

ALABAMA DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF  
CITY OF DOTHAN  
NPDES PERMIT NO. AL0022764

ORDER NO. 89-106-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 (1984 and 1988 Cum. Supp.), and the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (1984 and 1988 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 Dothan (hereinafter, "the Permittee") operates a waste treatment facility known as Omussee Creek Wastewater Treatment Plant which discharges pollutants from a point source into Omussee Creek, a water of the State.

2. The Permittee has a valid NPDES Permit Number AL0022764 which establishes limitations on the discharge of pollutants from

ISSUED 8/2/89	SERVED 8/3/89
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such point source, designated therein as outfall number 001, into Omussee Creek.

3. On August 15, 1988, the Department issued Order No. 88-078-WP to the Permittee, which required the Permittee to comply with interim discharge limitations and a schedule for design, financing and 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 Number AL0022764.

4. The Permittee has violated Order No. 88-078-WP by failing to start 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 Number AL0022764.

5. Discharge Monitoring Reports submitted to the Department by the Permittee for the months of April 1988 through March 1989 indicate that the facility is hydraulically overloaded and that it was organically overloaded during October 1988 through January 1989 and in March 1989.

6. On June 6, 1989 the Department inspected the Omussee Wastewater Treatment Plant and noted that the discharge from outfall 001 was gray, turbid, and less than satisfactory, and that hydrogen peroxide was being added to the plant headworks to control odors. The sludge handling facilities are also inadequate.

7. On June 22, 1989 the Department issued Administrative Order No. 89-093-WP to the Permittee.

8. Order No. 89-093-WP was issued without the proper legal predicates.

#### 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) (1988 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 Order No. 89-093-WP is revoked and hereby superseded.

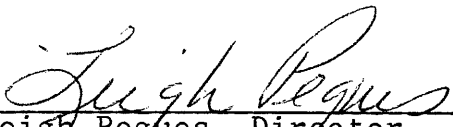
B. That with the exception of individual residences which the county health officer certifies in writing to have a sewage disposal system which constitutes a health hazard, the Permittee shall not authorize, permit, cause, suffer or allow the introduction of any pollutants into any portion of the sanitary sewer system which conveys pollutants to Omussee Wastewater Treatment Plant by a source not introducing pollutants into such system on the date notice of this Order is received by the Permittee.

C. That failure to comply with the provisions of 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.

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 2<sup>nd</sup> day of August, 1989.

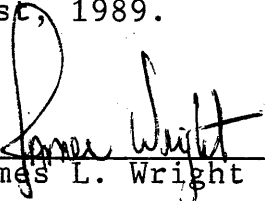
  
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Leigh Pegues, Director  
Alabama Department of  
Environmental Management  
1751 Cong. W. L. Dickinson Drive  
Montgomery, Alabama 36130  
(205) 271-7700

CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Order 89-106-WP upon the City of Dothan by sending the same, postage paid, through the U.S. Mail, as Certified Mail No. P 873 074 543, with instructions to forward and return receipt requested to:

Honorable Larry C. Register, Mayor  
City of Dothan  
Post Office Box 2128  
Dothan, Alabama 36302

Done this 2<sup>nd</sup> day of August, 1989.

  
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James L. Wright