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Guy Hunt
Governor

ADEM

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Leigh Pegues, Director

July 10, 1990

1751 Cong. W. L.
Dickinson Drive
Montgomery, AL
36130
205 / 271-7700

CERTIFIED MAIL (P 070 963 555)
RETURN RECEIPT REQUESTED

Field Offices:

Unit 806, Building 8
225 Oxmoor Circle
Birmingham, AL
35209
205 / 942-6168

Kenneth N. Whitmire
Goldkist Poultry, Inc.
Post Office Box 2210
Atlanta, Georgia 30301

Dear Mr. Whitmire:

Enclosed please find Administrative Order No. 90-134-WP which requires Goldkist Poultry, Inc. to take certain actions regarding the discharge of pollutants into waters of the state.

P.O. Box 953
Decatur, AL
35602
205 / 353-1713

Perimeter Road
Mobile, AL
36615
205 / 479-2336

Please be advised that failure to comply with the terms of this Order can result in penalties of up to \$25,000 per day for each violation as well as possible criminal penalties. Pursuant to Code of Alabama 1975, § 22-22A-7(c)(1) this Order may be appealed by filing a request for hearing before the Environmental Management Commission. The request should be addressed to the Chairman of the Environmental Management Commission within 15 days after receiving notice of the Order and should comply with the requirements of ADEM Admin. Code R. 335-2-1-.04. Copies of ADEM Admin. Code, Division 2, Environmental Management Commission regulations may be obtained by submitting a request in writing along with a check or money order for \$1.25 for each copy requested. Written requests should be sent to the attention of the Office of General Counsel.

If you have any questions, please feel free to contact me at (205) 271-7860.

Yours very truly,

James G. Stevens
Associate General Counsel

JGS:saw
Enclosures
Copy to: John Poole, Water Division

ISSUED	SERVED
7/10/90	7/12/90

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:

GOLDKIST INCORPORATED
NPDES PERMIT NO. AL0003395

ORDER NO. 90-134-WP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§22-22A-1 through 22-22A-16 (1984 and 1989 Cum. Supp.), the Alabama Water Pollution Control Act, Ala. Code §§22-22-1 through 22-22-14 (1984 and 1989 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. Goldkist Poultry, Inc. (hereinafter "Goldkist") operates a facility, in Trussville Alabama, for the processing of poultry products.

2. On August 7, 1989, the Department issued NPDES Permit No. AL0003395 (hereinafter "the Permit") to Goldkist authorizing the discharge of pollutants and other wastes into waters of the State, subject to certain terms, limitations and conditions.

3. Among the terms, limitations and conditions of the permit are monthly average and daily maximum limitations of

total Kjeldahl nitrogen, ammonia as nitrogen and biochemical oxygen demand. Those limitations are as follows:

OUTFALL DSN001

	<u>TOTAL KJELDAHL NITROGEN (mg/l)</u>	<u>BOD₅</u>	<u>AMMONIA NITROGEN (mg/l)</u>
Maximum	4.82 mg/l	30.0 mg/l	1.82 mg/l
Average	3.21 mg/l	20.0 mg/l	1.21 mg/l
P.P.D.		270	

4. Discharge reports submitted pursuant to the terms of the permit reveal the following violations of Goldkist's discharge limitations:

OUTFALL DSN001

<u>DATE</u>	<u>TOTAL KJELDAHL NITROGEN (mg/l)</u>	<u>BOD₅ mg/l</u>	<u>AMMONIA NITROGEN (mg/l)</u>
11/13/89	9		8
11/14/89	9		9
11/15/89	10		7
11/21/89	7		7
11/22/89	9		8
11/28/89	19		15
11/29/89	24		21
NOV.AVG.	7.3		5.6
	72 ppd		
12/04/89	7		
12/05/89	16		13
12/06/89	29		27
12/11/89	20		14
12/12/89	16		14
12/13/89	20		18
12/19/89	13		9
12/20/89	9		6
12/26/89	13		10
12/27/89	17		14
12/28/89	17		15
DEC.AVG.	15.0		11.0
	169 ppd		
01/05/90	23		12
01/09/90		46	
01/11/90	15		10
01/12/90	19		18
01/24/90	16		15

01/25/90	17	17
01/26/90	19	15
01/30/90	15	13
01/31/90	20	20
JAN.AVG.	10.9	8.3
	123.8 ppd	
02/05/90	12	11
02/06/90	12	8
02/07/90	25	22
02/12/90	28	27
02/13/90	9	8
02/14/90	12	12
02/20/90	5.4	
02/21/90	5.4	
02/26/90	5.4	1.9
02/27/90	21	14
02/28/90	28	15
FEB.AVG.	13.1	10.2
	43.4 ppd	

5. On or about September 6, 1989, Goldkist had an unpermitted discharge of effluent from a clarifier to a sludge lagoon causing an overflow of the sludge lagoon thereby discharging pollutants and other wastes into an unnamed creek, a state water. Goldkist was issued a Notice of Violation on September 28, 1989.

6. In addition, Goldkist has failed to monitor total kjeldahl nitrogen, oil & grease, dissolved oxygen, biochemical oxygen demand and fecal coliform required by the Permit, as follows:

a. In July, 1989, Goldkist failed to monitor oil & grease, total kjeldahl, nitrogen and fecal coliform once a week as required by Part I, A of its Permit.

b. In September, 1989, Goldkist failed to monitor total kjeldahl nitrogen, dissolved oxygen three times a week as required by Part I, A of its Permit.

c. In October, 1989, Goldkist failed to monitor biochemical oxygen demand three times a week and total suspended solids once a week as required by Part I, A of its Permit.

