

ENVIRONMENTAL PROTECTION DIVISION  
OF THE  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF GEORGIA

IN RE: Decatur County Industrial Park  
NPDES PERMIT

ORDER NO. EPD-WQ-\_\_\_\_\_

CONSENT ORDER

WHEREAS, the Decatur County Industrial Park operated by the Decatur County Board of Commissioners (County) was issued National Pollutant Discharge Elimination System (NPDES) Permit No. GA0033511 (Permit) by the Director of the Georgia Environmental Protection Division (Director, EPD) for the Decatur County Industrial Park Water Pollution Control Plant (WPCP); and

WHEREAS, the Permit authorizes the WPCP to discharge treated wastewater according to effluent limitations, monitoring requirements, and other conditions set forth in the Permit; and

WHEREAS, on June 25, 2008, the EPD Albany District Office received numerous complaints from the Georgia Wildlife Federation, the U.S. Army Corps of Engineers and neighborhood property owners regarding sewage sludge that was observed discharging from a pipe in the Flint River; and

WHEREAS, on June 25, 2008, EPD's Albany District Office conducted an investigation of the Flint River in Decatur County; and

WHEREAS, on June 25, 2008, representatives of EPD's Albany District Office observed large amounts of pin floc and sewage sludge coming from the WPCP effluent outfall located at 456 Flint River Road; Bainbridge, GA which was discharging directly into the Flint River; and

WHEREAS, on June 25, 2008, representatives of EPD's Albany District Office did not observe any floating scum or solids upstream of the WPCP outfall; and

WHEREAS, on June 25, 2008, the U.S. Army Corps of Engineers investigated the County's WPCP discharge and observed floating scum and solids leaving the discharge pipe and entering the Flint River; and

WHEREAS, Chapter 391-3-6-.03(5)(a-c) of the Georgia Rules and Regulations for Water Quality Control (Rules) states that State waters shall be free from materials associated with municipal or domestic sewage, industrial waste or any other waste which will settle to form sludge deposits that become putrescent, unsightly or otherwise objectionable; shall be free from oil, scum and floating debris associated with municipal or domestic sewage, industrial waste or other discharges in amounts sufficient to be unsightly or to interfere with legitimate water uses; and shall be free from material related to municipal, industrial or other discharges which produce turbidity, color, odor or other objectionable conditions which interfere with legitimate water uses; and

WHEREAS, on June 26-27, 2008, representatives from EPD's Atlanta Office investigated the County's WPCP and the effluent outfall location; and

WHEREAS, during the June 26-27, 2008 investigation of the County's WPCP, EPD documented the presence of several inches of sludge and solids in the equalization basin and floating scum, solids, and sludge in the wet well that empties into the Flint River; and

WHEREAS, Chapter 391-3-6-.05(2)(a) of the Rules defines a "spill" as any discharge of raw sewage by a Publicly Owned Treatment Works to the waters of the State; and

WHEREAS, when EPD inquired about the solids in the equalization basin the County

replied that clean up crews shovel out the solids when requested but at the time of the investigation a clean up crew had not been at the WPCP for at least 3 months; and

WHEREAS, on July 16, 2008, EPD received the County's Sludge Accountability Evaluation for the months of January thru June 2008 and the results of the evaluation showed that the County could not account for 10.5 kg/day of Total Suspended Solids, which is approximately 2 tons of unaccounted for solids in a 5 month period; and

WHEREAS, on August 20, 2008, a meeting was held between representatives from EPD and the County to discuss the solids and sludge observed throughout the WPCP and in the Flint River; and

WHEREAS, during the August 20, 2008 meeting, the County viewed EPD's and the U.S. Army Corps of Engineers' pictures that were taken during the investigations that occurred between June 25 -27, 2008 and the County concurred that solids and scum from the WPCP were in the Flint River; and

WHEREAS, during the August 20, 2008 meeting, EPD and the County discussed the solids and sewage sludge that were observed in the equalization basin and the wet well at the County's WPCP; and

WHEREAS, EPD determined that the solids in the equalization basin and the wet well may be the result of the age of the Sequencing Batch Reactors (SBR) and the lack of maintenance performed on them; and

WHEREAS, during the August 20, 2008 meeting, EPD requested that within two weeks the County submit a summary of its history, current economic and environmental impacts; and

WHEREAS, on September 8, 2008, the County submitted a letter denying that the floating scum and solids observed in the Flint River by the EPD Albany District Office, the EPD Atlanta Office, and the U.S. Army Corps of Engineers was discharged from the County's WPCP outfall; and

WHEREAS, the aforementioned September 8, 2008 letter submitted by the County had photographs attached which were taken by the County following Tropical Storm Fay. The pictures are dated August 29, 2008, two months after the June 25-27, 2008 investigation where EPD and the U.S. Army Corps of Engineers observed the outfall area. The County's photographs attached to the September 8, 2008 letter appear to be a body of flooded waters at an undisclosed location with foam along the banks; and

WHEREAS, EPD examined the photographs submitted by the County and compared them to the photographs taken by EPD and the U.S. Army Corps of Engineers during the June 25-27, 2008 investigation; and

