

April 7, 2017

Delivered Via Certified Mail

7008 1300 0001 2360 3732

Hon. Perry Franks, Mayor
Town of Brilliant
P.O. Box 407
Brilliant, Alabama 35548-0407

Re: Notice of Violation and Intent to File Suit under the Clean Water Act

Dear Mayor Franks:

Pursuant to the Clean Water Act § 505, 33 U.S.C. § 1365, and 40 C.F.R. Part 135, Subpart A, you are hereby notified that after the expiration of 60 days following service of this notice, the Environmental Defense Alliance may file suit against the Town of Brilliant for discharges of pollutants in violation of NPDES Permit No. AL0057169 issued by the Alabama Department of Environmental Management pursuant to Alabama's NPDES permit program approved by the U.S. Environmental Protection Agency under Clean Water Act § 402(b), 33 U.S.C. § 1342(b).

I. Violations

Pursuant to § 402 of the Clean Water Act, 33 U.S.C. § 1342, the Alabama Department of Environmental Management issued NPDES Permit No. AL0057169 authorizing the Town of Brilliant to discharge pollutants from the Town of Brilliant Wastewater Treatment Plant, located on Bostick Street in the Town of Brilliant, Marion County, Alabama, into an Unnamed Tributary of Little New River at approximately Latitude 33.02542 North and Longitude 87.75011 West, subject to specific discharge limitations. The Town of Brilliant has discharged pollutants from Outfall 001 into an Unnamed Tributary of Little New River in violation of the discharge limitations of NPDES Permit No. AL0057169 from July 2013 through December 2016 as described in the attached tables. Additional violations may have occurred.

II. Previous enforcement actions

On May 10, 2016, the Alabama Department of Environmental Management issued a Warning Letter to the City of Brilliant in which it cited effluent violations for the period June 2014 through February 2016.

On February 21, 2017, the Alabama Department of Environmental Management issued a Notice of Violation to the City of Brilliant in which it cited effluent violations for the period September 2015 through December 2016.

III. Sanctions

The Clean Water Act authorizes injunctive relief and civil penalties up to \$37,500 per day per violation. In addition, the Act authorizes the award of costs of litigation (including reasonable attorney and expert witness fees) to any prevailing or substantially prevailing party, whenever the court determines that such an award is appropriate. Suit may be avoided if these violations have ceased before the expiration 60 days following service of this notice. Please advise the undersigned of any measures which you may undertake which you contend have permanently abated these violations before suit is filed.

Sincerely,



David A. Ludder
Attorney for
Environmental Defense Alliance

cc:

Hon. Lance R. LeFleur, Director
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, Alabama 36130-1463

Hon. Scott Pruitt, Administrator
Mail Code 1101A
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Hon. V. Anne Heard, Acting Regional Administrator
U.S. Environmental Protection Agency - Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303

TOTAL SUSPENDED SOLIDS IN EFFLEUNT DISCHARGED FROM OUTFALL 001			
Monitoring Period End Date	Monthly Average (concentration)		
	Permit Limit (mg/L)	Measured Value (mg/L)	Violation Days
Apr 2016	≤ 30.0	65	30
		TOTAL	30

TOTAL SUSPENDED SOLIDS IN EFFLEUNT DISCHARGED FROM OUTFALL 001			
Monitoring Period End Date	Weekly Average (concentration)		
	Permit Limit (mg/L)	Measured Value (mg/L)	Violation Days
Apr 2016	≤ 45.0	284	7
Nov 2015	≤ 45.0	59	7
		TOTAL	14

TOTAL SUSPENDED SOLIDS IN EFFLEUNT DISCHARGED FROM OUTFALL 001			
Monitoring Period End Date	Monthly Average (mass)		
	Permit Limit (lbs/day)	Measured Value (lbs/day)	Violation Days
Apr 2016	≤ 20.0	21	30
		TOTAL	30

