

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

AVONDALE MILLS, INC.
SID PERMIT IU 34 62 00003

CONSENT ORDER
NO. 96-071-CWP

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.) (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, and without adjudication of any issues of fact or law, but upon the consent of the parties, the Alabama Department of Environmental Management and Avondale Mills, Inc. ("Avondale") hereby covenant and agree as follows:

STIPULATIONS AND COVENANTS OF FACT

1. Avondale operates industrial facilities located in Alexander City, Alabama.
2. The Alabama Department of Environmental Management is a duly constituted Department of the State of Alabama pursuant to §§ 22-22A-1 through 22-22A-16, Code of Alabama, 1975 (1990 Rplc. Vol.).
3. On July 30, 1993, the Department issued to Avondale SID Permit IU 34 62 00003. The SID Permit regulates wastewater discharges from Avondale to the Sugar Creek Wastewater Treatment Plant, NPDES Permit AL0048861, by imposing monitoring requirements for a variety of parameters.
4. The Department has alleged that textile dye wastewater from Avondale and/or Russell Corporation ("Russell") might contribute to the failure by the City of Alexander City (the "City") of chronic toxicity tests at the Sugar Creek Wastewater Treatment Plant, which allegation is denied by Avondale.

executed 4/9/96
mailed 4/10/96
[Stamp: 4/10/96 4/11/96]

5. As a part of the efforts to attain compliance with NPDES Permit AL0048861 by the City, representatives from Russell, Avondale, and the City met with ADEM officials on February 21, 1996. At that time, Larry Tuggle, with Russell, and Al Chieves, with Avondale, presented a copy of a letter to the City dated February 20, 1996, providing written detail as to the joint commitment of the industries to the City relating to cooperation with the City in the reduction of toxicity, to non-toxic levels, at the Sugar Creek Wastewater Treatment Plant, and stated the industries' intention to cooperate with the City to eliminate toxicity problems at the Sugar Creek Wastewater Treatment Plant.
6. The parties hereto have agreed to the terms of this Order, and the Department has determined that the terms of this Order are in the best interests of the citizens of Alabama.
7. Avondale waives both an informal conference prior to the issuance of the following Order and waives any right to request a hearing before the Environmental Management Commission on the terms of the following Order.

ORDER

Based upon the foregoing FINDINGS OF FACTS and pursuant to Code of Alabama, (1975), §§ 22-22A-5(10), 22-22A-5(18), 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, and with the consent of Avondale, they are hereby ORDERED:

- A. That not later June 28, 1996, Avondale alone, or in conjunction with Russell, shall submit to the City and the Department an engineering report containing proposed actions to reduce toxicity in the Sugar Creek Wastewater Treatment Plant. The engineering report shall:
 1. Describe recommendations for actions or options, in conjunction with the mandated engineering report required of the City by the Department, necessary to alleviate non compliance with toxicity.
 2. Provide a schedule for implementation of such actions or options necessary to alleviate noncompliance with toxicity limitations contained in NPDES Permit AL0048861, issued to the City.

The Department will approve, disapprove, or suggest modifications to the engineering report within 30 days of receipt.

- B. That, on or before December 28, 1997, Avondale shall demonstrate either the absence of toxicity at the Sugar Creek Wastewater Treatment Plant or if toxicity continues, that the textile wastewater transmitted to the Sugar Creek Wastewater Treatment Plant by Avondale is not the cause of noncompliance with toxicity limitations contained in NPDES Permit AL0048861, issued to the City.
- C. That Avondale shall pay to the Department, upon demand, stipulated penalties for each day they fail to meet any of the milestone dates set forth in or established in this Consent Order. The stipulated penalties for failure to meet each milestone or any requirement date shall be as follows:

<u>Period of Noncompliance</u>	<u>Penalty per Day per Violation</u>
1st of 30th day	\$100
31st to 60th day	\$200
After 60 days	\$300

- D. If at any time hereafter Avondale should elect to discontinue transmission of textile dye wastewater to the City for treatment, then the obligations of Avondale under this Consent Order shall, at that time, terminate.
- E. Nothing in the foregoing schedule shall relieve Avondale from the obligation to comply with the provisions of its permit, or the Act and the regulations.
- F. Each signatory to this Consent Order certifies that he or she is fully authorized by the party he or she represents to enter into the terms and conditions of this Consent Order, to execute the Consent Order on behalf of the parties represented and to legally bind such parties.
- G. Subject to the terms of these presents and subject to provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of any alleged violations or potential violations which are cited in Paragraph 4 of this Order.
- H. That Avondale is not relieved from any liability if it fails to comply with any provision of this Consent Order.
- I. This Order does not preclude the Department from taking other enforcement actions based on these facts regarding any possible violations of other regulatory programs.
- J. By agreement of the parties, this Consent Order shall be considered final and effective upon the signature of all parties.

Avondale Mills, Inc.

By: Clay S. Clark

Its: Vice President

Date: 3 April 1996

James W. Warr

James W. Warr, Acting Director
Alabama Department of Environmental Management

Date: 9 APRIL 96