

ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

SOUTHERN DEFENSE SYSTEMS, INC.  
OXFORD, ALABAMA

ORDER NO. 92-049-WP

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, ALA. CODE §§ 22-22A-1 through 22-22A-16 (1990 Rplc. Vol.), the Alabama Water Pollution Control Act, ALA. CODE §§ 22-22-1 through 22-22-14 (1990 Rplc. Vol.) (the "Act"), and the National Pollutant Discharge Elimination System ("NPDES") 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. Southern Defense Systems, Inc. ("SDS") operates a manufacturing company including a metal finishing process in Oxford, Alabama.

2. In the course of its operations, SDS generates process wastewaters which it disposes by discharging into the sanitary sewer system operated by the City of Oxford. This discharge flows to Oxford's publicly owned treatment works ("POTW") for

ISSUED 2/19/92	SERVED 2/21/92
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treatment prior to final discharge.

3. The introduction of industrial wastewaters through a sanitary sewer system to a POTW requires a State Indirect Discharge ("SID") permit from the Department prior to commencing discharge. ADEM Admin. Code R. 335-6-5-.03. SDS has been discharging wastewaters without a permit since commencing operations during the fall of 1990.

4. SDS did not submit an SID permit application to the Department until January 3, 1992. As explained below, this application remains incomplete.

5. The Department has received complaints from the City of Oxford indicating that the SDS discharge has adversely affected operations at its POTW. Non-domestic dischargers may not introduce any pollutants into the sewer system which interferes with the operation or performance of a POTW. ADEM Admin. Code R. 335-6-5-.05(1). One of the fundamental purposes of an SID permit is to assure that discharges will not adversely affect the receiving POTW.

6. The Act and the NPDES program as administered by the Department also require industries discharging into sewer systems to pretreat the waste where necessary to meet initial discharge limits and to monitor the discharges periodically to assure compliance with discharge limitation. ADEM Admin. Code R. 335-6-5-.04 & -.05.

7. The U.S. Environmental Protection Agency ("EPA") has established categorical pretreatment standards for certain types of industries, including metals finishing operations,

discharging into a sewer system. The Department requires those industries to comply with these categorical pretreatment standards. ADEM Admin. Code R. 335-6-5-.06.

8. Evidence of compliance with these categorical requirements is to be demonstrated by SDS through the submission of a report indicating the nature and concentration of all pollutants in the discharge which are limited by categorical pretreatment standards along with the average and maximum daily flow for the process units. This report is to be submitted to the POTW and to the Department within ninety days following commencement of introduction of wastewater into the POTW. ADEM Admin. Code R. 335-6-5-.13(3). SDS has failed to submit any pretreatment standards report until it filed a response to the Department's draft Administrative Order in this matter as described more fully below.

9. In no event may a metals finisher such as SDS discharge any pollutants to the POTW which exceed the limitations set forth in the categorical standards. ADEM Admin. Code R. 335-6-5-.04 & (5)(1).

10. As a part of the permit application, SDS was required to submit information acknowledging its obligation to comply with both categorical pretreatment standards for metals finishers and to prevent its discharge from introducing to the POTW any of those pollutants identified in ADEM Admin Code R. 335-6-5-.05(2)&(3). SDS failed to provide this baseline monitoring acknowledgement in its recently submitted permit application.

11. SDS treats wastewaters in a tank prior to discharge. This process generates sludges which are not discharged through the sewer, but are stored on site. SDS officials have informed representatives of the Department that all sludges generated at the facility since operations commenced are currently stored on site.

12. Sludges from wastewater treatment systems are solid wastes and under certain circumstances can be classified as hazardous wastes.

13. Prior to the issuance of this final Administrative Order, the Department issued a draft proposed Order to SDS. On February 7, 1992, a representative of SDS met with representatives of the Department to discuss the allegations set forth in the draft proposed Order. Those allegations were substantially the same as set forth above. SDS also filed a written response on February 13.

14. Both in the meeting and in the written response, the wastewater violations were substantially admitted. SDS did submit a copy of analysis of wastewaters from its pretreatment efforts, but the analysis indicated that the cyanides were significantly in excess of daily maximum limits. Moreover, there was no analysis for several metals, and thus, the analysis was not complete.

15. As to the issue of management of sludges, SDS submitted information regarding the treatment process and a laboratory analysis of the materials, and has discussed proper management of the materials with representatives of the Department's Land

Division.