TOTAL SUSPENDED SOLIDS IN EFFLEUNT DISCHARGED FROM OUTFALL 001			
Monitoring Period End Date	Weekly Average (mass)		
	Permit Limit (lbs/day)	Measured Value (lbs/day)	Violation Days
Apr 2016	≤ 30.0	90	7
		TOTAL	7

SUSPENDED SOLIDS PERCENT REMOVAL AT OUTFALL 001			
Monitoring Period End Date	Monthly Average (mass)		
	Permit Limit (percent)	Measured Value (percent)	Violation Days
Nov 2016	≥ 85	84.8	30
Apr 2016	≥ 85	71.2	30
Feb 2016	≥ 85	74	28
		TOTAL	88

BOD, CARBONACEOUS IN EFFLEUNT DISCHARGED FROM OUTFALL 001			
Monitoring Period End Date	Weekly Average (concentration)		
	Permit Limit (mg/L)	Measured Value (mg/L)	Violation Days
Apr 2016	≤ 37.5	422	7
TOTAL			7

NITROGEN, AMMONIA (AS N) IN EFFLEUNT DISCHARGED FROM OUTFALL 001			
Monitoring Period End Date	Monthly Average (concentration)		
	Permit Limit (mg/L)	Measured Value (mg/L)	Violation Days
Dec 2016	≤ 4	9.9	31
Nov 2016	≤ 2	16.9	30
Oct 2016	≤ 2	2.77	31
Dec 2014	≤ 4	5.19	31
Dec 2014	≤ 4	6.53	31
TOTAL			154

NITROGEN, AMMONIA (AS N) IN EFFLEUNT DISCHARGED FROM OUTFALL 001			
Monitoring Period End Date	Weekly Average (concentration)		
	Permit Limit (mg/L)	Measured Value (mg/L)	Violation Days
Dec 2016	≤ 6	18.3	7
Nov 2016	≤ 3	23.6	7
Oct 2016	≤ 3	13.2	7
Dec 2015	≤ 6	15.20	7
Sep 2015	≤ 3	5.0	7
Jan 2015	≤ 6	9.40	7
Dec 2014	≤ 6	14.40	7
Dec 2014	≤ 6	11.40	7
TOTAL			56

NITROGEN, AMMONIA (AS N) IN EFFLEUNT DISCHARGED FROM OUTFALL 001			
Monitoring Period End Date	Monthly Average (mass)		
	Permit Limit (lbs/day)	Measured Value (lbs/day)	Violation Days
Nov 2016	≤ 1.33	2.01	30
Dec 2015	≤ 4.00	4.11	31
Dec 2014	≤ 4.00	4.47	31
TOTAL			92

NITROGEN, AMMONIA (AS N) IN EFFLEUNT DISCHARGED FROM OUTFALL 001			
Monitoring Period End Date	Weekly Average (mass)		
	Permit Limit (lbs/day)	Measured Value (lbs/day)	Violation Days
Nov 2016	≤ 2.0	2.76	7
Dec 2015	≤ 4.00	5.32	7
Dec 2014	≤ 4.00	5.28	7
Jul 2013	≤ 2.0	4.8	7
TOTAL			28

E. COLI IN EFFLEUNT DISCHARGED FROM OUTFALL 001			
Monitoring Period End Date	Daily Maximum (concentration)		
	Permit Limit (colonies/100 mL)	Measured Value (colonies/100mL)	Violation Days
Dec 2016	≤ 2507	*T	1
Nov 2016	≤ 2507	*T	1
Jul 2016	≤ 487	*T	1
Apr 2016	≤ 2507	242000	1
Jun 2014	≤ 487	38900	1
TOTAL			5

E. COLI IN EFFLEUNT DISCHARGED FROM OUTFALL 001			
Monitoring Period End Date	Monthly Average (concentration)		
	Permit Limit (colonies/100 mL)	Measured Value (colonies/100mL)	Violation Days
Dec 2016	≤ 548	965	31
Nov 2016	≤ 548	1210	30
Jul 2016	≤ 126	485	31
Apr 2016	≤ 548	48400	30
Dec 2015	≤ 548	797	31
Nov 2015	≤ 548	645	30
Jun 2014	≤ 126	263	30
Dec 2013	≤ 548	824	31
TOTAL			244



