

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF)

THE STATE OF ALABAMA)

DEPARTMENT OF TRANSPORTATION)

I-10 WELCOME CENTER)

MOBILE COUNTY)

NPDES PERMIT NO. AL0024902)

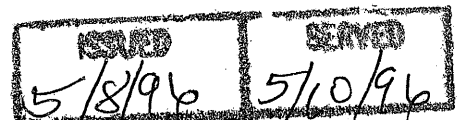
ORDER NO. 96-078-WP

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.), and 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 (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 State of Alabama, Department of Transportation (the Permittee) operates a waste treatment facility known as I-10 Welcome Center which discharges pollutants from a point source into Franklin Creek, a water of the State.

2. On November 17, 1994 the Department issued NPDES Permit Number AL0024902 (the Permit) to the Permittee which establishes limitations on the discharge of pollutants from such point source, designated therein as outfall number 001, into Franklin Creek. The 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 months of December 1993 through July 1995, October and December 1995 and January 1996 indicate that the Permittee has discharged pollutants from such point source into Franklin Creek in violation of the limitations established in NPDES Permit Number AL0024902.

4. The Permittee cannot comply with the limitations on the discharge of pollutants from such point source established in NPDES Permit Number AL0024902 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(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, commencing immediately after receiving notice of this Order, the Permittee shall not discharge pollutants from the above-mentioned point source (outfall number 001) at the I-10 Welcome Center into Franklin Creek in excess of the following discharge limitations:

DISCHARGE LIMITATIONS

Pollutant Parameter	Monthly Average lbs/day	Weekly Average lbs/day	Monthly Average mg/l	Weekly Average mg/l
Biochemical Oxygen Demand (5 Day)	52.5	78.8	140	210

B. That except as set forth in this Order, the Permittee shall comply with all other provisions of NPDES Permit Number AL0024902, including but not limited to the monitoring and reporting requirements of the Permit.

C. That the Permittee shall prepare, and submit to the Department no later than 120 days after receiving notice of this Order, an engineering report or corrective action report which investigates the need for changes in maintenance and operation procedures, and the need for any modification of existing treatment works or any new or additional treatment works necessary for the Permittee to achieve compliance with the discharge limitations in NPDES Permit Number AL0024902.

D. That based upon the report referred to in paragraph C above, the Permittee shall submit to the Department for approval no later than 120 days after receiving notice of this Order, a detailed compliance plan which outlines the measures necessary to achieve compliance with NPDES Permit Number AL0024902. The compliance plan shall:

1. Identify the causes of noncompliance;
2. Describe the corrective measures required to achieve compliance, including their estimated costs and the proposed method of financing; and
3. Provide an expeditious schedule for implementation of the measures required

to achieve compliance.

E. A registered professional engineer shall prepare those portions of the compliance plan referred to in paragraph D above which relate to the identification of the causes of noncompliance and the corrective measures required to achieve compliance and shall affix his seal and/or signature to such portions of the plan.

F. Upon final review by the Department of the compliance plan referred to in paragraph D above, the Permittee shall implement the corrective measures in accordance with the schedule detailed in the compliance plan.

G. That failure to comply with 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 or others against the Permittee.

H. 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 of its NPDES Permit Number AL0024902.

ORDERED and ISSUED this 8th day of May, 1996.

A handwritten signature in cursive script, appearing to read "James W. Warr", is written over a horizontal line.

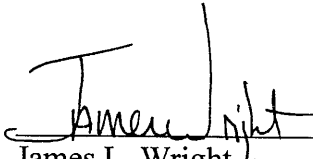
James W. Warr, Director
Alabama Department of
Environmental Management
1751 Cong. W. L. Dickinson Drive
Montgomery, Alabama 36130
(334) 271-7700

CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Administrative Order No. 96-078-WP upon the Alabama Department of Transportation by sending the same postage paid, through the United States Mail, as Certified Mail No. Z 363 302 057, with instructions to forward and return receipt requested to:

Mr. M. L. Risher
Division Engineer
1701 Beltline Highway North
Mobile, AL 36618

DONE this 8th day of May, 1996


James L. Wright