

June 27, 2017

***Delivered Via Certified Mail***  
***Return Receipt Requested***  
No. 7008 1300 0001 2360 3756

Hon. John Hammock, Mayor  
City of Tallassee  
3 Freeman Avenue  
Tallassee, AL 36078

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

Dear Mayor Hammock:

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 City of Tallassee for the discharge of pollutants in violation of NPDES Permit No. AL0020486 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. Permit Discharge Limit Violations**

Pursuant to § 402 of the Clean Water Act, 33 U.S.C. § 1342, the Alabama Department of Environmental Management issued NPDES Permit No. AL0020486 authorizing the City of Tallassee to discharge pollutants from the Tallassee Sewer Stabilization Pond, located at Highway 229 South, Tallassee, Alabama, into the Tallapoosa River at approximately Latitude 32.5156° North and Longitude 85.8933° West, subject to specific discharge limitations. The City of Tallassee has discharged pollutants from Outfall 001 into the Tallapoosa River in violation of the discharge limitations of NPDES Permit No. AL0020486 from January 2007 through May 2017 as identified in the table attached hereto. Additional violations may have occurred.

**II. Previous Enforcement Actions**

On January 27, 2011, the Alabama Department of Environmental Management issued a Notice of Violation to the City of Tallassee in which it cited effluent violations for the period November 2008 through August 2010.

On April 1, 2013, the Alabama Department of Environmental Management issued a Warning Letter to the City of Tallassee in which it cited effluent violations for the period March 2011 through September 2012.

On July 21, 2015, the Alabama Department of Environmental Management issued a Warning Letter to the City of Tallassee in which it cited effluent violations for the period May 2014 through April 2015.

The Alabama Department of Environmental Management has not issued an administrative order or filed a civil action to address the violations identified in the attached table.

### **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

Effluent Limit Exceedances Report

Facility: TALLASSEE SEWER STABILIZATION POND, TALLASSEE, AL, 36078

Date Range: 01/01/2007 to 5/31/2017

Violation Details

Month Ending	Outfall	Pollutant Parameter	Limit Type	Discharge Measurement	Discharge Limitation	Violation-Days
1/31/2007	001	00400 - pH	DAILY MN	5.19 SU	6.0 SU	1
4/30/2010	001	00400 - pH	DAILY MN	5.94 SU	6.0 SU	1
11/30/2010	001	00400 - pH	DAILY MN	5.97 SU	6.0 SU	1
1/31/2012	001	00400 - pH	DAILY MN	4.96 SU	6.0 SU	1
1/31/2013	001	00400 - pH	DAILY MN	5.4 SU	6.0 SU	1
2/28/2013	001	00400 - pH	DAILY MN	5.91 SU	6.0 SU	1
5/31/2014	001	00400 - pH	DAILY MX	9.22 SU	9.0 SU	1
1/31/2015	001	00400 - pH	DAILY MN	4.86 SU	6.0 SU	1
5/31/2015	001	00400 - pH	DAILY MX	9.3 SU	9.0 SU	1
7/31/2015	001	00400 - pH	DAILY MN	5.56 SU	6.0 SU	1
8/31/2015	001	00400 - pH	DAILY MN	5.33 SU	6.0 SU	1
10/31/2015	001	00400 - pH	DAILY MN	5.3 SU	6.0 SU	1
3/31/2016	001	00400 - pH	DAILY MN	5.93 SU	6.0 SU	1
5/31/2017	001	00400 - pH	DAILY MX	9.75 SU	9.0 SU	1
9/30/2012	001	00530 - Solids, total suspended	MO AVG	95 MG/L	90 MG/L	30
9/30/2012	001	00530 - Solids, total suspended	WKLY AVG	181 MG/L	135 MG/L	7
12/31/2010	001	50060 - Chlorine, total residual	DAILY MX	1.17 MG/L	1.0 MG/L	1
5/31/2011	001	50060 - Chlorine, total residual	DAILY MX	1.25 MG/L	1.0 MG/L	1
6/30/2011	001	50060 - Chlorine, total residual	DAILY MX	1.07 MG/L	1.0 MG/L	1
1/31/2015	001	50060 - Chlorine, total residual	DAILY MX	2 MG/L	1.0 MG/L	1
3/31/2015	001	50060 - Chlorine, total residual	DAILY MX	1.08 MG/L	1.0 MG/L	1
4/30/2015	001	50060 - Chlorine, total residual	DAILY MX	1.9 MG/L	1.0 MG/L	1
7/31/2010	001	51040 - E. coli	DAILY MX	327 #/100mL	235 #/100mL	1
3/31/2011	001	51040 - E. coli	MO AVG	652 #/100mL	126 #/100mL	31
3/31/2011	001	51040 - E. coli	DAILY MX	1,300 #/100mL	235 #/100mL	1
4/30/2011	001	51040 - E. coli	MO AVG	326 #/100mL	126 #/100mL	30

