

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF
THE UTILITIES BOARD OF
THE CITY OF ROANOKE
NPDES PERMIT NO. AL0024708

ORDER NO. 89-104-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 Utilities Board of the City of Roanoke (hereinafter, "the Permittee") operates a waste treatment facility known as McMurray Lagoon which discharges pollutants from a point source into Town Creek, a water of the State.

2. The Permittee has a valid NPDES Permit Number AL0024708 which establishes limitations on the discharge of pollutants from such point source, designated therein as outfall number 001, into Town Creek.

ISSUED 7/27/89	SERVED 7/28/89
-------------------	-------------------

3. On April 22, 1988, the Department issued Order No. 88-050-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. AL0024708.

4. The Permittee has violated Order No. 88-050-WP by failing to submit a financial plan and 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. AL0024708.

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 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 McMurray 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 27th day of July, 1989.


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