

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

TOWN OF SYLVANIA

NPDES PERMIT NO. AL0048631

ORDER NO. 97-111-WP

FINDINGS

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 (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 Town of Sylvania (hereinafter "the Permittee") operates a waste treatment facility known as Sylvania Industrial Park Wastewater Treatment Plant which discharges pollutants from a point source into Chaney Creek, a water of the State.
2. The Department is a duly constituted department of the State of Alabama pursuant to §§ 22-22A-1 through 22-22A-16, Code of Alabama 1975, as amended.
3. Pursuant to § 22-22A-4(n), Code of Alabama 1975, the Department is the state water pollution control agency for the purposes of the federal Clean Water Act, 33 U.S.C. §§ 1251

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through 1387. In addition, the Department is authorized to administer and enforce the provisions of the Alabama Water Pollution Control Act, §§ 22-22-1 through 22-22-14, Code of Alabama 1975, as amended.

4. On September 15, 1993, the Department issued Permittee's NPDES Permit Number AL0048631 ("the Permit") which established limitations on the discharge of pollutants from such point source, designated therein as outfall number 001, into Chaney Creek. The Permit also requires that the Permittee monitor its discharges and submit periodic Discharge Monitoring Reports to the Department describing the results of its monitoring.

5. Discharge Monitoring Reports submitted to the Department by the Permittee for the months of November 1994 through September 1995 indicate that the Permittee has discharged pollutants from such point source into Chaney Creek in violation of the limitations established in NPDES Permit Number AL0048631.

6. During May 3-5, 1995, the Department conducted a compliance sampling inspection at the Sylvania Industrial Park Wastewater Treatment Plant which indicated that the Permittee was discharging pollutants into Chaney Creek in violation of the limitations established in NPDES Permit Number AL0048631.

7. On June 29, 1995, the Department made a spot-check compliance sampling inspection at the wastewater treatment plant which indicated that the Permittee was discharging pollutants into Chaney Creek in violation of the limitations established in NPDES Permit Number AL0048631.

8. On November 14, 1995, the Department inspected the wastewater treatment plant and noted the following deficiencies.

- a. There is no device for continuous flow measurement as required by the permit.
- b. Grab samples are being collected in lieu of the required eight-hour composite samples; consequently, the self-monitoring results are suspect.
- c. The oxidation ditch had one aerator inoperative.
- d. The two sand filters are not being used.
- e. The effluent was dark blue and coloring the receiving stream.

9. On January 19, 1996, the Department issued Consent Order Number 96-041-CWP to the Permittee which required that the Permittee submit an engineering report and a compliance correction plan containing a schedule for implementation of measures necessary to achieve compliance with NPDES Permit Number AL0048631. The Permittee submitted these documents to the Department on September 3, 1996.

ORDER

Based upon the foregoing FINDINGS and pursuant to Code of Alabama (1975), §§ 22-22A-5(10), 22-22A-5(12), 22-22A-5(18), 22-22-9(l), and 22-22-9(k) as amended, 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

Sylvania Industrial Park Wastewater Treatment Plant into Chaney Creek in excess of the following discharge limitations:

DISCHARGE LIMITATIONS

Pollutant Parameter	Monthly Average lbs/day	Weekly Average lbs/day	Monthly Average mg/l	Weekly Average mg/l
Carbonaceous Biochemical Oxygen Demand	10.0	15.0	40 mg/l	60 mg/l
Suspended Solids	12.5	18.7	50 mg/l	75 mg/l
		<u>Daily Minimum</u>		<u>Daily Maximum</u>
Total Residual Chlorine		0.1 mg/l		0.5 mg/l

B. That, except as set forth in this Order, the Permittee will comply with all other provisions of NPDES Permit Number AL0048631 and Consent Order 96-041-CWP, including, but not limited to, the monitoring and reporting requirements of the Permit.

C. That the Permittee shall prepare and submit to the Department no later than May 1, 1997, 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 AL0048631.

D. 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 AL0048631 and issue a notice to proceed with construction to the contractor no later than August 1, 1997.

E. 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 AL0048631 no later than July 1, 1998.

F. That the Permittee shall comply with all discharge limitations contained in NPDES Permit Number AL0048631 no later than October 1, 1998.

G. 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. In addition, not later than 14 days following each applicable date in paragraphs D, E, and F 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:

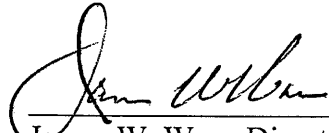
Alabama Department of Environmental Management
Water Division/Municipal Branch
Post office Box 301463
Montgomery, AL 36130-1463

H. That commencing immediately after receiving notice of this Order, the Permittee shall comply with all the monitoring and reporting provisions of NPDES Permit Number AL0048631 and all other limitations, terms and conditions of NPDES Permit Number AL0048631 to the extent not inconsistent with this Order.

I. 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.

J. 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 AL0048631.

ORDERED and ISSUED this 9th day of December, 1996.


James W. Warr, Director
Alabama Department of
Environmental Management
1751 Cong. W. L. Dickinson Drive
Montgomery, Alabama 36109-2608
(334) 271-7977

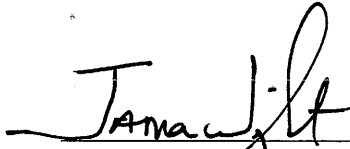
CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Administrative Order No. 97-111-WP upon the Town of Sylvania by sending the same postage paid, through the United States Mail, as Certified Mail, with instructions to forward and return receipt requested to:

CERTIFIED MAIL NO. (P 841 389 257)

Honorable Claude Callaham
Mayor, Town of Sylvania
P.O. Box 149
Sylvania, AL 35988

DONE this 9th day of December, 1996


James L. Wright