AlaFile E-Notice

49-CV-2017-900040.00

To: ROBERT D. TAMBLING
rtambling@ago.state.al.us

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MARION COUNTY, ALABAMA

ALABAMA ATTORNEY GENERAL'S OFFICE ET AL V. TOWN OF BRILLIANT
49-CV-2017-900040.00

The following complaint was FILED on 5/16/2017 1:32:27 PM

Notice Date: 5/16/2017 1:32:27 PM

DENISE MIXON
CIRCUIT COURT CLERK
MARION COUNTY, ALABAMA
132 SOUTH MILITARY STREET
HAMILTON, AL, 35570

205-921-7451
denise.mixon@alacourt.gov



State of Alabama
Unified Judicial System
Form ARCiv-93 Rev.5/99

COVER SHEET
CIRCUIT COURT - CIVIL CASE
(Not For Domestic Relations Cases)

Case: **49**
Date of Filing: 05/16/2017
Judge Code:

GENERAL INFORMATION

IN THE CIRCUIT COURT OF MARION COUNTY, ALABAMA
ALABAMA ATTORNEY GENERAL'S OFFICE ET AL v. TOWN OF BRILLIANT

First Plaintiff: Business Individual Government Other
First Defendant: Business Individual Government Other

NATURE OF SUIT: Select primary cause of action, by checking box (check only one) that best characterizes your action:

- TORTS: PERSONAL INJURY**
- WDEA - Wrongful Death
 - TONG - Negligence: General
 - TOMV - Negligence: Motor Vehicle
 - TOWA - Wantonness
 - TOPL - Product Liability/AEMLD
 - TOMM - Malpractice-Medical
 - TOLM - Malpractice-Legal
 - TOOM - Malpractice-Other
 - TBFM - Fraud/Bad Faith/Misrepresentation
 - TOXX - Other: _____
- TORTS: PERSONAL INJURY**
- TOPE - Personal Property
 - TORE - Real Property
- OTHER CIVIL FILINGS**
- ABAN - Abandoned Automobile
 - ACCT - Account & Nonmortgage
 - APAA - Administrative Agency Appeal
 - ADPA - Administrative Procedure Act
 - ANPS - Adults in Need of Protective Service

- OTHER CIVIL FILINGS (cont'd)**
- MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/ Enforcement of Agency Subpoena/Petition to Preserve
 - CVRT - Civil Rights
 - COND - Condemnation/Eminent Domain/Right-of-Way
 - CTMP - Contempt of Court
 - CONT - Contract/Ejectment/Writ of Seizure
 - TOCN - Conversion
 - EQND - Equity Non-Damages Actions/Declaratory Judgment/ Injunction Election Contest/Quiet Title/Sale For Division
 - CVUD - Eviction Appeal/Unlawful Detainer
 - FORJ - Foreign Judgment
 - FORF - Fruits of Crime Forfeiture
 - MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
 - PFAB - Protection From Abuse
 - FELA - Railroad/Seaman (FELA)
 - RPRO - Real Property
 - WTEG - Will/Trust/Estate/Guardianship/Conservatorship
 - COMP - Workers' Compensation
 - CVXX - Miscellaneous Circuit Civil Case

ORIGIN: F **INITIAL FILING** A **APPEAL FROM DISTRICT COURT** O **OTHER**

R **REMANDED** T **TRANSFERRED FROM OTHER CIRCUIT COURT**

HAS JURY TRIAL BEEN DEMANDED? YES NO **Note:** Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P, for procedure)

RELIEF REQUESTED: **MONETARY AWARD REQUESTED** **NO MONETARY AWARD REQUESTED**

ATTORNEY CODE:
TAM001 5/16/2017 1:32:57 PM /s/ ROBERT D. TAMBLING
Date Signature of Attorney/Party filing this form

MEDIATION REQUESTED: YES NO UNDECIDED



**THE CIRCUIT COURT OF
MARION COUNTY, ALABAMA**

STATE OF ALABAMA ex rel.,)
STEVEN T. MARSHALL,)
ATTORNEY GENERAL)
and the ALABAMA DEPARTMENT of)
ENVIRONMENTAL MANAGEMENT,)

Plaintiffs,)

v.)

