

ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:

GOLDEN ROD BROILERS  
GREENSBORO, ALABAMA  
SID PERMIT NO. IU393300164  
ALG15 PERMIT NO. 0028

ORDER NO. 94-242-WP

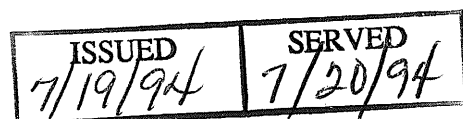
FINDINGS

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, the Department makes the following FINDINGS OF FACT:

1. Golden Rod Broilers (hereinafter "Golden Rod" or "Permittee") operates a chicken processing plant in Greensboro, Alabama.

2. Golden Rod discharges some process waters to the Greensboro Wastewater Treatment Plant, the local sanitary sewer system. This discharge is authorized under SID Permit No. IU393300164 issued by the Department on January 31, 1990.

3. Golden Rod also discharges stormwaters from the



facility under a general stormwater permit No. ALG15-0028. Golden Rod was granted coverage under this general stormwater permit effective February 1, 1993.

4. During an inspection beginning on January 10, 1994, and running for several days thereafter, ADEM officials observed trucks being washed after they have delivered chickens to the plant for processing. These trucks typically contain feathers and chicken waste. The truck washwaters, including feathers and chicken waste, discharged from the Permittee's facility by way of a drainage ditch which flows to Colwell Creek. These discharges were observed again by ADEM officials during an inspection conducted on March 16, 1994.

5. During the January inspection, samples were taken of the discharge to the drainage ditch. These samples were analyzed for pH, biological oxygen demand ("BOD<sub>5</sub>"), total suspended solids ("TSS"), and oil & grease. Analysis of the discharge indicated a pH of 7.1 s.u.; BOD of 1,480 mg/L, TSS of 1,036 mg/L and oil & grease of 732 mg/L.

6. During the inspection of March 16, 1994 the discharge ditch was again sampled. Samples were taken at three sampling points: upstream of the discharge point (for background purposes); at the point of discharge into the ditch; and, at the point the ditch discharges into the creek. Each sample was analyzed for BOD<sub>5</sub>, TSS and oil & grease.

7. Analytical results of the background samples showed BOD<sub>5</sub> at 220 mg/L, TSS at 84 mg/L, and oil & grease at 392 mg/L.

8. Analytical results from the sample taken at the point of discharge from the facility to the discharge ditch revealed BOD<sub>5</sub> at 175 mg/L, TSS at 840 mg/L, and oil & grease at 515 mg/L.

9. Analytical results of the samples taken at the point the drainage ditch entered the creek showed BOD<sub>5</sub> - 116 mg/L, TSS - 59 mg/L, and oil & grease - 647.1 mg/L.

10. Rinse waters resulting from the cleaning of the delivery trucks are considered process waters at the facility. For this reason, they do not qualify for coverage under the stormwater discharge permit. Such process waters must either be discharged through the sewer system according the limitations of the SID permit, or should be permitted using the National Pollutant Elimination Discharge System ("NPDES") permit program. Because the facility is discharging directly to waters of the State, and is discharging process waters, the material is not protected by the general stormwater permit and thus, the discharge constitutes an unpermitted discharge of pollutants into waters of the State.

11. The analytical results indicate that substantial unbalance of pollutants including total suspended solids and oil & grease are reaching waters of the State as a result of the discharge.

12. Golden Rod was notified of the foregoing by a proposed administrative order received on July 5, 1994. Golden Rod responded by letter dated July 13, 1994, asserting that the

discharges are not a part of its normal process operations, but are the exception rather than the rule. Golden Rod also suggested that the washing could have been simply of a truck windshield alone.

13. The truck washing was observed during two separate inspections by Department officials, and the sampling results indicate the discharge from the washing area contained materials which are not likely to come solely from truck windshields.

#### ORDER

Based upon the foregoing FINDINGS and pursuant to Ala. Code (1975), §§ 22-22A-5(10), 22-22A-5(18)(a), 22-22-9(i), and 22-22-9(k) (1990 Rplc. Vol.) and § 307 of the Federal Water Pollution Control Act, 33 U.S.C. § 1317, it is hereby ORDERED:

A. Not later than thirty days following the date of receipt of this Order, Golden Rod shall cease the unpermitted discharge of waste waters resulting from the cleaning of delivery trucks.

B. Not later than thirty days following the date of receipt of this Order, Golden Rod shall have submitted a modification of its SID permit, or shall have submitted an individual NPDES permit application either of which covers the discharge of the truck wash waters. Alternatively, Golden Rod should cease the truck wash activities at the facility.

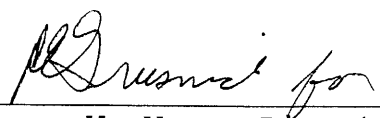
C. Not later than thirty days following the date of receipt of this Order, Golden Rod shall pay to the Department an Administrative penalty in the amount of TEN THOUSAND DOLLARS (\$10,000.00) to cover the violations cited herein.

D. That the failure of the Permittee to comply with any of the provisions of this Order or of the Permittee's SID permit shall constitute cause for the commencement of legal or other appropriate enforcement action for the recovery of civil penalties, criminal fines or other appropriate relief by the Department against the Permittee.

E. That the failure of the Permittee to comply with any of the provisions of this Order or of the Permittee's SID permit shall constitute cause for the revocation of the Permittee's SID permit.

F. That the issuance of this Order does not preclude the commencement of legal action for the recovery of criminal fines or other appropriate relief for the violations cited herein by the Department against the Permittee.

ORDERED and ISSUED this 18 day of July, 1994.


  
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James W. Warr, Director  
Alabama Department of  
Environmental Management  
1751 Cong. W.L. Dickinson Drive  
Montgomery, Alabama 36130  
(205) 271-7700

CERTIFICATE OF SERVICE

I, Ronald W. Farley, hereby certify that I have served Administrative Order No. 94-242-WP upon Golden Rod Broilers by sending the same postage paid, through the U.S. Mail, as Certified Mail No. P 841 248 869, with instructions to forward and return receipt requested to:

Mr. Forest Ingram, President  
Golden Rod Broilers  
Greensboro, Alabama 36744

Done this 19th day of July, 1994.

  
Ronald W. Farley