

March 9, 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Hon. Joe L. Smith, Mayor
 City of Dadeville
 216 Broadnax Street
 Dadeville, Alabama 36853-1700

Al Smith, Plant Superintendent
 Wastewater Treatment Plant
 City of Dadeville
 475 Buck Street
 Dadeville, Alabama 36853

Re: Notice of Intent to File Suit for Violations of NPDES Permit No. AL0063797 under the Clean Water Act

Dear Mayor Smith and Mr. Smith:

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 receipt of this notice, Lake Watch of Lake Martin, Inc. intends to file suit against the City of Dadeville for discharges of pollutants from the City of Dadeville Wastewater Treatment Plant at 475 Buck Street in Dadeville into Chattasofka Creek in violation of the limitations and conditions of NPDES Permit No. AL0063797 as reported in Discharge Monitoring Reports submitted by the City of Dadeville to the Alabama Department of Environmental Management from March 2002 to March 2007, including but not limited to, the following:

Parameter	Discharge Limit	Discharge Violation	Violation Date
Nitrogen, Ammonia Total (as N)	17.5 lbs/day monthly average	21.66 lbs/day	31 days in Dec 2006
		18.58 lbs/day	31 days in May 2006
		33.15 lbs/day	30 days in Apr 2006
		24.33 lbs/day	30 days in Jun 2004
		32.6 lbs/day	30 days in Apr 2004
		26.1 lbs/day	31 days in Mar 2004
		20.02 lbs/day	31 days in Jan 2004
		21.1 lbs/day	31 days in Dec 2003

Nitrogen, Ammonia Total (as N)	26.2 lbs/day weekly average	39.28 lbs/day	7 days in May 2006
		42.37 lbs/day	7 days in Apr 2006
		2935 lbs/day	7 days in Jun 2004
		29.8 lbs/day	7 days in May 2004
		36.2 lbs/day	7 days in Apr 2004
		30.5 lbs/day	7 days in Mar 2004
Nitrogen, Ammonia Total (as N)	5.0 mg/l monthly average	10.21 mg/l	31 days in Dec 2006
		7.35 mg/l	31 days in May 2006
		12.38 mg/l	30 days in Apr 2006
		9.43 mg/l	30 days in Jun 2004
		6.45 mg/l	31 days in May 2004
		13.6 mg/l	30 days in Apr 2004
		10.0 mg/l	31 days in Mar 2004
		5.87 mg/l	28 days in Feb 2004
		9.06 mg/l	31 days in Jan 2004
		7.9 mg/l	31 days in Dec 2003
		5.72 mg/l	31 days in Jan 2003
Nitrogen, Ammonia Total (as N)	7.5 mg/l weekly average	11.15 mg/l	7 days in Dec 2006
		21 mg/l	7 days in Jun 2006
		15.6 mg/l	7 days in May 2006
		15.45 mg/l	7 days in Apr 2006
		11.06 mg/l	7 days in Jun 2004
		12.15 mg/l	7 days in May 2004
		15.7 mg/l	7 days in Apr 2004
		11.8 mg/l	7 days in Mar 2004
		7.99 mg/l	7 days in Feb 2004
		11.56 mg/l	7 days in Jan 2004

		9.74 mg/l	7 days in Dec 2003
		7.64 mg/l	7 days in Dec 2002
		10.26 mg/l	7 days in Nov 2002
		10.48 mg/l	7 days in Oct 2002
Fecal Coliform (summer)	200/100 ml monthly geometric mean	1700/100 ml	30 days in Jun 2006
		356.4/100 ml	30 days in Sep 2005
		365.33/100 ml	30 days in Sep 2004
		359.78/100 ml	31 days in Jul 2004
		523.8/100 ml	30 days in Sep 2003
		507/100 ml	31 days in Aug 2003
		439/100 ml	31 days in Jul 2003
		453.375/100 ml	30 days in Jun 2003
		5812/100 ml	30 days in Sep 2002
		12632/100 ml	31 days in Aug 2002
		1208/100 ml	31 days in Jul 2002
Fecal Coliform (summer)	2000/100 ml daily maximum	15000/100 ml	1 day in Jun 2006
		2800/100 ml	1 day in Sep 2005
		3000/100 ml	1 day in Sep 2004
		2100/100 ml	1 day in Sep 2003
		60000/100 ml	1 day in Sep 2002
		63000/100 ml	1 day in Aug 2002
		8000/100 ml	1 day in Jul 2002
Fecal Coliform (winter)	1000/100 ml monthly geometric mean	8222/100 ml	31 days in May 2006
		6943/100 ml	31 days in Mar 2006
		7277/100 ml	28 days in Feb 2006
		22156/100 ml	30 days in Apr 2005

