

April 7, 2017

Delivered Via Certified Mail

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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.