

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

THE UTILITIES BOARD OF
THE CITY OF BAYOU LABATRE
NPDES PERMIT NO. AL0022632

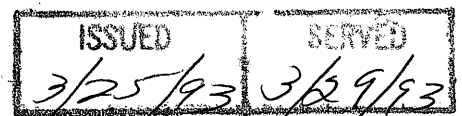
ORDER NO. 93-054-WP

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

1. The Utilities Board of the City of Bayou LaBatre (hereinafter, "the Permittee") operates a waste treatment facility known as Bayou LaBatre Wastewater Treatment Plant which discharges pollutants from a point source into Portersville Bay, a water of the State.

2. On June 15, 1988 the Department issued NPDES Permit Number AL0022632 to the Permittee which established limitations on the discharge of pollutants from such point source, designated therein as outfall number 001, into Portersville



Bay. Said permit also requires that the Permittee maintain in good working order all systems used by the Permittee to achieve compliance with the terms and conditions of the permit.

3. The Permittee operates and maintains the sanitary sewer system which serves the Bayou LaBatre Wastewater Treatment Plant.

4. The Municipal Water Pollution Prevention (MWPP) Annual Reports for 1991 and 1992 submitted to the Department by the Permittee indicated that on eight days in 1991 and on 10 days in 1992 there was a bypass or overflow on untreated wastewater from the Permittee's sewer system due to heavy rain.

5. The discharges of untreated wastewaters from the sewer system were not permitted pursuant to NPDES Permit Number AL0022632 and represent a failure of the Permittee to maintain its system in good working order.

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 prepare and submit to the Department no later than 60 days after receipt of this Order, an engineering report which evaluates the condition of the

sewer lines in the City of Bayou LaBatre and makes recommendations to eliminate or significantly reduce said raw sewage discharges and achieve compliance with the Alabama Water Pollution Control Act and NPDES Permit Number AL0022632.

B. That based upon the report referred to in paragraph A above, the Permittee shall submit to the Department no later than 90 days after receipt of this Order, a detailed compliance plan which outlines the measures necessary to eliminate or significantly reduce raw sewage discharges in the City of Bayou LaBatre and achieve compliance with the Alabama Water Pollution Control Act and NPDES Permit Number AL0022632. The compliance plan shall:

1. Identify to the extent possible the causes of said raw sewage discharges;

2. Describe the corrective measures required to eliminate raw sewage discharges, including their estimated costs and the proposed method of financing; and

3. Provide an expeditious schedule for implementation of the measures required to significantly reduce or eliminate raw sewage discharges in the City of Bayou LaBatre and achieve compliance with the Alabama Water Pollution Control Act and NPDES Permit Number AL0022632.

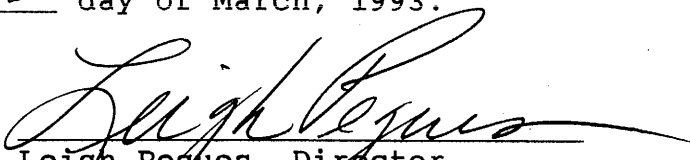
Said plan shall be prepared and certified by a registered professional engineer licensed to practice in the State of

Alabama and shall be prepared in accordance with ADEM Admin. Code Chap. 6-3.

C. That failure to comply with this Order shall constitute cause for the revocation of NPDES Permit Number AL0022632 and/or commencement of legal action for the recovery of civil penalties, criminal fines or other appropriate relief by the Department against the Permittee.

D. 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 25th day of March, 1993.

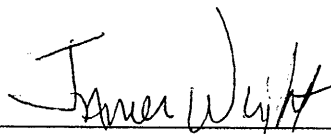

Leigh Pegues, Director
Alabama Department of
Environmental Management
1751 Cong. W. L. Dickinson Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Order No. 93-054-WP upon The Utilities Board of the City of Bayou LaBatre by sending the same postage paid, through the U.S. Mail, as Certified Mail No. P 825 089 371, with instructions to forward and return receipt requested to:

Mr. Glenn Seaman, Supt.
The Utilities Board of the
City of Bayou LaBatre
33-B South Wintzell Avenue
Bayou LaBatre, AL 36509

DONE this 25th day of March, 1993.



James L. Wright