		17374/100 ml	31 days in Mar 2005
		3888/100 ml	28 days in Feb 2005
		15105/100 ml	31 days in May 2004
		6983.4/100 ml	30 days in Apr 2004
		14529/100 ml	28 days in Feb 2004
		1266.6/100 ml	31 days in Jan 2004
		5349.4/100 ml	30 days in Nov 2003
		5274.1/100 ml	31 days in May 2003
		3199.7/100 ml	30 days in Apr 2003
		2097.5/100 ml	31 days in Mar 2003
Fecal Coliform (winter)	2000/100 ml daily maximum	60000/100 ml	1 day in May 2006
		50000/100 ml	1 day in Mar 2006
		29000/100 ml	1 day in Feb 2006
		60000/100 ml	1 day in Apr 2005
		60000/100 ml	1 day in Mar 2005
		28000/100 ml	1 day in Feb 2005
		60000/100 ml	1 day in May 2004
		60000/100 ml	1 day in Apr 2004
		60000/100 ml	1 day in Feb 2004
		10000/100 ml	1 day in Jan 2004
		40000/100 ml	1 day in Nov 2003
		36000/100 ml	1 day in May 2003
		25000/100 ml	1 day in Apr 2003
		14000/100 ml	1 day in Mar 2003
		5182/100 ml	1 day in Jan 2003

Suit may be avoided if these violations have been permanently abated before the expiration of 60 days following receipt 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.

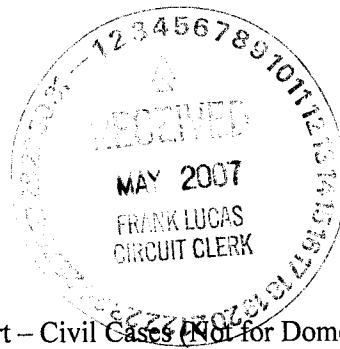
Sincerely,

David A. Ludder
Attorney for Lake Watch of Lake Martin, Inc.

cc: Stephen L. Johnson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

J.I. Palmer, Jr., Regional Administrator
U.S. Environmental Protection Agency-Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-3104

Onis "Trey" Glenn, Director
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, Alabama 36130-1463

**FORM NUMBER:**

ARCivP-93

LAST REVISION DATE:

5/99

TITLE OF THIS FORM:

Cover Sheet Circuit Court – Civil Cases (Not for Domestic Relations Cases)

USERS OF THIS FORM:

Plaintiff/Plaintiff's Attorney /Clerk

PURPOSE OF THIS FORM:

This form is to be filed with the complaint in a civil action or with the notice of appeal in an appeal of a civil case from district to circuit court to supply general information to the court regarding the nature of the suit and allows the court follow, for organizational purposes, the disposition or status of the case.

APPLICABILITY:

Circuit and district Courts

AUTHORITY:

Rule 3(b), Alabama Rules of Civil Procedure (ARCP), provides as follows:

“ Except in domestic relations cases, each original complaint at the time it is filed with the circuit court shall be accompanied by an informational ‘cover sheet.’ ... The plaintiff, or if the plaintiff is represented by counsel, then the plaintiff’s attorney, shall complete and sign the ‘ general information’ portion of the cover sheet before it is filed with the court. If the complaint is tendered to the clerk of the circuit court without a properly completed cover sheet, the clerk shall accept the complaint and inform the person filing it of the requirements of this rule, and the plaintiff, or, if the plaintiff is represented by counsel, then the plaintiff’s attorney, shall promptly file a properly completed cover sheet.”

