

March 2, 2009

Hon. Eddie Reed, Mayor
 Town of Jemison
 P.O. Box 609
 Jemison, Alabama 35085

Re: Notice of Intent to File Suit under the Clean Water Act for Violations of NPDES Permit No. AL0059331 and Administrative Order No. 06-083-CWP

Dear Mayor Jemison:

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, Inc. may file suit against the Town of Jemison for discharges of pollutants from the Town of Jemison Wastewater Treatment Plant into Mohorn Creek in violation of the limitations and conditions of NPDES Permit No. AL0059331 as reported in Discharge Monitoring Reports submitted by the Town of Jemison to the Alabama Department of Environmental Management, including but not limited to, the following:

Violations of NPDES Permit No. AL0059331

Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation
Dissolved Oxygen	≥ 6.0 mg/L Daily Minimum May-Nov	5.3 mg/L	Nov 2008	1
		5.3 mg/L	Oct 2008	1
		5.3 mg/L	Sep 2008	1
		5.2 mg/L	Aug 2008	1
		5.2 mg/L	Jul 2008	1
		5.3 mg/L	Jun 2008	1
		5.2 mg/L	Nov 2007	1
		5.0 mg/L	Oct 2007	1
		5.3 mg/L	Sep 2007	1
		4.3 mg/L	Aug 2007	1
		4.3 mg/L	Jul 2007	1
		3.3 mg/L	Jun 2007	1

		2.2 mg/L	May 2007	1
		5.2 mg/L	Nov 2006	1
		4.2 mg/L	Oct 2006	1
		3.4 mg/L	Sep 2006	1
		0.38 mg/L	Aug 2006	1
		2.9 mg/L	Jul 2006	1
Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation
Chlorine, Total Residual	Daily Maximum ≤ 0.2 mg/L	0.45 mg/L	Feb 2007	1
		0.74 mg/L	Jan 2007	1
		0.90 mg/L	Dec 2006	1
		0.90 mg/L	Nov 2006	1
		0.26 mg/L	Oct 2006	1
		0.39 mg/L	Sep 2006	1
		0.04 mg/L	Aug 2006	1
		0.03 mg/L	Aug 2004	1
Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation
Nitrogen, Ammonia Total (as N)	≤ 4.0 mg/L Monthly Average May-Nov	21.4 mg/L	Aug 2008	31
		17.0 mg/L	Jun 2008	30
		25.0 mg/L	May 2008	31
		4.69 mg/L	Nov 2007	30
		6.10 mg/L	Oct 2007	31
		5.34 mg/L	Sep 2007	30
		900 mg/L	Aug 2007	31
		4.20 mg/L	Jul 2007	31
		6.87 mg/L	Jun 2007	30
		4.46 mg/L	May 2007	31
		14.4 mg/L	Nov 2006	30
		22.4 mg/L	Oct 2006	31

		25.1 mg/L	Sep 2006	30
		36 mg/L	Aug 2006	31
		23.2 mg/L	Jun 2006	30
		16.7 mg/L	May 2006	31
		7.11 mg/L	Aug 2005	31
		11.88 mg/L	Jul 2005	31
		11.16 mg/L	Jun 2005	30
		22.05 mg/L	May 2005	31
		20.4 mg/L	May 2004	31
	≤ 17.0 mg/L Monthly Average Dec-Apr	18.2 mg/L	Apr 2008	30
		22.7 mg/L	Mar 2007	31
		18.19 mg/L	Apr 2006	30
	≤ 6.0 mg/L Weekly Average May-Nov	32.0 mg/L	Aug 2008	7
		31.5 mg/L	Jun 2008	7
		36.6 mg/L	May 2008	7
		10.2 mg/L	Nov 2007	7
		10.3 mg/L	Oct 2007	7
		10.6 mg/L	Sep 2007	7
		21.8 mg/L	Aug 2007	7
		12.4 mg/L	Jun 2007	7
		6.92 mg/L	May 2007	7
		17.8 mg/L	Nov 2006	7
		26.5 mg/L	Oct 2006	7
		26.7 mg/L	Sep 2006	7
		53 mg/L	Aug 2006	7
		25.3 mg/L	Jun 2006	7
		21.0 mg/L	May 2006	7
	≤ 18.0 mg/L Weekly Average Dec-Apr	23.0 mg/L	Apr 2008	7
		21.2 mg/L	Dec 2007	7

