

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF)

TOWN OF GURLEY)

NPDES PERMIT NO. AL0027685)

ORDER NO. 96-069-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 (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 Gurley (the Permittee) operates a waste treatment facility known as the Gurley Wastewater Treatment Plant which discharges pollutants from a point source into Sand Branch, a water of the State.

2. The Permittee has a valid NPDES Permit Number AL0027685 (the Permit) which establishes limitations on the discharge of pollutants from such point source, designated therein as outfall number 001, into Sand Branch. The Permit also requires that the Permittee monitor its discharge and submit periodic Discharge Monitoring Reports to the Department describing the results of its monitoring.



3. Discharge Monitoring Reports submitted to the Department by the Permittee for the month(s) of October 1994, November 1994, December 1994, January 1995, May 1995, June 1995, July 1995, August 1995, September 1995, October 1995, November 1995, and December 1995 indicate that the Permittee has discharged pollutants from such point source into Sand Branch in violation of the limitations established in NPDES Permit Number AL0027685.

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 not discharge pollutants from the above-mentioned point source (outfall number 001) at the Gurley Wastewater Treatment Plant into Sand Branch in excess of the following discharge limitations:

DISCHARGE LIMITATIONS

Pollutant Parameter	Monthly Average lbs/day	Weekly Average lbs/day	Other Units Monthly Average	(Specify) Weekly Average
Biochemical Oxygen Demand (5 Day)	23	35	20 mg/l	30 mg/l
Total Suspended Solids (TSS)	64	96	55 mg/l	82 mg/l

B. That, commencing immediately after receiving notice of this Order, the Permittee shall comply with all the monitoring and reporting provisions of NPDES Permit Number AL0027685 and all other limitations, terms and conditions of NPDES Permit Number AL0027685 to the extent not inconsistent with this Order.

C. That the Permittee shall prepare, and submit to the Department no later than 90 days after receipt of this Order, an engineering report or corrective action report which investigates the need for changes in maintenance and operation 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 discharge limitations in NPDES Permit Number AL0027685.

D. That based upon the report referred to in paragraph C above, the Permittee shall submit to the Department no later than 120 days after receipt of this Order, a detailed compliance plan which outlines the measures necessary to achieve compliance with NPDES Permit Number AL0027685. 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.

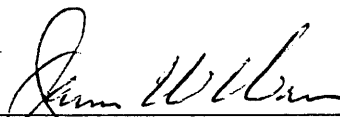
E. A registered professional engineer shall prepare those portions of the compliance plan referred to in paragraph D above

which relates to the identification of the causes of noncompliance and the corrective measures required to achieve compliance and shall affix his seal and/or signature to such portions of the plan.

F. 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.

G. 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 AL0027685.

ORDERED and ISSUED this 10th day of April, 1996.



James W. Warr, Acting Director
Alabama Department of
Environmental Management
1751 Cong. W. L. Dickinson Drive
Montgomery, Alabama 36109-2608
(334) 271-7700

CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Administrative Order No. 96-069-WP upon the Town of Gurley by sending the same, postage paid, through the United States Mail, as Certified Mail No. P 491 790 451, with instructions to forward and return receipt requested to:

Honorable Jerry Thompson
Mayor, Town of Gurley
Post Office Box 128
Gurley, AL 35748

DONE this 10th day of April, 1996.


James L. Wright