For a party’s failure to comply with the requirements of Rule 3, ARCP, a court may stay the proceedings until the cover sheet is filed or make such other orders as are just, such as contempt of court, or, after proper notice, an order dismissing the action. Additionally, in cases appealed from the district court to the circuit court, the cover sheet shall accompany the notice of appeal.

[illegible]

State of Alabama
Unified Judicial System

SUMMONS
-CIVIL-

Case Number

Form C-34 Rev 6/88

IN THE _____ CIRCUIT _____ COURT OF _____ TALLAPOOSA COUNTY _____ COUNTY

Plaintiff STATE OF ALABAMA EX REL v. Defendant CITY OF DADEVILLE
TROY KING, ATTORNEY GENERAL

NOTICE TO THE HONORABLE JOE SMITH, MAYOR OF THE CITY OF DADEVILLE
216 BROADNAX STREET, DADEVILLE, ALABAMA 36853

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADDMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF OR PLAINTIFF'S ATTORNEY ROBERT D. TAMBLING WHOSE ADDRESS IS OFFICE OF ATTORNEY GENERAL, ALABAMA STATE HOUSE,
11 SOUTH UNION STREET, MONTGOMERY, ALABAMA 36130

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

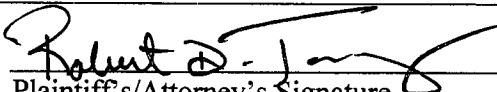
TO ANY SHERIFF OR ANY PERSON AUTHORIZED by the Alabama Rules of Civil Procedure:

☐ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant.

☐ Service by certified mail of this summons is initiated upon the written request of _____ pursuant to the Alabama Rules of Civil Procedure.

Date _____ By: _____
Clerk/Register

☐ Certified Mail is hereby requested.


Plaintiff's/Attorney's Signature

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____ (Date)

☒ I certify that I personally delivered a copy of the Summons and Complaint to MR. DAINE
SHARPE, ATTORNEY in TALLAPOOSA COUNTY County,
Alabama on _____ (Date)

Date

Type of Process Server

Server's Signature
OFFICE OF ATTORNEY GENERAL
Address of Server
11 SOUTH UNION ST., MONTGOMERY, AL
(334) 242-4260

Phone Number of Server

State of Alabama
Unified Judicial System

**SUMMONS
-CIVIL-**

Case Number

Form C-34 Rev 6/88

IN THE _____ CIRCUIT _____ COURT OF _____ TALLAPOOSA _____ COUNTY

Plaintiff STATE OF ALABAMA EX REL v. Defendant CITY OF DADEVILLE
TROY KING, ATTORNEY GENERAL

NOTICE TO THE HONORABLE JOE SMITH, MAYOR OF THE CITY OF DADEVILLE
216 BROADNAX STREET, DADEVILLE, ALABAMA 36853

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11 SOUTH UNION STREET, MONTGOMERY, ALABAMA 36130

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TO ANY SHERIFF OR ANY PERSON AUTHORIZED by the Alabama Rules of Civil Procedure:

☐ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant.

☐ Service by certified mail of this summons is initiated upon the written request of _____ pursuant to the Alabama Rules of Civil Procedure.

Date _____ Clerk/Register _____ By: _____

☐ Certified Mail is hereby requested.

Robert D. Tambling
Plaintiff's/Attorney's Signature

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____ (Date)

☒ I certify that I personally delivered a copy of the Summons and Complaint to Frank Lucas, Circuit
Court Clerk in TALLAPOOSA County,
Alabama on MAY 4, 2007.
(Date)

Date _____
Type of Process Server _____

Server's Signature
LEANN BOOTH
Address of Server
11 SO. UNION STREET, MONTGOMERY AL
(334) 242-4260
Phone Number of Server

IN THE CIRCUIT COURT OF TALLAPOOSA COUNTY, ALABAMA

**STATE OF ALABAMA,
ex rel. TROY KING,
ATTORNEY GENERAL,**

Plaintiff,

v.

