

ALABAMA DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

THE TOWN OF AUTAUGAVILLE  
NPDES PERMIT NO. AL0057720

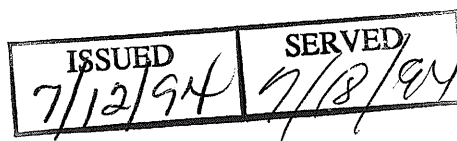
ORDER NO. 94-238-WP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 to 22-22A-16 (1990 Rplc. Vol.), and the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 to 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 Town of Autaugaville (hereinafter, "the Permittee") operates a waste treatment facility known as the Autaugaville Wastewater Treatment Plant which discharges pollutants from a point source into the Swift Creek, a water of the State.

2. The Permittee has a valid NPDES Permit Number AL0057720 which establishes limitations on the discharge of pollutants from such point source, designated therein as outfall number 001, into the Swift Creek.



3. NPDES Permit Number AL0057720, Part II, E1.a. requires the Permittee to file a complete permit application for reissuance of the permit at least 180 days prior to its expiration if the Permittee intends to discharge beyond the expiration date of the Permit.

4. As set forth in ADEM Admin. Code R. 335-6-6-.06, the terms and conditions of an expiring NPDES Permit are automatically extended pending issuance of a new permit if the Permittee has submitted a timely and complete application for reissuance of an NPDES Permit and the delay in permit issuance has not been caused by the actions of the Permittee.

5. NPDES Permit Number AL0057720, Part II, E1.b. states that, "Failure of the Permittee to apply for reissuance at least 180 days prior to permit expiration will void the automatic continuation of the expiring permit provided by ADEM Administrative Code, Rule 335-6-6-.06, and should the permit not be reissued for any reason any discharge after expiration of this permit will be an unpermitted discharge."

6. The Department did not receive a complete permit application from the Permittee 180 days prior to December 28, 1993, the expiration date of the permit.

7. The Department was unable to reissue NPDES Permit Number AL0057720 prior to its expiration date due to the untimely submittal of the permit application by the Permittee thereby resulting in an unpermitted discharge by the Permittee.

ORDER

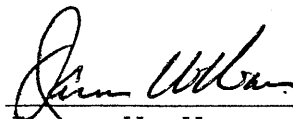
Based upon the foregoing FINDINGS OF FACT and pursuant to Code of Alabama 1975, §§ 22-22A-5(10), 22-22-9(c), 22-22-9(i) and 22-22-9(k) (1990 Rplc. Vol.) and the National Pollutant Discharge Elimination System administered by the Department and approved by the Administrator of the U.S. Environmental Protection Agency pursuant to the Federal Water Pollution Control Act § 402, 33 U.S.C. § 1342, it is hereby ORDERED:

A. That, commencing immediately after receiving notice of this Order, the Permittee shall comply with all the monitoring and reporting provisions of NPDES Permit Number AL0057720 and all other limitations, terms and conditions of NPDES Permit Number AL0057720 to the extent not inconsistent with this Order and its attachment and shall continue to comply with said monitoring and reporting provisions each and everyday thereafter until the reissuance of the permit by the Department.

B. 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.

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 of its NPDES Permit Number AL0057720.

ORDERED and ISSUED this 12<sup>th</sup> day of July, 1994.



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James W. Warr, 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 Number 94-238-WP upon The Town of Autaugaville by sending the same postage paid, through the U.S. Mail, as Certified Mail No. P 841 248 885, with instructions to forward and return receipt requested to:

Honorable Curtis Jackson  
Mayor, Town of Autaugaville  
Post Office Box 237  
Autaugaville, AL 36003

DONE this 12<sup>th</sup> day of July, 1994.

James Wright  
James L. Wright