

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>



## AlaFile E-Notice

29-CV-2017-900264.00

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

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# NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF ELMORE COUNTY, ALABAMA

ALABAMA ATTORNEY GENERAL'S OFFICE ET AL V. CITY OF TALLASSEE  
29-CV-2017-900264.00

The following complaint was FILED on 8/25/2017 1:06:02 PM

Notice Date: 8/25/2017 1:06:02 PM

BRIAN JUSTISS  
CIRCUIT COURT CLERK  
ELMORE COUNTY, ALABAMA  
ELMORE COUNTY JUDICIAL CENTER  
P.O. BOX 310  
WETUMPKA, AL, 36092

334-514-3116  
brian.justiss@alacourt.gov



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

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

**Plaintiffs,** )

**v.** )

**THE CITY OF TALLASSEE,** )

**Defendant.** )

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

**AMENDED 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), as amended, 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, as amended. Specifically, Ala. Code § 22-22A-5(18)b., as amended, 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 said Act. 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, as amended, 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), as amended, 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 City of Tallassee (hereinafter “the Permittee” or “the Defendant”) operates a wastewater treatment facility known as the Tallassee Sewer Stabilization Pond (hereinafter “the Facility”). The wastewater treatment facility discharges pollutants from Tallassee Sewer Stabilization Pond located on Highway 229 South, Tallassee, Alabama, into the Tallapoosa 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), as amended.

#### **General Allegations**

5. Pursuant to the National Pollutant Discharge Elimination System (hereinafter “NPDES”) program administered by ADEM, the Department issued NPDES Permit Number AL0020486 (hereinafter “the Permit”) to the Permittee. The Permit was reissued June 24, 2010, effective July 1, 2010. The Permit was again reissued November 19, 2015, effective December 1, 2015. The Permit establishes limitations, terms, and conditions on the discharge of pollutants from a point source, described therein as Outfall 001, into the Tallapoosa River, a water of the State. The Permit requires that the Permittee 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 Permittee maintain in good working order all systems used by the Permittee to achieve compliance with the terms and conditions of the Permit.

6. DMRs submitted to the Department by the Permittee indicate that the Permittee has discharged pollutants from the aforementioned point source, Outfall 001, to the Tallapoosa River in violation of the limitations established in the Permit. The months the violations occurred along with the parameters violated are listed in Attachment 1, which is incorporated by reference as if fully set forth herein.

7. Permit Condition I.C.2.b requires that a noncompliance notification report be submitted 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 DMR after becoming aware of the noncompliance. Defendant failed to file noncompliance notification reports as described in Attachment 1.

8. Permit Condition I.C.1.b.(1) requires that DMRs be submitted so that they are received by the Department no later than the 28th day of the month following the reporting period. The Permittee submitted DMRs late for the monitoring periods listed in Attachment 2, which is incorporated by reference as if fully set forth herein.

9. Permit Condition I.A requires that discharges be limited and monitored as specified in the Permit. The DMR for the February 2016 monitoring period indicates that analysis was not conducted and/or no sample was taken for Acute Ceriodaphnia Toxicity and Acute Pimephales Toxicity as required by the Permit.

10. Ala. Code §22-22-9(i)(3), as amended, requires that a permit be obtained prior to discharging any new or increased pollution into any water of the state. The Permittee reported sanitary sewer overflows (hereinafter “SSOs”) to the Department as listed in Attachment 3, which

is incorporated by reference as if fully set forth herein, indicating that wastewater, in form of SSOs, was discharged without a permit.

11. Permit Condition I.C.2.f. states the Permittee shall report SSOs and other illicit or anomalous discharge events on Form 415 in accordance with Part I.C.2.a. Permit Condition I.C.2.a states that the Permittee shall submit the written report no later than five days after becoming aware of the occurrence of such discharge or occurrence. Written SSO reports were not submitted within the required timeframes as indicated in Attachment 3, in violation of Permit Condition I.C.2.f.

