

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

TOWN OF LOXLEY
NPDES PERMIT NO. AL0020214

ORDER NO. 89-032-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 1988 Cum. Supp.), and the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (1984 and 1988 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 Town of Loxley (hereinafter, "the Permittee") operates a waste treatment facility known as Loxley Lagoon which discharges pollutants from a point source into an unnamed tributary to Corn Branch, a water of the State.

ISSUED 12/19/88	SERVED 12/20/88
--------------------	--------------------

2. On May 16, 1988 the Department issued NPDES Permit Number AL0020214 to the Permittee which establishes limitations on the discharge of pollutants from such point source, designated therein as outfall number 001, into an unnamed tributary to Corn Branch. 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 June 1988 through September 1988 indicate that the Permittee has discharged pollutants from such point source into an unnamed tributary to Corn Branch in violation of the limitations established in NPDES Permit Number AL0020214. Said reports also failed to include the results of all monitoring required to be performed by the Permittee.

4. The Permittee cannot comply with the limitations on the discharge of pollutants from such point source established in NPDES Permit Number AL0020214 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), 22-22A-5(18), 22-22-9(c), 22-22-9(i) and 22-22-9(k) (1988 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 July 30, 1991, the Permittee shall not discharge pollutants from the above-mentioned point source (outfall number 001) at the Loxley Lagoon into an unnamed tributary to Corn Branch 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 (Specify)	
			Monthly Average	Weekly Average
Biochemical Oxygen Demand (5 day)	40 (88)	60 (131)	30 mg/l	45 mg/l
Suspended Solids	139 (306)	208 (458)	105 mg/l	157 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 AL0020214 and all other limitations, terms and conditions of NPDES Permit Number AL0020214 to the extent not inconsistent with this Order and shall continue to comply with said monitoring and reporting provisions each and every day thereafter until the expiration of NPDES Permit Number AL0020214.

C. That the Permittee shall prepare, and submit to the Department no later than April 30, 1989, 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 AL0020214 and which meets the content requirements of 40 C.F.R. § 35.2030 (1986).

D. That the Permittee shall prepare, and submit to the Department no later than September 30, 1989, 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 AL0020214.

E. That the Permittee shall prepare, and submit to the Department no later than September 30, 1989, 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 AL0020214.

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 AL0020214 and issue a notice to proceed with construction to the contractor no later than March 31, 1990.

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 AL0020214 no later than January 31, 1991.


H. That the Permittee shall comply with all discharge limitations contained in NPDES Permit Number AL0020214 no later than July 31, 1991 and shall continue to comply with said discharge limitations each and every day thereafter until the expiration of NPDES Permit Number AL0020214.

I. 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 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 Cong. W.L. Dickinson 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.

ORDERED and ISSUED this 19th day of December 1988.




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

CERTIFICATE OF SERVICE

I, Olivia H. Jenkins, hereby certify that I have served Order No. 89-032-WP upon the Town of Loxley by sending the same, postage paid, through the U.S. Mail, as Certified Mail No. P 966 410 266, with instructions to forward and return receipt requested to:

Mr. James E. Wilson
Superintendent of Utilities
Town of Loxley
Post Office Box 57
Loxley, Alabama 36551

Done this 19th day of December, 1988.



Olivia H. Jenkins