

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

SHERBROOKE TRAILER PARK
MORGAN COUNTY, ALABAMA

ORDER NO. 94-042-WP

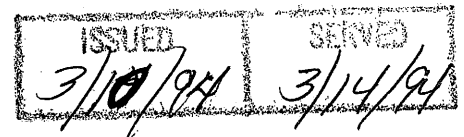
FINDINGS OF FACT

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. Sherbrooke Trailer Park, located in Lacey's Spring, operates a waste treatment facility known as Sherbrooke Wastewater Treatment Plant.

2. On July 12, 1993, an inspection by the Department revealed that Sherbrooke Wastewater Treatment Plant was discharging pollutants into a tributary to Kay Branch, a water of the State.

3. 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"

4. On August 26, 1993, the Department notified Sherbrooke Trailer Park by certified mail of the above illegal discharge and requested that Sherbrooke Trailer Park either apply for an NPDES Permit within 14 days or to eliminate the discharge.

5. On December 7, 1993, an inspection by the Department revealed that Sherbrooke Wastewater Treatment Plant was discharging pollutants into a tributary of Kay Branch, a water of the State.

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, Sherbrooke Trailer Park shall submit to the Department

two (2) completed copies of the appropriate application forms and a fee payment of One Thousand Four Hundred Fifty Dollars (\$1,450.00); or, within 60 days from the date of receipt of this Order, Sherbrooke Trailer Park shall cease the unpermitted discharge of pollutants from Sherbrooke Wastewater Treatment Plant.

B. That Sherbrooke Trailer Park shall not authorize, permit, cause, suffer or allow the introduction of any pollutants into any portion of the sanitary sewer system which conveys pollutants to the Sherbrooke Wastewater Treatment Plant by a source not introducing pollutants into such system on the date notice of this Order is received by Sherbrooke Trailer Park with the exception of individual residences which the county health officer certifies in writing to have a sewage disposal system which constitutes a health hazard.

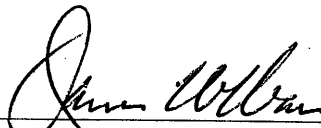
C. That Sherbrooke Trailer Park shall provide The Department with a list of current connections to the sanitary sewer system which conveys pollutants to the Sherbrooke Wastewater Treatment Plant.

D. That the Department shall revoke the moratorium on additional sewer connections upon the issuance of a valid NPDES permit for Sherbrooke Trailer Park.

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

Sherbrooke Trailer Park for violations of the Alabama Water Pollution Control Act.

ORDERED and ISSUED this 10th day of March, 1994.



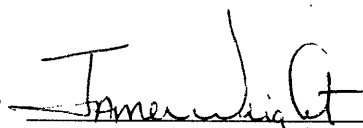
James W. Warr, Director
Alabama Department of
Environmental Management
1751 Cong. W. L. Dickinson Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Administrative Order No. 94-042-WP upon Sherbrooke Trailer Park by sending the same postage paid, through the U.S. Mail, as Certified Mail No. P 014 549 944, with instructions to forward and return receipt requested to:

Mr. Pete Johnson
Sherbrooke Trailer Park
279 Cherry Drive
Toney, AL 35773

DONE this 10th day of March, 1994.



James L. Wright