

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF)

THE BOARD OF WATER AND SEWER)
COMMISSIONERS OF THE)
CITY OF FLORENCE)
NPDES PERMIT NO. AL0023884)

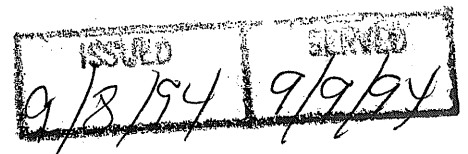
ORDER NO. 94-271-WP

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 Board of Water and Sewer Commissioners of the City of Florence (hereinafter, "the Permittee") operates a waste treatment facility known as the Cypress Creek Wastewater Treatment Plant which discharges pollutants from a point source into the Tennessee River, a water of the State.

2. On February 15, 1990, the Department issued NPDES Permit Number AL0023884 (the Permit) to the Permittee which establishes limitations on the discharge of pollutants from



such point source, designated therein as outfall number 001, into the Tennessee River. The 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 conveys wastewater to the Cypress Creek Wastewater Treatment Plant.

4. On March 29, 1994, personnel from the Department investigated a complaint of raw sewage overflows with strong odors at Sweetwater Avenue. The Department personnel observed a 6-inch overflow pipe discharging raw sewage into Sweetwater Creek. The overflow pipe is approximately twenty five feet from the nearest residence.

5. On May 3, 1994, personnel from the Department investigated a complaint of chronic raw sewage overflows from manholes located along Cypress Creek. The Department personnel observed significant evidence of recent overflow events at both manhole locations.

6. The Permittee in its Municipal Water Pollution Prevention (MWPP) Annual Report for 1994 reported that a bypass or overflow event of untreated wastewater occurred 5 times in 1993 due to heavy rain.

7. The discharges of raw sewage from the sewer systems were not permitted pursuant to NPDES Permit Number AL0023884 and represent a failure of the Permittee to maintain its system

in good working order. These unpermitted discharges are in violation of the Alabama Water Pollution Control Act.

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 November 1, 1994, an engineering report which includes a detailed plan to study the condition of the sewer lines in the Sweetwater Creek Basin and the Cypress Creek Basin in the City of Florence.

B. That based upon the report referred to in paragraph A above, the Permittee shall submit to the Department no later than September 1, 1995, a detailed compliance plan which outlines the measures necessary to eliminate or significantly reduce raw sewage discharges in the Sweetwater Creek Basin and the Cypress Creek Basin in the City of Florence and achieve compliance with the Alabama Water Pollution Control Act and NPDES Permit Number AL0023884. 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 Sweetwater Creek Basin and the Cypress Creek Basin in the City of Florence and achieve compliance with the Alabama Water Pollution Control Act and NPDES Permit Number AL0023884.

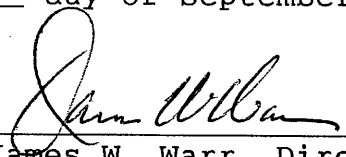
Said plan shall be prepared and certified by a registered professional engineer licensed to practice in the State of Alabama and shall be prepared in accordance with ADEM Admin. Code Chap. 6-3.

C. That the Permittee shall, after rehabilitation work is completed in each designated drainage basin, submit to the Department after a significant rainfall event that has previously led to such overflows, a report indicating the location and duration of any bypass or overflow occurring in each basin so that the Department and the City can evaluate the success of the ongoing sewer line rehabilitation project.

D. That failure to comply with this Order shall constitute cause for the commencement of legal or administrative action for the recovery of civil penalties, criminal fines or other appropriate relief by the Department or others against the Permittee.

E. 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 8th day of September, 1994.


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

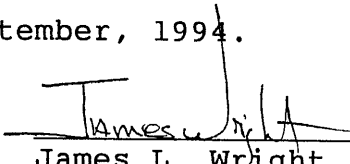
CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Administrative Order No. 94-271-WP upon The Board of Water and Sewer Commissioners of the City of Florence by sending the same postage paid, through the U.S. Mail, as Certified Mail, with instructions to forward and return receipt requested to:

CERTIFIED MAIL NO. (Z 073 394 549)

J. Hughes, Manager
Board of Water and Sewer Commissioners
of the City of Florence
P.O. Box 1023
Florence, AL 35631

DONE this 8th day of September, 1994.


James L. Wright