

ADEM

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT



Guy Hunt
Governor

leigh Pegues, Director

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June 10, 1987

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CERTIFIED MAIL P 266-617-392
RETURN RECEIPT REQUESTED

Mr. Jarred O. Taylor
Maynard, Cooper, Frierson &
Gale, P.C.
Twelfth Floor Watts Building
Third Avenue North & 20th Street
Birmingham, Alabama 35203

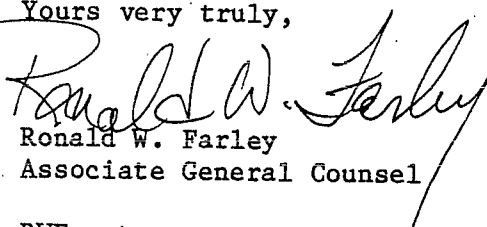
RE: American Brass, Inc.
Administrative Order No. 87-051-HW

Dear Mr. Taylor:

Enclosed please find Administrative Order No. 87-051-HW which requires American Brass, Inc., to take certain actions regarding the handling and disposal of its hazardous wastes.

Please feel free to contact me if you have any questions.

Yours very truly,


Ronald W. Farley
Associate General Counsel

RWF:sat

CC: Dan Cooper, Chief
Land Division

Margaret Corey, Chief
Compliance Section
Land Division

ISSUED 6/10/87	SERVED 6/15/87
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ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

AMERICAN BRASS, INC.
HEADLAND, ALABAMA

ORDER NO. 87-051-HW

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, Sections 22-22A-1 to 22-22A-15 (1986 Cum. Supp.) and the Alabama Hazardous Wastes Management Act of 1978, Code of Alabama 1975, Sections 22-30-1 to 22-30-24 (1986 Cum. Supp.) the Alabama Department of Environmental Management (hereinafter, "the Department") makes the following FINDINGS OF FACT:

1. American Brass, Inc., (hereinafter "ABI") is an Alabama Corporation primarily doing business in Headland, Alabama.

2. ABI operates a brass foundry in which scrap brass is melted and recast into ingots.

3. In the course of its foundry process, ABI operates two baghouses, designated as System Number 1 and System Number 2, to collect airborne wastes and ABI draws waste slag from its furnaces.

4. Baghouse System Number 1 collects dust from the area around the furnaces. Analysis of samples of this dust indicates it contains sufficient quantities of both lead and cadmium to classify the dust as a hazardous waste pursuant to ADEM Admin. Code R. 335-14-2-.03(5)(b). As a characteristic hazardous waste, the dust must be managed according to the requirements of the Alabama Hazardous Wastes Management Act and Division 335-14 of the ADEM Admin. Code.

5. ABI collects the dust from Baghouse System Number 1 and returns it into the foundry furnace. Inspection of ABI's operation indicate that this collection and reuse has resulted in spillage of quantities of the dust.

6. Baghouse System Number 2 collects dust generated inside the furnaces. Analysis of samples of this dust indicates it contains sufficient quantities of both lead and cadmium to classify the dust as a hazardous waste pursuant to ADEM Admin. Code R. 335-14-2-.03(5)(b). As a characteristic hazardous waste, the dust must be managed according to the requirements of the Alabama Hazardous Wastes Management Act and Division 335-14 of the ADEM Admin. Code.

7. ABI collects the dust from Baghouse System Number 2 and packages the materials for periodic sale to fertilizer manufacturers. ADEM Admin. Code R. 335-14-2-.01(2)(e)2 provides that hazardous materials applied to the land retain their character as a hazardous waste until incorporated in the fertilizer production process. Inspection indicates that ABI has not properly labeled, dated or maintained records regarding the disposition of the hazardous wastes collected from Baghouse System Number 2 as required of the generator of a hazardous waste by Code of Alabama 1975, Section 22-30-14(2) and (4) and ADEM Admin. Code R. 335-14-3-.03(2), 335-14-3-.03(3), 335-14-3-.03(5)(a) and 335-14-3-.04(1) and (2).

8. As a generator of hazardous wastes, ABI is required by Code of Alabama Section 22-30-14 to meet all requirements of ADEM Admin. Code Chapter 335-14-3 including requirements for proper training of employees in the handling of hazardous wastes, development and periodic revision of emergency procedures and contingency plans, proper maintenance and inspection of hazardous waste temporary storage areas and proper recordkeeping. Inspections of ABI's operation indicate ABI did not comply with the provisions of ADEM Admin. Code Chapter 335-14-3.

