

ADEM

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT



Guy Hunt
Governor

Leigh Pegues, Director

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August 4, 1987

CERTIFIED MAIL (P 625-511-280)
RETURN RECEIPT REQUESTED

Mr. Jimmy Coggins, Supt.
Luverne Water and Sewer Board
Post Office Box 249
Luverne, Alabama 36049

Dear Mr. Coggins:

Enclosed please find Administrative Order No. 87-066-WP which requires the Luverne Water and Sewer Board to take certain actions regarding the discharge of pollutants into waters of the state.

Please be advised that failure to comply with the terms of this Order can result in penalties of up to \$25,000 per day for each violation, as well as possible criminal penalties.

If you have any questions, please feel free to contact me.

Sincerely,

Olivia Hardy Hudgins
Associate General Counsel

OHH/sat

Enclosure

cc: Charles Horn, Chief
Water Division

Bob Bretzer
Municipal Branch

Dave Olson, EPA

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| ISSUED 8/4/87 | SERVED 8/5/87 |
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ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

LUVERNE WATER AND SEWER BOARD
NPDES PERMIT NO. AL0023434

ORDER No. 87-066-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 1986 Cum. Supp.), and the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (1984 and 1986 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 Luverne Water and Sewer Board (hereinafter, "the Permittee") operates a waste treatment facility known as Luverne Lagoon which discharges pollutants from a point source into Patsaliga Creek, a water of the State.

2. The Permittee has a valid NPDES Permit Number AL0023434 which establishes limitations on the discharge of pollutants from such point source, designated therein as outfall number 001, into Patsaliga Creek.

3. On August 28, 1985, the Department issued Order No. 85-093-WP to the Permittee, which required the Permittee to comply with interim discharge limitations and a schedule for design, financing and 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 No. AL0023434.

4. The Permittee has violated Order No. 85-093-WP by failing to submit plans and specifications, a financial plan and by failing to start 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 No. AL0023434.

ORDER

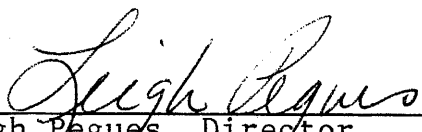
Based upon the foregoing FINDINGS OF FACT and pursuant to Code of Alabama 1975, §§ 22-22A-5(10), 22-22-9(c), 22-22-9(i) and 22-22-9(k) (1984 and 1986 Cum. Supp.) and the National Pollutant Discharge Elimination System administered by the Department and approved by the Administrator of the U.S. Environmental Protection Agency pursuant to the Federal Water Pollution Control Act § 402, 33 U.S.C. § 1342, it is hereby ORDERED:

A. That with the exception of individual residences which the county health officer certifies in writing to have a sewage disposal system which constitutes a health hazard, the Permittee shall not authorize, permit, cause, suffer or allow the introduction of any pollutants into any portion of the sanitary sewer system which conveys pollutants to the Luverne Lagoon by a source not introducing pollutants into such system on the date notice of this Order is received by the Permittee.

B. That failure to comply with the provisions of this Order shall constitute cause for the commencement of legal or administrative action for the recovery of civil penalties, criminal fines or other appropriate relief by the Department or others against the Permittee.

C. 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 stated herein.

ORDERED and ISSUED this 4th day of August 1987.




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

CERTIFICATE OF SERVICE

I, Olivia Hardy Hudgins, hereby certify that I have served Order No. 87-066-WP upon the Luverne Water and Sewer Board by sending the same, postage paid, through the United States Mail, as Certified Mail No. P 625-511-280, with instructions to forward and return receipt requested to:

**Mr. Jimmy Coggins, Supt.
Luverne Water and Sewer Board
Post Office Box 249
Luverne, Alabama 36049**

Done this 4th day of August, 1987.



Olivia Hardy Hudgins
Associate General Counsel