

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

JEFFERSON COUNTY COMMISSION
JEFFERSON COUNTY, ALABAMA
NPDES PERMIT NO. AL0026913

ORDER NO. 89-034-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 (1984 and 1988 Cum. Supp.), and the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 through 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 Jefferson County Commission (hereinafter "the Permittee") operates a waste treatment facility known as the Five Mile Creek Wastewater Treatment Plant which discharges pollutants from a point source into Five Mile Creek, a water of the State.

2. The Permittee has a valid NPDES Permit Number AL0026913 which establishes limitations on the discharge of pollutants from

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such point source, designated therein as outfall number 001, into Five Mile Creek.

3. Among the terms, limitations and conditions of NPDES Permit Number AL0026913 is a provision in Part II., A., 6., which requires that the Permittee dispose of all solids, sludges, filter backwash, or any other pollutant or other waste removed in the course of treatment or control of wastewaters in a manner such as to prevent any such materials from entering waters.

4. On September 23, 1988 an employee of the Department observed that sludge overflow from a digester was drained from the digester scum tank through a pipe to a ditch and thereby into Five Mile Creek in violation of Part II., A., 6., of the permit.

5. The Permittee, in an effort to minimize the effects of the sludge discharge, blocked the ditch to retain the sludge and reduce the amount of sludge flowing into Five Mile Creek. The amount of sludge entering Five Mile Creek could not be determined.

ORDER

Based upon the foregoing FINDINGS OF FACT and pursuant to the 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 not later than 30 days after receipt of notice of this Order the Permittee shall submit the following information

(1) A written operational procedure for equipment maintenance which, when implemented, will preclude the recurrence of events which caused the discharge on September 23, 1988.

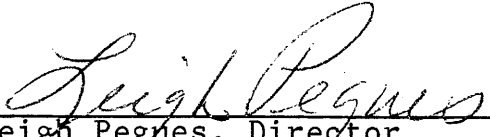
(2) A schedule to eliminate all use of the sludge digester scum tank.

(B) That the Permittee shall dispose of all solids, sludges, filter backwash, or any other pollutant or other waste removed in the course of treatment or control of wastewaters in a manner such as to prevent any such materials from entering waters.

(C) 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 AL0026913 and/or the commencement of legal action for the recovery of civil penalties, criminal fines, or other appropriate relief.

(D) That issuance of this Order does not preclude the Department from seeking civil and/or criminal fines or other appropriate sanctions or relief against the Permittee for the violations stated herein.

ORDERED and ISSUED this 3rd day of January, 1989.



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

CERTIFICATE OF SERVICE

I, G. Keith Clark, hereby certify that I have served Order No. 89-034-WP upon the Jefferson County Commission by sending the same, postage paid, through the U.S. Mail, as Certified Mail No. P 966 410 276, with instructions to forward and return receipt requested to:

Mr. David Orange, President
Jefferson County Commission
Room 211, County Courthouse
Birmingham, Alabama 35263

Done this 3rd day of January, 1989.



G. Keith Clark