

ALABAMA DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

RED BAY WATER AND GAS BOARD  
NPDES PERMIT NO. AL0021245

ORDER NO. 85-120-WP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 to 22-22A-15 (1984) and the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (1984) 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 Red Bay Water and Gas Board (hereinafter, "the Permittee") operates a waste treatment facility known as Red Bay Lagoon which discharges pollutants from a point source into Bear Creek, a water of the State.
2. The Permittee has a valid NPDES Permit Number AL0021245 which establishes limitations on the discharge of pollutants from such point source, designated therein as outfall number 001, into Bear 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 July 1984 through June 1985 indicate that the Permittee has discharged pollutants from such point source into Bear Creek in violation of the limitations established in NPDES Permit Number AL0021245. Said reports also failed to include the results of all monitoring required to be performed by the Permittee.

4. The Permittee cannot comply with the limitations on the discharge of pollutants from such point source established in NPDES Permit Number AL0021245 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(j) and 22-22-9(1) (1984) 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 June 30, 1988, the Permittee shall not discharge pollutants from the above-mentioned point source (outfall number 001) at the Red Bay Lagoon into Bear Creek in excess of the following discharge limitations:

DISCHARGE LIMITATIONS

<u>Pollutant Parameter</u>	Monthly Average Kg/day (lbs/day)	Weekly Average Kg/day (lbs/day)	Other Units (Specify)	
			Monthly Average	Weekly Average
Biochemical Oxygen Demand (5 day)	31(68)	46(101)	50 mg/l	75 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 AL0021245 and all other limitations, terms and conditions of NPDES Permit Number AL0021245 to the extent not inconsistent with this Order.

C. That the Permittee shall prepare, and submit to the Department no later than December 1, 1985, an engineering report which investigates the need for 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 AL0021245 and which meets the content requirements of 40 C.F.R. § 35.2030 (1984).

D. That the Permittee shall prepare, and submit to the Department no later than July 1, 1986, final design drawings and specifications for 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 AL0021245.

E. That the Permittee shall prepare, and submit to the Department no later than July 1, 1986, a financial plan describing in detail the sources and methods which the Permittee will utilize in financing 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 AL0021245.

F. 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 AL0021245 and issue a notice to proceed with construction to the contractor no later than January 1, 1987.

G. 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 AL0021245 no later than July 1, 1988.

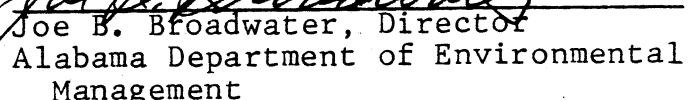
H. That the Permittee shall comply with all discharge limitations contained in NPDES Permit Number AL0021245 no later than July 1, 1988.

I. That the Permittee shall prepare and submit to the Department during the months of January and July of each year through January 1988, 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 F, G and H 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 Federal Drive  
Montgomery, Alabama 36130

J. 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.

ORDERED and ISSUED this 28th day of August 1985.

  
Joe B. Broadwater, Director  
Alabama Department of Environmental  
Management  
1751 Federal Drive  
Montgomery, Alabama 36130  
(205) 271-7700

CERTIFICATE OF SERVICE

I hereby certify that I have served Order No. 85-120-WP upon the Red Bay Water and Gas Board by sending the same, postage paid, through the United States Mail, as Certified Mail No. 093779781, with instructions to forward and return receipt requested to:

Mr. O. E. Parker  
Red Bay Water and Gas Board  
P.O. Drawer C  
Red Bay, Alabama 35582

Done this 28th day of August 1985.



David A. Ludder

Final Order 85-120-WP

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**RECEIPT FOR CERTIFIED MAIL**

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

* U.S.G.P.O. 1984-446-014  PS Form 3800, Feb. 1982	Sent to <u>O. E. Parker</u> <u>Red Bay Water &amp; Gas Bd.</u>	
	Street and No. <u>P.O. Drawer C</u>	
	P.O., State and ZIP Code <u>Red Bay, AL 35582</u>	
	Postage	\$
	Certified Fee	
	Special Delivery Fee	
	Restricted Delivery Fee	
	Return Receipt Showing to whom and Date Delivered	
	Return receipt showing to whom, Date, and Address of Delivery	
	TOTAL Postage and Fees	\$
Postmark or Date		

PS Form 3811, July 1983  DOMESTIC RETURN RECEIPT	<b>SENDER: Complete items 1, 2, 3 and 4.</b> Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.	
	1. <input checked="" type="checkbox"/> Show to whom, date and address of delivery.	
	2. <input type="checkbox"/> Restricted Delivery.	
	3. Article Addressed to: <u>Mr. O. E. Parker</u> <u>Red Bay Water &amp; Gas Board</u> <u>P.O. Drawer C</u> <u>Red Bay, Alabama 35582</u>	
	4. Type of Service: <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail	Article Number <u>093779781</u>
	Always obtain signature of addressee or agent and <b>DATE DELIVERED</b>	
	5. Signature - Addressee <u>X Linda Scott</u>	
	6. Signature - Agent <u>X</u>	
	7. Date of Delivery <u>8-29</u>	
	8. Addressee's Address (ONLY if requested and fee paid)	