

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

MOBILE ROSIN OIL COMPANY
NPDES PERMIT NUMBER AL0027502

ORDER NO. 92-135-WP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 through 22-22A-16 (1990 Rplc. Vol.), the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 through 22-22-14 (1990 Rplc. Vol.), 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. Mobile Rosin Oil Company (hereinafter "the Permittee") operates a facility for the manufacture of rosins and rosin oils located in Mobile, Alabama.

2. On September 26, 1988 the Department issued NPDES Permit Number AL0027502 to the Permittee authorizing the discharge of pollutants to Three Mile Creek, a water of the state, subject to certain terms, limitations and conditions.

ISSUED 6/29/92	SERVED 7/2/92
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3. Among the terms, limitations and conditions of said permit is the requirement that the Permittee implement Best Management Practices (hereinafter "BMPs") for containment of process liquids or solids in a manner such that these materials do not present a significant potential for discharge.

4. An inspection conducted on May 30, 1990 by Department personnel revealed that the Permittee had failed to comply with this condition of its NPDES Permit.

5. On July 3, 1990 a Notice of Violation was issued by the Department to the Permittee citing the violations discovered during the May 30, 1990 inspection and requiring the Permittee to submit a Best Management Practices Plan not later than September 4, 1990.

6. On September 25, 1991 an inspection conducted by Department personnel revealed that although the Permittee had developed a BMP plan, it had not taken sufficient measures to correct the potential for contaminated runoff and the Permittee was still in violation of this condition of its permit.

7. Notices of Violation citing similar violations, were issued to the Permittee on August 8, 1988 and September 12, 1985.

8. On November 21, 1991 the Department sent the Permittee a draft administrative order citing the violations set forth herein and inviting the Permittee to file a written response to the draft order with the Department.

9. On December 19, 1991 the Department received a written

response from the Permittee in which the Permittee outlined certain actions which had been taken to implement its Best Management Practices Plan and explained its inability to implement all necessary Best Management Practices as due to severe financial constraints. The Permittee proposed an alternative compliance schedule.

10. On March 17, 1992 Department personnel met with a representative of the Permittee to discuss the draft order. At that meeting the Permittee admitted the violations contained in the order, noted additional corrective measures which had been taken since the written response was submitted, and emphasized the Permittee's willingness to cooperate, as well as its severe financial condition. The Permittee stated that the compliance schedule it had originally proposed would be inadequate to complete the necessary work and requested additional time to submit a revised compliance schedule. In addition, the Department and the Permittee discussed modifications to the proposed relief to reflect corrective measures which had already been put into place.

11. On April 6, 1991 the Permittee proposed a revised final compliance date of November 1, 1992.

12. The Department recognizes that the Permittee has implemented a number of corrective measures, but those corrective measures are not deemed adequate to prevent future unpermitted discharges of pollutants to waters of the state. It is, therefore, necessary that further corrective measures be

taken, and the Department accepts the date of November 1, 1992 proposed by the Permittee as the date for full implementation of all necessary corrective measures to avoid unpermitted discharges to waters of the state. The Department has revised the proposed relief set out below to reflect the measures already taken and to incorporate the Permittee's proposed final compliance date.

ORDER

Based upon the foregoing FINDINGS OF FACT and pursuant to Code of Alabama §§ 22-22A-5(10), 22-22-9(c), 22-22-9(j), and 22-22-9(1) (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 immediately upon receipt of notice of this Order, the Permittee shall commence making daily inspections of its facility and shall commence maintaining a daily inspection, maintenance and repair log noting the date and time of:

1. Discovery of spilled process liquids from within the secondary containment structures and removal of said spilled process liquids from within those secondary containment structures;

2. The discovery of leaks from equipment and the repair of any leaks from equipment, repair of any

deficiencies, and institution of preventive maintenance procedures to prevent reoccurrence;

3. The discovery and removal of all leaking and open-topped drums;

4. Implementation of measures for proper storage of drums; and

5. The discovery of process liquids which have been spilled within process containment areas and the removal of all process liquids spilled within process containment areas.

6. Discovery of spilled process liquids and/or solids which have been released on plant property and the removal of said spilled process liquids and/or solids from plant property;

B. That immediately upon receipt of notice of this Order and continuing until such time as the Permittee is notified otherwise by the Department, the Permittee shall take measures to clean up any leaks or spills of process liquids and/or solids, either within the process containment areas or elsewhere on the plant property immediately upon discovery of such leaks or spills. That in no event should the clean-up of such materials commence more than 24 hours after discovery.

C. That not later than August 1, 1992, the Permittee shall have implemented temporary measures to provide secondary containment for all outside liquid storage tanks;

D. That not later than September 1, 1992 the Permittee

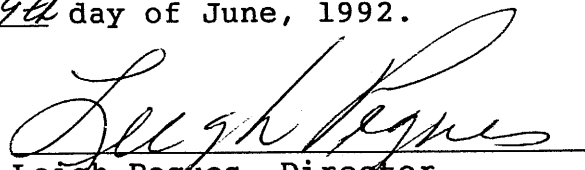
shall have implemented permanent measures to provide secondary containment for all outside liquid storage tanks;

E. That not later than October 1, 1992 the Permittee shall submit to the Department a complete and adequate stormwater permit application.

F. That the failure to comply with any provision of this Order shall constitute cause for the commencement of legal action for the recovery of civil penalties, criminal fines, or other appropriate relief.

G. That the issuance of this Order does not preclude the Department from seeking other appropriate sanctions or relief against the Permittee for the violations cited herein.

ORDERED and ISSUED this 29th day of June, 1992.

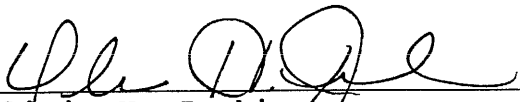

Leigh Pegues, Director
Alabama Department of
Environmental Management
1754 Cong. W. L. Dickinson Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, Olivia H. Jenkins, hereby certify that I have served the foregoing proposed Administrative Order, Order No. 92-135-WP, upon Mobile Rosin Oil Company by sending the same postage paid, through the U.S. Mail, as Certified Mail, with instructions to forward and return receipt requested to:

T. J. Taylor, III
Registered Agent for
Mobile Rosin Oil Company
Post Office Box 7472
Mobile, AL 36607

DONE this 29th day of June, 1992.



Olivia H. Jenkins