

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF)

ROSS BREEDERS, INC.)

NPDES PERMIT NUMBER AL0032271)

ELKMONT, ALABAMA)

97-108-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 (1990 Rplc. Vol.), and the Alabama Water Pollution Control Act, Code of Alabama (1975), §§ 22-22-1 through 22-22-14 (1990 Rplc. Vol.), 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. Ross Breeders, Inc. (hereinafter, " Ross" or "the Permittee") operates a poultry hatchery (hereinafter, "the Hatchery" or "the Operation") in Elkmont, Alabama..
2. On March 26, 1996 the Department issued NPDES Permit Number AL0032271 (hereinafter, "the Permit") to the Permittee.
3. The Permit authorized the discharge of pollutants to waters of the State subject to certain terms, conditions and limitations, including but not limited to the requirement that the Permittee sample the discharges from the Operation, to analyze the discharges for various

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parameters and to report the results to the Department on the 28th day of the month following the prescribed monitoring period

4. The Permittee failed to sample, monitor and report to the Department from April 1996.
5. The Permittee failed to sign the discharge monitoring report for May 1996.
6. The Permittee failed to meet the minimum requirements of the Permit for effluent dissolved oxygen on three days in May 1996, on four days in June 1996, and on five days in July 1996.
7. The Permittee violated the flow limitation of the Permit on three days in May 1996.
8. The Permittee exceeded the daily maximum limitation of the Permit for ammonia as nitrogen on three days in May 1996, on four days in June 1996 and on five days in July 1996.
9. The Permittee exceeded the daily maximum limitation for biochemical oxygen demand of the Permit on three days in May 1996, on four days in June 1996, and on five days in July 1996.
10. The Permittee exceeded the daily maximum limitation of the Permit for oil and grease on one day in May 1996, and on one day in June 1996.

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(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 pursuant to the Federal Water Pollution Control Act, § 402, 33 U.S.C. § 1342, it is hereby ORDERED:

A. That, within 30 days from the date of this Order, the Permittee will Pay to the Department a civil penalty in the amount of Four Thousand One Hundred Dollars (\$4,100.00).

B. That, within 45 days from the date of this Order, The Permittee submit for the Department's review plans with estimated completion dates for obtaining compliance with the Permit. These plans must be prepared by and sealed by a Professional Engineer licensed in the State of Alabama..

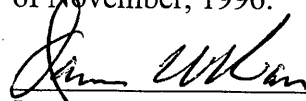
C. That, on or before June 1, 1997, the Permittee will attain compliance with the discharge limitations of the Permit, and will maintain compliance each and every day thereafter.

D. That, immediately and hereafter, the Permittee will comply with all other terms, conditions and limitations of the Permit, including but not limited to the monitoring and reporting requirements of the Permit.

E. That failure to comply with 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.

F. 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 the violations of its NPDES Permit Number AL0068772.

ORDERED and ISSUED this 18th day of November, 1996.

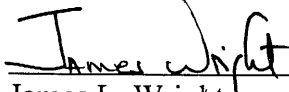

James W. Warr, Director
Alabama Department of
Environmental Management
1751 Cong. W. L. Dickinson Drive
Montgomery, Alabama 36109-2608
(334) 271-7977

CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Administrative Order No. 97-108-WP upon Ross Breeders, Inc. by sending the same, postage paid, through the United States Mail, as Certified Mail No. P 841 389 320, with instructions to forward and return receipt requested to:

Paul Simkus
Vice President Finance
Ross Breeders, Inc.
19780 Sandlin Road
Elkmont, AL 35620

DONE this 18th day of November, 1996.



James L. Wright