

ALABAMA DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF )

THE UTILITIES BOARD OF )  
THE CITY OF ROANOKE )  
NPDES PERMIT NO. AL0020745 )

ORDER NO. 88-048-WP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 to 22-22A-16 (1984 and 1987 Cum. Supp.), and the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (1984 and 1987 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 Utilities Board of the City of Roanoke (hereinafter "the Permittee") operates a waste treatment facility known as Smith Lagoon which discharges pollutants from a point source into Graves Creek, a water of the State.

2. The Permittee's previous NPDES Permit, Number AL0020745, established limitations on the discharge of pollutants from such point source, designated therein as outfall number 001, into Graves Creek, equivalent to secondary treatment.

ISSUED 4/22/88	SERVED 4/25/88
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3. On March 15, 1988, NPDES Permit Number AL0020745 was reissued with more stringent discharge limitations.

4. Discharge Monitoring Reports submitted to the Department by the Permittee during the period of April 1987 through December 1987 indicate that the Permittee is incapable of meeting the more stringent discharge limitations established in NPDES Permit Number AL0020745.

5. The Permittee cannot comply with the limitations on the discharge of pollutants from such point source established in NPDES Permit Number AL0020745 without the total redesign and construction of a new or modified waste treatment facility.

6. There is insufficient time available to redesign and construct or modify the waste treatment facility so that it is capable of meeting the discharge limitations established in NPDES Permit Number AL0020745 by July 1, 1988.

#### 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) (1987 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 October 30, 1990, the Permittee shall not discharge pollutants from the above-mentioned point source (outfall number 001) at the Smith Lagoon into Graves Creek in excess of the following discharge limitations:

DISCHARGE LIMITATIONS

Pollutant Parameter	Monthly Average Kg/day (lbs/day)	Weekly Average Kg/day (lbs/day)	Other Units Monthly Average	(Specify) Weekly Average
Biochemical Oxygen Demand (5 day)	31 (68)	46 (101)	30 mg/l	45 mg/l
Suspended Solids	92 (203)	138 (304)	90 mg/l	135 mg/l
Ammonia As Nitrogen	10 (23)	15 (34)	10 mg/l	15 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 AL0020745 and all other limitations, terms and conditions of NPDES Permit Number AL0020745 to the extent not inconsistent with this Order.

C. That the Permittee shall prepare, and submit to the Department no later than May 1, 1988, 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 AL0020745.

D. That the Permittee shall prepare, and submit to the Department no later than July 1, 1988, a financial plan describing in detail the sources and methods which the Permittee will utilize in financing 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 AL0020745.

E. 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 AL0020745 and issue a notice to proceed with construction to the contractor no later than March 31, 1989.

F. 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 AL0020745 no later than April 30, 1990.

G. That the Permittee shall comply with all discharge limitations contained in NPDES Permit Number AL0020745 no later than October 31, 1990.

H. 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 E, F, and G hereof, the Permittee shall submit a written notice of compliance or noncompliance with the requirements of that paragraph. Notice 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:

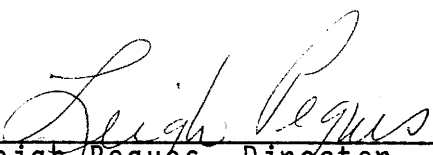
ADEM-Water Division  
Municipal Branch  
1751 Federal Drive  
Montgomery, Alabama 36130

I. 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.

J. 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.

K. That issuance of this Order does not preclude the Department or others from seeking civil penalties, criminal fines, or other appropriate relief against the Permittee for the violations of NPDES Permit Number AL0020745 cited herein.

ORDERED and ISSUED this 22 day of April, 1988.

  
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Leigh Pegues, Director  
Alabama Department of  
Environmental Management  
1751 Federal Drive  
Montgomery, Alabama 36130  
(205) 271-7700

CERTIFICATE OF SERVICE

I, Charles R. Horn, hereby certify that I have served Order No. 88-048-WP upon the Utilities Board of the City of Roanoke by sending the same, postage paid, through the United States Mail, as Certified Mail No. P-627-015-548 and properly addressed to:

Mr. John M. Schuessler, Chm.  
Utilities Board of the City of Roanoke  
Post Office Box 432  
Roanoke, Alabama 36274

DONE this 22 day of April, 1988.

  
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Charles R. Horn, Chief  
Water Division