CITY OF DADEVILLE,

Defendant.

:
:
:
:
:
:
:
:
:
:
:
:

CIVIL ACTION NO. CV--____

COMPLAINT

The State of Alabama, on the relation of Attorney General Troy King, files this complaint and alleges the following:

NATURE OF ACTION

1. This is an action for declaratory judgment, injunctive relief, and penalties to enforce the provisions of the Alabama Water Pollution Control Act, brought by the State of Alabama, on the relation of Attorney General Troy King.

2. The Attorney General is authorized by Code of Alabama (1975), §22-22A-5(1), §22-22-9(m), §22-22-9(n), §22-22-9(o), §22-22A-5(12) and §22-22A-5(18) to enforce the provisions of the Alabama Water Pollution Control Act found at Code of Alabama (1975), §22-22-1 et seq. (the Act). Specifically, Code of Alabama (1975), §22-22A-5(18)(b), authorizes the Attorney General to bring a civil action for violations of permits issued under the Act in violation of the Act. Code of Alabama (1975), §22-22A-5(18)(c), authorizes the Attorney General to recover civil penalties for such permit violations providing for a maximum of \$25,000 per violation. Furthermore, the Attorney General is authorized by Code of Alabama (1975), §36-15-12, to institute and prosecute, in the name of the State, all civil actions and other proceedings necessary to protect the rights and interests of this State.

3. The Defendant is a “person” within the meaning of that term as defined under Code of Alabama (1975), § 22-22-1(b)(7), of the Act.

4. The Defendant owns and operates the Dadeville Wastewater Treatment Plant (WWTP) located at 475 Buck Street, Dadeville, Tallapoosa County, Alabama.

5. The Defendant operates the Dadeville WWTP under National Pollutant Discharge Elimination System (NPDES) Permit Number AL0063797 issued by ADEM. This permit is presently held by the Defendant and establishes limitations on the discharge of pollutants from the WWTP at outfall 0011 into Chattasofka Creek, a water of the State.

6. This permit, among other things, requires that the Defendant monitor its discharges and submit annual Municipal Water Pollution Prevention (MMPP) reports to ADEM describing the results of its monitoring. This monitoring includes completing and filing Raw Sewage Bypass and Event Reporting forms whenever there is a discharge of raw sewage from the WWTP. The Defendant’s failure to submit these reports to ADEM in a timely manner may result in additional permit violations during additional dates to be determined through discovery.

COUNT ONE

AMMONIA NITROGEN

7. The Plaintiff realleges and incorporates by reference paragraphs 1 through 6 above.

8. NPDES Permit Number AL0063797, for the period from April 1, 1997 through March 31, 2002, established discharge limits for Ammonia Nitrogen (NH3-N) as follows:

Monthly Average (lbs/day)	Weekly Average (lbs/day)	Monthly Average (mg/l)	Weekly Average (mg/l)
17.5	26.3	5.0	7.5

9. During the months listed below, as well as additional dates to be determined through discovery, the Defendant operated the Dadeville WWTP in violation of NPDES Permit Number AL0063797 by discharging effluent containing NH₃-N in excess of the above referenced limitations into waters of the State as follows:

<u>DATE</u>	<u>PARAMETER</u>	<u>TYPE OF VIOLATION</u>
February 2002	31.5 lbs/day	Weekly Average
March 2002	37.7 lbs/day	Weekly Average
March 2002	23.1 lbs/day	Monthly Average
March 2002	12.7 mg/l	Weekly Average
March 2002	6.8 mg/l	Monthly Average
April 2002	40.9 lbs/day	Weekly Average
April 2002	37.1 lbs/day	Monthly Average
April 2002	13.35 mg/l	Weekly Average
April 2002	12.1 mg/l	Monthly Average