WHEREAS, EPD concluded that the foam floating in the Flint River in the County's photographs occurred following high water flows resulting from Tropical Storm Fay. EPD concluded that the County's photographs are not an accurate depiction of what EPD and the U.S. Army Corps of Engineers observed June 25-27, 2008; and

WHEREAS, on March 25, 2009, EPD and the Wildlife Resource Division (WRD) conducted an investigation of the County's effluent discharge outfall; and

WHEREAS, during the March 25, 2009 investigation, EPD and WRD inspected upstream of the County's effluent discharge and did not observe any particulate matter, scum or solids; and

**WHEREAS, during the March 25, 2009 investigation, EPD and WRD observed particulate matter, scum and solids exiting the County's effluent discharge pipe and entering the Flint River from approximately 3:14 p.m. until 4:10 p.m.; and**

**WHEREAS, on March 26, 2009, EPD conducted a Compliance Evaluation and Reconnaissance inspection of the Decatur County Industrial Park WPCP; and**

**WHEREAS, EPD noted deficiencies during the March 26, 2009 inspection including the following: one of the SBRs was offline, particulate matter and solids were in the equalization basin, the mesh in the rotary screen was too large to screen out particulate matter and grit, the holding time for the fecal coliform samples was being exceeded by 16 hours and the composite sampling procedure was not representative of the facility's daily flows; and**

**WHEREAS, during the March 26, 2009 inspection, EPD observed that the WPCP did not have a written preventive maintenance program for the equipment on site, a spare parts inventory for equipment at the WPCP, a routine inspection program in place, or a standard operating procedure for sampling; and**

**WHEREAS, on April 9, 2009, EPD and the County met to discuss the results of the March 25-26, 2009 investigations of the County's effluent discharge and WPCP; and**

**WHEREAS, during the April 9, 2009 meeting, EPD informed the County that the WPCP is not operating in such a manner as to adequately treat wastewater and prevent water quality violations from occurring due to the particulate matter, scum and solids entering the Flint River from the County's WPCP effluent discharge pipe as observed by the EPD Albany District Office, the EPD Atlanta Office, and the U.S. Army Corps of Engineers on June 25-27, 2008 and by the EPD Atlanta Office and the WRD Albany Office on March 25-26, 2009; and**

**WHEREAS, during the April 9, 2009 meeting, the County denied that particulate matter, scum and solids were leaving the County's WPCP facility and entering the Flint River. In addition, the County stated that they hired a consultant engineer to provide recommendations for system improvements and upgrades to the WPCP; and**

**WHEREAS, during the April 9, 2009 meeting, the County's engineer stated that the preliminary recommendations for the system improvements include a grit removal system, a rotary press dewatering system and an automatic backwash filter that should be installed to screen out and collect the particulate matter and grit, to abandon the drying beds and to filter out the particulate matter and solids in the SBRs before it enters the equalization basins; and**

**WHEREAS, during the April 9, 2009 meeting, the County informed EPD that their manholes on Manhole Drive had been cemented closed to deter illegal dumping into the County's 6 mile effluent pipe to the Flint River; and**

**WHEREAS, EPD informed the County that they must be able to access the manholes and pipes to perform routine maintenance; and**

**WHEREAS, attempts were made to enter into a Consent Order in April and August 2009;**  
**and**

**WHEREAS, the County did not sign and return the proposed Consent Orders to EPD;**  
**and**

**WHEREAS, Section 12-5-29(a) of the Official Code of Georgia Annotated (Code) makes it unlawful to use any waters of the State to dispose of sewage or other wastes, except to comply with the Code and all rules, regulations, orders, and permits established under the Code; and**

WHEREAS, Section 12-5-42(c) of the Code provides the Director the power to issue orders as may be necessary to control, abate, and prevent pollution of the waters of the State; and

WHEREAS, the Director signed Administrative Order EPD-WQ-5159 on March 29, 2010, it was date stamped April 8, 2010, and it was subsequently served on the County; and

WHEREAS, on May 5, 2010 the County filed a timely Petition for Hearing appealing Administrative Order EPD-WQ-5159; and

WHEREAS, in lieu of proceeding with an administrative hearing on the challenged Administrative Order, the parties deem it appropriate to enter into this Consent Order which upon execution will supersede Administrative Order EPD-WQ-5159 and render the County's pending Petition for Hearing moot.

NOW, THEREFORE, before taking any testimony and without adjudicating the merits of the parties' positions in this matter, and without admission or assignment of liability by the County, the parties hereby resolve the all of the allegations herein and all issues in this case by agreement and upon the order of the Director and the consent of the County as set forth below.