Month Ending	Outfall	Pollutant Parameter	Limit Type	Discharge	Discharge	Violation-Days
				Measurement	Limitation	
4/30/2011	001	51040 - E. coli	DAILY MX	649 #/100mL	235 #/100mL	1
11/30/2011	001	51040 - E. coli	MO AVG	244 #/100mL	126 #/100mL	30
11/30/2011	001	51040 - E. coli	DAILY MX	488 #/100mL	235 #/100mL	1
4/30/2012	001	51040 - E. coli	MO AVG	385 #/100mL	126 #/100mL	30
4/30/2012	001	51040 - E. coli	DAILY MX	770 #/100mL	235 #/100mL	1
9/30/2012	001	51040 - E. coli	MO AVG	308 #/100mL	126 #/100mL	30
9/30/2012	001	51040 - E. coli	DAILY MX	488 #/100mL	235 #/100mL	1
1/31/2013	001	51040 - E. coli	MO AVG	131 #/100mL	126 #/100mL	31
1/31/2013	001	51040 - E. coli	DAILY MX	260 #/100mL	235 #/100mL	1
3/31/2013	001	51040 - E. coli	MO AVG	139 #/100mL	126 #/100mL	31
3/31/2013	001	51040 - E. coli	DAILY MX	272 #/100mL	235 #/100mL	1
4/30/2013	001	51040 - E. coli	MO AVG	291 #/100mL	126 #/100mL	30
4/30/2013	001	51040 - E. coli	DAILY MX	575 #/100mL	235 #/100mL	1
10/31/2014	001	51040 - E. coli	MO AVG	715 #/100mL	126 #/100mL	31
10/31/2014	001	51040 - E. coli	DAILY MX	1,410 #/100mL	235 #/100mL	1
7/31/2015	001	51040 - E. coli	MO AVG	788 #/100mL	126 #/100mL	31
7/31/2015	001	51040 - E. coli	DAILY MX	1,200 #/100mL	235 #/100mL	1
8/31/2015	001	51040 - E. coli	MO AVG	181 #/100mL	126 #/100mL	31
9/30/2015	001	51040 - E. coli	MO AVG	342 #/100mL	126 #/100mL	30
9/30/2015	001	51040 - E. coli	DAILY MX	411 #/100mL	235 #/100mL	1
10/31/2015	001	51040 - E. coli	MO AVG	301 #/100mL	126 #/100mL	31
10/31/2015	001	51040 - E. coli	DAILY MX	548 #/100mL	235 #/100mL	1
11/30/2015	001	51040 - E. coli	MO AVG	245 #/100mL	126 #/100mL	30
11/30/2015	001	51040 - E. coli	DAILY MX	249 #/100mL	235 #/100mL	1
1/31/2016	001	51040 - E. coli	MO AVG	705 #/100mL	548 #/100mL	31
9/30/2016	001	51040 - E. coli	MO AVG	195 #/100mL	126 #/100mL	30
12/31/2016	001	51040 - E. coli	MO AVG	1,535 #/100mL	548 #/100mL	31
1/31/2017	001	51040 - E. coli	MO AVG	996 #/100mL	548 #/100mL	31
11/30/2008	001	74055 - Coliform, fecal general	DAILY MX	4,500 #/100mL	2,000 #/100mL	1
9/30/2009	001	74055 - Coliform, fecal general	MO GEOMN	762 #/100mL	200 #/100mL	30
3/31/2010	001	80082 - BOD, carbonaceous, 05 day, 20 C	MO AVG	360.71 LBS/D	291 LBS/D	31
3/31/2010	001	80082 - BOD, carbonaceous, 05 day, 20 C	WKLY AVG	566.61 LBS/D	437 LBS/D	7