A. NPDES Permit Number AL0063797, from the period beginning May 22, 2002, establishes discharge limits for Ammonia Nitrogen (NH₃-N) as follows:

Monthly Average (lbs/day)	Weekly Average (lbs/day)	Monthly Average (mg/l)	Weekly Average (mg/l)
17.5	26.2	5.0	7.5

B. During the months listed below, as well as additional dates to be determined through discovery, the Defendant operated the Dadeville WWTP in violation of NPDES Permit Number AL0063797 by discharging effluent containing NH₃-N in excess of the above referenced limitations into waters of the State as follows:

<u>DATE</u>	<u>PARAMETER</u>	<u>TYPE OF VIOLATION</u>
February 2007	9.41 mg/l	Monthly Average
February 2007	12.3 mg/l	Weekly Average
February 2007	26.33 lbs/day	Monthly Average
February 2007	30.83 lbs/day	Weekly Average
January 2007	11.99 mg/l	Monthly Average

<u>DATE</u>	<u>PARAMETER</u>	<u>TYPE OF VIOLATION</u>
January 2007	19.55 mg/l	Weekly Average
January 2007	29.73 lbs/day	Monthly Average
January 2007	29.54 lbs/day	Monthly Average
December 2006	21.66 lbs/day	Monthly Average
December 2006	11.15 mg/l	Weekly Average
December 2006	10.21 mg/l	Monthly Average
June 2006	21 mg/l	Weekly Average
May 2006	39.28 lbs/day	Weekly Average
May 2006	15.6 mg/l	Weekly Average
May 2006	18.58 lbs/day	Monthly Average
May 2006	7.35 mg/l	Monthly Average
April 2006	42.37 lbs/day	Weekly Average
April 2006	15.45 mg/l	Weekly Average
April 2006	33.15 lbs/day	Monthly Average
April 2006	12.38 mg/l	Monthly Average
June 2004	24.33 lbs/day	Monthly Average
June 2004	2935 lbs/day	Weekly Average
June 2004	9.43 mg/l	Monthly Average
June 2004	11.06 mg/l	Weekly Average
May 2004	29.8 lbs/day	Weekly Average
May 2004	6.45 mg/l	Monthly Average
May 2004	12.15 mg/l	Weekly Average
April 2004	36.2 lbs/day	Weekly Average
April 2004	32.6 lbs/day	Monthly Average
April 2004	15.7 mg/l	Weekly Average
April 2004	13.6 mg/l	Monthly Average
March 2004	26.1 lbs/day	Monthly Average
March 2004	10.0 mg/l	Monthly Average
March 2004	30.5 lbs/day	Weekly Average
March 2004	11.8 mg/l	Weekly Average
February 2004	5.87 mg/l	Monthly Average
February 2004	7.99 mg/l	Weekly Average
January 2004	20.02 lbs/day	Monthly Average
January 2004	11.56 mg/l	Weekly Average
January 2004	9.06 mg/l	Monthly Average
December 2003	21.1 lbs/day	Monthly Average
December 2003	9.74 mg/l	Weekly Average
December 2003	7.9 mg/l	Monthly Average
January 2003	5.72 mg/l	Monthly Average
December 2002	7.64 mg/l	Weekly Average
November 2002	10.26 mg/l	Weekly Average
October 2002	10.48 mg/l	Weekly Average

COUNT TWO

FECAL COLIFORM

10. The Plaintiff realleges and incorporates by reference paragraphs 1 through 9 above.

11. NPDES Permit Number AL0063797, for the period beginning May 22, 2002, establishes discharge limits for the discharge of Fecal Coliform (FC) from June through September (summer months) as follows:

Monthly Geometric Mean
200 col./100ml

Daily Maximum
2000 col./100ml

12. During the months set out below, as well as additional dates to be determined through discovery, the Defendant operated the Dadeville WWTP in violation of NPDES Permit Number AL0063797 by discharging effluent containing FC in excess of the above referenced limitations into waters of the State as follows:

