

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

MARTIN BROTHERS, TOOLMAKERS, INC.
HUNTSVILLE, ALABAMA

ORDER NO. 87-041-WP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 through 22-22A-15 (1984 and 1986 Cum. Supp.) and the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 through 22-22-14 (1984 and 1986 Cum. Supp.), the Alabama Department of Environmental makes the following FINDINGS OF FACT:

1. Martin Brothers, Inc. (hereinafter "the Permittee") operates a metal finishing facility located in Huntsville, Alabama.

2. The Permittee was issued a State Indirect Discharge (hereinafter "SID") permit authorizing the discharge of pollutants and other wastes to Huntsville Spring Branch through the Huntsville number 1 and 1a sewage treatment plant, subject to certain limitations, terms, and conditions.

3. Among the limitations contained in said SID permit are daily maximum limitations for pH, total nickel, and total phosphates, and daily average limitations for total nickel and total phosphates. Daily discharge limitations for said parameters are as follows:

Date	pH(s.u.)	Total Nickel (mg/l)	Total Phosphates (mg/l)
Daily Maximum	9.0	1.0	20.0
Daily Average	N/A	0.5	10.0

4. The Permittee has violated its permit discharge limitations as follows:

Date	pH(s.u.)	Total Nickel (mg/l)	Total Phosphates (mg/l)
6/10/86		2.25	
6/23/86	9.52	1.33	
6/86 average		2.74	
7/2/86		2.71	
7/25/86		2.73	
7/86 average		1.43	
8/19/86		4.36	
8/22/86		3.14	
8/25/86		2.91	
8/27/86		2.18	
8/29/86	9.58	5.47	
8/86 average		4.42	22.6
9/2/86		6.32	
9/5/86		5.27	
9/10/86		10.16	
9/18/86		6.88	
9/19/86		7.38	
9/20/86		6.56	17.7
9/21/86	9.34	7.79	
9/86 average		6.36	
10/1/86		8.58	
10/2/86	9.12	4.73	
10/2/86		2.06	
10/3/86		3.28	
10/4/86	9.53	10.20	
10/4/86	10.30	3.8	
10/25/86		5.0	
10/27/86		8.0	
10/28/86		6.90	23.8
10/29/86		6.06	14.32
10/30/86		7.20	
10/86 average		5.00	
11/5/86		3.54	
11/6/86			
11/17/86			

Date	pH(s.u.)	Total Nickel (mg/l)	Total Phosphates (mg/l)
11/18/86		4.07	
11/19/86	9.17	3.73	22.80
11/86 average		4.71	13.34
12/4/86		7.88	23.9
12/11/86	10.4		
12/13/86		1.88	
12/14/86	10.3	1.18	
12/17/86		1.24	
12/18/86		1.20	
12/86 average		2.06	
1/6/87	10.14		
1/7/87		1.25	
1/12/87		3.17	
1/14/87		2.89	
1/15/87		1.45	
1/21/87		2.75	
1/22/87		1.59	
1/27/87		1.44	
1/29/87		1.36	
1/30/87		1.80	
1/31/87		1.86	
1/87 average		1.74	

5. Also among the terms and conditions of the Permittee's SID permit is the requirement that the Permittee monitor its discharges and submit the results of said monitoring to the Department monthly on Discharge Monitoring Reports (DMRs"). Said DMRs are to be filed with the Department no later than the 28th day of the month following the month in which the monitoring was performed.

6. The Permittee has violated this condition of its permit by submitting late DMRs for the following months: May, 1986; June, 1986; August, 1986; September, 1986; October, 1986; November, 1986; and December, 1986.

) 7. The Permittee has also violated this condition of its permit by failing to file a DMR for the month of April, 1986.

8. On May 22, 1985, prior to the Permittee's having obtained its SID permit, the Department notified the Permittee that a SID permit was necessary to authorize its discharge and ordered the Permittee to submit an application for a SID permit by July 21, 1985.

9. The Permittee failed to respond by July 21, 1985.

10. On July 23, 1985 the Department again notified the Permittee that a SID permit was required.

11. Again, the Permittee failed to respond to this notice.

) 12. On August 23, 1985 the Department gave the Permittee final notice that it must obtain a SID permit or face legal action by the Department.

13. The Permittee did not submit a permit application until October 14, 1985.

14. On December 12, 1986 the Department ordered the Permittee to submit a pollution abatement plan to the Department by January 15, 1987.

) 15. The permittee did not submit a pollution abatement plan to the Department until February 19, 1987.

ORDER

Based upon the foregoing FINDINGS OF FACT and pursuant to Code of Alabama 1975, §§ 22-22A-5(10), 22-22-9(c), 22-22-9(j), and 22-22-9(1) (1984 and 1986 Cum. Supp.), it is hereby ORDERED:

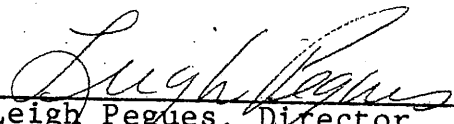
A. That not later June 1, 1987 the Permittee shall have achieved compliance with the terms, conditions, and limitations of its SID permit.

B. That immediately upon receipt of notice of this Order, the Permittee shall commence submitting DMRs in a timely manner and shall continue submitting DMRs in a timely manner as long as it is required to do so by the terms of its SID permit.

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 or others against the Permittee.

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

ORDERED and ISSUED this 26th day of March, 1987.

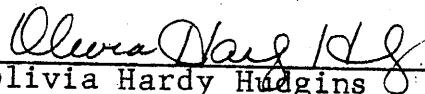

Leigh Pegues, Director
Alabama Department of
Environmental Management
1751 Federal Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I hereby certify that I have served Order No. 87-041-WP upon Martin Brothers, Toolmakers, Inc., Huntsville, Alabama by sending the same, postage paid, through the United States Mail, as Certified Mail No. P 266-617-368, with instructions to forward and return receipt requested to:

John R. Graham
Martin Brothers Toolmakers, Inc.
4094 Research Drive
Huntsville, Alabama 35805

Done this 26th day of March, 1987.


Olivia Hardy Hudgins
Associate General Counsel