TOWN OF BRILLIANT,)

Defendant.)

Civil Action No.
CV-2017-_____

COMPLAINT

The Parties

1. The Attorney General is authorized by Ala. Code § 22-22A-5(1), § 22-22-9(m), § 22-22A-5(12), and § 22-22A-5(18) (2006 Rplc. Vol.) to enforce the provisions of the Alabama Water Pollution Control Act (hereinafter “AWPCA”), which is found at Ala. Code §§ 22-22-1 through 22-22-14 (2006 Rplc. Vol.). Specifically, Ala. Code § 22-22A-5(18)b. (2006 Rplc. Vol.) authorizes the Attorney General to bring a civil action for violation of permits issued under the AWPCA and for unpermitted discharges of pollutants in violation of the AWPCA. In addition, Ala. Code § 22-22A-5(18)c., as amended authorizes the Attorney General to recover civil penalties for such permit violations and unpermitted discharges of pollutants, providing for a maximum of \$25,000.00 per violation. The Attorney General is authorized by Ala. Code § 36-15-12 (2006 Rplc. Vol.) to institute and prosecute, in the name of the State, all civil actions and other proceedings necessary to protect the rights and interests of the State.

2. The Alabama Department of Environmental Management (hereinafter “the Department” or “ADEM”) is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 through 22-22A-17, as amended. Pursuant to Ala. Code § 22-22A-4(n) (2006 Rplc. Vol.), the Department is the state agency responsible for the promulgation and enforcement of water pollution control regulations in accordance with the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 to 1388. In addition, the Department is authorized to administer and enforce the provisions of the AWPCA.

3. The Town of Brilliant (hereinafter “Defendant”) operates a wastewater treatment plant (hereinafter “WWTP”) known as the Brilliant WWTP. The wastewater treatment plant discharges pollutants from the Brilliant WWTP located on Bostick Street, in Marion County, Alabama, into an Unnamed Tributary to Little New River, a water of the State.

Jurisdiction and Venue

4. The Court has jurisdiction and venue over this Complaint pursuant to Ala. Code § 22-22A-5(18)b. and § 22-22A-5(19) (2006 Rplc. Vol.).

General Allegations - Brilliant WWTP

5. Pursuant to the National Pollutant Discharge Elimination System (hereinafter “NPDES”) program administered by ADEM and approved by the Administrator of the U.S. Environmental Protection Agency pursuant to § 402 of the Federal Water Pollution Control Act, 33 U.S.C. § 1342, the Department reissued NPDES Permit Number AL0057169 (hereinafter “the Permit”) to the Defendant on January 27, 2012, effective February 1, 2012. The Department subsequently reissued the Permit to the Defendant on January 25, 2017, effective February 1, 2017. The Permit establishes limitations and conditions on the discharge of pollutants from a point source, described therein as Outfall 0011, into an Unnamed Tributary to Little New River,

a water of the State. The Permit requires that the Defendant monitor its discharges and submit periodic Discharge Monitoring Reports (hereinafter “DMRs”) to the Department describing the results of the monitoring. The Permit also requires that the Defendant properly operate and maintain all facilities and systems of treatment and control which are installed or used by the Defendant to achieve compliance with the conditions of the Permit.

6. Permit Condition I.A requires that discharges be limited and monitored as specified in the Permit. For the monitoring periods listed in Attachment I, the Defendant submitted DMRs to the Department indicating that discharges from Outfall 0011 did not comply with the Permit limitations for Escherichia coli (hereinafter “E. coli”), Total Ammonia as Nitrogen (hereinafter “NH₃-N”), Total Suspended Solids (hereinafter “TSS”), TSS Percent Removal, and Five-Day Carbonaceous Biochemical Oxygen Demand (hereinafter “CBOD”).