Month Ending	Outfall	Pollutant Parameter	Limit Type	Discharge	Discharge	Violation-Days
				Measurement	Limitation	
4/30/2011	001	80082 - BOD, carbonaceous, 05 day, 20 C	MO AVG	27.8 MG/L	25 MG/L	30
11/30/2014	001	80082 - BOD, carbonaceous, 05 day, 20 C	MO AVG	31.2 MG/L	25 MG/L	30
8/31/2016	001	80082 - BOD, carbonaceous, 05 day, 20 C	MO AVG	29.5 MG/L	25 MG/L	30
12/31/2016	001	80082 - BOD, carbonaceous, 05 day, 20 C	MO AVG	35.3 MG/L	25 MG/L	31
12/31/2016	001	80082 - BOD, carbonaceous, 05 day, 20 C	WKLY AVG	55.4 MG/L	37.5 MG/L	7
12/31/2016	001	80082 - BOD, carbonaceous, 05 day, 20 C	WKLY AVG	558.6 LBS/D	437 LBS/D	7
7/31/2010	001	80091 - BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	80%	85.0%	31
8/31/2010	001	80091 - BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	77%	85.0%	31
11/30/2010	001	80091 - BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	73%	85.0%	30
3/31/2011	001	80091 - BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	76%	85.0%	31
4/30/2011	001	80091 - BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	66%	85.0%	30
11/30/2014	001	80091 - BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	79%	85.0%	30
7/31/2015	001	80091 - BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	77%	85.0%	31
8/31/2015	001	80091 - BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	83%	85.0%	31
9/30/2015	001	80091 - BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	76%	85.0%	30
10/31/2015	001	80091 - BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	81%	85.0%	31
1/31/2016	001	80091 - BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	71%	85.0%	31
4/30/2016	001	80091 - BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	83%	85.0%	30
6/30/2016	001	80091 - BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	79%	85.0%	30
7/31/2016	001	80091 - BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	79%	85.0%	31
8/31/2016	001	80091 - BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	79%	85.0%	31
9/30/2016	001	80091 - BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	75%	85.0%	30
10/31/2016	001	80091 - BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	75%	85.0%	31
11/30/2016	001	80091 - BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	77%	85.0%	30
12/31/2016	001	80091 - BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	36%	85.0%	31
1/31/2017	001	80091 - BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	83%	85.0%	31
2/28/2017	001	80091 - BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	13%	85.0%	28
3/31/2017	001	80091 - BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	49%	85.0%	31
8/31/2010	001	81011 - Solids, suspended percent removal	MO AV MN	62%	65.0%	31
9/30/2012	001	81011 - Solids, suspended percent removal	MO AV MN	1%	65.0%	30
11/30/2014	001	81011 - Solids, suspended percent removal	MO AV MN	60%	65.0%	30
5/31/2015	001	81011 - Solids, suspended percent removal	MO AV MN	64%	65.0%	31

Month Ending	Outfall	Pollutant Parameter	Limit Type	Discharge Measurement	Discharge Limitation	Violation-Days
7/31/2015	001	81011 - Solids, suspended percent removal	MO AV MN	0%	65.0%	31
8/31/2015	001	81011 - Solids, suspended percent removal	MO AV MN	0%	65.0%	31
9/30/2015	001	81011 - Solids, suspended percent removal	MO AV MN	49%	65.0%	30
10/31/2015	001	81011 - Solids, suspended percent removal	MO AV MN	43%	65.0%	31
11/30/2015	001	81011 - Solids, suspended percent removal	MO AV MN	48%	65.0%	30
1/31/2016	001	81011 - Solids, suspended percent removal	MO AV MN	21%	65.0%	31
4/30/2016	001	81011 - Solids, suspended percent removal	MO AV MN	40%	65.0%	30
6/30/2016	001	81011 - Solids, suspended percent removal	MO AV MN	15%	65.0%	30
7/31/2016	001	81011 - Solids, suspended percent removal	MO AV MN	16%	65.0%	31
9/30/2016	001	81011 - Solids, suspended percent removal	MO AV MN	19%	65.0%	30
10/31/2016	001	81011 - Solids, suspended percent removal	MO AV MN	1%	65.0%	31
11/30/2016	001	81011 - Solids, suspended percent removal	MO AV MN	0%	65.0%	30
12/31/2016	001	81011 - Solids, suspended percent removal	MO AV MN	0%	65.0%	31
1/31/2017	001	81011 - Solids, suspended percent removal	MO AV MN	20%	65.0%	31
2/28/2017	001	81011 - Solids, suspended percent removal	MO AV MN	0%	65.0%	28
3/31/2017	001	81011 - Solids, suspended percent removal	MO AV MN	0%	65.0%	31
5/31/2017	001	81011 - Solids, suspended percent removal	MO AV MN	23%	65.0%	31
<b>TOTAL</b>						<b>2083</b>