12. Permit Condition I.C.2.d states that “[t]he Permittee shall provide notification to the Director, the public, the county health department and any other affected entity such as public water systems, as soon as possible upon becoming aware of any notifiable [SSO].” Permit Condition III.H.30 defines a notifiable SSO as “an overflow, spill, release or diversion of wastewater from a sanitary sewer system that: a. Reaches a surface water of the State; or b. May imminently and substantially endanger human health based on potential for public exposure including by not limited to close proximity to public or private water supply wells or in areas where human contact would be likely to occur.” The Permittee indicated it failed to notify the county health department of the SSOs listed in Attachment 3, in violation of Permit Condition I.C.2.d.

13. Permit Condition I.B.7 states 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 Department’s inspection of the Facility on March 6, 2013, the Department noted that the flow meter was last calibrated on November 10, 2011, in violation of Permit Condition I.B.7.

14. Pursuant to Ala. Code §22-22-9(e), as amended, the Permittee violated Part II.E of the Permit and ADEM Admin. Code r. 335-6-6-.12(b) by failing to submit an application for permit reissuance or letter of termination no later than 180 days prior to expiration of the permit which was issued on June 24, 2010. A complete application and fee were received by the Department on February 11, 2015, after the required due date of January 2, 2015. The permit expired on June 30, 2015, and the reissued permit was not effective until December 1, 2015. The DMRs submitted to the Department by the Permittee for the July through November 2015 monitoring periods indicate that discharges occurred from Outfall 0011 without a valid NPDES Permit in violation of Ala. Code §22-22-9(i)(3), as amended.

#### **Count I**

15. Plaintiffs repeat, replead and incorporate by reference paragraphs 1 through 14, above.

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

#### **Count II**

17. Plaintiffs repeat, replead and incorporate by reference paragraphs 1 through 16, above.

19. 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 Permittee violated the limitations, terms, and

conditions of the Permit.

C. Adjudge and declare that the Permittee caused or allowed discharges of pollutants from its wastewater treatment facility into a water of the State in violation of the limitations set forth in the Permit.

D. Adjudge and declare that Defendant caused or allowed unpermitted discharges of pollutants from its wastewater treatment facility.

E. Order the Permittee to take action to ensure that similar violations of the AWPCA will not recur in the future.

F. Assess a civil penalty against the Permittee 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.

G. Tax the costs of this action against the Defendant.

H. 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](mailto:rtambling@ago.state.al.us)

s/ Carrie Blanton  
Carrie Blanton (TOM024)  
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](mailto:carrie.blanton@adem.alabama.gov)