7. Permit Condition I.C.1.b requires the Defendant to submit monthly DMRs by the 28th day of the month following the reporting period. The August 2015, November 2015, and April 2016 DMRs for outfall 0011 were due to the Department by the 28th day of the month following the reporting period. The DMRs were received late by the Department on the received dates included in Attachment I.

8. Permit Condition I.B.7 requires that all equipment and instrumentation used to determine compliance with the requirements of this permit shall be installed, maintained, and calibrated in accordance with the manufacturer’s instructions or, in the absence of manufacturer’s instructions, in accordance with accepted practices. At a minimum, flow measurement devices shall be calibrated at least once every twelve months. During the inspection on February 28, 2014, the Department observed that the pH buffer was expired and that the flow meter had not been calibrated within the last year.

9. Permit condition II.E.1.a requires that an application for permit renewal or a written notification of intent to discontinue discharging beyond the Permit's expiration date be submitted to the Department at least 180 days prior to its expiration. The application for permit renewal or notification of discontinuance was due to the Department on August 5, 2016. The Department recorded the application as being received on August 29, 2016.

10. Permit Condition I.C.2.b requires the Permittee to submit a noncompliance notification report to the Department should a discharge not comply with any limitation of the permit. Noncompliance notification reports are to be submitted to the Department with the next discharge monitoring report after becoming aware of the noncompliance. The noncompliance notification reports for the October 2012, December 2014, and November 2015 monitoring periods were due to the Department with the next discharge monitoring report submitted by the Permittee after becoming aware of the noncompliance. The noncompliance notification reports were received late by the Department on the received dates included in Attachment I.

Count I

11. Plaintiffs repeat, replead and incorporate by reference paragraphs 1 through 10, above.

12. The above violations are due to be abated by injunction.

Count II

13. Plaintiffs repeat, replead and incorporate by reference paragraphs 1 through 12, above.

14. Pursuant to Ala. Code § 22-22A-5(18), as amended, a civil penalty is due to be assessed for the referenced violations.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court:

- A. Take jurisdiction over this matter.
- B. Adjudge and declare that the Defendant violated the limitations, terms, and conditions of the Permit.
- C. Adjudge and declare that the Defendant caused or allowed discharges of pollutants from its wastewater treatment plant into a water of the State in violation of the limitations set forth in the Permit.
- D. Order the Defendant to take action to ensure that similar violations of the AWPCA will not recur in the future.
- E. Assess a civil penalty against the Defendant and in favor of Plaintiffs pursuant to Ala. Code §§ 22-22A-5(18)b. and c., as amended, for each and every violation of the Permit alleged in this Complaint.
- F. Tax the costs of this action against the Defendant.
- G. Order such other relief that the Court deems proper.

Respectfully submitted,

s/ Robert D. Tambling
Robert D. Tambling (TAM001)
Assistant Attorney General

ADDRESS OF COUNSEL:

Office of the Attorney General
501 Washington Avenue
Montgomery, AL 36130
Telephone: (334) 242-7445
Email: rtambling@ago.state.al.us

s/ Carrie Blanton
Carrie Blanton (TOM024)
Schuyler Espy (KEA009)
Assistant Attorney General

ADDRESS OF COUNSEL:

Alabama Department of Environmental Management
Office of General Counsel
P.O. Box 301463
Montgomery, AL 36130-1463
Telephone: (334) 271-7855
Fax: (334) 394-4332
Email: carrie.blanton@adem.alabama.gov
sespy@adem.alabama.gov


