

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF
UTILITIES BOARD OF THE
CITY OF BAY MINETTE
NPDES PERMIT NO. AL0027448

ORDER NO. 90-133-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 (1984 Rplc. Vol. and 1989 Cum. Supp.), and the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 through 22-22-14 (1984 Rplc. Vol. and 1989 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 City of Bay Minette (hereinafter, "the Permittee") operates a waste treatment facility known as Bay Minette Lagoon which discharges pollutants from a point source into an unnamed tributary of Martin Branch, a water of the State.

2. On September 29, 1989 the Department issued NPDES Permit Number AL0027448 to the Permittee which establishes limitations on the discharge of pollutants from such point source,

ISSUED 5/1/00	SERVED 5/12/00
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designated therein as outfall number 001, into an unnamed tributary of Martin Branch. Said permit also requires toxicity testing each calendar quarter.

3. On March 2, 1990, the Department issued Administrative Order No. 90-079-WP to the Permittee requiring the 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. AL0027448.

4. Toxicity has been found to exist at the Bay Minette lagoon and it will be addressed during the lagoon upgrade.

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) (1989 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:

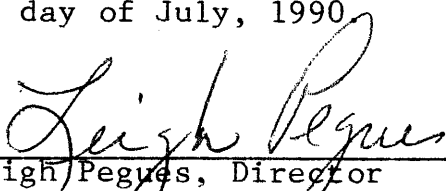
A. That paragraph B of Administrative Order No. 90-079-WP be modified to read as follows:

That commencing immediately after receiving notice of this Order, the Permittee shall comply with all the monitoring and reporting provisions of NPDES Permit No.

AL0027448 with the exception of toxicity testing, and all other limitations, terms and conditions of NPDES Permit No. AL0027448 to the extent not inconsistent with this Order and shall continue to comply with said monitoring and reporting provisions each and every day thereafter until the expiration of NPDES Permit No. AL0027448. Toxicity testing will be reinstated when directed by the Department.

B. That all the provisions set out in Order No. 90-079-WP not specifically modified hereby, shall remain in full force and effect.

ORDERED and ISSUED this 2nd day of July, 1990.



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. 90-133-WP upon the Utilities Board of the City of Bay Minette by sending the same, postage paid, through the U.S. Mail, as Certified Mail No. P 311 784 537, with instructions to forward and return receipt requested to:

Mr. Harry Still, Director
Utilities Board of the
City of Bay Minette
Post Office Box 770
Bay Minette, AL 36507

Done this 2nd day of July, 1990.



James L. Wright