<u>DATE</u>	<u>DISCHARGE</u>	<u>TYPE OF VIOLATION</u>
June 2006	1700 col/100ml	Monthly Geo Mean
June 2006	15000 col/100ml	Daily Maximum
September 2005	356.4 col/100ml	Monthly Geo Mean
September 2005	2800 col/100ml	Daily Maximum
September 2004	365.33 col/100ml	Monthly Geo Mean
September 2004	3000 col/100ml	Daily Maximum
July 2004	359.78 col/100ml	Monthly Geo Mean
September 2003	523.8 col/100ml	Monthly Geo Mean
September 2003	2100 col/100ml	Daily Maximum
August 2003	507 col/100ml	Monthly Geo Mean
July 2003	439 col/100ml	Monthly Geo Mean
June 2003	453.375 col/100ml	Monthly Geo Mean
September 2002	5812 col/100ml	Monthly Geo Mean
September 2002	60000 col/100ml	Daily Maximum
August 2002	12632 col/100ml	Monthly Geo Mean
August 2002	63000 col/100ml	Daily Maximum
July 2002	1208 col/100ml	Monthly Geo Mean

July 2002

8000 col/100ml

Daily Maximum

A. NPDES Permit Number AL0063797, for the period beginning May 22, 2002, establishes discharge limits for FC from October through May (winter months) as follows:

Monthly Geometric Mean
1000 col./100

Daily Maximum
2000 col./100ml

B. During the months set out below, as well as additional dates to be determined through discovery, the Defendant operated the Dadeville WWTP in violation of Number AL0063797 by discharging effluent containing FC in excess of the above referenced limitations into waters of the State as follows:

<u>DATE</u>	<u>DISCHARGE</u>	<u>TYPE OF VIOLATION</u>
January 2007	2600 col/100ml	Daily Maximum
May 2006	8222 col/100ml	Monthly Geo Mean
May 2006	60000 col/100ml	Daily Maximum
March 2006	6943 col/100ml	Monthly Geo Mean
March 2006	50000 col/100ml	Daily Maximum
February 2006	7277 col/100ml	Monthly Geo Mean
February 2006	29000 col/100ml	Daily Maximum
April 2005	22156 col/100ml	Monthly Geo Mean
April 2005	60000 col/100ml	Daily Maximum
March 2005	17374 col/100ml	Monthly Geo Mean
March 2005	60000 col/100ml	Daily Maximum
February 2005	3888 col/100ml	Monthly Geo Mean
February 2005	28000 col/100ml	Daily Maximum
May 2004	15105 col/100ml	Monthly Geo Mean
May 2004	60000 col/100ml	Daily Maximum
April 2004	6983.4 col/100ml	Monthly Geo Mean
April 2004	60000 col/100ml	Daily Maximum
February 2004	14529 col/100ml	Monthly Geo Mean
February 2004	60000 col/100ml	Daily Maximum
January 2004	1266.6 col/100ml	Monthly Geo Mean
January 2004	10000 col/100ml	Daily Maximum
November 2003	5349.4 col/100ml	Monthly Geo Mean
November 2003	40000 col/100ml	Daily Maximum
May 2003	5274.1 col/100ml	Monthly Geo Mean
May 2003	36000 col/100ml	Daily Maximum
April 2003	3199.7 col/100ml	Monthly Geo Mean
April 2003	25000 col/100ml	Daily Maximum
March 2003	2097.5 col/100ml	Monthly Geo Mean

March 2003	14000 col/100ml	Daily Maximum
January 2003	5182 col/100ml	Daily Maximum

COUNT THREE

TOTAL RESIDUAL CHLORINE

13. The Plaintiff realleges and incorporates by reference paragraphs 1 through 12 above.

A. NPDES Permit Number AL0063797, for the period from April 1, 1997 through March 31, 2002, established discharge limits for Total Residual Chlorine (TRC) as follows:

**Daily
Maximum**

0.09 mg/l

B. During the months set out below, as well as during additional dates to be determined through discovery, the Defendant operated the Dadeville WWTP in violation of NPDES Permit Number AL0063797 by discharging effluent containing TRC in excess of the above referenced limitations into waters of the State as follows:

