

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF Sweatt's Prefade, Inc.)

NO. 96-055-CWP

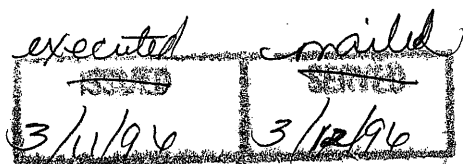
SID PERMIT NUMBER IU 33 30 00025)

FINDINGS OF FACT

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, and without adjudication of any issues of fact or law, but upon the consent of the parties, the Alabama Department of Environmental Management and **Sweatt's Prefade, Inc.**, hereby covenant and agree as follows:

STIPULATIONS AND COVENANTS OF FACT

1. **Sweatt's Prefade, Inc.** ("co. name" or "Permittee") operates a facility located in **Opp**, Alabama, which pre-washes denim jeans.
2. The Alabama Department of Environmental Management is a duly constituted Department of the State of Alabama pursuant to §§ 22-22A-1 through 22-22A-16, Code of Alabama, 1975 (1990 Rplc. Vol.).
3. On **March 23, 1993**, the Department issued to **Sweatt's Prefade, Inc.** **SID Permit Number IU 35 30 00025**. The SID Permit regulates **Sweatt's Prefade, Inc.** wastewater discharge to the **Opp Eastside WWTP** by imposing limitations and monitoring requirements for a variety of parameters. These parameters and their corresponding limitations are set out in the listing of permit limitations attached as Exhibit A and incorporated herein by reference.



4. The permittee has violated SID Permit Number IU 33 30 00025 by exceeding permit limitations. A listing of said permit limit violations are attached as Exhibit B.
5. As a part of its effort to attain compliance with permit requirements, **Sweatt's Prefade, Inc.** representatives met with ADEM officials and representatives for the city of Opp on **January 30, 1996**. At that time, **Sweatt's Prefade, Inc.** outlined a plan to install a equalization basin. A proposed schedule for completion of this work was also discussed. The company and city representatives agreed that if this action did not eliminate the organic overload at the POTW by November 1, 1996, then the city will install additional aeration at the Eastside WWTP. ADEM and **Sweatt's Prefade, Inc.** agreed that during the construction and assessment period, existing permit limits could not be met and that interim limitations would be established in this Order based on levels achievable with the existing treatment technology.
6. The parties hereto have agreed to the terms of this Order, and the Department has determined that the terms of this Order are in the best interests of the citizens of Alabama.
7. **Sweatt's Prefade, Inc.** waives both an informal conference prior to the issuance of the following Order and waives any right to request a hearing before the Environmental Management Commission on the terms of the following Order.

ORDER

Based upon the foregoing FINDINGS OF FACTS 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) (1990 Rplc. Vol.) 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, and with the consent of **Sweatt's Prefade, Inc.**, it is hereby ORDERED:

- A. That not later than 30 days following the date of execution of this Order, **Sweatt's Prefade, Inc.** shall pay to the Department **\$1600** for the past violations cited herein.

- B. That **Sweatt's Prefade, Inc.** will complete construction of the wastewater equalization basin by July, 1, 1996 and attain compliance with all permit limitations not later than **February 1, 1997**.
- C. That in addition to the fixed penalties assessed herein, **Sweatt's Prefade, Inc.** shall pay stipulated penalties to the Department for each violation of interim limits which occur prior to **February 1, 1997**, and each permit limit violation which occurs after **February 1, 1997** in accordance with the following schedule:

Limitations violations - **\$200** per violation for each violation occurring during the interim period and for the first month following the compliance date as disclosed on the DMR covering that reporting period; **\$400** per violation for each limits violation disclosed on any DMR submitted thereafter until and unless the Department issues an Administrative Order assessing other monetary penalties.

That during the period between the date of this order and **February 1, 1997** the permittee shall comply with the interim effluent limits listed below:

<u>Parameter</u>	<u>Unit</u>	<u>Daily Max</u>
TSS	PPD	2200
BOD ₅	mg/l	2200

The agreement that the foregoing schedule of stipulated penalties will govern the violations described shall expire automatically on **February 1, 1998**.

- D. Nothing in the foregoing schedule shall relieve **Sweatt's Prefade, Inc.** from the obligation to comply with the provisions of its permits, or the Act and the regulations. Nothing in this Consent Order shall operate to relieve **Sweatt's Prefade, Inc.** of any liability for any violations occurring at the facility following issuance of this Order.

- E. That all stipulated penalties identified herein are to be paid not later than ten days following the date such stipulated penalties become due by operation of the terms of this Consent Order. The Department is under no obligation to notify name of the existence of any violations which prompt stipulated penalties or to demand payment of the same.
- F. That this Consent Order shall apply to and be binding upon both parties, their directors, officers, and all persons or entities acting under or for them. Each signatory to this Consent Order certifies that he or she is fully authorized by the party he or she represents to enter into the terms and conditions of this Consent Order, to execute the Consent Order on behalf of the party represented and to legally bind such party.
- G. Subject to the terms of these presents and subject to provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the violations which are cited in this Order. However, the issuance of this Order does not preclude others from seeking fines or relief or sanctions against **Sweatt's Prefade, Inc.** for the violations identified herein.
- H. That **Sweatt's Prefade, Inc.** is not relieved from any liability if it fails to comply with any provision of this Consent Order.
- I. That for purposes of this Order only, **Sweatt's Prefade, Inc.** agrees that the Department may properly bring an action to compel compliance with the terms and conditions contained herein in the Circuit Court for Montgomery County. **Sweatt's Prefade, Inc.** also agrees that in any action brought by the Department to compel compliance with the terms of this Order, **Sweatt's Prefade, Inc.** shall be limited to the defenses of Force Majeure, compliance with this Order and physical impossibility.

- J. This Order does not preclude the Department from taking other enforcement actions based on these facts regarding violations of other regulatory programs. Should additional facts and circumstances be discovered in the future concerning **Sweatt's Prefade, Inc.**, which would constitute possible violations not addressed in this Order, or if the violations noted herein continue, then such future violations shall be addressed in Orders as may be issued by the Department, litigation initiated by the Department, or such other enforcement action as may be appropriate, and **Sweatt's Prefade, Inc.** shall not object to such future orders, litigation or enforcement action based on the issuance of this Consent Order.
- K. By agreement of the parties, this Consent Order shall be considered final and effective upon the signature of all parties.

Co. name Sweatt's Prefade, Inc.

By: Kenneth C. Sweatt

Its: President

Date: March 07, 1996



James W. Warr, Director
Alabama Department of
Environmental Management

Date: 11 March 96

EXHIBIT A

SID PERMIT LIMITS

Parameters	Daily Max
BOD ₅	1200 PPD
TSS	1400 PPD

EXHIBIT B

PERMIT LIMIT VIOLATIONS

<u>Parameters</u>	<u>Reported Value</u>	<u>Date</u>
TSS	1739	February 27, 1994
TSS	1693	July 12, 1994
TSS	1608	August 2, 1974
TSS	1793	August 23, 1994
BOD	2259	December 6, 1994
TSS	2359	December 6, 1994
BOD	1602	December 20, 1994
BOD	3102	January 3, 1995
TSS	2349	January 3, 1995
BOD	1546	June 6, 1995
BOD	1320	June 27, 1995
BOD	1581	July 11, 1995
BOD	1277	August 1, 1995
BOD	1390	September 25, 1995
BOD	1541	October 3, 1995
BOD	1976	November 1, 1995