

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF)

WATER WORKS AND SEWER BOARD)
OF THE TOWN OF CLAYTON)

NPDES PERMIT NOS. AL0022101,)
AL0022110, AL0022128, AL0021385)

ORDER NO. 90-017-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 Water Works and Sewer Board of the Town of Clayton (hereinafter, "the Permittee") operates four waste treatment lagoons known as Westfield Court, Highway 30 West, Highway 30 East, and South Cedar Street lagoons which discharge pollutants from a point source into Pea Creek, the Choctawhatchee River, Lindsey Creek, and Pea Creek respectively, waters of the State.

ISSUED 01/02/80	SERVED 01/02/80
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2. A Permittee shall not operate any wastewater treatment plant unless the competency of the operator to operate such plant has been duly certified by the Director pursuant to the Alabama Water Pollution Control Act, and meets requirements specified in ADEM Admin. Code R. 335-10-1.

3. The four Clayton wastewater treatment lagoons do not have a wastewater treatment operator certified in accordance with the Alabama Water Pollution Control Act and ADEM Admin. Code R. 335-10-1, which is a violation of State law.

4. The Permittee is currently building an activated sludge wastewater treatment plant to replace the four wastewater treatment lagoons. Construction of said treatment plant is scheduled for completion in April 1990, and it will require a certified Grade II wastewater treatment operator.

ORDER

Based upon the foregoing FINDINGS OF FACT and pursuant to 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 §492, 33 U.S.C. §1342, it is hereby ORDERED:

A. That the Permittee will employ no later than June 15, 1990 a properly certified Grade II, or higher, either part-time or full time, wastewater treatment operator experienced in operating an activated sludge plant, to regularly monitor and supervise operations at the Clayton activated sludge wastewater treatment plant to ensure its safe, efficient, and proper operation.

B. That such a certified wastewater treatment operator be employed by the Permittee continuously thereafter until the expiration of the plant's NPDES permit.

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

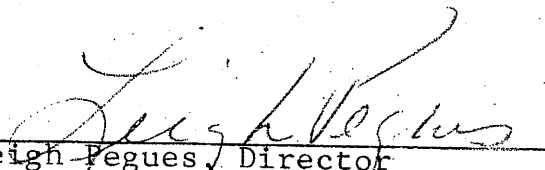
Alabama Department of Environmental Management
Water Division
Municipal Branch
1751 Cong. W. L. Dickinson Drive
Montgomery, Alabama 36130

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 pursuing its other remedies including the recovery of civil penalties, criminal fines, or other

appropriate relief against the Permittee for the violations cited herein.

ORDERED and ISSUED this 19th day of October, 1989.

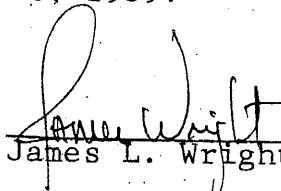

Leigh Pegues, Director
Alabama Department of
Environmental Management
1751 Cong. W. L. Dickinson Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Order No. 90-017-WP upon the Water Works and Sewer Board of the City of Clayton by sending the same postage paid, through the U.S. Mail, as Certified Mail No. 873 074 765, with instructions to forward and return receipt requested to:

Mr. Louie Hovey
Water Works and Sewer
Board of the City of Clayton
Post Office Box 385
Clayton, AL 36016

Done this 19th day of October, 1989.


James L. Wright