

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

TOWN OF BERRY

NPDES PERMIT NO. AL0023922

ORDER NO. 92-060-WP

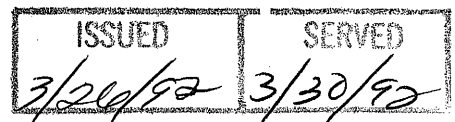
FINDINGS OF FACTS

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 U.S.C § 1342, the Department makes the following FINDINGS OF FACTS:

1. The Town of Berry (hereinafter, "the Permittee") operates a waste treatment facility known as the Berry Wastewater Treatment Plant.

2. On January 19, 1990, the Department issued NPDES Permit Number AL0023922 to the Permittee authorizing the discharge of pollutants into Cedar Creek, a water of the State.

3. This permit establishes limitations on the discharge of pollutants from such point source, designated therein as outfall number 001. Those permit parameters are as follows:



PARAMETER	MONTHLY AVERAGE		WEEKLY AVERAGE	
	(mg/l)	(lb/day)	(mg/l)	(lb/day)
BOD ₅	10	12.5	15	18.8
TSS	30	37.5	45	56.3
NH ₃ -N	2	2.5	3	3.7
DO	6 mg/l as a daily minimum			
pH	in the range of 6.0 s.u. to 9.0 s.u.			
TRC (after chlorination)	0.5 mg/l as a daily minimum			
TRC (after dechlorination)	0.1 mg/l as a daily maximum			

4. 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.

5. Discharge Monitoring Reports submitted to the Department by the Permittee indicate that the Permittee has violated the discharge limits of its permit as follows:

DATE	PARAMETER	REPORTED VALUE	VIOLATION OF
10-90	BOD ₅	41.9 mg/l	monthly average
	BOD ₅	41.9 mg/l	weekly average
	TSS	60.9 mg/l	monthly average
	TSS	60.9 mg/l	weekly average
	NH ₃ -N	4.0 mg/l	monthly average
	NH ₃ -N	4.0 mg/l	weekly average
11-90	NH ₃ -N	7.5 mg/l	monthly average
	NH ₃ -N	7.5 mg/l	weekly average
12-90	BOD ₅	12.6 mg/l	monthly average
1-91	D.O.	2.8 mg/l	daily minimum
4-91	BOD ₅	14.7 mg/l	monthly average
	D.O.	5.7 mg/l	daily minimum
6-91	BOD ₅	19.4 mg/l	monthly average
	BOD ₅	19.4 mg/l	weekly average
	NH ₃ -N	15.1 mg/l	monthly average
	NH ₃ -N	15.1 mg/l	weekly average
	NH ₃ -N	8.2 mg/l	monthly average
	NH ₃ -N	14.6 mg/l	weekly average
7-91	BOD ₅	15.2 mg/l	monthly average
	BOD ₅	15.2 mg/l	weekly average

	NH ₃ -N	7.8 mg/l	monthly average
	NH ₃ -N	7.8 mg/l	weekly average
	NH ₃ -N	3.38 lb	monthly average
8-91	NH ₃ -N	5.15 mg/l	monthly average
	NH ₃ -N	5.15 mg/l	weekly average
	NH ₃ -N	4.31 lb	monthly average
	NH ₃ -N	4.31 lb	weekly average
9-91	NH ₃ -N	12.9 mg/l	monthly average
	NH ₃ -N	12.9 mg/l	weekly average
	NH ₃ -N	10.2 mg/l	monthly average
	NH ₃ -N	10.2 mg/l	weekly average
10-91	NH ₃ -N	10.6 mg/l	monthly average
	NH ₃ -N	10.6 mg/l	weekly average
	NH ₃ -N	8.22 lb	monthly average
	NH ₃ -N	8.22 lb	weekly average

6. The said permit also requires that the Permittee monitor its discharge for toxicity and submit quarterly reports to the Department describing the results of its monitoring.

7. The Permittee has violated NPDES Permit Number AL0023922 for failure to submit toxicity reports for two calendar quarters beginning in April 1991 and continuing through September 1991.

8. The Permittee has recognized an economic benefit from its failure to comply with its permit.

9. The Permittee has a history of numerous permit violations and has failed to adequately address these violations. The Department sent letters of violation to the Permittee on November 7, 1990, February 13, 1991, and August 23, 1991.

10. The Permittee has taken inadequate and untimely efforts to comply with its permit.

11. The Permittee has the ability to pay an administrative penalty.

ORDER

Based upon the foregoing FINDINGS OF FACTS 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 within 30 days after receiving notice of this Order, the Permittee shall pay to the Department a civil penalty in the amount of Two Thousand Dollars (\$2,000) for the violations stated herein.

B. That commencing immediately after receiving notice of this Order, the Permittee shall not discharge pollutants from outfall number 001 at the Berry Wastewater Treatment Plant in excess of the following discharge limitations:

DISCHARGE LIMITATIONS

<u>POLLUTANT PARAMETER</u>	<u>MONTHLY AVERAGE (lbs/day)</u>	<u>WEEKLY AVERAGE (lbs/day)</u>	<u>MONTHLY AVERAGE (mg/l)</u>	<u>WEEKLY AVERAGE (mg/l)</u>
Biochemical Oxygen Demand (5-Day)	25	37.5	25	37.5
Ammonia as Nitrogen (NH ₃ -N)	20	30	20	30

C. That commencing immediately after receiving notice of this Order, the Permittee shall comply with all monitoring and reporting provisions of NPDES Permit Number AL0023922 and all other limitations, terms and conditions of this permit not inconsistent with this Order.

D. That the Permittee shall prepare and submit to the Department no later than 45 days after receiving notice of this Order an engineering report or corrective action report which investigates the need for changes in maintenance and operating procedures, and the need for any modification of existing treatment works or any new or additional treatment works necessary for the Permittee to achieve compliance with the NPDES permit.

E. That based upon the report referred to in paragraph D. above, the Permittee shall submit to the Department no later than 75 days after receiving notice of this Order a detailed compliance plan which outlines measures necessary to achieve compliance with the NPDES permit. The compliance plan shall:

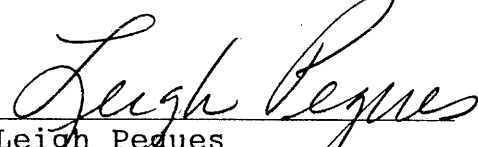
1. Identify the causes of noncompliance;
2. Describe the corrective measures required to achieve compliance, including their estimated costs and the proposed method of financing; and
3. Provide an expeditious schedule for implementation of the measures required to achieve compliance.

F. A registered professional engineer shall prepare those portions of the compliance plan referred to in paragraph E. above which relate to the identification of the causes of noncompliance and the corrective measures required to achieve compliance and shall affix his seal and/or a signature to such portions of the plan.

G. That failure to comply with any of the provisions of 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.

H. That the 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 violation of its permit.

ORDERED and ISSUED this 26th day of March, 1992.

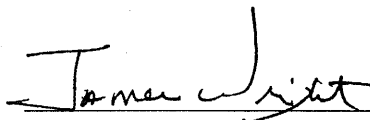

Leigh Pegues
Alabama Department of
Environmental Management
1751 Cong. W.L. Dickinson Drive
Montgomery, AL 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Administrative Order No. 92-060-WP upon the Town of Berry by sending the same postage paid, through the U.S. Mail, as Certified Mail No. P 825 089 477, with instructions to forward and return receipt requested to:

Honorable Earl C. Cannon
Mayor, Town of Berry
P.O. Box 458
Berry, AL 35546

Done this 26th day of March, 1992.


James L. Wright