		23.6 mg/L	Apr 2007	7
		27.0 mg/L	Mar 2007	7
		21.8 mg/L	Feb 2007	7
		18.6 mg/L	Dec 2006	7
		21.20 mg/L	Apr 2006	7
	≤ 5.9 lbs/day Monthly Average May-Nov	18.9 lbs/day	Aug 2008	31
		13.9 lbs/day	Jun 2008	30
		27.5 lbs/day	May 2008	31
		6.73 lbs/day	Aug 2007	31
		13.7 lbs/day	Nov 2006	30
		19.9 lbs/day	Oct 2006	31
		22.2 lbs/day	Sep 2006	30
		23.5 lbs/day	Aug 2006	31
		23.2 lbs/day	Jun 2006	30
		≤ 15.0 lbs/day Monthly Average Dec-Apr	22.5 lbs/day	Apr 2008
	20.6 lbs/day		Mar 2007	31
	15.7 lbs/day		Feb 2007	28
	19.85 lbs/day		Apr 2006	30
	16.57 lbs/day		Jan 2006	31
	17.29 lbs/day		Feb 2005	28
	≤ 7.5 lbs/day Weekly Average May-Nov	28.0 lbs/day	Aug 2008	7
		25.9 lbs/day	Jun 2008	7
		33.2 lbs/day	May 2008	7
		8.74 lbs/day	Nov 2007	7
		8.55 lbs/day	Oct 2007	7
		10.0 lbs/day	Sep 2007	7
		16.3 lbs/day	Aug 2007	7
		8.51 lbs/day	Jun 2007	7
		17.3 lbs/day	Nov 2006	7

		23.0 lbs/day	Oct 2006	7
		25.2 lbs/day	Sep 2006	7
		29.5 lbs/day	Aug 2006	7
		29.5 lbs/day	Jun 2006	7
		18.07 lbs/day	Nov 2005	7
		13.18 lbs/day	Oct 2005	7
		8.51 lbs/day	Aug 2005	7
		18.66 lbs/day	Jul 2005	7
		37.59 lbs/day	Jun 2005	7
		31.363 lbs/day	May 2005	7
		17.076 lbs/day	May 2005	7
	≤ 22.5 lbs/day Weekly Average Dec-Apr	27.7 lbs/day	Apr 2008	7
		22.8 lbs/day	Mar 2007	7
		27.28 lbs/day	Apr 2006	7
		28.3 lbs/day	Dec 2005	7
		34.239 lbs/day	Feb 2005	7
Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation
Fecal Coliform	≤200 colonies/100 mL Monthly Geom. Mean Jun-Sep	892 colonies/100 mL	Sep 2008	30
		10879 colonies/100 mL	Aug 2008	31
		89977 colonies/100 mL	Jul 2008	31
		3801 colonies/100 mL	Jun 2008	30
		361 colonies/100 mL	Sep 2007	30
		497 colonies/100 mL	Aug 2007	31
		336 colonies/100 mL	Jul 2007	31
		433 colonies/100 mL	Sep 2006	30
		10373 colonies/100 mL	Aug 2006	31
		2277 colonies/100 mL	Jun 2006	30
		1993.75 colonies/100 mL	May 2006	31
		311 colonies/100 mL	Aug 2005	31

		1987 colonies/100 mL	Jul 2005	31
		2494 colonies/100 mL	Jun 2005	30
		1022.5 colonies/100 mL	Sep 2004	30
		986 colonies/100 mL	Aug 2004	31
		396 colonies/100 mL	Jul 2004	31
		228 colonies/100 mL	Jun 2004	30
	≤ 1000 colonies/100 mL Monthly Geom. Mean Oct-May	5873 colonies/100 mL	May 2008	31
		5921 colonies/100 mL	Apr 2008	30
		1768 colonies/100 mL	Nov 2007	30
		1182 colonies/100 mL	Oct 2007	31
		2011 colonies/100 mL	Jan 2007	31
		1993.73 colonies/100 mL	May 2006	31
		1143 colonies/100 mL	Jan 2006	31
		2163 colonies/100 mL	Dec 2005	31
		7818 colonies/100 mL	May 2005	31
		4044 colonies/100 mL	Apr 2005	30
		2587.142 colonies/100 mL	Nov 2004	31
		1315.555 colonies/100 mL	Apr 2004	30
		≤ 2000 colonies/100 mL Daily Maximum	106000 colonies/100 mL	Oct 2008
	7400 colonies/100 mL		Sep 2008	1
	20000 colonies/100 mL		Aug 2008	1
	20000 colonies/100 mL		Jul 2008	1
	9000 colonies/100 mL		Jun 2008	1
	20000 colonies/100 mL		May 2008	1
	70000 colonies/100 mL		Apr 2008	1
	10000 colonies/100 mL		Mar 2008	1
	4560 colonies/100 mL		Jan 2007	1
	4150 colonies/100 mL		Dec 2007	1
	3500 colonies/100 mL		Nov 2007	1

