

ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

KING COAL COMPANY, INC.  
WILBURN PREPARATION PLANT  
NPDES PERMIT NUMBER AL0027669

ORDER NO. 85-055-WP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975 §§ 22-22A-1 et seq. (1984), the Alabama Water Pollution Control Act, Code of Alabama 1975 §§ 22-22-1 et seq. (1984) and the National Pollutant Discharge Elimination System 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. King Coal Company, Inc. (hereinafter, "the Permittee") operates a coal washing facility known as the Wilburn Preparation Plant in Cullman County, Alabama.

2. The Permittee was issued NPDES Permit Number AL0027669 by the Department authorizing the discharge of pollutants and other industrial wastes from outfall serial number 001 to an unnamed tributary of Leeth Creek, a water of the State, subject to certain limitations, terms and conditions.

3. Among the limitations contained in said permit are daily maximum and daily minimum limitations for pH and daily minimum limitations for manganese (Mn). Daily discharge limitations for said parameters are as follows:

	<u>pH (s.u.)</u>	<u>Mn (mg/l)</u>
Daily Minimum	6.0	
Daily Maximum	9.0	4.0

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

<u>Date</u>	<u>pH (s.u.)</u>	<u>Mn (mg/l)</u>
03/17/84	4.8	
03/20/84	5.1	4.38
03/21/84	4.9	
03/22/84	4.9	
03/29/84	4.5	
04/09/84	4.8	
04/11/84	5.6	
04/12/84	5.6	
04/13/84	5.7	
04/20/84	4.5	
04/23/84	5.5	
04/24/84	5.6	
04/27/84	5.8	
04/30/84	4.4	
05/01/84	5.0	
05/02/84	5.9	
05/03/84	4.7	
05/04/84	3.9	
05/07/84	5.9	
05/08/84	3.5	
05/09/84	4.3	
05/10/84	5.2	
05/29/84	4.5	
05/30/84	5.8	
05/31/84	4.7	
06/01/84	5.9	
06/06/84	3.6	

<u>Date</u>	<u>pH (s.u.)</u>	<u>Mn (mg/l)</u>
06/07/84	5.7	
06/08/84	5.8	
06/11/84	5.9	4.04
06/18/84	5.3	4.63
06/19/84	4.7	5.08
06/20/84	4.8	4.63
06/21/84	4.9	5.40
06/22/84	4.8	5.72
06/23/84	4.1	
06/25/84	4.6	5.23
06/26/84	5.1	5.08
06/27/84	5.1	5.40
06/28/84	5.1	5.72
06/29/84	5.0	5.40
06/30/84	4.4	
07/02/84	4.5	5.23
07/03/84	4.6	5.55
07/05/84	4.9	5.40
07/07/84	5.4	5.72
07/09/84	5.7	5.40
07/11/84	5.4	5.90
07/12/84	5.4	5.90
07/13/84	5.9	5.90
07/16/84	5.7	5.72
07/17/84	5.6	5.55
07/18/84	5.1	5.9
07/23/84	5.6	
07/24/84	5.7	
07/25/84	5.6	
07/26/84	5.6	
07/27/84	5.4	
07/30/84	5.5	
07/31/84	5.7	
08/02/84	5.8	
08/10/84		4.04
08/16/84		4.09
08/24/84	3.9	
08/27/84	4.5	
08/28/84	4.7	
09/05/84	5.1	4.15
10/24/84	5.6	4.15
11/07/84	5.6	5.08
11/13/84	5.2	
11/21/84	5.3	5.25
02/26/85	4.8	

ORDER

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

A. That immediately upon receipt of notice of this Order, the Permittee shall cease all discharges from the Wilburn Preparation Plant which are in violation of the terms and conditions of NPDES Permit Number AL0027699. This provision, however, shall not apply to discharges of manganese which are not in compliance with the discharge limitations contained in NPDES Permit Number AL0027699.

B. That not later than 90 days after receipt of notice of this Order, the Permittee shall cease all discharges from the Wilburn Preparation Plant which are in violation of the discharge limitation for manganese contained in NPDES Permit Number AL0027699.

C. That immediately upon receipt of notice of this Order, the Permittee shall commence monitoring outfall 001 at the Wilburn Preparation Plant on a daily basis, analyzing each sample for pH, total iron, total manganese and total suspended solids in

accordance with the requirements of NPDES Permit Number AL0027669 and shall report the results of such analyses to the Department on approved Discharge Monitoring Report forms on a weekly basis.