The Director ORDERS and the County AGREES to do the following:

1. Within 180 days of the execution date of this Consent Order, the County will pay to the Georgia Department of Natural Resources the sum of Fifteen Thousand Dollars (\$15,000.00) to address both the allegation that sewage sludge and solids entered the Flint River on June 25-27, 2008 and March 25-26, 2009 as well as the alleged deficiencies identified in the Compliance Evaluation and Reconnaissance Inspection results.
2. The sum will be paid in six equal installments of Two Thousand Five Hundred Dollars (\$2,500.00) each. Payment shall be made by certified check or money order made

payable to the Georgia Department of Natural Resources. The first payment of Two Thousand Five Hundred Dollars (\$2,500.00) will be due and payable within 30 days of the execution of this Consent Order by the Decatur County Board of Commissioners. The remaining five payments of Two Thousand Five Hundred Dollars (\$2,500.00) each will be made every thirty days thereafter until the entire sum of Fifteen Thousand Dollars (\$15,000.00) is paid in full.

3. Within 60 days of the execution date of this Order, the County will submit to EPD for review and approval a corrective action plan (CAP) with a schedule to temporarily remove the particulate matter and solids from the equalization basin and the wet well before the effluent is discharged into the Flint River. Once the CAP is approved by EPD, the County shall immediately implement the CAP.
4. Within 120 days of the execution date of this Order, the County shall submit to EPD for review and approval the results of a comprehensive audit of the County's WPCP relative to the solids that are being discharged into the Flint River. The audit shall be conducted by an outside consultant/engineer knowledgeable in system operation, maintenance and design. The audit report shall include recommendations for system improvements, upgrades, corrective actions and program improvements, as well as schedules for implementing those recommendations. Once the audit is approved by EPD, the schedule for implementing the recommendations will be followed as detailed in the audit report.
5. Within 60 days of the execution date of this Order, the County shall submit to EPD for review and approval a Standard Operating Procedure (SOP) for representative sampling. The SOP shall include at a minimum representative sampling locations, recording of



collection times and frequencies, preservation techniques, holding times and chain of custody forms. Once the SOP is approved by EPD, it will be immediately implemented.

6. Within 180 days of the execution date of this Order, develop, implement, and submit to EPD for review and approval, a preventative maintenance management program to ensure continuous operation and timely repairs of all critical components at the WPCP which will be implemented immediately upon approval of EPD. The program shall include, at a minimum:
  - a. A written routine preventive maintenance record system, which includes schedules for inspection, lubrication and replacement of parts.
  - b. An equipment record and maintenance log for each major piece of equipment describing both scheduled preventive maintenance and major repairs and replacements. The record or log shall include the names of persons performing maintenance, the date it was performed, and the associated costs.
  - c. A list of spare parts and an inventory of spare parts maintained - both developed in accordance with best engineering practices to ensure continuous operation and permit compliance at the WPCP.
7. The County shall submit biannual progress reports to EPD in June and December until termination of this Consent Order.
8. Upon receipt of any report, plan, or schedule; or any portion of a report, plan, or schedule; or any revised report, plan, or schedule; or any revised portion of a report, plan, or schedule; or any written response (hereinafter collectively "document") required under this Order, EPD shall review said document to determine its completeness with regard to the Code, Permit, and this Order. If EPD determines that said document is complete,

EPD shall notify the County in writing that said document is approved. If EPD determines that said document is incomplete, EPD shall provide the County with written notice of any deficiencies. The County shall have sixty (60) days from receipt of the written notice of deficiencies to submit a modified document to EPD unless otherwise specified by EPD. Should the County take exception to all or part of EPD's notice of deficiencies, the County shall, within fifteen (15) days after receipt of the written of deficiencies, submit to EPD a written statement of the grounds for the exception. EPD and the County shall confer by telephone or in person in an attempt to resolve any disagreement. If agreement is reached, the resolution shall be written and signed by representatives of each party. If agreement cannot be reached within thirty (30) days from the date of the County's receipt of the notice of deficiencies unless otherwise specified by EPD, the County shall revise the document as required by EPD and resubmit the revised document in accordance with a schedule to be specified by EPD.

This Order does not waive the Director's power to take further enforcement action against the County, or imply that the Director will not take such action either for: (1) the County's failure to meet the NPDES Permit limits, (2) the County's failure to fully satisfy the conditions of this Order, or (3) the County's failure to fully comply with other relevant requirements.

This Order is not a finding, adjudication of, or evidence of a violation of any State law by the County nor does the County by its consent agree to any violation of State laws nor admit any liability to any third party or parties.

This Order does not relieve the County of any obligations or requirements of any permits issued by the Director.

By agreement of the parties, this Consent Order shall have the same force and binding effect as a Final Order of the Director, and shall supersede Administrative Order EPD-WQ-5159 and become final and effective immediately upon its execution by the Director. The parties further agree that this Order shall not be appealable by the County, and the County hereby waives its right to initiate any administrative or judicial hearing on the terms and conditions of this Order.

Unless modified or terminated by a subsequent order, or otherwise specified in writing by the Director, this Order shall be deemed satisfied and terminated upon full, complete, and timely performance of each and every condition set forth herein.

IT IS ORDERED, CONSENTED, AND AGREED TO this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

FOR THE DIVISION:

\_\_\_\_\_  
F. Allen Barnes,  
Director, Environmental Protection Division

FOR THE COUNTY:

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_