

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

BEVERLY ENTERPRISES
NPDES PERMIT NO. AL0057541

ORDER NO. 89-045-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 (1984 and 1988 Cum. Supp.), and the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 through 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. Beverly Enterprises (hereinafter, "the Permittee") operates a waste treatment facility known as Double Springs Health Care Center Wastewater Treatment Plant which discharges pollutants from a point source into Curtis Mill Creek, a water of the State.

2. The Winston County Health Department notified the Department on May 6, 1988 that the Double Springs Health Care

ISSUED 2/8/89	SERVED 2/7/89
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Center Wastewater Treatment Plant was not operating and had not been operating since early March 1988.

3. The Department inspected the Double Springs Health Care Center Wastewater Treatment Plant on May 19, 1988 and confirmed that it was not operating and that it was in an unsatisfactory condition.

4. The Department inspected the wastewater treatment plant on September 22, 1988 and determined that the plant's condition was still unsatisfactory, and that the average daily flow rate exceeded the plant's design capacity, and that the plant, in its present condition, would be incapable of meeting the proposed NPDES permit's discharge limitations.

5. On November 4, 1988 the Department requested, in writing, that the Permittee submit within 45 days an engineering report which evaluates the treatment plant's performance and suggests measures necessary for the Permittee to achieve compliance with the proposed discharge limitations in NPDES Permit No. AL0057541, submit the name of the certified operator hired to operate and maintain the treatment plant, and submit a schedule for implementation of the measures required to achieve compliance.

6. On November 16, 1988 the Department issued NPDES Permit No. AL0057541 to the Permittee which establishes limitations on the discharge of pollutants from such point source, designated therein as outfall number 001, into Curtis Mill Creek. Said

permit also requires that the Permittee monitor its discharge and submit periodic Discharge Monitoring Reports to the Department describing the results of its monitoring.

7. The Permittee has not submitted any of the information requested by the Department in its letter of November 4, 1988 and referred to in paragraph 5.

ORDER

Based upon the foregoing FINDINGS OF FACT and pursuant to Code of Alabama 1975, §§ 22-22A-5(10), 22-22A-5(18), 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, commencing immediately after receiving notice of this Order, the Permittee shall comply with all the monitoring and reporting provisions of NPDES Permit Number AL0057541 and all other limitations, terms and conditions of NPDES Permit Number AL0057541 to the extent not inconsistent with this Order.

B. That the Permittee shall prepare, and submit to the Department no later than March 15, 1989, an engineering report which investigates the need for changes in operation and maintenance procedures and the need for any modification of the existing treatment works or any new or additional treatment works

necessary for the Permittee to achieve compliance with the discharge limitations in NPDES Permit No. AL0057541.

C. That based upon the report referred to in paragraph B above, the Permittee shall submit to the Department no later than April 15, 1989, a detailed compliance plan which outlines the measures necessary to achieve compliance with NPDES Permit No. AL0057541. The compliance plan shall:

1. Identify the causes of noncompliance;
2. Describe the corrective measures required to achieve compliance, including their estimated cost; and
3. Provide an expeditious schedule for implementation of the measures required to achieve compliance.

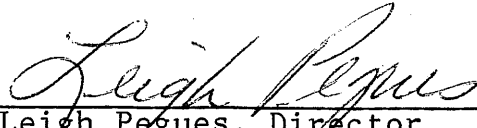
D. A registered professional engineer shall prepare those portions of the compliance plan referred to in paragraph C above which relates to the identification of the causes of noncompliance and the corrective measures required to achieve compliance and shall affix his seal and/or signature to such portions of the plan.

E. 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.

F. 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 30th day of February, 1989.




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 Order No. 89-045-WP upon Beverly Enterprises by sending the same, postage paid, through the U.S. Mail, as Certified Mail No. P 966 410 302, with instructions to forward and return receipt requested to:

Mrs. Eunell S. Handy, Administrator
Beverly Enterprises
Route 1, Box 286
Double Springs, Alabama 35553

Done this 3rd day of February, 1989.



James L. Wright