D. That immediately upon receipt of notice of this Order, the Permittee shall commence maintaining a written log for outfall number 001 as specified in Part IB6(b) of NPDES Permit Number AL0027669 and shall submit copies of said log to the Department on a weekly basis.

E. That not later than thirty days after receipt of notice of this Order, the Permittee shall submit to the Department for review a complete pollution abatement and prevention plan, prepared and certified by a registered professional engineer licensed to practice in the State of Alabama, describing in detail the methods by which all discharge violations will be abated and prevented at the Wilburn Preparation Plant. The Permittee shall respond to any comments made by the Department with reference to the plan within ten days after receipt of the Department's comments.

F. That not later than thirty days after receipt of notice of this Order, the Permittee shall submit any parts of the pollution prevention and abatement plan which require the approval of another State agency prior to implementation to said agency for approval.

G. That not later than thirty days after the Permittee has responded to the Department's comments with reference to the pollution abatement and prevention plan, the Permittee shall implement the plan and shall submit a certification by the design engineer that the plan has been implemented as submitted to the Department in its final form.

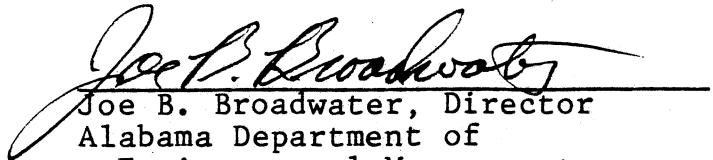
H. In the event that an appropriate State agency's approval of said plan shall delay the implementation of the plan so that the 30-day timetable mentioned in paragraph G above cannot be met, the Department shall grant an extension of the compliance date mentioned in paragraph G, provided that the Permittee makes a request in writing and submits documentation that the plan was submitted to the appropriate State agency for approval in a timely manner. However, in no event shall the extension exceed 30 days.

I. That immediately upon receipt of notice of this Order, the Permittee shall maintain in good working order and shall operate as efficiently as possible all pollution abatement facilities and treatment structures associated with the Wilburn Preparation Plant including, but not limited to, sedimentation/treatment basins, chemical treatment systems and all other associated equipment and apparatus utilized to achieve compliance with the terms and conditions of NPDES Permit Number AL0027669.

J. That the failure of the Permittee to comply with any of the provisions of this Order shall constitute cause for the immediate revocation of NPDES Permit Number AL0027669.

K. That the failure of the Permittee to comply with any of the provisions of this Order or of NPDES Permit Number AL0027669 shall constitute cause for the commencement of legal action for the recovery of civil penalties, criminal fines or other appropriate relief.

ORDERED and ISSUED this 17th day of April 1985.

  
Joe B. Broadwater, 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. 85-055-WP upon King Coal Company, Inc. by sending the same, postage paid, through the United States Mail, as Certified Mail No. 9714808, with instructions to forward and return receipt requested to:

Mr. Scott Deppe, Agent  
King Coal Company, Inc.  
309 Plant Street  
Oakman, Alabama 35579

Done this 17th day of April 1985.

*Olivia Hardy Hudgins*  
Olivia Hardy Hudgins

OHH/rdg 85-055-WP 4/16/85 Final

PS Form 3811, July 1983

**SENDER: Complete name, address, and city, state, and ZIP code.**

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will protect you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for service(s) requested.

1. ☒ Show to whom, date and address of delivery.

2. ☐ Restricted Delivery.

3. Article Addressed to:

Mr. Scott Deppe, Agent  
King Coal Company, Inc.  
309 Plant Street  
Oakman, Alabama 35579

4. Type of Service:

☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail

Article Number: 9714808

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee: *Scott Deppe*

6. Signature - Agent: *Johnny Hayes*

7. Date of Delivery: 4-22-85

8. Addressee's Address (ONLY if requested and fee paid)

DOMESTIC RETURN RECEIPT

P15 9714808

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

SENT TO: Mr. Scott Deppe, Agent  
King Coal Company, Inc.  
309 Plant Street  
P.O. STATE AND ZIP CODE  
Oakman, Alabama 35579

POSTAGE		\$
CONSULT POSTMASTER FOR FEES	CERTIFIED FEE	c
	SPECIAL DELIVERY	c
	RESTRICTED DELIVERY	c
	SHOW TO WHOM AND DATE DELIVERED	c
	SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	c
OPTIONAL SERVICES	RETURN RECEIPT SERVICE	c
	SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	c
TOTAL POSTAGE AND FEES		\$
	POSTMARK OR DATE	

\*S Form 3800, Apr. 1976