

December 24, 2010

**Certified Mail**  
**Return Receipt Requested**

Hon. Jeff Sorrells, Mayor  
City of Hartford  
203 West Main Street  
Hartford, Alabama 36344-1626

Re: **Notice of Intent to File Suit under the Clean Water Act**  
**Hartford Lagoon**  
**NPDES Permit No. AL0058947**

Dear Mayor Sorrells:

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, Conservation Alabama Foundation may file suit against the City of Hartford for discharges from the Hartford Lagoon located on Dundee Road in Hartford, Alabama into Hurricane Creek in violation of the Clean Water Act as described herein.

**A. History of Previous Violations and Enforcement Actions**

On October 19, 2005, the Alabama Department of Environmental Management issued a Warning Letter to the City of Hartford following its failure to comply with discharge limitations in NPDES Permit No. AL0058947 for Carbonaceous Biochemical Oxygen Demand (monthly average concentration and monthly average percent removal), and Total Suspended Solids (monthly average percent removal) in July 2005.

On July 1, 2005, the Alabama Department of Environmental Management issued a Warning Letter to the City of Hartford following its failure to submit the 2004 Municipal Water Pollution Prevention Report as required by NPDES Permit No. AL0058947.

On February 27, 2007, the Alabama Department of Environmental Management issued a Notice of Violation to the City of Hartford following its failure to comply with discharge limitations in NPDES Permit No. AL0058947 for Carbonaceous Biochemical Oxygen Demand (monthly average concentration and monthly average percent removal), and Total Suspended Solids (weekly average concentration and monthly average percent removal), Fecal Coliform (daily maximum and monthly geometric mean), and Ammonia as Nitrogen (weekly average and monthly average concentrations) during the period beginning June 2005 and ending December 2006.

On August 17, 2007, the Alabama Department of Environmental Management issued a Warning Letter to the City of Hartford following its failure to submit a discharge monitoring report for June 2007 as required by NPDES Permit No. AL0058947.

On March 18, 2009, the U.S. Environmental Protection Agency issued a Notice of Violation to the City of Hartford following its failure to comply with discharge limitations in NPDES Permit No. AL0058947 for Fecal Coliform and Total Suspended Solids (monthly average percent removal) during the period beginning August 2006 and ending September 2008.

On September 29, 2009, the Alabama Department of Environmental Management and City of Hartford entered into Consent Order No. 99-164-CWP requiring compliance with the terms of NPDES Permit No. AL0058947 which was expired from October 1, 1999 to November 30, 1999.

**B. Violations of NPDES Permit No. AL0058947 (November 2005-October 2010)**

Clean Water Act § 505, 33 U.S.C. § 1365, authorizes any citizen to commence a civil action against any person alleged to be in violation of a permit or permit condition under Clean Water Act § 402, 33 U.S.C. § 1342. NPDES Permit No. AL0058947 was issued to the City of Hartford on December 1, 2004 and reissued on December 1, 2009. The City of Hartford committed the following violations of NPDES Permit No. AL0058947:

Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation
Fecal Coliform	≤ 200 colonies/100 ml (monthly average)	2156 colonies/100 ml	Aug 2010	31
		2683 colonies/100 ml	Jul 2010	31
		224 colonies/100 ml	Sep 2008	30
		270 colonies/100 ml	Aug 2008	31
		225 colonies/100 ml	Jul 2008	31
		318 colonies/100 ml	Jul 2007	31
		229 colonies/100 ml	Aug 2006	31
	≤ 1000 colonies/100 ml (monthly average)	1120 colonies/100 ml	Feb 2010	28
		1729 colonies/100 ml	Apr 2009	30
		1732 colonies/100 ml	Dec 2006	31
		1549 colonies/100 ml	Nov 2006	30
	≤ 2000 colonies/100 ml (daily maximum)	3100 colonies/100 ml	Aug 2010	1
		6000 colonies/100 ml	Jul 2010	1
		2200 colonies/100 ml	Feb 2010	1

		2800 colonies/100 ml	Oct 2009	1
		2300 colonies/100 ml	Apr 2009	1
		15000 colonies/100 ml	Dec 2006	1
		4000 colonies/100 ml	Nov 2006	1
		52800 colonies/100 ml	Aug 2006	1
<b>Pollutant Parameter</b>	<b>Discharge Limit</b>	<b>Discharge Violation</b>	<b>Violation Date(s)</b>	<b>Days in Violation</b>
Total Suspended Solids	≥ 65 Percent Removal (monthly average)	64.2 Percent	Jun 2010	30
		64.2 Percent	Apr 2008	30
		60.5 Percent	Mar 2008	31
		48.9 Percent	Feb 2008	28
		63.5 Percent	Jan 2008	31
		63.7 Percent	Nov 2007	30
		17.8 Percent	Oct 2007	31
		61.8 Percent	Sep 2007	30
		36 Percent	Jul 2007	31
		52.4 Percent	May 2007	31
		12 Percent	Aug 2006	31
		37.8	Jul 2005	31
<b>Pollutant Parameter</b>	<b>Discharge Limit</b>	<b>Discharge Violation</b>	<b>Violation Date(s)</b>	<b>Days in Violation</b>
Carbonaceous Biochemical Oxygen Demand	≤ 25 mg/L (monthly average)	26.9 mg/L	Oct 2010	31
		34.6 mg/L	Jun 2010	30
		32.2 mg/L	Jul 2005	31
		25.6 mg/L	Jun 2005	30
	≤ 37.5 mg/L (weekly average)	42.2 mg/L	Jun 2010	7
	≤ 104 lbs/day (monthly average)	136 lbs/day	Feb 2010	28
		159 lbs/day	Dec 2009	31
	≤ 156 lbs/day (weekly average)	177 lbs/day	Feb 2010	7
172 lbs/day		Dec 2009	7	

	≥ 85 Percent Removal (monthly average)	84.9 Percent	Oct 2010	31
		78.1 Percent	Jun 2010	30
		84.1 Percent	Feb 2010	28
	≥ 65 Percent Removal (monthly average)	53.3 Percent	Jul 2006	31
<b>TOTAL VIOLATIONS</b>				<b>1030</b>

The maximum penalty authorized by the Clean Water Act is \$37,500 for each violation occurring after January 12, 2009 and \$32,500 for each violation occurring before January 13, 2009. Suit by Conservation Alabama Foundation may be avoided if these violations have been permanently abated before the expiration of 60 days following the service date of this notice (December 24, 2010). Please advise the undersigned of any measures that you may undertake or may have undertaken which you contend have permanently abated these violations before suit is filed.

Sincerely,



David A. Ludder  
Attorney for Conservation Alabama Foundation

cc:

Hon. Lisa P. Jackson, Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Hon. Gwendolyn Keyes Fleming, Regional Administrator  
U.S. Environmental Protection Agency-Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, Georgia 30303-3104

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

Conservation Alabama Foundation  
P.O. Box 130656  
Birmingham, AL 35213-0656  
Tel. (205) 533-6178