

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

THE UTILITIES BOARD OF
THE CITY OF BAYOU LABATRE
NPDES PERMIT NO. AL0022632

ORDER NO. 92-106-WP

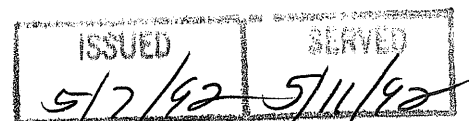
FINDINGS OF FACT

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 Utilities Board of the City of Bayou LaBatre (hereinafter, "the Permittee") operates a waste treatment facility known as Bayou LaBatre wastewater treatment plant which discharges pollutants from a point source into Portersville Bay, a water of the State.

2. Bayou LaBatre's wastewater treatment plant is a Grade III wastewater treatment plant. ADEM Admin. Code R. 335-10-1-.04 states:

All Grade III wastewater treatment plants must have a certified operator of the same grade present at the plant for a minimum of one 8 hour work shift each day of plant operation and an operator of the same grade



on call within 30 minutes of the plant site at all other times.

3. Two Grade III certified operators are required for the Bayou LaBatre sewage treatment plant. One Grade III operator is needed to provide eight-hour shift coverage on weekdays and another is needed to provide eight-hour shift coverage on weekends and during times when the primary operator is sick, on vacation, or unable to be at work.

4. The current operator, a Grade IV, divides his time between the water and wastewater treatment plants and does not provide daily eight-hour coverage at the wastewater treatment plant.

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 will employ no later than May 1, 1993, a properly certified Grade III, full time wastewater treatment operator to be present at the plant for a minimum of one eight-hour work shift each day of plant operation. A Grade III operator, or higher, must be on call within 30 minutes of the plant site at all other times.

B. That two certified Grade III or higher wastewater treatment operators be employed by the Permittee continuously thereafter until the expiration of NPDES Permit Number AL0022632.

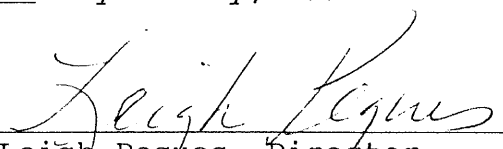
C. That the Permittee, not later than 14 days following the date in paragraph A or following the hiring of another operator, will provide the Department with a copy of the new operator's wastewater certificate and a copy of the Permittee/Operator Employment Agreement which shall be mailed to:

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

D. That failure to comply with any provision of 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 against the Permittee.

E. That issuance of this Order does not preclude the Department from seeking civil penalties, criminal fines, or other appropriate relief against the Permittee for the violations cited herein.

ORDERED and ISSUED this 1st day of May, 1992.




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 No. 92-106-WP upon The Utilities Board of the City of Bayou LaBatre by sending the same postage paid, through the U.S. Mail, as Certified Mail No. P 825 089 330, with instructions to forward and return receipt requested to:

Mr. Glenn Seaman, Supt.
The Utilities Board of the
City of Bayou LaBatre
33-B South Wintzell Avenue
Bayou LaBatre, AL 36509

DONE this 7th day of May, 1992.


James L. Wright