Attachment I

Permit Limitation Violations

Monitoring Period	Outfall	Parameter	Limit Type	Unit	Limit	Reported
August 2012	0011	E. coli	Monthly Average	col/100mL	126	3628
August 2012	0011	E. coli	Maximum Daily	col/100mL	487	16200
October 2012	0011	NH3-N	Weekly Average	mg/L	3	5.3
December 2012	0011	NH3-N	Weekly Average	mg/L	6	7.6
December 2012	0011	TSS % Removal	Monthly Average Minimum	%	85	73
July 2013	0011	NH3-N	Weekly Average	mg/L	3	4.8
December 2013	0011	E. coli	Monthly Average	col/100mL	548	824
December 2013	0011	NH3-N	Weekly Average	lbs/day	4	4.47
December 2013	0011	NH3-N	Weekly Average	mg/L	6	11.4
December 2013	0011	NH3-N	Monthly Average	mg/L	4	6.53
June 2014	0011	E. coli	Maximum Daily	col/100mL	487	38900
June 2014	0011	E. coli	Monthly Average	col/100mL	126	263
December 2014	0011	NH3-N	Monthly Average	mg/L	4	5.19
December 2014	0011	NH3-N	Weekly Average	mg/L	6	14.4
December 2014	0011	NH3-N	Weekly Average	lbs/day	4	5.28
January 2015	0011	NH3-N	Weekly Average	mg/L	6	9.4
September 2015	0011	NH3-N	Weekly Average	mg/L	3	5.0
November 2015	0011	TSS	Weekly Average	mg/L	45	59
November 2015	0011	E. coli	Monthly Average	col/100mL	548	645
December 2015	0011	NH3-N	Weekly Average	lbs/day	4	5.32
December 2015	0011	NH3-N	Monthly Average	mg/L	4	4.11
December 2015	0011	NH3-N	Weekly Average	mg/L	6	15.20
December 2015	0011	E. coli	Monthly Average	col/100mL	548	797
February 2016	0011	TSS % Removal	Monthly Average Minimum	%	85	74
April 2016	0011	TSS	Monthly Average	lbs/day	20	21
April 2016	0011	TSS	Weekly Average	lbs/day	30	90
April 2016	0011	TSS	Monthly Average	mg/L	30	65
April 2016	0011	TSS	Weekly Average	mg/L	45	284
April 2016	0011	E. coli	Monthly Average	col/100mL	548	48400
April 2016	0011	E. coli	Maximum Daily	col/100mL	2507	242000
April 2016	0011	CBOD	Weekly Average	mg/L	37.5	422
April 2016	0011	TSS % Removal	Monthly Average Minimum	%	85	71.2
July 2016	0011	E. coli	Monthly Average	col/100mL	126	485

Monitoring Period	Outfall	Parameter	Limit Type	Unit	Limit	Reported
July 2016	0011	E. coli	Maximum Daily	col/100mL	487	*T
October 2016	0011	NH3-N	Monthly Average	mg/L	2	2.77
October 2016	0011	NH3-N	Weekly Average	mg/L	3	13.2
November 2016	0011	NH3-N	Monthly Average	lbs/day	1.33	2.01
November 2016	0011	NH3-N	Weekly Average	lbs/day	2.0	2.76
November 2016	0011	NH3-N	Monthly Average	mg/L	2	16.9
November 2016	0011	NH3-N	Weekly Average	mg/L	3	23.6
November 2016	0011	E. coli	Monthly Average	col/100mL	548	1210
November 2016	0011	E. coli	Maximum Daily	col/100mL	2507	*T
November 2016	0011	TSS % Removal	Monthly Average Minimum	%	85	84.8
December 2016	0011	NH3-N	Monthly Average	mg/L	4	9.9
December 2016	0011	NH3-N	Weekly Average	mg/L	6	18.3
December 2016	0011	E. coli	Monthly Average	col/100mL	548	965
December 2016	0011	E. coli	Maximum Daily	col/100mL	2507	*T

Late DMR Submittals

Monitoring Period	Outfall	Due Date	Received Date	Days Late
August 2015	0011	09/28/2015	01/08/2016	102
November 2015	0011	12/28/2015	01/08/2016	11
April 2016	0011	05/28/2016	06/24/2016	27

Late Noncompliance Notification Reports

Monitoring Period	Outfall	Due Date	Received Date	Days Late
October 2012	0011	11/28/2012	12/31/2012	33
December 2014	0011	1/28/2015	02/02/2015	5
November 2015	0011	12/28/2015	05/27/2016	151

**THE CIRCUIT COURT OF
MARION COUNTY**

STATE OF ALABAMA ex rel.,)
STEVEN T. MARSHALL,)
ATTORNEY GENERAL)
and the ALABAMA DEPARTMENT of)
ENVIRONMENTAL MANAGEMENT,)
))
Plaintiffs,)
))
v.)
))
TOWN OF BRILLIANT,)
))
))
Defendant.)

