

ADEM

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT



Richard Pegues, Director

Guy Hunt
Governor

751 Cong. W. L.
Dickinson Drive
Montgomery, AL
36130
(205) 271-7700
FAX 271-7950
270-5612

February 19, 1992

Field Offices:

CERTIFIED MAIL (P 825 089 217)
RETURN RECEIPT REQUESTED

110 Vulcan Road
Birmingham, AL
35209
(205) 942-6168
FAX 941-1603

Mr. George Montgomery, Manager
Talladega Water and Sewer Board
Post Office Box 498
Talladega, Alabama 35160

P.O. Box 953
Decatur, AL
35602
(205) 353-1713
FAX 340-9359

Dear Mr. Montgomery:

2204 Perimeter Road
Mobile, AL
36615
(205) 479-2336
FAX 479-2593

Enclosed please find Administrative Order No. 92-048-WP which requires Talladega Water and Sewer Board to take certain actions regarding violations of applicable environmental laws and regulations. In issuing this Order, the Department took into consideration all available information concerning these violations, including any written response or oral comments submitted on behalf of Talladega Water and Sewer Board.

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. Pursuant to Code of Alabama 1975, § 22-22A-7(c)(1) this Order may be appealed by filing a request for hearing before the Environmental Management Commission within 15 days after receiving notice of this Order. The request should be addressed to the Chair of the Environmental Management Commission and should comply with the requirements of ADEM Admin. Code R. 335-2-1-.04. Copies of ADEM Admin. Code, Division 2, Environmental Management Commission regulations may be obtained by submitting a request in writing along with a check or money order for \$2.00 for each copy requested. Written requests should be sent to the attention of the Office of General Counsel.

ISSUED 2/19/92	SERVED 2/20/92
-------------------	-------------------

Mr. George Montgomery
Page 2
February 19, 1992

If you have any questions, please feel free to contact me at
(205) 271-7977.

Yours very truly,

A handwritten signature in dark ink, appearing to read "James L. Wright". The signature is fluid and cursive, with a long horizontal stroke at the end.

James L. Wright
Associate General Counsel

JLW:mb/119

Enclosures

CC: Charles Horn
Bob Bretzer
Doug Lankford
Public Affairs Office

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

TALLADEGA WATER AND SEWER BOARD)
NPDES PERMIT NO. AL0022357)

ORDER NO. 92-048-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.), 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 W.S.C. § 1342, the Department makes the following FINDINGS OF FACT:

1. The Talladega Water and Sewer Board (hereinafter, "the Permittee") operates a waste treatment facility known as the Talladega Main Wastewater Treatment Plant which discharges pollutants from a point source into Talladega Creek, a water of the State.

2. The Permittee has a valid NPDES Permit Number AL0022357 which establishes limitations on the discharge of pollutants

from such point source, designated therein as outfall number 001, into Talladega Creek. 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 and submit reports of unanticipated bypasses of waste streams from any portion of the treatment facility.

3. From December 12, 1989, through June 17, 1991, the Permittee reported bypasses totalling 34,168.400 gallons due to heavy rains as follows:

<u>DATE</u>	<u>TIME</u>	<u>AMOUNT</u>
12-8-89	12:00 a.m. - 2:54 a.m.	132,000 gal.
1-5-90	4:15 a.m. - 5:00 p.m.	26,000 gal.
2-3-90	11:30 a.m. - 2:25 a.m./2-4-90	180,000 gal.
2-4-90	4:20 a.m. - 5:45 a.m.	34,000 gal.
2-12-90	7:30 a.m. - 3:30 p.m.	1,330,000 gal.
2-15-90	8:00 p.m. - 2:00 p.m./2-21-90	1,327,000 gal.
3-15-90	8:30 p.m. - 3:15 p.m./3-18-90	23,182,000 gal.
3-15-90	9:45 a.m. - 10:50 a.m.	13,000 gal.
2-19-90	6:30 p.m. - 10:00 a.m./2-20-91	1,251,000 gal.
5-13-91	11:20 a.m. - 8:05 p.m.	1,427,000 gal.
5-17-91	4:00 p.m. - 3:30 a.m./5-18-91	5,229,000 gal.
6-4-91	4:00 p.m. - 5:30 p.m.	17,400 gal.
6-17-91	9:30 p.m. - 10:20 p.m.	20,000 gal.

4. The Permittee indicated in its Municipal Water Pollution Prevention Program Annual Reports that there were 18 bypasses in 1989 and 8 bypasses in 1990 from the city sewer system due to heavy rain.

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 the Permittee shall, no later than June 15, 1992, complete modifications to the Talladega Main Wastewater Treatment Plant necessary to increase the hydraulic flow.

B. That the Permittee shall, no later than June 15, 1992, begin a search and seal program to correct infiltration and inflow (I/I) problems in the entire Talladega sewer system which shall continue until the frequency of bypasses of untreated wastewater has been eliminated or significantly reduced.

C. That the Permittee shall submit to the Department no later than August 15, 1992, a detailed compliance plan which outlines the measures necessary to achieve compliance with NPDES Permit Number AL0022357. The compliance plan shall:

1. Identify the causes of noncompliance;
2. Describe the corrective measures required to achieve compliance, including their estimated costs and the proposed method of financing; and
3. Provide an expeditious schedule for implementation of the measures required to achieve compliance.

D. A registered professional engineer shall prepare those portions of the compliance plan referred to in paragraph C above which relates to the identification of the causes of noncompliance and the corrective measures required to achieve

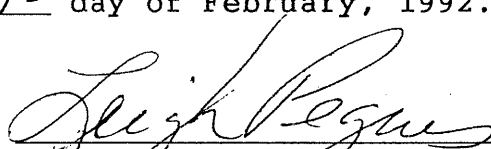
compliance and shall affix his seal and/or signature to such portions of the plan.

E. That the Permittee shall prepare and submit to the Department during June, 1992 a progress report describing in detail the Permittee's progress toward compliance with each provision of this Order.

F. 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.

G. 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 AL0022357.

ORDERED and ISSUED this 19th day of February, 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 Order No. 92-048-WP upon the Talladega Water and Sewer Board by sending the same postage paid, through the U.S. Mail, as Certified Mail No. P 825 089 217, with instructions to forward and return receipt requested to:

Mr. George Montgomery, Manager
Talladega Water and Sewer Board
Post Office Box 498
Talladega, Alabama 35160

Done this 19th day of February, 1992.



James L. Wright