

ALABAMA DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

CITY OF DOTHAN  
NPDES PERMIT NO. AL0022764

ORDER NO. 88-078-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 1987 Cum. Supp.), and the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (1984 and 1987 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.

|                   |                   |
|-------------------|-------------------|
| ISSUED<br>8/15/88 | SERVED<br>8/11/88 |
|-------------------|-------------------|

2. The Permittee has a valid NPDES Permit Number AL0022764 which establishes limitations on the discharge of pollutants from such point source, designated therein as outfall number 001, into Omussee Creek. Said 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 April 1988 through June 1988 indicate that the Permittee has discharged pollutants from such point source into Omussee Creek in violation of the limitations established in NPDES Permit Number AL0022764.

4. The Permittee cannot comply with the limitations on the discharge of pollutants from such point source established in NPDES Permit Number AL0022764 without construction of new or additional treatment works or modification of existing treatment works.

#### 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) (1987 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, commencing immediately after receiving notice of this Order and continuing through December 20, 1990, the Permittee shall not discharge pollutants from the above-mentioned point source (outfall number 001) at the Omussee Creek Wastewater Treatment Plant into Omussee Creek in excess of the following discharge limitations:

DISCHARGE LIMITATIONS

| Pollutant<br>Parameter                   | Monthly<br>Average<br>Kg/day<br>(lbs/day) | Weekly<br>Average<br>Kg/day<br>(lbs/day) | Other Units<br>Monthly<br>Average | (Specify)<br>Weekly<br>Average |
|--|---|--|-----------------------------------|--------------------------------|
| Biochemical Oxygen Demand (5 day)        | 397 (876)                                 | 596 (1314)                               | 30 mg/l                           | 45 mg/l                        |
| Suspended Solids                         | 662 (1460)                                | 993 (2189)                               | 50 mg/l                           | 75 mg/l                        |
| Ammonia as Nitrogen (NH <sub>3</sub> -N) | 265 (584)                                 | 397 (876)                                | 20 mg/l                           | 30 mg/l                        |
| Total Kjeldahl Nitrogen (TKN)            | 397 (876)                                 | 596 (1314)                               | 30 mg/l                           | 45 mg/l                        |
|  | <u>Daily Minimum</u>                      |  |                                   |                                |
| Dissolved Oxygen                         | 4 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 AL0022764 and all other limitations, terms and conditions of NPDES Permit Number AL0022764 to the extent not inconsistent with this Order.

C. That the Permittee shall execute the necessary contracts for 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 Number AL0022764 and issue a notice to proceed with construction to the contractor no later than March 31, 1989.

D. That the Permittee shall complete construction of new or additional treatment works or complete modification of existing treatment works necessary for the Permittee to achieve compliance with the discharge limitations in NPDES Permit Number AL0022764 no later than June 24, 1990.

E. That the Permittee shall comply with all discharge limitations contained in NPDES Permit Number AL0022764 no later than December 21, 1990.

F. That the Permittee shall prepare and submit to the Department during the months of January and July of each year through July 1990, a progress report describing in detail the Permittee's progress toward compliance with each provision of this Order. In addition, not later than 14 days following each applicable date in paragraphs C, D and E hereof, the Permittee shall submit a written notice of compliance or noncompliance with the requirements of that paragraph. Notices of noncompliance shall state the cause of noncompliance, corrective actions taken, and a prediction of the Permittee's ability to comply with any remaining requirements of this Order. Notices and progress reports shall be mailed to:

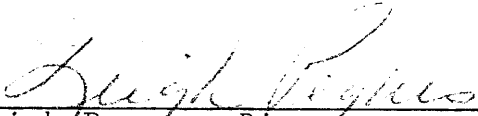
Alabama Department of Environmental Management  
Water Division  
Municipal Branch  
1751 Cong. W. L. Dickinson Drive  
Montgomery, Alabama 36130

G. That the provisions of any order previously issued to the Permittee by the Department or the Alabama Water Improvement Commission which are inconsistent with the provisions contained herein are hereby revoked.

H. That the failure of the Permittee to comply with any of the provisions of this Order shall constitute cause for the revocation of NPDES Permit Number AL0022764 and/or the commencement of legal action for the recovery of civil penalties, criminal fines, or other appropriate relief.

I. That issuance of this Order does not preclude the Department or others from seeking criminal fines or other appropriate sanctions or relief against the Permittee for the violations stated herein.

ORDERED and ISSUED this 15<sup>th</sup> day of August 1988.

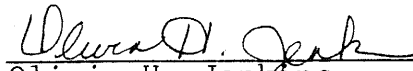
  
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Leigh Pegues, Director  
Alabama Department of  
Environmental Management  
1751 Cong. W. L. Dickinson Drive  
Montgomery, Alabama 36130  
(205) 271-7700

CERTIFICATE OF SERVICE

I, Olivia H. Jenkins, hereby certify that I have served Order No. 88-078-WP upon the City of Dothan by sending the same, postage paid, through the U.S. Mail, as Certified Mail No. P-627 011 685, with instructions to forward and return receipt requested to:

Honorable Larry C. Register  
Mayor, City of Dothan  
Roy M. Driggers Municipal Building  
Post Office Box 2128  
Dothan, Alabama 36302

Done this 15<sup>th</sup> day of August, 1988.

  
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Olivia H. Jenkins