<u>DATE</u>	<u>DISCHARGE</u>	<u>TYPE OF VIOLATION</u>
February 2002	0.5 mg/l	Daily Maximum
March 2002	0.61 mg/l	Daily Maximum
April 2002	0.52 mg/l	Daily Maximum

C. NPDES Permit Number AL0063797 for the period from May 22, 2002, establishes discharge limits for Total Residual Chlorine (TRC) as follows:

**Daily
Maximum**

0.09 mg/l

D. During the months set out below, as well as during additional dates to be determined through discovery, the Defendant operated the Dadeville WWTP in violation of NPDES Permit Number AL0063797 by discharging effluent containing TRC in excess of the above referenced limitations into waters of the State as follows:

<u>DATE</u>	<u>DISCHARGE</u>	<u>TYPE OF VIOLATION</u>
May 2002	0.51 mg/l	Daily Maximum
June 2002	0.6 mg/l	Daily Maximum

COUNT FOUR

TOTAL SUSPENDED SOLIDS

14. The Plaintiff realleges and incorporates by reference paragraphs 1 through 13 above.

15. NPDES Permit Number AL0063797, for the period from April 1, 1997 through March 31, 2002, established discharge limits for Total Suspended Solids (TSS) as follows:

Monthly Average (lb/day)	Weekly Average (lbs/day)	Monthly Average (mg/l)	Weekly Average (mg/l)
105	158	30.0	45.0

16. During the months set out below, as well as during additional dates to be determined through discovery, the Defendant operated the Dadeville WWTP in violation of the NPDES Permit Number AL0063797 by discharging effluent containing TSS in excess of the above referenced limitations into waters of the State as follows:

<u>DATE</u>	<u>DISCHARGE</u>	<u>TYPE OF VIOLATION</u>
February 2002	193.5 lbs/day	Weekly Average

COUNT FIVE

UNPERMITTED DISCHARGES

17. The Plaintiff realleges and incorporates by reference paragraphs 1 through 16 above.

18. Under Code of Alabama 1975, §22-22-9(i)(3), no person shall discharge any new or increased pollution into the waters of the state without first obtaining from ADEM a permit for the discharge.

19. On February 11, 2006, March 28, 2005, April 2, 2005, April 7, 2005 and June 14, 2005, the Dadeville WWTP, operated by the Defendant, discharged untreated raw or insufficiently treated sewage from a point source at either Buck Creek or Chattasofka Creek into waters of the state. These discharges were unpermitted discharges of new or increased in violation of Code of Alabama 1975, §22-22-9(i)(3).

COUNT SIX

20. The Plaintiff realleges and incorporates by reference paragraphs 1 through 19 above.

21. Under NPDES Permit Number AL0063797, the Defendant is to properly report, both verbally (i.e., no verbal notification within 24 hours) and in writing (i.e., no written notification within five days), any unpermitted discharges of a pollution to a water of the state.

22. The Defendant did not properly report to the Department in accordance with its Permit the unpermitted discharges that occurred on February 11, 2006, March 28, 2005, April 2, 2005, April 7, 2005 and June 14, 2005.


PRAYER FOR RELIEF


WHEREFORE, the Plaintiff request that the Court:

- A. Take jurisdiction of this matter.
- B. Adjudge and declare that the Defendant violated the terms and conditions of NPDES Permit Number AL0063797.
- C. Order the Defendant to take action to ensure that similar violations of the Alabama Water Pollution Control Act, Code of Alabama (1975), §22-22-1 et seq., do not recur.
- D. Assess a civil penalty against the Defendant and in favor of the Plaintiff pursuant to §22-22A-5(18)(b) and (c) for each and every violation of NPDES Permit Number AL0063797.
- E. Order such additional relief as the Court deems appropriate.
- F. Tax the costs of this action against the Defendant.

RESPECTFULLY SUBMITTED,

TROY KING
ATTORNEY GENERAL


ROBERT D. TAMBLING
Assistant Attorney General


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