

January 5, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Dexter Rutherford, Superintendent
Lawrence County Board of Education
14131 Market Street
Moulton, Alabama 35650

**Re: Notice of Intent to File Suit under the Clean Water Act for Violations of NPDES
Permit No. AL0043044**

Dear Mr. Rutherford:

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 Lawrence County Board of Education for discharges of pollutants from the Mt. Hope School Lagoon at 8455 County Road 23, Mt. Hope, Alabama into an unnamed tributary of Rock Springs Creek in violation of the limitations and conditions of NPDES Permit No. AL0043044 as reported in Discharge Monitoring Reports submitted by the Board of Education to the Alabama Department of Environmental Management from January 2004 to December 2008, including but not limited to, the following:

Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation
Suspended Solids, Total	≤90 mg/L Monthly Average	134 mg/L	Sep 2005	30
	≤85.0 Percent Removal Monthly Average	69.8 Percent	Feb 2007	28
		81.0 Percent	Jan 2006	31
		65.9 Percent	Dec 2005	31
		57.6 Percent	Sep 2005	30

Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation
Biochemical Oxygen Demand, Carbonaceous	≤5.0 mg/L Monthly Average (May-Nov)	9.0 mg/L	Aug 2008	31
		9.15 mg/L	Nov 2006	30
	≤10.0 mg/L Monthly Average (Dec-Apr)	16.2 mg/L	Apr 2008	30
		13.1 mg/L	Mar 2008	31
		18.9 mg/L	Feb 2008	29
		22.3 mg/L	Feb 2007	28
		17.2 mg/L	Mar 2006	31
		14.7 mg/L	Feb 2006	28
		12.4 mg/L	Dec 2005	31
		12.0 mg/L	Feb 2004	29
	≤7.5 mg/L Weekly Average (May-Nov)	9.0 mg/L	Aug 2008	7
		9.15 mg/L	Nov 2006	7
	≤15 mg/L Weekly Average (Dec-Apr)	16.2 mg/L	Apr 2008	7
		18.9 mg/L	Feb 2008	7
		22.3 mg/L	Feb 2007	7
		17.2 mg/L	Mar 2006	7
	≤85.0 Percent Removal Monthly Average	52.0 Percent	Feb 2007	28
Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation
Coliform, Fecal	≤ 200 colonies Monthly Geo. Mean (Jun-Sep)	317 colonies	Aug 2008	31
		2000 colonies	Sep 2005	30
	≤ 1000 colonies Monthly Geo. Mean (Oct-May)	2000 colonies	Mar 2006	31
		2000 colonies	Dec 2005	31

Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation
Nitrogen, Ammonia Total (as N)	≤2.1 mg/L Monthly Average (Dec-Apr)	2.66 mg/L	Apr 2008	30
		6.83 mg/L	Apr 2006	30
		5.81 mg/L	Mar 2006	31
		4.34 mg/L	Dec 2005	31
		4.28 mg/L	Jan 2005	31
	≤ 3.1 mg/L Weekly Average (Dec-Apr)	6.83 mg/L	Apr 2006	7
		5.81 mg/L	Mar 2006	7
		4.34 mg/L	Dec 2005	7
		4.28 mg/L	Jan 2005	7
	≤ 0.017 lbs/day Monthly Average (Dec-Apr)	0.21 lbs/day	Dec 2005	31
≤ 0.10 lbs/day Monthly Average (May-Nov)	0.65 lbs/day	May 2004	31	
Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation
pH	≤9.0 s.u. Daily Maximum	9.6 s.u.	Feb 2006	1
TOTAL VIOLATIONS				885

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: 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