

ALABAMA DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

TOWN OF HENAGAR  
HENAGAR, ALABAMA  
NPDES PERMIT NO. AL0056057

ORDER NO. 89-025-WP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 to 22-22A-16 (1984 and 1988 Cum. Supp.), and the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (1984 and 1988 Cum. Supp.), 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. On November 15, 1988 the Department issued Administrative Order No. 89-016-WP to the Town of Henagar (hereinafter "the Permittee") requiring the Permittee to submit to the Department a pollution abatement plan designed to bring the Permittee into compliance with the terms, limitations and

ISSUED 11/29/88	SERVED 12/5/88
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conditions of its NPDES permit. Said report was to be submitted no later than December 1, 1988.

2. Prior to issuance of Administrative Order No. 89-016-WP the Department offered the Permittee an opportunity to discuss the proposed provisions of said Administrative Order and to offer evidence demonstrating that any of the proposed provisions of the Order, including the December 1 deadline, should be modified.

3. The Permittee failed to take the opportunity to present any evidence for modification of the proposed Administrative Order and, in fact, did not take the opportunity to meet with or contact Department representatives prior to issuance of the Administrative Order.

4. Since issuance of the Administrative Order, the Permittee has presented evidence through its consultant, Rindt-McDuff Associates, Inc., indicating that additional time would be necessary to develop and submit an adequate pollution abatement plan.

#### 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) (1988 Cum. Supp.) 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 paragraph A of Administrative Order No. 89-016-WP is hereby amended to require submission of the pollution abatement plan described in said paragraph not later than December 16, 1988.

B. That all other provisions of Administrative Order No. 89-016-WP shall remain the same.

C. That no further amendments of Administrative Order No. 89-016-WP shall be granted.

ORDERED and ISSUED this 29<sup>th</sup> day of November, 1988.


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

CERTIFICATE OF SERVICE

I, Olivia H. Jenkins, hereby certify that I have served Order No. 89-025-WP upon the Town of Henagar by sending the same, postage paid, through the U.S. Mail, as Certified Mail No. P 966 410 324, with instructions to forward and return receipt requested to:

Honorable Mike Smith  
Mayor, Town of Henagar  
Post Office Box 128  
Henagar, Alabama 35978

Done this 29<sup>th</sup> day of November, 1988.

  
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Olivia H. Jenkins