

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

THE WATER WORKS AND SANITARY
SEWER BOARD OF THE TOWN OF
FORT DEPOSIT
NPDES PERMIT NO. AL0024155

ORDER NO. 86-045-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) and 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. The Water Works and Sanitary Sewer Board of the Town of Fort Deposit (hereinafter, "the Permittee") operates a waste treatment facility known as Fort Deposit Lagoon which discharges pollutants from a point source into Pigeon Creek, a water of the State.

2. The Permittee has a valid NPDES Permit Number AL0024155 which establishes limitations on the discharge of pollutants from such point source, designated therein as outfall number 001, into Pigeon Creek. 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 October through December 1985 indicate that the Permittee has discharged pollutants from such point source into Pigeon Creek in violation of the limitations established in NPDES Permit Number AL0024155. Said reports also failed to include the results of all monitoring as required by the NPDES permit.

4. The Permittee cannot comply with the limitations on the discharge of pollutants from such point source established in NPDES Permit Number AL0024155 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), 22-22-9(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 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 June 30, 1988, the Permittee shall not discharge pollutants from the above-mentioned point source (outfall number 001) at the Fort Deposit Lagoon into Pigeon Creek in excess of the following discharge limitations:

DISCHARGE LIMITATIONS

<u>Pollutant Parameter</u>	Monthly Average Kg/day (lbs/day)	Weekly Average Kg/day (lbs/day)	Other Units (Specify)	
			Monthly Average	Weekly Average
Biochemical Oxygen Demand (5 day)	100(221)	150(332)	50 mg/l	75 mg/l
Suspended Solids	240(530)	361(796)	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 AL0024155 and all other limitations, terms and conditions of NPDES Permit Number AL0024155 to the extent not inconsistent with this Order.

C. That the Permittee shall prepare, and submit to the Department no later than July 1, 1986, an engineering report which investigates the need 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 AL0024155 and which meets the content requirements of 40 C.F.R. § 35.2030 (1984).

D. That the Permittee shall prepare, and submit to the Department no later than January 1, 1987, 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 AL0024155.

E. That the Permittee shall prepare, and submit to the Department no later than January 1, 1987, 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 AL0024155.

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 AL0024155 and issue a notice to proceed with construction to the contractor no later than June 1, 1987.

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 AL0024155 no later than July 1, 1988.

H. That the Permittee shall comply with all discharge limitations contained in NPDES Permit Number AL0024155 no later than July 1, 1988.

I. That the Permittee shall prepare and submit to the Department during the months of January and July of each year through January 1988, 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 Federal 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 failure to comply with any provision 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 Permittee.

L. That issuance of this Order does not preclude the Department from pursuing its other remedies including the recovery of civil penalties, criminal fines, or other appropriate relief.

ORDERED and ISSUED this 25th day of February 1986.



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. 86-045-WP upon the Water Works and Sanitary Sewer Board of the Town of Fort Deposit by sending the same, postage paid, through the United States Mail, as Certified Mail No. 686585690, with instructions to forward and return receipt requested to:

Mr. W. H. Lee, Chairman
The Water Works and Sanitary Sewer Board
of the Town of Fort Deposit
P.O. Box S
Fort Deposit, Alabama 36032

Done this 25th day of February 1986.

John Mark Sapp
John Mark Sapp

P 686 585 690

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to	Mr. W. H. Lee, Chairman Town of Fort Deposit
Street and No.	P.O. Box S
P.O., State and ZIP Code	Fort Deposit, AL 36032
Postage	\$ 56
Certified Fee	\$ 75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	\$ 70
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 201
Postmaster's Date	

★ U.S.G.P.O. 1983-403-517

PS Form 3800, Feb. 1982

PS Form 3811, July 1982

RETURN RECEIPT

1. The following service is requested (check one): <input checked="" type="checkbox"/> Show to whom and date delivered <input type="checkbox"/> Show to whom, date, and address of delivery	
2. <input type="checkbox"/> RESTRICTED DELIVERY (The restricted delivery fee is charged in addition to the return receipt fee.)	
TOTAL \$	
3. ARTICLE ADDRESSED TO: Mr. W. H. Lee, Chairman Town of Fort Deposit P.O. Box S Fort Deposit, AL 36032	
4. TYPE OF SERVICE: <input type="checkbox"/> REGISTERED <input checked="" type="checkbox"/> CERTIFIED <input type="checkbox"/> EXPRESS MAIL	ARTICLE NUMBER 686585690
(Always obtain signature of addressee or agent)	
I have received the article described above. SIGNATURE <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent <i>Paul Bargarner</i>	
5. DATE OF DELIVERY	
6. ADDRESSEE'S ADDRESS (Only if requested)	
7. UNABLE TO DELIVER BECAUSE:	

Final Order 86-045-WP