

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF)

THE UTILITIES BOARD)
OF THE CITY OF SYLACAUGA)
NPDES PERMIT NO. AL0053066)

ORDER NO. 93-111-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.), 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 (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 Sylacauga operates a water treatment facility known as the Sylacauga Water Treatment Plant which discharges pollutants from filter backwash, sedimentation basin drainage, and other sources, through a point source into Tallasseehatchee Creek, a water of the State.

2. The Permittee has a valid NPDES Permit Number AL0053066 issued by the Department on November 21, 1990 which establishes limitations on discharge of pollutants from such point source, designated therein as outfall number 001, into Tallasseehatchee Creek. The Permit also requires that the Permittee monitor its



discharge and submit periodic Discharge Monitoring Reports to the Department describing results of its monitoring.

3. Discharge Monitoring Reports submitted to the Department by the Permittee for the months of May, 1991 through April, 1993, indicate that the Permittee has discharged pollutants from such point source into Tallasseehatchee Creek in violation of limitations established in the Permit.

4. The Department has determined that the Permittee does not have a wastewater treatment system, in violation of requirements established in the Permit.

5. The Permittee cannot comply with limitations on the discharge of pollutants from such point source established in the Permit without construction of new or additional treatment works.

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, commencing immediately after receiving notice of this Order, the Permittee shall monitor those parameters found on Part I.,A., of the Permit once per quarter, monitor flow daily, and report monitoring results quarterly on Discharge Monitoring Reports provided by the Department.

B. That the Permittee shall prepare, and submit to the Department no later than 90 days after receiving notice of this Order, a detailed compliance plan and preliminary engineering report which outlines measures necessary to achieve compliance with the Permit. 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.

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

D. That the Permittee shall comply with all discharge limitations contained in the Permit no later than 24 months after receiving notice of this Order and shall continue to comply with said discharge limitations each and every day thereafter until the expiration date of the Permit.

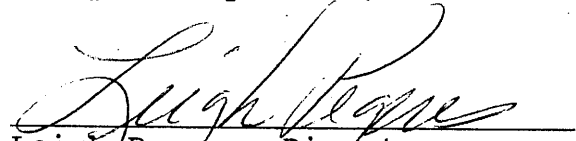
E. That the Permittee shall prepare and submit to the Department during the months of January and July a progress report describing in detail the Permittee's progress toward compliance with each provision of this Order. Progress reports shall be mailed to:

Michael J. Barilone
Department of Environmental Management
Water Division/Municipal Branch
Post Office Box 301463
Montgomery, Alabama 36130-1463

F. That failure to comply with this Order shall constitute cause for the commencement of legal action for 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 the Permit.

ORDERED and ISSUED this 30th day of September, 1993.

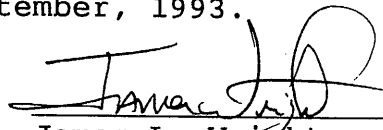

Leigh Pegues, Director
Alabama Department of
Environmental Management
1751 Cong. W. L. Dickinson Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Order No. 93-111-WP upon the Utilities Board of the City of Sylacauga by sending the same, postage paid, through the U.S. Mail, as Certified Mail No. P 227 749 652, with instructions to forward and return receipt requested to:

Mr. Robert Morris, Chairman
Utilities Board
City of Sylacauga
Post Office Box 207
Sylacauga, AL 35150

DONE this 30th day of September, 1993.


James L. Wright