9. Since 1984 ABI has accumulated its furnace slag by piling it on the ground at the facility. Analysis of the furnace slag indicates it contains sufficient quantities of both lead and cadmium to classify the slag as a hazardous waste pursuant to ADEM Admin. Code R. 335-14-2-.03(5)(b). As a characteristic

hazardous waste, the slag must be managed according to the requirements of the Alabama Hazardous Wastes Management Act and Division 335-14 of the ADEM Admin. Code.

10. A review of hydrogeological data concerning the ground on which the slag pile stands indicate the subsurface materials are porous and could allow hazardous leachate from the pile to reach and contaminate groundwater.

11. ADEM Admin. Code R. 335-14-3-.03(5)(a) prohibits a generator of hazardous wastes from storing such wastes for more than 90 days without a permit. ABI has not recieved a permit to either store or dispose of hazardous wastes on the site of its operations.

12. Portions of the furnace slag pile are periodically ground in a ball mill on site for brass recovery and sale of the hazardous residue to fertilizer manufacturers. ADEM Admin. Code R. 335-14-2-.01(2)(e)2 provides that hazardous materials used to produce materials applied to the land retain their character as a waste until incorporated in the fertilizer production process. Records indicate that ABI generates slag at a rate far greater than the actual grinding capacity of its current ball mill.

13. ABI has regularly shipped hazardous wastes from its plant without using a hazardous waste manifest as required by Code of Alabama 1975 Sections 22-30-14(1) and 22-30-17(c) and ADEM Admin. Code R. 335-14-3-.02.

14. Code of Alabama 1975 Section 22-30-14(5) and ADEM Admin. Code R. 335-14-3-.03(5)(a)1 require any wastes temporarily stored on site for a period of 90 days or less to be held in containers or tanks. None of the furnace slag is stored in containers or tanks.

15. In the course of its operations, ABI has spilled or otherwise deposited quantities of hazardous wastes on the ground surrounding its operations in violation of Code of Alabama 1975, Section 22-30-14(3). Samples of the soil around ABI's operations indicate this spillage has been of such

substantial quantities that soils have been rendered hazardous because they contain quantities of lead and cadmium in excess of the amount necessary to classify them hazardous pursuant to ADEM Admin. Code R. 335-14-2-.03(5)(b).

16. ABI was notified of the above violations by Notice of Violation issued by the Department on December 12, 1986. In this notice, ABI was directed to submit a detailed plan describing how it intended to comply with the provisions of ADEM Admin. Code Division 335-14. ABI failed to submit the requested plan or to otherwise provide any specific timetable for compliance with the statute and regulations.

17. By letter dated February 2, 1987, ABI was directed to submit within fifteen days a certification that the facility was in compliance with the rules listed in the December 12, 1986 Notice of Violation. ABI failed to provide such certification.

ORDER

Based on the foregoing FINDINGS OF FACT and pursuant to the Code of Alabama 1975, Sections 22-22A-5(10), 22-30-18 and 22-30-19(a) and (b) (1986 Cum. Supp.) it is hereby ORDERED:

A. That not later than 30 days from the date of receipt of this Order, ABI shall certify by letter to the Department that it is in compliance with all applicable provisions of ADEM Admin. Code Chapter 335-14-3. Specifically this certification shall include but need not be limited to the following:

1. Certify that the operation of Baghouse System Number 1 has been modified to comply with the provisions of ADEM Admin. Code Chapter 335-14-3 to minimize the escape of hazardous waste into the environment during the transfer of baghouse dust from the baghouse to the furnace, identifying the specific actions taken to achieve this compliance specifying how each action is intended to prevent or assist in the prevention of the escape of hazardous wastes into the environment.

2. Certify that the operation of Baghouse System Number 2 has been modified to comply with the provisions of ADEM Admin. Code Chapter 335-14-3 to minimize the escape of hazardous wastes into the environment during the transfer of baghouse dust from the baghouse into containers for shipment off site, and identify the specific actions taken to achieve this compliance specifying how each action is intended to prevent or assist in the prevention of the escape of hazardous wastes into the environment.
3. Certify that ABI properly labels hazardous wastes temporarily stored on site, monitors accumulation times, periodically inspects storage areas, trains personnel in the proper handling of hazardous wastes, has instituted emergency procedures, and has instituted proper recordkeeping and identify the specific actions taken to achieve this compliance.
4. Certify and explain all efforts taken since January 1, 1987 to reduce the volume of waste generated by each waste stream at ABI.

