

August 6, 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Hon. W.C. Hayes, Jr., Mayor
 City of Maplesville
 Post Office Box 9
 Maplesville, Alabama 36750

**Re: Notice of Intent to File Suit under the Clean Water Act for Violations of NPDES
 Permit No. AL0070858**

Dear Mayor Hayes:

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 City of Maplesville for discharges of pollutants from the City of Maplesville Wastewater Treatment Plant into Byrd Creek in violation of the limitations and conditions of NPDES Permit No. AL0070858 as reported in Discharge Monitoring Reports submitted by the City of Maplesville to the Alabama Department of Environmental Management from August 2003 to August 2008, including but not limited to, the following:

Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation
Oxygen, Dissolved	≥ 6.0 mg/L Daily Minimum	5.9 mg/L	Aug 2007	1
		2.8 mg/L	May 2007	1
		2.7 mg/L	Apr 2007	1
		3.5 mg/L	Mar 2007	1
		3.1 mg/L	Feb 2007	1
		5.2 mg/L	Jan 2007	1

Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation
Nitrogen, Ammonia Total (as N)	≤ 2.5 mg/L Monthly Average	2.98 mg/L	Mar 2008	31
		7.25 mg/L	Feb 2008	29
		8.46 mg/L	Jan 2007	31
		3.27 mg/L	Aug 2006	31
		10.5 mg/L	Dec 2005	31
		18.2 mg/L	Nov 2005	30
		3.00 mg/L	Oct 2005	31
		4.60 mg/L	Sep 2005	30
		3.27 mg/L	Aug 2005	31
		5.67 mg/L	Jan 2005	31
		2.69 mg/L	Dec 2004	31
		10.6 mg/L	Oct 2004	31
		≤ 1.6 lbs/day Monthly Average	3.06 lbs/day	Dec 2005
	5.90 lbs/day		Nov 2005	30
	3.26 lbs/day		Jan 2005	31
	≤ 3.7 mg/L Weekly Average	5.50 mg/L	Mar 2008	7
		13.40 mg/L	Feb 2008	7
		19.1 mg/L	Jan 2007	7
		12.5 mg/L	Aug 2006	7
		5.66 mg/L	Jun 2006	7
		22.5 mg/L	Dec 2005	7
		30.2 mg/L	Nov 2005	7
		7.20 mg/L	Oct 2005	7
		8.78 mg/L	Sep 2005	7
		12.5 mg/L	Aug 2005	7
		6.92 mg/L	Jul 2005	7
		17.0 mg/L	Jan 2005	7
		9.87 mg/L	Dec 2004	7

		21.4 mg/L	Oct 2004	7
		4.47 mg/L	Mar 2004	7
		4.07 mg/L	Nov 2003	7
	≤2.3 lbs/day Weekly Average	4.88 lbs/day	Dec 2005	7
		15.6 lbs/day	Nov 2005	7
		12.3 lbs/day	Jan 2005	7
Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation
Solids, Total Suspended	≤30 mg/L Monthly Average	74.9 mg/L	Feb 2008	29
		36.1 mg/L	Sep 2007	30
		31.9 mg/L	Jan 2007	31
		117 mg/L	Dec 2005	31
		324 mg/L	Feb 2005	28
		34.8 mg/L	Jan 2005	31
		68.4 mg/L	Oct 2004	31
	≤18.7 lbs/day Monthly Average	19.7 lbs/day	Dec 2005	31
	≤45 mg/L Weekly Average	264 mg/L	Feb 2008	7
		64.0 mg/L	Jan 2008	7
		59.0 mg/L	Sep 2007	7
		62.0 mg/L	Jan 2007	7
		384 mg/L	Dec 2005	7
		921 mg/L	Feb 2005	7
		49.0 mg/L	Jan 2005	7
		79.5 mg/L	Dec 2004	7
		172 mg/L	Oct 2004	7
	≤28.1 lbs/day Weekly Average	51.2 lbs/day	Dec 2005	7
		33.2 lbs/day	Feb 2005	7
	≥85 % Removal Monthly Average	81.5 %	Jan 2007	31
		70.3 %	Mar 2006	31

		47.4 %	Dec 2005	31
		69.9 %	May 2005	31
		82.6 %	Mar 2005	31
		78.6 %	Jan 2005	31
Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation
Coliform, Fecal	≤200 colonies/100 ml Monthly Geometric Mean (Jun-Sep)	584 colonies/100 ml	Sep 2006	30
		323 colonies/100 ml	Aug 2006	31
		864 colonies/100 ml	Jun 2006	30
		213 colonies/100 ml	Sep 2005	30
		323 colonies/100 ml	Aug 2005	31
	≤1000 colonies/100 ml Monthly Geometric Mean (Oct-May)	1550 colonies/100 ml	Mar 2006	31
		1267 colonies/100 ml	Nov 2005	30
		1127 colonies/100 ml	Jan 2005	31
	≤2000 colonies/100 ml Daily Maximum	5680 colonies/100 ml	Jun 2006	1
		2140 colonies/100 ml	Dec 2005	1
		26000 colonies/100 ml	Nov 2005	1
		2740 colonies/100 ml	Oct 2005	1
		3040 colonies/100 ml	Sep 2005	1
3300 colonies/100 ml		Jun 2005	1	
5700 colonies/100 ml		Feb 2005	1	
TOTAL VIOLATIONS				1355

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