

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

PARKSIDE LODGE OF BIRMINGHAM
NPDES PERMIT NO. AL0047546

ORDER NO. 92-034-WP

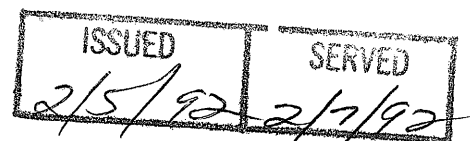
FINDINGS OF FACT

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 (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 Parkside Lodge of Birmingham (hereinafter, "the Permittee") operates a waste treatment facility known as Parkside Lodge Wastewater Treatment Plant.

2. On December 15, 1988 the Department issued NPDES Permit Number AL0047546 to the Permittee which establishes limitations on the discharge of pollutants from such point source, designated therein as outfall number 001, into Thomas Creek.

3. Said Permit established minimum and maximum chlorine limitations on the discharge from said point source.



4. On October 17, 1991, an inspection conducted by the Department found that the Permittee was in violation of its NPDES Permit Number AL0047546 for failure to chlorinate its discharge at outfall 001.

5. During said inspection the Department found the clarifier septic due to an excessive accumulation of solids.

6. On October 17, 1991, an inspection by the Department revealed that the Permittee was in violation of its NPDES Permit Number AL0047546 for taking grab samples in lieu of composite samples from outfall 001.

7. The Department received a letter from the Permittee dated October 29, 1991, stating that the violations and deficiencies found during the inspection on October 17, 1991, had been corrected.

8. On November 4, 1991, the Department conducted a follow-up inspection of Parkside Lodge and found that no effort had been made by the Permittee to provide chlorination or to correct the septic clarifier caused by an excessive accumulation of solids.

9. Said follow-up inspection of Parkside Lodge found the Permittee's discharge adversely affecting the quality of Thomas Creek with turbidity, bad odor, oily sheen and a moderate amount of sludge at the discharge point, which is a violation of ADEM Admin. Code R. 335-6-10-.06(b).

10. The Permittee has the ability to pay the civil penalty assessed herein.

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 within 30 days from the date of receipt of this Order, the Permittee shall pay to the Department a civil penalty in the amount of Two Thousand Dollars (\$2,000) for the violations stated herein.

B. That the Permittee shall repair all inoperative equipment, eliminate septic conditions in the clarifier by providing an effective means for removing excessive solids from the clarifier and ensure that the plant is operating properly no later than 45 days after receiving this Order.

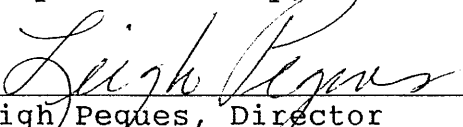
C. That, commencing immediately after receiving notice of this Order, the Permittee shall comply with all the monitoring and reporting provisions of NPDES Permit Number AL0047546 and all other limitations, terms and conditions of this permit not inconsistent with this Order.

D. 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.

E. 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 AL0047546.

ORDERED and ISSUED this 5th day of February, 1992.



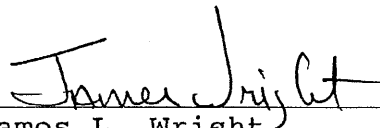
Leigh Pegues, Director
Alabama Department of
Environmental Management
1751 Cong. W. L. Dickinson Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Administrative Order No. 92-034-WP upon Parkside Lodge by sending the same postage paid, through the U.S. Mail, as Certified Mail No. P 825 089 447, with instructions to forward and return receipt requested to:

Mr. Roy Ramsey
Post Office Box 128
Warrior, AL 35180

Done this 5th day of February, 1992.


James L. Wright