

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF
TOWN OF CHEROKEE
NPDES PERMIT NO. AL0022594

ORDER NO. 86-048-WP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 to 22-22A-15 (1984) and the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (1984) 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. Town of Cherokee (hereinafter, "the Permittee") operates a waste treatment facility known as Cherokee Wastewater Treatment Lagoon which discharges pollutants from a point source into the Tennessee River, a water of the State.
2. The Permittee has a valid NPDES Permit Number AL0022594 which requires that the Permittee monitor its discharge and submit periodic Discharge Monitoring Reports to the Department

describing the results of its monitoring. The said NPDES also requires that the Permittee make and retain certain records.

3. -- The Permittee failed to submit the said Discharge Monitoring Reports on time for the months of October, November and December 1985 as required by its NPDES permit.

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(j) and 22-22-9(1) (1984) 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 comply with all the monitoring and reporting provisions of NPDES Permit Number AL0022594 and all other limitations, terms and conditions of NPDES Permit Number AL0022594.

B. 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.

C. 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.

ORDERED and ISSUED this 21st day of March 1986.



Leigh Pegues, Director
Alabama Department of
Environmental Management
1751 Federal Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I hereby certify that I have served Order No. 86-048-WP upon the Town of Cherokee by sending the same, postage paid, through the United States Mail, as Certified Mail No. 686585694 with instructions to forward and return receipt requested to:

Honorable Jimmy Brown
Mayor, Town of Cherokee
P.O. Drawer D
Cherokee, Alabama 35616

Done this 21st day of March 1986.


John Mark Sapp

P 686 585 694

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to Honorable Jimmy Brown	
Mayor, Town of Cherokee	
Street and No.	
P.O. Drawer D	
P.O., State and ZIP Code	
Cherokee, Alabama 35616	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

★ U.S.G.P.O. 1983-403-517

PS Form 3800, Feb. 1982

PS Form 3811, July 1982	
• SENDS: Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.	
(CONSULT POSTMASTER FOR FEES)	
1. The following service is requested (check one): <input checked="" type="checkbox"/> Show to whom and date delivered <input type="checkbox"/> Show to whom, date, and address of delivery	
2. <input type="checkbox"/> RESTRICTED DELIVERY (The restricted delivery fee is charged in addition to the return receipt fee.)	
TOTAL \$	
3. ARTICLE ADDRESSED TO: Honorable Jimmy Brown Mayor, Town of Cherokee P.O. Drawer D Cherokee, AL 35616	
4. TYPE OF SERVICE: <input type="checkbox"/> REGISTERED <input checked="" type="checkbox"/> CERTIFIED <input type="checkbox"/> EXPRESS MAIL	ARTICLE NUMBER 686585694
(Always obtain signature of addressee or agent)	
I have received the article described above. SIGNATURE <input type="checkbox"/> Addressee <input checked="" type="checkbox"/> Authorized agent 3-26-86	
5. DATE OF DELIVERY	POSTMARK (Only to be on reverse side)
6. ADDRESSEE'S ADDRESS (Only if requested)	
7. UNABLE TO DELIVER BECAUSE:	7a. EMPLOYEE'S INITIALS

Final Order No. 86-048-WP