



4/27/10 - Copies to Interim C. M.
and C. Attorney

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

RECEIVED

2010 APR 27 AM 8:03

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OFFICE OF THE CITY CLERK

CERTIFIED MAIL 7008 1140 0003 1135 0875
RETURN RECEIPT REQUESTED

The Honorable Tom Beehan
Mayor, City of Oak Ridge
200 South Tulane Avenue
P.O. Box 1
Oak Ridge, Tennessee 37830

Re: Notice of Opportunity to Show Cause
NPDES Permit No. TN0024155
Oak Ridge-Turtle Creek Wastewater Treatment Plants (WWTP)

Dear Mayor Beehan:

On November 20, 2008, the U.S. Environmental Protection Agency (EPA) Region 4, sent an Information Request Letter pursuant to Section 308 of the Clean Water Act (CWA) to the City of Oak Ridge (the "City") requesting information related to Sanitary Sewer Overflows (SSOs) from the sewer system. On October 27 to October 28, 2009, EPA conducted an on-site Compliance Evaluation Inspection on the Wastewater Collection and Transmission System (WCTS) associated with the Turtle Creek Wastewater Treatment Plant, a public facility treatment works owned by the City. The purpose of the inspection was to assess the City's compliance with the CWA, evaluate reported SSOs, and assesses any Management, Operation and Maintenance programs used by City's Public Works Department to properly maintain and operate the WCTS. As a result of the City's Information Request Letter response and the information gathered pursuant to the aforementioned on-site inspection, EPA has concluded that the City of Oak Ridge is in violation of the CWA, specifically:

1. The City is using nine unpermitted outfalls constructed throughout the WCTS to discharge raw sewage from the system without the benefit of primary or secondary treatment. These unpermitted outfalls are either directly or indirectly discharging untreated sewage into waters of the U.S. and/or into open ditches where human contact is possible, endangering the health and welfare of the citizens of Oak Ridge.
2. The City allowed at least 126 SSOs to occur from January 2004 to December 2008, totaling over 3.2 Million Gallons of untreated sewage that either directly or indirectly affected waters of the U.S. in violation of the CWA and/or in violation of Part 2.1.4.a (Proper Operation and Maintenance) of the City's National Pollutant Discharge Elimination System Permit.

Such violations are subject to enforcement action pursuant to Section 309 of the CWA. That Section provides for the issuance of compliance orders, administrative actions to assess penalties, and/or the initiation of civil or criminal enforcement actions. Therefore, EPA requests that representatives of the City be present in this office on or before May 31, 2010, to show cause why EPA should not refer the matter to the U.S. Attorney for initiation of civil or criminal proceedings, or why EPA should not institute administrative proceedings including assessment of penalties.

The representatives should be prepared to provide all relevant information, with documentation, pertaining to the violations (including, but not limited to, any financial information which may reflect your ability to pay a penalty). You have the right to be represented by legal counsel.

Please contact Mr. Dennis J. Sayre at (404) 562-9756, or at sayre.dennis@epa.gov within seven (7) days to confirm your receipt of this letter and to set up a date and time for the meeting. We will answer any questions you may have regarding this letter at that time.

Sincerely,



Amanda L. Driskell, Acting Chief
West NPDES Enforcement Section
Clean Water Enforcement Branch

cc: Mr. Paul E. Davis, P.E., TDEC