**Civil Action No.
CV-2017-**

**PLAINTIFFS' FIRST SET OF INTERROGATORIES
TO THE DEFENDANT**

The State of Alabama, upon relation of Attorney General Steven T. Marshall hereby propounds the following Interrogatories on the Defendant. The answers to these interrogatories are to be delivered within forty-five days to the undersigned attorney at the address listed hereon.

Instructions

Where any interrogatory asks you to state the name or names of any person or persons, the term "name" or "names" includes the person's name, his or her business and residential address, and his or her business affiliation and position.

Please restate each interrogatory in full prior to providing your response thereto.

This discovery is to be considered continuing in character. Answers should be modified or supplemented as you obtain further or different information prior to the trial in this matter.

To the extent that information sought by any interrogatory may be furnished by reference to answers to another interrogatory, such practice will be acceptable. Separate answers should, however, be accorded in all cases.

Where exact information cannot be furnished, estimated information is to be supplied.

Where estimated information is used, the discovery answers should indicate this fact, and an explanation should be given of the basis on which the estimate was made and the reason that exact information could not be furnished.

Where knowledge or information is requested of Defendant, such request includes knowledge and information in the possession of Defendant's agents, representatives, attorneys, or experts.

If you fail to answer any interrogatory in accordance with these instructions, state specifically the reasons why.

If you interpose any objection to any interrogatory, fully state the ground(s) for the objection and the legal authority upon which you will rely in response to a motion to compel.

INTERROGATORIES

1. Please describe in detail each compliance measure or interim measure Defendant has taken, or has considered taking but has not taken, or plans to take in the future, to comply with its permit and, for each compliance measure or interim measure identified:

(a) State the dates on which its construction, installation, adoption and/or implementation was begun and completed, would have begun and been completed

if the measure had been implemented, or is planned to begin and be completed in the future;

(b) State the period of time during which it has operated or is expected to operate in the future;

(c) Provide an itemized statement of actual or, if unavailable, estimated capital investment costs associated with its design, purchase, construction, installation, adoption or implementation;

(d) Provide an itemized statement of actual or, if unavailable, estimated one-time non-depreciable costs, such as consulting and labor costs, associated with its design, purchase, construction, installation, adoption or implementation;

(e) State its useful life; and

(f) Provide an itemized statement of actual or, if unavailable, estimated recurring annual operation and maintenance costs incurred while the facility was in non-compliance.

(g) Provide an itemized statement of actual or, if unavailable, estimated recurring annual operation and maintenance costs that will be incurred after the facility achieves compliance.

2. Please identify any person, other than Defendant, including, but not limited to, any consultant(s) who has been employed by Defendant or a predecessor in interest to evaluate or implement improvements in the wastewater treatment facility.

3. Please identify the compliance date in which the Defendant has achieved compliance with the NPDES permit or will be in compliance with its NPDES Permit.

4. Please provide the size of the service population of the Defendant's wastewater treatment facility.

RESPECTFULLY SUBMITTED,

STEVEN T. MARSHALL
ATTORNEY GENERAL

s/ Robert D. Tambling
Robert D. Tambling (TAM001)
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I have on this 16th day of May, 2017, served a copy of the forgoing upon the following via US Mail and email:

Town of Brilliant
P.O. Box 407
Brilliant, AL 35548-0407

s/ Robert D. Tambling
Robert D. Tambling (TAM001)
Assistant Attorney General