

Response to Comments
City of Dadeville Wastewater Treatment Plant
NPDES Permit No. AL0063797

June 29, 2007

Comment Several commenters requested that the Department consider issuing a two-year probationary permit renewal to the City of Dadeville in lieu of the standard five-year permit. The justification given for a two-year term was related to the facility's status of non-compliance with the permit.

Response The Department believes that a shorter-term permit is appropriate, in very limited cases, such as when new information will be obtained during the permit term that will affect the permit limitations (e.g., Total Maximum Daily Load (TMDL) development). In this case, the City of Dadeville has indicated it plans to request a permit modification to address the pending expansion. It is likely this request will be made within the first year or two of the permit term; thereby requiring reopening of the permit. Furthermore, the Department has taken enforcement action against the City of Dadeville. The City is under a Consent Order that imposes the necessary requirements to bring the facility into compliance with the permit. A one-year compliance schedule is imposed. Stipulated penalties are also imposed for any violations which may be incurred during the one-year compliance schedule. The Department believes that the Consent Order appropriately imposes the requirements needed to bring the facility into compliance with the permit.

Comment Commenters requested that Infiltration and Inflow (I&I) problems are corrected at the facility.

Response The Department notes that the City of Dadeville has already begun work to correct its I&I problems. Also, in order to meet the requirements of the Consent Order, the Permittee is required to abate Sanitary Sewer Overflows (SSOs) in the collection system. Resolution of SSOs will effectively resolve I&I issues.

Comment Several commenters suggested that ADEM impose a moratorium on any new industrial or sanitary connections for a two-year period.

Response At this time the Department feels it is not appropriate to impose a moratorium. The City of Dadeville has shown the ability to correct several of its overflow problems by eliminating some of its I&I contributions, thereby restoring additional capacity to handle its intended incoming design flow. Furthermore, the City will make additional improvements to eliminate I&I under the aforementioned Consent Order.

Note that the subject permit re-issuance does not provide for any expanded incoming design capacity. The permitted design capacity and limits imposed by the proposed permit re-issuance are identical to the prior permit.

Comment Several commenters requested that discharge limits in the proposed permit remain consistent with the current design flow and not provide for expanded WWTP capacity.

Response The Department has not received an application requesting any additional load allocation by the permittee nor has the Department received any application from any new industrial facility requesting a permit to discharge wastewater to the City of Dadeville WWTP. If an application is received to increase the waste load allocation from the City of Dadeville, or should an application be submitted to add any new industrial source, the Department will evaluate the treatment system to determine if the system can handle and treat the proposed increased flow and waste load. If the Department determines that the treatment facility can accommodate the increased loading, then the City's permit will need to undergo a permit modification at that time. If and when a proposed permit modification is drafted by the Department, the public will have an opportunity to comment on the proposal.

Comment One commenter requested that the Department require the City of Dadeville to certify and publish the monthly discharge monitoring reports and also progress reports required by the Consent Order.

Response The Department notes that both monthly DMR data and Consent Order progress reports are public information and anyone may request and/or publish the results of these reports, including the City of Dadeville. Because these items are readily available to the public upon request, it is not necessary to require their publication.

Comment One commenter requested that the Department review the validity of the 7Q10 estimate for Chattasofka Creek, which was used to determine the waste allocations in the proposed permit.

Response Based on published 7Q10 estimates for Chattasofka Creek, and after consultation with the USGS, the 7Q10 value used in the waste load allocation model was revised to 3.5 cfs. However, the revised 7Q10 value did not result in a change in the Dadeville waste load allocation.

Comment A commenter inquired whether or not it was safe to swim in and/or consume fish from Lake Martin in the proximity of the effluent discharge from the City of Dadeville.

- Response** At this time, no swimming or fish consumption advisories have been issued for the portion of Lake Martin in question. The City of Dadeville is required by its permit to report to the Department, the public, the County Health Department, and any other affected entity such as public water systems as soon as possible upon becoming aware of a notifiable sanitary sewer overflow.
- Comment** Several commenters inquired why there was been a lack of enforcement by the Department against the City of Dadeville.
- Response** The Department issued the City of Dadeville a Consent Order (No. 07-106-CWP) on June 9, 2007. The Consent Order and the pending Attorney General's litigation both address the same compliance matters at the facility. The Consent Order imposes a one-year compliance date for achieving compliance with Fecal Coliform and Ammonia as Nitrogen permit limits and for resolving SSOs. The Consent Order also contains a penalty of \$6,500 and stipulated penalties for effluent violations incurred during the compliance timeframe and for any failure to achieve compliance milestones.
- Comment** One commenter inquired as to whether any meetings or conversations between the City of Dadeville, the Attorney General's Office, and/or Department occurred prior the Attorney General filing its civil suit.
- Response:** Questions or comments pertaining to the pending litigation are considered enforcement sensitive and should be directed to the Attorney General's Office.
- Comment:** One commenter inquired about the status of permit compliance by other sanitary discharges into Lake Martin.
- Response:** The Department appreciates this comment and is reviewing the compliance status of permits in the area. As deemed necessary appropriate enforcement action will be initiated where non-compliance is determined.