## Attachment 1: Permit Limitation Violations

Facility: Tallassee Sewer Stabilization Pond

Permit Number: AL0020486

<u>Monitoring Period</u>	<u>Outfall</u>	<u>Parameter</u>	<u>Average, Max, Min</u>	<u>Unit</u>	<u>Limit</u>	<u>Reported Value</u>	<u>Form 421 Submitted</u>
September 2012	0011	TSS	Monthly Avg.	mg/L	90.0	95	Yes
September 2012	0011	TSS	Weekly Avg.	mg/L	135	181	Yes
September 2012	0011	E. coli	Monthly Avg.	col/ 100 mL	126	307.5	Yes
September 2012	0011	E. coli	Daily Max.	col/ 100 mL	235	488	Yes
September 2012	0011	TSS % Removal	Monthly Avg.	Percent	65.0	1	Yes
January 2013	0011	pH	Daily Min.	s.u.	6.0	5.4	Yes
January 2013	0011	E. coli	Monthly Avg.	col/ 100 mL	126	130.5	Yes
January 2013	0011	E. coli	Daily Max.	col/ 100 mL	235	260	Yes
February 2013	0011	pH	Daily Min.	s.u.	6.0	5.91	Yes
March 2013	0011	E. coli	Monthly Avg.	col/ 100 mL	126	139	Yes
March 2013	0011	E. coli	Daily Max.	col/ 100 mL	235	272	Yes
April 2013	0011	E. coli	Monthly Avg.	col/ 100 mL	126	290.5	Yes
April 2013	0011	E. coli	Daily Max.	col/ 100 mL	235	575	Yes
May 2014	0011	pH	Daily Max.	s.u.	9.0	9.22	Yes
October 2014	0011	E. coli	Monthly Avg.	col/ 100 mL	126	714.5	Yes
October 2014	0011	E. coli	Daily Max.	col/ 100 mL	235	1410	Yes
November 2014	0011	CBOD <sub>5</sub>	Monthly Avg.	mg/L	25.0	31.2	*No
November 2014	0011	CBOD <sub>5</sub> % Removal	Monthly Avg. Min.	Percent	85.0	79	Yes
November 2014	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	60	Yes
January 2015	0011	pH	Daily Min.	s.u.	6.0	4.86	Yes
January 2015	0011	TRC	Daily Max.	mg/L	1.0	2.0	Yes
March 2015	0011	TRC	Daily Max.	mg/L	1.0	1.08	Yes
April 2015	0011	TRC	Daily Max.	mg/L	1.0	1.9	Yes
May 2015	0011	pH	Daily Max.	s.u.	9.0	9.3	Yes
May 2015	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	64	Yes
July 2015	0011	pH	Daily Min.	s.u.	6.0	5.56	Yes
July 2015	0011	E. coli	Monthly Avg.	col/ 100 mL	126	788	Yes
July 2015	0011	E. coli	Daily Max.	col/ 100 mL	235	1200	Yes
July 2015	0011	CBOD <sub>5</sub> % Removal	Monthly Avg. Min.	Percent	85.0	77	Yes
July 2015	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	0	Yes
August 2015	0011	pH	Daily Min.	s.u.	6.0	5.33	Yes
August 2015	0011	E. coli	Monthly Avg.	col/ 100 mL	126	181	Yes
August 2015	0011	CBOD <sub>5</sub> % Removal	Monthly Avg. Min.	Percent	85.0	83	Yes
August 2015	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	0	Yes
September 2015	0011	E. coli	Monthly Avg.	col/ 100 mL	126	341.5	Yes
September 2015	0011	E. coli	Daily Max.	col/ 100 mL	235	411	Yes
September 2015	0011	CBOD <sub>5</sub> % Removal	Monthly Avg. Min.	Percent	85.0	76	Yes
September 2015	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	49	Yes
October 2015	0011	pH	Daily Min.	s.u.	6.0	5.30	Yes
October 2015	0011	E. coli	Monthly Avg.	col/ 100 mL	126	300.5	Yes
October 2015	0011	E. coli	Daily Max.	col/ 100 mL	235	548	Yes
October 2015	0011	CBOD <sub>5</sub> % Removal	Monthly Avg. Min.	Percent	85.0	81	Yes
October 2015	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	43	Yes
November 2015	0011	E. coli	Monthly Avg.	col/ 100 mL	126	244.5	Yes
November 2015	0011	E. coli	Daily Max.	col/ 100 mL	235	249	Yes
November 2015	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	48	Yes
January 2016	0011	E. coli	Monthly Avg.	col/ 100 mL	126	705	Yes
January 2016	0011	CBOD <sub>5</sub> % Removal	Monthly Avg. Min.	Percent	85.0	71	Yes
January 2016	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	21	Yes
March 2016	0011	pH	Daily Min.	s.u.	6.0	5.93	Yes
April 2016	0011	CBOD <sub>5</sub> % Removal	Monthly Avg. Min.	Percent	85.0	83	Yes

