

ALABAMA DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

CITY OF ALEXANDER CITY  
NPDES PERMIT NO. AL0048861

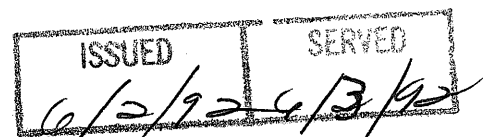
ORDER NO. 92-121-WP

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.), and 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 City of Alexander City (hereinafter, "the Permittee") operates a waste treatment facility known as the Sugar Creek Wastewater Treatment Plant which discharges pollutants from a point source into Sugar Creek, a water of the State.

2. The Permittee has a valid NPDES Permit Number AL0048861 which establishes limitations on the discharge of pollutants from such point source, designated therein as outfall number 001, into Sugar Creek. Part II., A., 6., of said permit also



requires that the Permittee dispose of its solids in a manner such as to prevent any pollutants from such materials from entering waters of the State.

3. The Department has received numerous reports, inquiries, and comments from citizens about materials described as sludge in the Sugar Creek embayment of Lake Martin which also extends into the Elkahatchee Creek embayment.

4. Representatives of the Department have observed solids in said creeks and embayments during inspections on May 28-June 1, 1990; May 8-9, 1991; November 20, 1991; and December 19, 1991.

5. A sample collected by the Department at the Sugar Creek trend station located at Alabama Highway 63 on December 18, 1991, indicated an exceedingly high concentration of total suspended solids in Sugar Creek just downstream from the Sugar Creek Wastewater Treatment Plant. Origin of these solids is not known.

#### 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 operate all solids handling and removal equipment at the Sugar Creek Wastewater Treatment Plant as efficiently as possible, and shall dispose of all solids and sludges removed in the course of treatment of wastewaters in a manner such as to prevent such materials from entering waters of the State.

B. That, commencing immediately after receiving notice of this Order, the Permittee shall begin sampling Outfall 001 for total suspended solids and biochemical oxygen demand at a frequency of 7 days per week using 24-hour composite samples collected by an automatic sampler.

C. That, commencing immediately after receiving notice of this Order, the Permittee shall comply with all the monitoring and reporting provisions of NPDES Permit Number AL0048861 and all other limitations, terms and conditions of NPDES Permit Number AL0048861 to the extent not inconsistent with this Order.

D. That the Permittee shall prepare, and submit to the Department no later than 90 days from receiving notice of this Order, an engineering report which investigates the need for new or additional treatment works or modification of existing treatment works necessary for the Permittee to adequately process, treat, and remove solids or sludges at the Sugar Creek Wastewater Treatment Plant to achieve compliance with requirements in NPDES Permit Number AL0048861. Said report shall propose a schedule for engineering study, design,

construction, and start-up of facilities necessary to meet requirements of this paragraph.

E. That the Permittee shall prepare, and submit to the Department no later than 60 days from receiving notice of this Order, a plan of study which outlines how the Permittee will determine the extent of solids deposition in Sugar Creek and Elkahatchee Creek upstream of Alabama Highway 128. Said plan shall also include a solids characterization protocol and a schedule of proposed activities. The Department will approve, disprove, or suggest modifications to the plan and schedule within 30 days of receipt.

F. That the Permittee shall prepare and submit to the Department, no later than 120 days following completion of the study referred to in paragraph E. above, an engineering report and plans for the disposition of solids in Sugar Creek and Elkahatchee Creek upstream of Alabama Highway 128, and how these solids will be managed and/or disposed in a manner complying with all rules and regulations of the Department. Said study shall include a schedule of proposed activities. The Department will approve, disprove, or suggest modifications to the plan and schedule within 30 days of receipt.

G. That the Permittee shall execute the necessary contracts for the construction of new or additional treatment works or modification of existing treatment works determined in the engineering report referred to in paragraph D. above, and shall complete construction of said new or additional treatment works

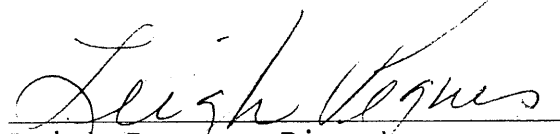
or complete modification of existing treatment works no later than April 1, 1994.

H. A registered professional engineer shall prepare the reports, plans, and/or studies referred to in paragraphs D., E., and F., above which relates to corrective measures required to achieve compliance with this Order or rules and regulations of the Department and shall affix his seal and/or signature to such portions of those reports, plans, and/or studies.

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 AL0048861.

ORDERED and ISSUED this 2<sup>nd</sup> day of June, 1992.

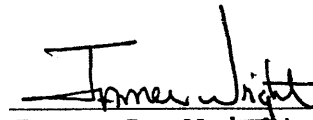
  
Leigh Pegues, Director  
Alabama Department of  
Environmental Management  
1751 Cong. W. L. Dickinson Drive  
Montgomery, Alabama 36130  
(205) 271-7700

CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Administrative Order No. 92-121-WP upon the City of Alexander City by sending the same, postage paid, through the United States Mail, as Certified Mail No. P 825 089 340, with instructions to forward and return receipt requested to:

Honorable Charles Bailey  
Mayor, City of Alexander City  
Post Office Box 552  
Alexander City, AL 35010

DONE this 2<sup>nd</sup> day of June, 1992.

  
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James L. Wright