

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

PETE REYNOLDS AND
NORMAN STOKES, d/b/a
STOKES AND REYNOLDS FEEDLOT
GREENE COUNTY, ALABAMA

ORDER NO. 87-040-WP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 through 22-22-15 (1984 and 1986 Cum. Supp.), the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 through 22-22-14 (1984 and 1986 Cum. Supp.), 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. Pete Reynolds and Norman Stokes operate a beef cattle feedlot in Greene County, Alabama known as Stokes and Reynolds Feedlot. Said feedlot houses approximately 3000 head of cattle and meets the definition of a concentrated animal feeding operation pursuant to 40 C.F.R. § 122.23, Appendix B.

2. Code of Alabama 1975, § 22-22-9(i)(3) (1984 and 1986 Cum. Supp.) provides that "[e]very 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." ADEM Admin. Code R. 335-6-6-.03 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. Pete Reynolds and Norman Stokes have neither applied for nor obtained a permit to discharge pollutants into waters of the state from the Stokes and Reynolds Feedlot.

4. On October 31, 1985 pollutants and other wastes were discharged from Stokes and Reynolds Feedlot into an unnamed tributary of Needham Creek, a water of the state. Said discharge resulted in a fish kill.

5. On December 30, 1986 pollutants and other wastes were discharged from Stokes and Reynolds Feedlot into an unnamed tributary of Needham Creek.

6. On January 7, 1987 pollutants and other wastes were discharged from the Stokes and Reynolds Feedlot to an unnamed tributary of Needham Creek. A series of water samples were taken along the unnamed tributary of Needham Creek and Needham Creek. Samples were collected at the following stations:

Station #1: Needham Creek below station 3.

Station #2: Needham Creek immediately above an unaffected tributary of Needham Creek.

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- Station #3: Unaffected unnamed tributary of Needham Creek above confluence with Needham Creek.
- Station #4: Unaffected feeder tributary of Needham Creek on Waldrop property.
- Station #5: Needham Creek at upstream corner of Waldrop property.
- Station #6: Needham Creek below confluence of unnamed tributary.
- Station #7: Unnamed tributary of Needham Creek below feedlot and immediately above junction with Needham Creek.
- Station #8: Needham Creek immediately upstream of confluence of unnamed tributary of Needham Creek which drains from feedlot.
- Station #9: Upstream of feedlot at Highway 43 culverts on unnamed tributary of Needham Creek.
- Station #10: Ditch draining from feedlot.
- Station #11: Unnamed tributary of Needham Creek approximately 100 yards below feedlot ditch.

Results of these samples are as follows:

Sample Data

Station Number	pH	D.O (mg/l)	NH ₃ -N (mg/l)	NO ₃ -N (mg/l)	PO ₄ -P (mg/l)	TKN (mg/l)
1	7.8	9.9	3.6	0.12	0.65	3.8
2	7.6	8.5	9.2	0.20	1.61	10.4
3	7.9	10.5	0.4	0.10	0.17	1.8
4	7.1	9.0	0.0	0.05	0.08	1.4
5	7.3	7.4	9.5	0.26	1.70	11.4
6	8.2	11.2	2.0	0.18	0.41	3.6
7	7.8	11.9	2.0	0.22	0.42	3.7
8	8.0	12.2	0.0	0.02	0.06	0.8
9	8.0	12.2	0.0	0.10	0.06	0.6
10	7.5	5.6	22.5	0.88	6.5	24.4
11	7.8	12.3	0.5	0.14	0.15	2.4

7. On February 20, 1987 pollutants and other wastes were discharged into an unnamed tributary of Needham Creek from runoff caused by the spray application of excessive amounts of waste at the Stokes and Reynolds Feedlot.

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) (1984 and 1986 Cum. Supp.) 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, Pete Reynolds and Norman Stokes shall cease all discharges from the Stokes and Reynolds Feedlot to waters of the state.

B. That immediately upon receipt of notice of the Order, Pete Reynolds and Norman Stokes shall provide and maintain a minimum of two feet of freeboard on the holding basin located below the feedlot and on the storage lagoon located above the feedlot, said freeboard to be measured from the lowest point of discharge to the water surface in the impoundment.

C. That not later than June 1, 1987 Pete Reynolds and Norman Stokes shall submit to the Department preliminary maintenance plan for all pumps, motors, pipes, and other structures and equipment associated with the animal waste

management system, said plan to include the use of a log for recording all maintenance performed on the system.

D. That not later than 14 days after receipt of the Department's comments on the preliminary maintenance plan, Pete Reynolds and Norman Stokes shall submit to the Department a final maintenance plan which incorporates the Department's comments.

E. That not later than July 1, 1987 Pete Reynolds and Norman Stokes shall submit to the Department a preliminary pollution abatement plan certified by the Cooperative Extension Service, the Soil Conservation Service, or a registered engineer licensed to practice in the State of Alabama. Said plan shall include the following: (1) a drawing showing the location of all parts of the animal waste management system; (2) provisions for routing runoff from the three alleyways, located in the middle and down both sides of the feedlot, into the animal waste management system or provide a best management practice plan for preventing animal waste from accumulating in the alleyways; (3) specifications on the total storage capacities of both the holding basin and the storage lagoon, on the pumping capacities of all pumps associated with the animal waste management system, on the flow rate capacities of the pipes, ditches and other conveyances which are part of the animal waste management system, and on the maximum flow rate through the feedlot of water used to flush animal waste into the system; (4) an alternative animal waste management plan which will prevent discharges of animal

wastes from the feedlot to the waters of the state in the event of a pump or power failure.

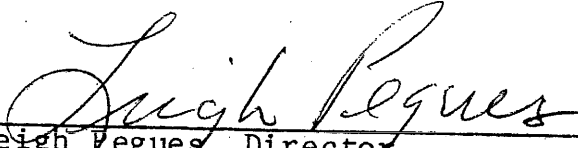
F. That not later than 14 days after receipt of the Department's comments on the preliminary pollution abatement plan, Pete Reynolds and Norman Stokes shall submit to the Department a final pollution abatement plan which incorporates the Department's comments.

G. That not later than August 15, 1987 Pete Reynolds and Norman Stokes shall have implemented all phases of the pollution abatement plan and shall submit to the Department written certification from the design engineer that the measures implemented are in accordance with the plan submitted to the Department.

H. That the failure to comply with the provisions of the 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 Pete Reynolds and Norman Stokes.

I. 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 Pete Reynolds and Norman Stokes for the violations stated herein.

DONE 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

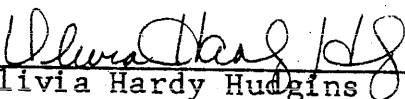
CERTIFICATE OF SERVICE

I hereby certify that I have served Order No. 87-040-WP upon Pete Reynolds and Norman Stokes, d/b/a Stokes and Reynolds Feedlot Greene County, Alabama, by sending the same, postage paid, through the United States Mail, as Certified Mail No. P 266-617-365, with instructions to forward and return receipt requested to:

Pete Reynolds
Stokes and Reynolds Feedlot
Route 1
Boligee, Alabama 35443

Norman Stokes
Stokes and Reynolds Feedlot
Route 1
Boligee, Alabama 35443

Done this 26th day of March, 1987.



Olivia Hardy Hudgins
Associate General Counsel