the limitations, terms, and conditions of NPDES Number AL0022888, not later than 30 days after being notified by the Department that the monitoring results indicate that further corrective measures are necessary, the Permittee shall submit to the Department a new 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 Arkadelphia Preparation Plant. The Permittee shall respond to any comments made by the Department by submitting a final plan addressing the Department's comments within ten days after receipt of the Department's comments.

H. That not later than 30 days after the Permittee has submitted the final 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.

I. 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 AL0022888.

J. That the failure of the Permittee to comply with any of the provisions of this Order or of NPDES Permit Number AL0022888 shall constitute cause for the 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. 85-121-WP upon Drummond Company, Inc. by sending the same, postage paid, through the United States Mail, as Certified Mail No. 093779796, with instructions to forward and return receipt requested to:

William B. Long
Drummond Company, Inc.
101 Walston Bridge Road
Jasper, Alabama 35501

Done this 25th day of September 1985.

Olivia Hardy Hudgins
Olivia Hardy Hudgins

P 093 779 796

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	
Postmark or Date	
TOTAL Postage and Fees \$	
Return receipt showing to whom, Date, and Address of Delivery	
Return Receipt Showing to whom and Date Delivered	
Restricted Delivery Fee	
Special Delivery Fee	
Certified Fee	
Postage \$	
Jasper, Alabama 35501	
101 Walston Bridge Road	
Drummond Company, Inc.	
William B. Long	

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 return receipt fee.)

TOTAL \$

3. ARTICLE ADDRESSED TO:
William B. Long
Drummond Company, Inc.
101 Walston Bridge Road
Jasper, Alabama 35501

4. TYPE OF SERVICE: ☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COO
☐ EXPRESS MAIL
(Always obtain signature of addressee or agent)

ARTICLE NUMBER: 093779786

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
Eddie Long

5. DATE OF DELIVERY
SEP 27 1985

6. ADDRESSEE'S ADDRESS (only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS
Ohh/rdg

POSTMARK
SEP 27 1985
JASPER, ALA

RETURN RECEIPT

★ GPO: 1982-379-593