7. Goldkist's violations of its permit discharge limitations demonstrates a disregard for the terms, limitations and conditions of the permit and for the Department's regulations.

8. Goldkist's unpermitted discharge of pollutants and other wastes into an unnamed creek, a State water, on or about September 28, 1989, demonstrates a disregard for the terms, limitations and conditions of the permit and the Department's regulations.

9. Goldkist's efforts to mitigate and minimize the effects of the violations of the terms, limitations and conditions of the permit upon the environment have been ineffectual.

10. Goldkist has derived an economic benefit from its failure to comply with the terms, limitations and conditions of its permit by not expending monies necessary to install treatment equipment adequate to meet the terms, limitations and conditions of its permit.

11. Goldkist has the ability to pay a civil penalty.

ORDER

Based upon the foregoing FINDINGS OF FACT and pursuant to Ala. Code §§22-22A-5(10), 22-22-9(c), 22-22-9(j), and 22-22-9(1) (1989 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 under the Federal Water Pollution Control Act § 402, 33 U.S.C. § 1342, it is hereby ORDERED:

A. That not later than 90 days from the receipt of notice of this Order, Goldkist shall achieve compliance with the terms, limitations and conditions of NPDES Permit No. AL0003395 and shall continuously maintain compliance with the terms, limitations and conditions of said permit each and every day thereafter until said permit expires.

B. That immediately upon receipt of notice of this Order, Goldkist shall forward to the Department monthly progress reports indicating any and all actions taken to achieve compliance with the discharge limitations contained in NPDES Permit No. AL0003395.

C. That not later than 60 days after receiving notice of this Order, Goldkist shall submit to the Department, a detailed, comprehensive Pollution Abatement/Operations Management Plan to address and correct pollution control deficiencies at Goldkist's facility located at Trussville Alabama.

D. That immediately upon receipt of notice of this Order, Goldkist shall cease and desist any and all unpermitted discharges of pollutants and other wastes to waters of the State.

E. That not later than 30 days after receipt of notice of this Order, Goldkist shall pay to the Department a civil fine as follows:

1. Eighty-four hundred dollars (\$8,400.00) for violations of effluent limitations, as cited in paragraph 4 above;

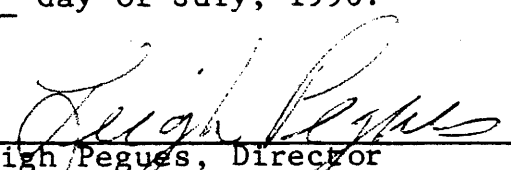
2. Nineteen hundred dollars (\$1,900.00) for failure to monitor violations, as cited in paragraph 6 above;

3. Five hundred dollars (\$500.00) for the unpermitted discharge of pollutants and other wastes into waters of the State, as cited in paragraph 5 above.

F. That the failure of the Permittee to comply with any and all provisions of this Order shall constitute cause for the commencement of legal action for the recovery of criminal fines, civil penalties, and other appropriate relief and/or constitute cause for revocation of Goldkist's NPDES Permit No. AL0003395.

G. That the issuance of this Order does not preclude the Department or others from seeking appropriate criminal fines or relief against the Permittee for the violations stated herein.

ORDERED and ISSUED this 10th day of July, 1990.



Leigh Pegues, Director
Alabama Department of
Environmental Management
1751 Cong. W.L. Dickinson Drive
Montgomery, Alabama 36130
(205) 277-7700

CERTIFICATE OF SERVICE

I, James G. Stevens, do hereby certify that I have served a copy of the foregoing Administrative Order No. 90-134-WP upon Goldkist, Inc., by sending the same, postage paid, through the United States Mail, as Certified Mail No. P 070 963 555, with instructions to forward and return receipt requested to:

Kenneth N. Whitmire
Goldkist Poultry, Inc.
Post Office Box 2210
Atlanta, Georgia 30301

DONE this 17 day of July, 1990.

James G. Stevens

P 070 963 555

RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

Sent to Kenneth N. Whitmire	
Street and No. Goldkist Poultry, Inc.	
P.O., State and ZIP Code Post Office Box 2210	
Postage Atlanta, Georgia 30301	
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	3
Postmark or Date WP-15-210 7/17/90	

PS Form 3800, June 1985

<p>3. Article Addressed to: Kenneth N. Whitmire Goldkist Poultry, Inc. Post Office Box 2210 Atlanta, Georgia 30301</p>		<p>4. Article Number P070963555</p>	
<p>5. Signature — Address X</p>		<p>Type of Service: <input checked="" type="checkbox"/> Insured <input type="checkbox"/> Registered <input type="checkbox"/> COD <input type="checkbox"/> Return Receipt for Merchandise</p>	
<p>6. Signature — Agent X</p>		<p>8. Addressee's Address (ONLY if requested and fee paid)</p>	
<p>7. Date of Delivery 7-17-90</p>		<p>Always attach signature of addressee or agent and DATE DELIVERED.</p>	

PS Form

Mar. 1988

U.S.G.P.O. 1988-212-865

DOMESTIC RETURN