

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

THE UTILITIES BOARD OF
THE CITY OF BUTLER
NPDES PERMIT NO. AL0050211

ORDER NO. 89-051-WP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 to 22-22A-16 (1984 and 1988 Cum. Supp.), and the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (1984 and 1988 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. The Utilities Board of the City of Butler (hereinafter, "the Permittee") operates a waste treatment facility known as Butler Wastewater Treatment Plant which discharges pollutants from a point source into Wahalak Creek and/or groundwater, waters of the State.

| | |
|-------------------|-------------------|
| ISSUED 2/22/89 | SERVED 2/24/89 |
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2. On May 8, 1985 the Department issued NPDES Permit Number AL0050211 to the Permittee which establishes limitations on the discharge of pollutants from such point source, designated therein as outfall number 001, into Wahalak Creek and groundwater. Said permit also requires that the Permittee monitor its discharge and submit periodic Discharge Monitoring Reports to the Department describing the results of its monitoring.

3. Discharge Monitoring Reports submitted to the Department by the Permittee for the month(s) of June 1988 through September 1988 and November 1988 indicate that the Permittee has discharged pollutants from such point source into Wahalak Creek and/or groundwater in violation of the limitations established in NPDES Permit Number AL0050211.

ORDER

Based upon the foregoing FINDINGS OF FACT 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) (1988 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 pursuant to the Federal Water Pollution Control Act § 402, 33 U.S.C. § 1342, it is hereby ORDERED:

A. That, commencing immediately after receiving notice of this Order, the Permittee shall not discharge pollutants from the

above-mentioned point source (outfall number 001) at the Butler Wastewater Treatment Plant into Wahalak Creek or groundwater in excess of the following discharge limitations:

DISCHARGE LIMITATIONS

| Pollutant Parameter | Monthly Average Kg/day (lbs/day) | Weekly Average Kg/day (lbs/day) | Other Units (Specify) | |
|-----------------------------------|---|--|-----------------------|-------------------|
| | | | Monthly Average | Weekly Average |
| Biochemical Oxygen Demand (5 day) | 72 (158) | 107 (236) | 70 mg/l | 105 mg/l |
| Suspended Solids | 142 (313) | 213 (469) | 120 mg/l | 180 mg/l |

B. That commencing immediately after receiving notice of this Order, the Permittee shall comply with all the monitoring and reporting provisions of NPDES Permit Number AL0050211 and all other limitations, terms and conditions of NPDES Permit Number AL0050211 to the extent not inconsistent with this Order.

C. That the Permittee shall prepare, and submit to the Department no later than April 15, 1989, an engineering report which investigates the need for changes in maintenance and operation procedures, and the need for any modification of existing treatment works or any new or additional treatment works necessary for the Permittee to achieve compliance with the discharge limitations in NPDES Permit Number AL0050211.

D. That based upon the report referred to in paragraph C above, the Permittee shall submit to the Department no later than

May 15, 1989, a detailed compliance plan which outlines the measures necessary to achieve compliance with NPDES Permit Number AL0050211. The compliance plan shall:

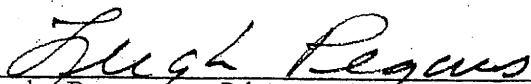
1. Identify the causes of noncompliance;
2. Describe the corrective measures required to achieve compliance, including their estimated costs and the proposed method of financing; and
3. Provide an expeditious schedule for implementation of the measures required to achieve compliance.

E. A registered professional engineer shall prepare those portions of the compliance plan referred to in paragraph D above which relates to the identification of the causes of noncompliance and the corrective measures required to achieve compliance and shall affix his seal and/or signature to such portions of the plan.

F. 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.

G. 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 AL0050211.

ORDERED and ISSUED this 22nd day of February, 1989.



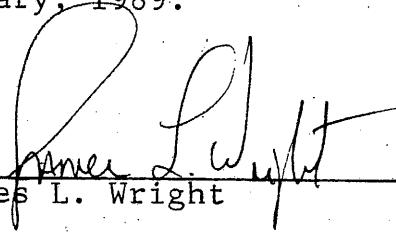
Leigh Pegues, Director
Alabama Department of
Environmental Management
1751 Cong. W.L. Dickinson Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Order No. 89-051-WP upon the Utilities Board of the City of Butler by sending the same, postage paid, through the U.S. Mail, as Certified Mail No. P 966 410 319, with instructions to forward and return receipt requested to:

Mr. Ben F. Kirklewski, Chairman
Utilities Board of the City of Butler
Post Office Box 455
Butler, Alabama 36904

Done this 22nd day of February, 1989.



James L. Wright