

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

HELMS' SAUSAGE COMPANY, INC.
PELL CITY, ALABAMA

ORDER NO. 86-032-WP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 to 22-22A-15 (1984), the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (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. Helms' Sausage Company, Inc. (hereinafter, "Helms") operates a slaughterhouse and meat processing facility in Pell City, Alabama.

2. Code of Alabama 1975, § 22-22-9(j)(6) (1984) provides that "every 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 permit before discharging such pollution." Rule 6-6-.03 of the Department's Water Quality Program Rules provides that "[n]o

person shall discharge pollutants from a point source into waters without first having obtained a valid NPDES [National Pollutant Discharge Elimination System] permit"

3. Helms has neither formally applied for nor obtained a permit to discharge pollutants to any waters of this State.

4. An inspection by Department staff on March 14, 1985 revealed an unpermitted discharge of pollutants and other wastes from a surface impoundment at the Helms facility to an unnamed tributary of Blue Spring Creek, a water of the State.

5. On April 24, 1985, the Department issued a notice of violation to Helms citing the unpermitted discharge and directing Helms to submit to the Department within sixty days of receipt of the notice a pollution abatement plan for treating or eliminating the discharge.

6. As of the date of issuance of this Order, Helms has failed to submit to the Department a pollution abatement plan as previously directed.

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), and 22-22-9(1) (1984) 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:

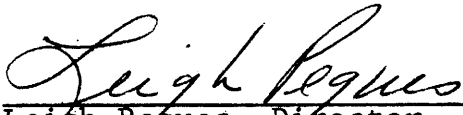
A. That not later than 120 days after receipt of notice of this Order, Helms shall terminate all discharges from its facility to waters of the State unless a permit therefor has first been obtained from the Department.

B. That if Helms chooses to terminate the discharge, not later than 30 days after receipt of notice of this Order, Helms shall submit to the Department a pollution abatement plan and engineering plan prepared in accordance with Chapter 6-3 of the Department's Water Quality Program Rules by a registered professional engineer licensed to practice in the State of Alabama, describing in detail the methods by which the discharge will be eliminated.

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 Helms.

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

ORDERED and ISSUED this 31st day of December 1985.



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. 86-032-WP upon Helms' Sausage Company, Inc. by sending the same, postage paid, through the United States Mail, as Certified Mail No. 686585640, with instructions to forward and return receipt requested to:

Bobby Helms
Helms' Sausage Company, Inc.
1904 16th Street, South
Pell City, Alabama 35125

Done this 31st day of December 1985.

Olivia Hardy Hudgins
Olivia Hardy Hudgins

PS Form 3811, July 1982

OHH/rdg

• **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☒ Show to whom and date delivered
☐ Show to whom, date, and address of delivery
2. ☐ **RESTRICTED DELIVERY**
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. **ARTICLE ADDRESSED TO:**
Bobby Helms
Helms' Sausage Company, Inc.
1904 16th Street, South
Pell City, Alabama 35125

4. **TYPE OF SERVICE:** ☐ REGISTERED ☐ INSURED ☒ CERTIFIED ☐ EXPRESS MAIL
☐ COO
ARTICLE NUMBER
686585640
(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
B Helms

5. **DATE OF DELIVERY**
1-2-85

6. **ADDRESSEE'S ADDRESS (Only if requested)**

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**
BP

★ GPO: 1985-375-500

P 686 585 640

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

★ U.S.G.P.O. 1983-403-517

Sent to Bobby Helms Helms' Sausage Company, Inc. 1904 16th Street, South Pell City, Alabama 35125	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

PS Form 3800, Feb. 1982