April 2016	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	40	Yes
June 2016	0011	CBOD <sub>5</sub> % Removal	Monthly Avg. Min.	Percent	85.0	79	Yes
June 2016	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	15	Yes
July 2016	0011	CBOD <sub>5</sub> % Removal	Monthly Avg. Min.	Percent	85.0	79	Yes
July 2016	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	16	Yes
August 2016	0011	CBOD <sub>5</sub>	Monthly Avg.	mg/L	25.0	29.5	Yes
August 2016	0011	CBOD <sub>5</sub> % Removal	Monthly Avg. Min.	Percent	85.0	79	Yes
September 2016	0011	E. coli	Monthly Avg.	col/ 100 mL	126	194.5	Yes
September 2016	0011	CBOD <sub>5</sub> % Removal	Monthly Avg. Min.	Percent	85.0	75	Yes
September 2016	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	-19	Yes
October 2016	0011	CBOD <sub>5</sub> % Removal	Monthly Avg. Min.	Percent	85.0	75	Yes
October 2016	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	1	Yes
November 2016	0011	CBOD <sub>5</sub> % Removal	Monthly Avg. Min.	Percent	85.0	77	Yes
November 2016	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	0	Yes
December 2016	0011	E. coli	Monthly Avg.	col/ 100 mL	548	1534.5	Yes
December 2016	0011	CBOD <sub>5</sub>	Weekly Avg.	lbs/day	437	558.6	No
December 2016	0011	CBOD <sub>5</sub>	Monthly Avg.	mg/L	25.0	35.3	Yes
December 2016	0011	CBOD <sub>5</sub>	Weekly Avg.	mg/L	37.5	55.4	Yes
December 2016	0011	CBOD <sub>5</sub> % Removal	Monthly Avg. Min.	Percent	85.0	36	Yes
December 2016	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	0	Yes
January 2017	0011	E. coli	Monthly Avg.	col/ 100 mL	548	995.5	Yes
January 2017	0011	CBOD <sub>5</sub> % Removal	Monthly Avg. Min.	Percent	85.0	83	Yes
January 2017	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	20	Yes
February 2017	0011	CBOD <sub>5</sub> % Removal	Monthly Avg. Min.	Percent	85.0	13	Yes
February 2017	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	0	Yes
March 2017	0011	CBOD <sub>5</sub> % Removal	Monthly Avg. Min.	Percent	85.0	49	Yes
March 2017	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	0	Yes
May 2017	0011	pH	Daily Max.	s.u.	9.0	9.75	Yes
May 2017	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	32	Yes
June 2017	0011	CBOD <sub>5</sub> % Removal	Monthly Avg. Min.	Percent	85.0	78	Yes
June 2017	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	64	Yes

TSS = Total Suspended Solids

CBOD<sub>5</sub> = Five Day Carbonaceous Biochemical Oxygen Demand

\*Comment included on the DMR



## Attachment 2: Late DMRs

Facility: Tallassee Sewer Stabilization Pond

Permit Number: AL0020486

<b><u>Monitoring Period</u></b>	<b><u>Outfall</u></b>	<b><u>Due Date</u></b>	<b><u>Received Date</u></b>	<b><u>Days Late</u></b>
April 2014-June 2014	001Q	7/28/2014	8/9/2014	22
July 2014-September 2014	001Q	10/28/2014	1/27/2015	91

## Attachment 3: Sanitary Sewer Overflows

Facility: Tallassee Sewer Stabilization Pond

Permit Number: AL0020486

Overflow Date	ADEM Received Report Received	Volume of SSO (gal.)	Length of SSO	SSO Location	Destination of SSO	Cause	Corrective Actions Taken	Public Notification	Co. Health Dept. Notified
3/6/2015	3/24/2015	30,000 to 40,000	Started 3/6/15 and Stopped 3/23/15 at 9:00 AM	End of Old Mill Dr. before creek crossing	Stone Creek	Rock causing blockage. Rocks fell off hill above line and broke line, some fell in main	Check line for blockage. Notify adjacent property owners	Yes	No
**10/5/2015	5/18/2016	500	2 hrs 30 mins.	Lannis Pump Station, 229 South	Tallapoosa River	Bottom of sewer line got a small hole in it from a rock.	Repaired line; complete; Notified adjacent property owner	Yes	No
**1/16/2016	5/12/2017	1000		Manhole off of Marvin	Creek	Line was clogged with stick and dirt	Unstopped clogged line. Notified adjacent property owners.	Yes	No
**4/1/2016	5/12/2017	5000	6 hours	EB Payne Dr. at entrance of Alabama Power Hydro Electric Plant	Tallapoosa River	Excessive inflow during rain event and line blockage down stream	Line blockage removed. Notified adjacent property owners.	Yes	No
**4/20/2016	5/12/2017	2000		Noble Lift Station	Creek	Power outage	Power company fixed the problem. Notify adjacent property owners.	Yes	No
**10/4/2016	5/12/2017	2000 to 3000	~4 hrs	Lannys Pump Station 229	Ground absorbed	Hole in force main to lagoon	Put a repair clamp on the line and stopped leak. No notification needed because it was on City land.	No (indicated on City land)	No

\*Form 415 included in 2015 MWPP Report

\*\*Form 415 included in 2016 MWPP Report