

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

THE UTILITIES BOARD OF THE
CITY OF HELENA
NPDES PERMIT NO. AL0023116

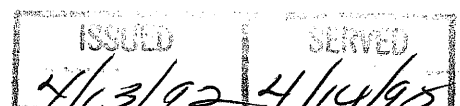
ORDER NO. 92-083-WP

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 Helena (hereinafter, "the Permittee") operates a waste treatment facility known as the Helena Wastewater Treatment Plant which discharges pollutants from a point source into Buck Creek, a water of the State.

2. Code of Alabama 1975, § 22-22-9(i)(3) (1990 Rplc. Vol.) provides that "[e]very person, prior to discharging any new or increased pollution into any waters of the state, shall apply to the [Department] in writing for a permit and must obtain such permit before discharging such pollution." ADEM Admin. Code



R. 6-6-.03 provides that "[n]o person shall discharge pollutants from a point source into waters without first having obtained a valid NPDES [National Pollutant Discharge Elimination System] permit"

3. The Permittee has a valid NPDES Permit Number AL0023116 which establishes limitations on the discharge of pollutants from such point source, designated therein as outfall number 001, into Buck Creek. Said permit also requires that the Permittee maintain in good working order all systems used by the Permittee to achieve compliance with the terms and conditions of the permit.

4. The Permittee operates and maintains the sanitary sewer system located in the City of Helena which serves the Helena Wastewater Treatment Plant.

5. On November 21, 1991, the Department received an individual complaint of sewer line overflows in Helena Industrial Park.

6. On January 2, 1992, the Department received copies of photographs of sewer line overflows taken on December 12, 1991, along with a map indicating the locations of said overflows in Helena Industrial Park.

7. On January 13, 1992, representatives from the Department investigated said complaint and observed evidence of raw sewage overflows along Prairie Brook between Elm Street and the L & N Railroad yard in Helena Industrial Park.

8. Said discharges of raw sewage from the sewer lines were not permitted pursuant to NPDES Permit Number AL0023116 and

represent a failure of the Permittee to maintain its system in good working order.

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 shall prepare and submit to the Department no later than 90 days after receipt of this Order, an engineering report which evaluates the condition of the sewer lines in the City of Helena and makes recommendations to eliminate or significantly reduce said raw sewage discharges and achieve compliance with the Alabama Water Pollution Control Act and NPDES Permit Number AL0023116.

B. That based upon the report referred to in paragraph A above, the Permittee shall submit to the Department no later than 120 days after receipt of this Order, a detailed compliance plan which outlines the measures necessary to eliminate or significantly reduce raw sewage discharges in the City of Helena and achieve compliance with the Alabama Water Pollution Control Act and NPDES Permit Number AL0023116. The compliance plan shall:

1. Identify to the extent possible the causes of said raw sewage discharges;

2. Describe the corrective measures required to eliminate raw sewage discharges, including their estimated costs and the proposed method of financing; and

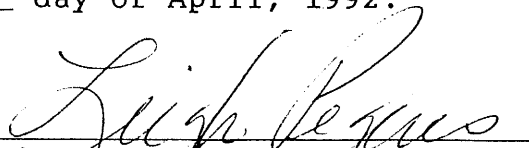
3. Provide an expeditious schedule for implementation of the measures required to significantly reduce or eliminate raw sewage discharges in the City of Helena and to Prairie Brook and achieve compliance with the Alabama Water Pollution Control Act and NPDES Permit Number AL0023116.

Said plan shall be prepared and certified by a registered professional engineer licensed to practice in the State of Alabama and shall be prepared in accordance with ADEM Admin. Code Chap. 6-3.

C. That failure to comply with this Order shall constitute cause for the revocation of NPDES Permit Number AL0023116 and/or commencement of legal action for the recovery of civil penalties, criminal fines or other appropriate relief by the Department 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 13th day of April, 1992.



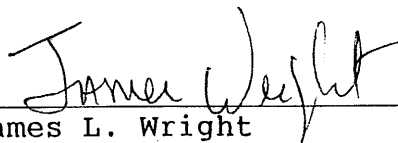
Leigh Pegues, Director
Alabama Department of
Environmental Management
1751 Cong. W. L. Dickinson Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Order No. 92-083-WP upon the Utilities Board of the City of Helena by sending the same, postage paid, through the U. S. Mail, as Certified Mail No. P 825 089 490, with instructions to forward and return receipt requested to:

Charles W. Penhale, Chairman
Utilities Board of the City of Helena
Post Office Box 427
Helena, AL 35080

DONE this 13th day of April, 1992.


James L. Wright