

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

CITY OF DALEVILLE
NPDES PERMIT NO. AL0023566

ORDER NO. 89-041-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 (1984 and 1988 Cum. Supp.), the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 through 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 City of Daleville (hereinafter, "the Permittee") operates a waste treatment facility known as West Lagoon which discharges pollutants from a point source into Claybank Creek, a water of the State.

2. The Permittee was reissued NPDES Permit Number AL0023566 on September 16, 1988 which establishes more stringent

limitations than contained in its previous permit on the discharge of pollutants from such point source, designated therein as outfall number 001, into Claybank Creek, a water of the State. 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. The Discharge Monitoring Report submitted to the Department by the Permittee for the month of October 1988 indicates that the Permittee has discharged pollutants from such point source into Claybank Creek in violation of the limitations established in NPDES Permit Number AL0023566. Said report also failed to include the results of all monitoring required to be performed by the Permittee.

4. Discharge Monitoring Reports submitted to the Department by the Permittee for the months of April 1988 through September 1988 indicate that the Permittee will be unable to comply with the limitations on the discharge of pollutants from such point source established in NPDES Permit Number AL0023566 without construction of new or additional treatment works or modification of existing treatment works.

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 and continuing through July 30, 1991, the Permittee shall not discharge pollutants from the above-mentioned point source (outfall number 001) at the West Lagoon into Claybank Creek in excess of the following discharge limitations:

DISCHARGE LIMITATIONS

<u>Pollutant Parameter</u>	<u>Monthly Average Kg/day (lbs/day)</u>	<u>Weekly Average Kg/day (lbs/day)</u>	<u>Other Units Monthly Average</u>	<u>(Specify) Weekly Average</u>
Biochemical Oxygen Demand (5 day)	71 (156)	106 (234)	75 mg/l	112 mg/l
Suspended Solids	104 (229)	156 (344)	110 mg/l	165 mg/l
Ammonia As Nitrogen (NH ₃ -N)	19 (42)	28 (63)	20 mg/l	30 mg/l
Dissolved Oxygen		<u>Daily Minimum</u> 2 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 AL0023566 and all other limitations, terms and conditions of NPDES Permit Number AL0023566 to the extent not inconsistent with this Order. The

Permittee shall continuously maintain compliance with all monitoring and reporting provisions of said permit each and every day until the expiration date of said permit.

C. That the Permittee shall prepare, and submit to the Department no later than April 30, 1989, an engineering report which investigates the need for new or additional treatment works necessary for the Permittee to achieve compliance with the discharge limitations in NPDES Permit Number AL0023566 and which meets the content requirements of 40 C.F.R. § 35.2030.

D. That the Permittee shall prepare, and submit to the Department no later than September 30, 1989, final design drawings and specifications for new or additional treatment works or modification of existing treatment works necessary for the Permittee to achieve compliance with the discharge limitations in NPDES Permit Number AL0023566.

E. That the Permittee shall prepare, and submit to the Department no later than September 30, 1989, a financial plan describing in detail the sources and methods which the Permittee will utilize in financing construction of new or additional treatment works or modification of existing treatment works necessary for the Permittee to achieve compliance with the discharge limitations in NPDES Permit Number AL0023566.

F. That the Permittee shall execute the necessary contracts for the construction of new or additional treatment works or modification of existing treatment works necessary for the

Permittee to achieve compliance with the discharge limitations in NPDES Permit Number AL0023566 and issue a notice to proceed with construction to the contractor no later than March 31, 1990.

G. That the Permittee shall complete construction of new or additional treatment works or complete modification of existing treatment works necessary for the Permittee to achieve compliance with the discharge limitations in NPDES Permit Number AL0023566 no later than January 31, 1991.

H. That the Permittee shall comply with all discharge limitations contained in NPDES Permit Number AL0023566 no later than July 31, 1991 and shall maintain compliance with said discharge limitations each and every day thereafter until the expiration date of said permit.

I. That the Permittee shall prepare and submit to the Department during the months of January and July of each year through July 1990, a progress report describing in detail the Permittee's progress toward compliance with each provision of this Order. In addition, not later than 14 days following each applicable date in paragraphs F, G and H hereof, the Permittee shall submit a written notice of compliance or noncompliance with the requirements of that paragraph. Notices of noncompliance shall state the cause of noncompliance, corrective actions taken, and a prediction of the Permittee's ability to comply with any remaining requirements of this Order. Notices and progress reports shall be mailed to:

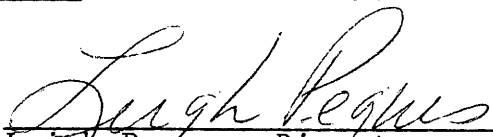
Alabama Department of Environmental Management
Water Division
Municipal Branch
1751 Cong. W. L. Dickinson Drive
Montgomery, Alabama 36130

J. That the provisions of any order previously issued to the Permittee by the Department or the Alabama Water Improvement Commission which are inconsistent with the provisions contained herein are hereby revoked.

K. That the failure of the Permittee to comply with any of the provisions of this Order shall constitute cause for the revocation of NPDES Permit Number AL0023566 and/or the commencement of legal action to recover civil fines, criminal penalties and other appropriate relief by the Department or others against the Permittee.

L. That the issuance of this Order shall not preclude the Department or others from seeking recovery of civil fines, criminal penalties or other appropriate relief for the violations cited herein.

ORDERED and ISSUED this 20th day of January, 1989.

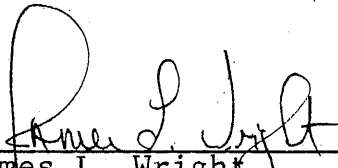

Leigh Pegues, Director
Alabama Department of
Environmental Management
1751 Cong. W. L. Dickinson Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Order Nos. 89-040-WP and 89-041-WP upon the City of Daleville by sending the same, postage paid, through the U.S. Mail, as Certified Mail No. P 966 410 299, with instructions to forward and return receipt requested to:

Honorable Gene L. Hughes
Mayor, City of Daleville
Post Office Box 188
Daleville, Alabama 36322

Done this 20th day of January, 1989.



James L. Wright