		9000 colonies/100 mL	Oct 2007	1
		6300 colonies/100 mL	Sep 2007	1
		10000 colonies/100 mL	Aug 2007	1
		3200 colonies/100 mL	Jul 2007	1
		3000 colonies/100 mL	Apr 2007	1
		9000 colonies/100 mL	Feb 2007	1
		6800 colonies/100 mL	Jan 2007	1
		11100 colonies/100 mL	Dec 2006	1
		30000 colonies/100 mL	Nov 2006	1
		4000 colonies/100 mL	Oct 2006	1
		7100 colonies/100 mL	Sep 2006	1
		100000 colonies/100 mL	Aug 2006	1
		20000 colonies/100 mL	Jun 2006	1
		8100 colonies/100 mL	May 2006	1
		40000 colonies/100 mL	Jan 2006	1
		40000 colonies/100 mL	Dec 2005	1
		20000 colonies/100 mL	Nov 2005	1
		2600 colonies/100 mL	Aug 2005	1
		5100 colonies/100 mL	Jul 2005	1
		9000 colonies/100 mL	Jun 2005	1
		13525 colonies/100 mL	May 2005	1
		9600 colonies/100 mL	Apr 2005	1
		3640 colonies/100 mL	Feb 2005	1
		8800 colonies/100 mL	Nov 2004	1
		2001 colonies/100 mL	Oct 2004	1
		2800 colonies/100 mL	Sep 2004	1
		6912 colonies/100 mL	Aug 2004	1
		2370 colonies/100 mL	Apr 2004	1
Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation

Suspended Solids, Total	≥ 85 Percent Removal Monthly Average	81.7 Percent	Mar 2007	31
		83.1 Percent	Oct 2006	31
		82.6 Percent	Aug 2006	31
		72.6 Percent	Jun 2006	30
		84.7 Percent	Jan 2006	31
TOTAL VIOLATIONS				2653

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, Inc. may file suit against the Town of Jemison for violations of requirements in Administrative Order No. 06-083-CWP, including but not limited to, the following:

Violations of Administrative Order No. 06-083-CWP

Order Paragraph	Requirement	Violation	Days in Violation
C	City shall submit an engineering report not later than November 15, 2006	Failure to submit an engineering report not later than November 15, 2006 and thereafter	838
D	City shall submit first progress report not later than February 17, 2007	Failure to submit first progress report not later than February 17, 2007 and thereafter	744
D	City shall submit second progress report not later than August 17, 2007	Failure to submit second progress report not later than August 17, 2007 and thereafter	563
D	City shall submit third progress report not later than February 17, 2008	Failure to submit third progress report not later than February 17, 2008 and thereafter	379
D	City shall submit fourth progress report not later than August 17, 2008	Failure to submit fourth progress report not later than August 17, 2008 and thereafter	197
C	City shall complete implementation of engineering report recommendations not later than June 17, 2008	Failure to complete implementation of engineering report recommendations not later than June 17, 2008 and thereafter	258

E	City shall comply with permit effluent limitations for fecal coliform, total suspended solids, total suspended solids percent removal, carbonaceous biochemical oxygen demand, carbonaceous biochemical oxygen demand percent removal, and total ammonia-nitrogen not later than August 16, 2008	Failure to comply with permit effluent limitations for fecal coliform, total suspended solids, total suspended solids percent removal, carbonaceous biochemical oxygen demand, carbonaceous biochemical oxygen demand percent removal, and total ammonia-nitrogen not later than August 16, 2008	31
TOTAL			3010

Civil penalties of up to \$32,500 per violation per day may be assessed by the court. Suit may be avoided if these violations have been permanently abated before the expiration of 60 days following service of this notice. 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, Inc.

cc:

Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
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