16. Generally, SDS explained that it failed to apply for an SID permit because it was not aware of the requirement to obtain one. However, this requirement has been in place for approximately twenty years, and the requirement is the primary reason for the pretreatment process which SDS installed and operated from the time it commenced business operations.

#### ORDER

Based upon the foregoing FINDINGS OF FACTS and pursuant to ALA. CODE §§ 22-22A-5(10), 22-22-9(c), 22-22-9(i), and 22-22-9(k) (1990 Rplc. Vol.) 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 thirty days after the receipt of this Order SDS shall submit to the Department the baseline monitoring report necessary to constitute a complete SID permit application. In the event SDS fails to meet this deadline, SDS shall cease all discharge of process treatment or waste waters into the sewer system until it submits a complete application.

B. That in the event SDS submits a complete application, SDS may thereafter continue to discharge under the following conditions until the Department makes a final permit decision. Not later than thirty days following receipt of this Order, SDS shall install flow monitoring and sampling equipment. As soon as possible, but in no event later than sixty days following

the receipt of this Order, SDS shall commence the submission of monthly discharge monitoring reports to the Department. As soon as possible, but in no event later than ninety days following the receipt of this Order, SDS shall commence compliance with the categorical pretreatment standards as required by ADEM Admin. Code R. 335-6-5-.06 (1) and the applicable EPA categorical standard for metals finishing operations as set forth below. SDS shall comply with these categorical pretreatment standards for that interim until the Department makes a final decision about SDS's SID permit application. The interim limits shall be:

	<u>Units</u>	<u>Daily Max.</u>	<u>Monthly Avg.</u>
Cadmium, Total	mg/L	0.11	0.07
Chromium, Total	mg/L	2.77	1.71
Copper, Total	mg/L	3.38	2.07
Lead, Total	mg/L	0.69	0.43
Nickel, Total	mg/L	3.98	2.38
Silver, Total	mg/L	0.43	0.24
Zinc, Total	mg/L	2.61	1.48
Cyanide, Total	mg/L	1.20	0.65
Total Toxic Organics	mg/L	2.13	----

C. That not later than fifteen days after the receipt of this Order, SDS shall make a hazardous waste determination regarding its wastewater treatment sludge pursuant to the requirements of ADEM Admin. Code R. 335-14-3-.01(2). The results of this determination shall be submitted by certified statement signed by a responsible corporate officer describing the conclusions of the determination, and all reasons supporting the conclusion.

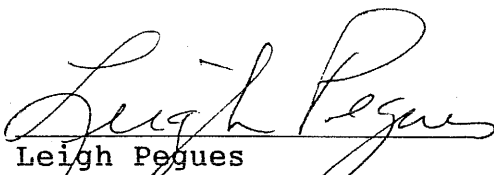
D. That not later than thirty days after the receipt of this Order, SDS shall pay to the Department an administrative

penalty in the amount of \$7,000.00 for the violations of the NPDES program cited herein.

E. That the failure of SDS to comply with any of 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.

F. That the issuance of this Order does not preclude the Department or others from seeking civil penalties, criminal fines, or other appropriate relief against SDS for the violations stated herein. This reservation shall specifically include questions related to the management of sludges from the waste water treatment system.

ORDERED and ISSUED this 19th day of February, 1992.

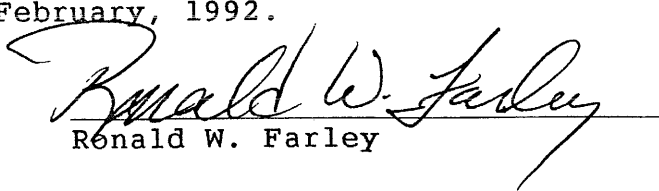
  
Leigh Pegues  
Alabama Department of  
Environmental Management  
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Montgomery, AL 36130  
(205) 271-7700

CERTIFICATE OF SERVICE

I, Ronald W. Farley, hereby certify that I have served the foregoing Administrative Order No. 92-049-WP upon Southern Defense, Systems, Inc. by sending the same, postage paid, through the United States Mail, as Certified Mail No. P 825 089 218, with instructions to forward and return receipt requested to:

Mr. Robert Kelly  
Southern Defense Systems, Inc.  
P. O. Box 186  
Anniston, Alabama 36202

DONE this 10th day of February, 1992.

  
Ronald W. Farley