

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

CAHABA PRESSURE TREATED
FOREST PRODUCTS, INC.
BRIERFIELD, ALABAMA

ORDER NO. 89-020-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 (1984 and 1988 Cum. Supp.), the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 through 22-22-14 (1984 and 1988 Cum. Supp.), and the Alabama Department of Environmental Management (hereinafter, "the Department") makes the following FINDINGS OF FACT:

1. Cahaba Pressure Treated Forest Products, Inc. (hereinafter, "CPTFP") operates a facility for the treatment of wood products in Brierfield, Bibb County, Alabama.

2. Wood products are treated by CPTFP utilizing creosote, pentachlorophenol, and CCA solution.

3. Unpermitted discharges of steam conditioning wastewater occurred at the CPTFP facility on October 20, 1986 and November 6, 1986 and were observed by ADEM personnel.

4. Plans submitted to the Department by CPTFP for the elimination of the discharges of wood conditioning wastewater and

ISSUED 11/17/88	SERVED 11/21/88
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containment of the conditioning cylinders had not been completed by the specified date of September 30, 1987.

5. Stormwater runoff and wastewater discharges from the CPTFP operation are conveyed to the Little Cahaba River via two unnamed tributaries.

6. The procedure for management of treated wood in use at the CPTFP facility and observed by ADEM personnel on November 6, 1986, September 25, 1987, October 1, 1987, May 4, 1988 and June 13, 1988 would not prevent the loss of wood treating chemicals to the soil and subsequently to the unnamed tributary of the Little Cahaba River and the Little Cahaba River.

7. Evidence of the erosion of soil from the CPTFP facility and significant deposits of sediment in the drainage course to the unnamed tributary of the Little Cahaba River were observed by Department personnel on October 1, 1987 and May 4, 1988.

8. A water sample taken by Department personnel on September 14, 1987 from the cooling tower runoff leaving the CPTFP facility was analyzed by the Department and determined to contain 383 ug/l of pentachlorophenol.

9. Soil and sediment samples collected by Department personnel on September 14 and October 1, 1987 and May 4, 1988 from the soils at the CPTFP facility, the sediments of the drainage course that receives runoff from the CPTFP facility, and the sediments of the unnamed tributary that receives water from the drainage course and flows into the Little Cahaba River were analyzed by the Department and found to contain pentachlorophenol.

10. Code of Alabama 1975, § 22-22-9(i)(3) (1988 Cum. Supp.) provides that "[e]very person, prior to discharging any new or increased pollution into any waters of this State, shall apply to the [Department] in writing for a permit and must obtain such a permit before discharging such pollution."

11. CPTFP has not obtained a permit to discharge wastewater containing pentachlorophenol.

12. The above findings indicate that pentachlorophenol, a known toxic substance, was allowed to contaminate soils at the facility and be released to the surrounding environment.

ORDER

Based upon the foregoing FINDINGS OF FACT 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) (1988 Cum. Supp.) it is hereby ORDERED:

A. That not later than January 16, 1989 CPTFP shall cease discharging pollutants and other wastes into all surface impoundments whose liners and construction plans have not been approved by the Department.

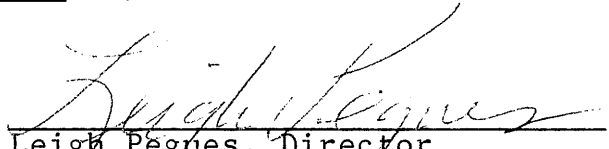
B. That not later than February 15, 1989 CPTFP shall submit to the Department a detailed written plan for the prevention of the contamination of soils at the CPTFP facility with wood preserving chemicals and for the reasonable minimization of the siltation of drainage courses and streams by erosion of soils at

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the CPTFP property and that no later than March 17, 1988 CPTFP shall fully implement this plan. Such plan shall be prepared by a professional engineer registered in the State of Alabama and shall be prepared in accordance with ADEM Admin. Code Chap. 6-3.

C. That the failure to comply with the provisions of this Order 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 CPTFP.

D. That issuance of this Order shall not preclude the Department from the commencement of legal action for the recovery of civil penalties, criminal fines or other appropriate relief against CPTFP for the violations stated herein.

ORDERED and ISSUED this 17th day of November, 1988.



Leigh Pegues, Director
Alabama Department of
Environmental Management
1751 Cong. W. L. Dickinson Dr.
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, Olivia H. Jenkins, hereby certify that I have served Order No. 89-020-WP upon Cahaba Pressure Treated Forest Products, Inc. by sending the same, postage paid, through the U.S. Mail, as Certified Mail No. P-627 011 728, with instructions to forward and return receipt requested to:

Thomas H. Brown
Post Office Box 59329
Birmingham, Alabama 35209

Done this 27th day of November, 1988.



Olivia H. Jenkins