B. That not later than 30 days from the date of receipt of this Order, ABI shall submit a detailed plan for the cleanup of all contaminated soils surrounding the plant and baghouse operations. Included in said plan shall be a schedule for sampling to identify all contaminated soils and post-cleanup sampling to certify that all contaminated soils have been removed. Said plan shall be reviewed by the Department which may approve, modify or disapprove all or any part of its provisions. In the event of disapproval, the Department may direct the specific procedures to be used in the cleanup of said soils. ABI shall commence cleanup of contaminated soils within fifteen days of receipt of notice of approval, modification or other directive by the Department. Cleanup of all contaminated soils shall be completed and demonstrated as complete by adequate sampling results no later than 60 days

following commencement of cleanup. ABI shall certify completion of the cleanup activity no later than five days following completion.

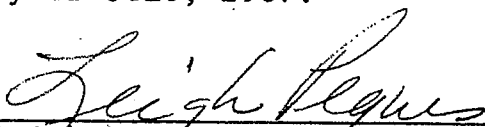
C. That not later than twenty days after receipt of notice of this Order, ABI shall cease further accumulation of furnace slag on the existing slag pile. ABI shall thereafter manage all furnace slag generated after receipt of this Order in accordance with the provisions of Code of Alabama 1975 Section 22-30-14 and ADEM Admin. Code Chapter 335-14-3 concerning generators of hazardous wastes including but not limited to temporary storage in containers or tanks, labeling and proper disposal of materials.

D. That not later than 15 days from the date of receipt of this Order, ABI shall submit to the Department a plan complying with the provisions of ADEM Admin. Code R. 335-14-6-.07, 335-14-6-.08 and 335-14-6-.12 regarding the closure of the existing furnace slag pile, a cost estimate for said closure, evidence of financial assurance for closure and evidence of sudden and accidental occurrence liability insurance for the facility. Notwithstanding the plan for closure, ABI shall install and regularly monitor a groundwater monitoring system capable of determining the facility's impact on the quality of groundwater in the uppermost aquifer. Monitoring and analysis shall be conducted in accordance with the provisions of ADEM Admin. Code R. 335-14-6-.06(3). The Department will approve, modify or disapprove the provisions of the plan within 90 days of its receipt. In the event of disapproval, the Department may direct the specific procedures to be used in closing the pile. ABI shall commence execution of the closure plan within fifteen days following notice of final approval from the Department, and shall complete said closure in accord with the timetable set forth in the approved plan. ABI shall certify completion of this closure activity no later than sixty days after completion.

E. That failure to comply fully with this Order within the time periods specified shall constitute cause for the commencement of legal action for the recovery of civil penalties, criminal fines, or other appropriate relief by the Department against ABI.

F. That issuance of this Order does not preclude the Department or others from seeking civil penalties, criminal fines or other appropriate relief against ABI for the violations stated herein.

ORDERED and ISSUED this 10th day of June, 1987.



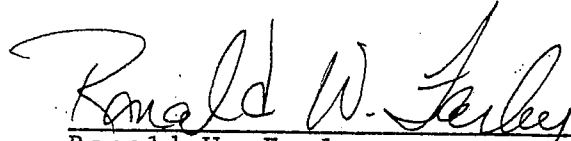
Leigh Pegues, Director
Alabama Department of
Environmental Management
1751 Federal Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I hereby certify that I have served Order No. 87-051-HW upon American Brass, Inc., by sending the same, postage paid, through the United States Mail, as Certified Mail No. P 266-617-392, with instructions to forward and return receipt requested to:

JARRED O. TAYLOR, ESQUIRE
MAYNARD, COOPER, FRIERSON & GALE
TWELFTH FLOOR, WATTS BUILDING
THIRD AVENUE NORTH & 20TH STREET
BIRMINGHAM, ALABAMA 35203

Done this ¹¹~~10~~th day of June, 1987.



Ronald W. Farley
Associate General Counsel