

January 9, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Hon. Richard Corry, Mayor
Town of Oakman
P. O. Box 267
Oakman, Alabama 35579

**Re: Notice of Intent to File Suit under the Clean Water Act for Violations of NPDES
Permit No. AL0025348**

Dear Mayor Corry:

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 Oakman for discharges of pollutants from the Town of Oakman Lagoon into Cane Creek in violation of the limitations and conditions of NPDES Permit No. AL0025348 as reported in Discharge Monitoring Reports submitted by the Town of Oakman 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
Solids, Total Suspended	≤65.0 Percent Removal Monthly Average	59.5 Percent	Jun 2007	30
		55.4 Percent	Jun 2006	30
Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation
Fecal Coliform	≤ 1000 colonies Monthly Geo. Mean	2436 colonies	Mar 2008	31
	≤2000 colonies Daily Maximum	4600 colonies	Mar 2008	1

Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation
Biochemical Oxygen Demand, Carbonaceous	≤7.0 mg/L Monthly Average (May-Nov)	8.7 mg/L	May 2007	31
	≤9.0 mg/L Monthly Average (Dec-Apr)	10.2 mg/L	Mar 2008	31
	≤13.5 lbs/day Monthly Average (Dec-Apr)	16.7 lbs/day	Mar 2008	31
	≤10.5 mg/L Weekly Average (May-Nov)	10.6 mg/L	Jun 2007	7
		16.4 mg/L	May 2007	7
		16.4 mg/L	Nov 2006	7
	Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)
Oxygen, Dissolved	≥7.0 mg/L	6.14 mg/L	Aug 2008	1
		6.9 mg/L	May 2008	1
		6.05 mg/L	Jan 2008	1
		6.81 mg/L	Nov 2007	1
		6.99 mg/L	Oct 2007	1
		5.12 mg/L	Sep 2007	1
		5.19 mg/L	Aug 2007	1
		6.03 mg/L	Jul 2007	1
		5.97 mg/L	Jun 2007	1
		5.57 mg/L	May 2007	1
		5.57 mg/L	Apr 2007	1
		6.06 mg/L	Mar 2007	1
		6.04 mg/L	Feb 2007	1
		6.11 mg/L	Jan 2007	1
		6.85 mg/L	Dec 2006	1

		5.57 mg/L	Nov 2006	1
		5.93 mg/L	Oct 2006	1
		6.04 mg/L	Sep 2006	1
		5.79 mg/L	Aug 2006	1
		2.14 mg/L	Jul 2006	1
		4.17 mg/L	Jun 2006	1
		4.22 mg/L	May 2006	1
		5.66 mg/L	Apr 2006	1
		6.06 mg/L	Mar 2006	1
		5.53 mg/L	Feb 2006	1
Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation
Nitrogen, Ammonia Total (as N)	≤ 1.0 mg/L Monthly Average (May-Nov)	3.6 mg/L	Sep 2008	30
		4.1 mg/L	Aug 2008	31
		2.3 mg/L	Jun 2008	30
		16.9 mg/L	May 2008	31
		1.5 mg/L	Oct 2007	31
		1.6 mg/L	Sep 2007	30
		2.4 mg/L	Jun 2007	30
		1.5 mg/L	May 2006	31
	≤ 0.91 lbs/day Monthly Average (May-Nov)	1.29 lbs/day	Sep 2008	30
		1.60 lbs/day	Aug 2008	31
		6.87 lbs/day	May 2008	31
	≤ 2.0 mg/L Monthly Average (Dec-Apr)	8.7 mg/L	Apr 2008	30
		7.8 mg/L	Mar 2008	31
		5.1 mg/L	Jan 2008	31
		2.3 mg/L	Dec 2007	31
	≤ 1.8 lbs/day Monthly Average (Dec-Apr)	3.14 lbs/day	Apr 2008	30
		2.99 lbs/day	Mar 2008	31

	≤ 1.5 mg/L Weekly Average (May-Nov)	5.5 mg/L	Sep 2008	7	
		4.8 mg/L	Aug 2008	7	
		2.6 mg/L	Jun 2008	7	
		24.8 mg/L	May 2008	7	
		1.8 mg/L	Oct 2007	7	
		2.8 mg/L	Sep 2007	7	
		3.6 mg/L	Jun 2007	7	
		2.4 mg/L	May 2006	7	
	≤ 1.4 lbs/day Weekly Average (May-Nov)	1.95 lbs/day	Sep 2008	7	
		1.85 lbs/day	Aug 2008	7	
		10.07 lbs/day	May 2008	7	
	≤ 3.0 mg/L Weekly Average (Dec-Apr)	9.5 mg/L	Apr 2008	7	
		10.4 mg/L	Mar 2008	7	
		6.0 mg/L	Jan 2008	7	
		4.5 mg/L	Dec 2007	7	
	≤ 2.8 lbs/day Weekly Average (Dec-Apr)	3.44 lbs/day	Apr 2008	7	
		4.01 lbs/day	Mar 2008	7	
	TOTAL VIOLATIONS				870

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
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1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

J.I. Palmer, Jr., Regional Administrator
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Sam Nunn Atlanta Federal Center
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Onis "Trey" Glenn, Director
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