

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF
EXCELLANCE, INC.

)
) ORDER NO. 84-028-WP
)

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama (1975) §§22-22A-1 et seq. (1983 Cum. Supp.) and the Alabama Water Pollution Control Act, Code of Alabama (1975) §§22-22-1 et seq. (1983 Cum. Supp.), the Alabama Department of Environmental Management (hereinafter "the Department") makes the following Findings of Fact:

1. Excellance, Inc. (hereinafter "Excellance") operates a land application facility for disposal of ammonium nitrate solution located at Brookley Complex in Mobile, Alabama (hereinafter "the Brookley facility").

2. Code of Alabama (1975) §22-22-9(j)(6) (1983 Cum. Supp.) requires that every person, prior to discharging any pollutants or other wastes to waters of the State, shall apply for and obtain a permit therefor from the Department.

3. Excellance has neither applied for nor obtained a permit from the Deptment to discharge pollutants or other wastes to waters of the State at the Brookley facility.

4. On August 12, 1983 an inspection by Department staff at the Brookley facility revealed an active unpermitted discharge from pond

#2 into Robinson Bayou, a water of the State. A sample of the discharge revealed an ammonia concentration of 9,000 ppm. Dead fish were noted in Robinson Bayou, a result of the highly toxic concentration of ammonia.

5. An inspection of the Brookley facility on March 15, 1984 by Department personnel revealed that pond #1 contained a significant quantity of liquid, and leaching was occurring, resulting in a discharge of pollutants into an unnamed tributary flowing into Mobile Bay, a water of the State. Samples taken demonstrated an ammonia concentration of 180 ppm in the unnamed tributary to Robinson Bayou and 286 ppm in the unnamed tributary to Mobile Bay.

6. On April 24, 1984, Department staff investigated a fish kill at the Brookley facility and found 100 dead fish and an ammonia concentration of 95 ppm in Robinson Bayou.

7. An inspection on May 22, 1984 at the Brookley facility revealed an ammonia concentration of 3,100 ppm in the unnamed tributary to Mobile Bay and an ammonia concentration of 80 ppm in the unnamed tributary to Robinson Bayou. The inspection further revealed bentonite residue in the unnamed tributary to Mobile Bay which was in sufficient quantities to cause water quality problems in Mobile Bay.

ORDER

Based on the foregoing Findings of Fact and pursuant to Code of Alabama (1975) §§22-22A-5(10), 22-22-9(j), and 22-22-9(1) (1983 Cum. Supp.), it is hereby ORDERED:

A. That Excellance submit for approval by June 20, 1984 a plan for removal and disposal of all liquid and bentonite material from the unnamed tributary leading to Mobile Bay from the Brookley facility;

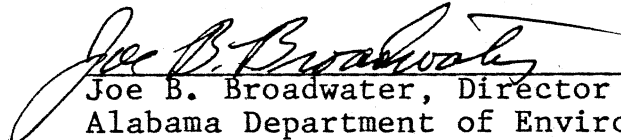
B. That not later than 10 days after receiving approval of the above-mentioned plan, Excellance shall complete implementation of such plan;

C. That the above-mentioned remedial work and the close-out of pond #1 shall not be performed unless a Department observer is present;

D. That the close-out of pond #1 be completed no later than November 1, 1984; and

E. That TMC be prohibited from any further discharges of pollutants into waters of the State.

ORDERED and ISSUED this 13th day of June 1984.


Joe B. Broadwater, Director
Alabama Department of Environmental
Management
1751 Federal Drive
Montgomery, Alabama 36130
(205) 271-7700