

June 24, 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

W. Francis Cosby, Jr.
d/b/a Overlook Hills Sewage System
P.O. Box 683
Selma, Alabama 36701

**Re: Notice of Intent to File Suit under the Clean Water Act for Violations of NPDES
Permit No. AL0056677**

Dear Mr. Cosby:

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 you for discharges of pollutants from the Overlook Hills Sewage Lagoon located at Crestview Drive in Selma, into an unnamed tributary to Beech Creek Swamp in violation of the limitations and conditions of NPDES Permit No. AL0056677 as reported in Discharge Monitoring Reports and other documents submitted by you to the Alabama Department of Environmental Management from June 2003 to June 2008, including but not limited to, the following:

VIOLATIONS OF NPDES PERMIT NO. AL0056677				
Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation
Biochemical Oxygen Demand, Carbonaceous	≤ 1.6 mg/L Monthly Average (May-Nov)	4.14 mg/L	Nov 2007	30
		3.71 mg/L	Oct 2007	31
		18.23 mg/L	Sep 2007	30
		7.21 mg/L	Aug 2007	31
		6.09 mg/L	Jul 2007	31
		2.93 mg/L	Jun 2007	30
		4.11 mg/L	May 2007	31
		6.95 mg/L	Oct 2006	31
		8.89 mg/L	Sep 2006	30
		4.53 mg/L	Aug 2006	31

		4.90 mg/L	Jul 2006	31
		10.01 mg/L	Jun 2006	30
		6.49 mg/L	May 2006	31
		10 mg/L	Nov 2005	30
		15 mg/L	Oct 2005	31
		10 mg/L	Sep 2005	30
		14 mg/L	Aug 2005	31
	≤ 3.6 mg/L Monthly Average (Dec- Apr)	9.27 mg/L	Dec 2007	31
		4.43 mg/L	Apr 2007	30
		4.23 mg/L	Feb 2007	28
		3.79 mg/L	Jan 2007	31
		5.25 mg/L	Dec 2006	31
		11.56 mg/L	Apr 2006	30
	≤ 0.86 lbs/day Monthly Average (May-Nov)	2.09 lbs/day	Nov 2007	30
		1.09 lbs/day	Oct 2007	31
		4.01 lbs/day	Sep 2007	30
		2.10 lbs/day	Aug 2007	31
		1.75 lbs/day	Jul 2007	31
		1.41 lbs/day	Oct 2006	31
		3.10 lbs/day	Sep 2006	30
		0.95 lbs/day	Jun 2006	30
		1.40 lbs/day	May 2006	31
		0.91 lbs/day	Nov 2005	30
		1.63 lbs/day	Oct 2005	31
		1.54 lbs/day	Sep 2005	30
		2.2 lbs/day	Aug 2005	31
		≤ 1.95 lbs/day Monthly Average (Dec-Apr)	4.68 lbs/day	Dec 2007
	2.51 lbs/day		Apr 2006	30

	≤ 2.4 mg/L Weekly Average (May-Nov)	4.67 mg/L	Nov 2007	7
		4.26 mg/L	Oct 2007	7
		31.90 mg/L	Sep 2007	7
		8.28 mg/L	Aug 2007	7
		8.68 mg/L	Jul 2007	7
		3.47 mg/L	Jun 2007	7
		4.58 mg/L	May 2007	7
		9.02 mg/L	Oct 2006	7
		12.60 mg/L	Sep 2006	7
		4.78 mg/L	Aug 2006	7
		5.51 mg/L	Jul 2006	7
		12.20 mg/L	Jun 2006	7
		6.98 mg/L	May 2006	7
		12 mg/L	Nov 2005	7
		16 mg/L	Oct 2005	7
		10 mg/L	Sep 2005	7
		15 mg/L	Aug 2005	7
		≤ 5.4 mg/L Weekly Average (Dec-Apr)	12.40 mg/L	Dec 2007
	6.58 mg/L		Jan 2007	7
	5.50 mg/L		Dec 2006	7
	20.90 mg/L		Apr 2006	7
	≤ 1.30 lbs/day Weekly Average (May-Nov)	2.36 lbs/day	Nov 2007	7
		7.01 lbs/day	Sep 2007	7
		2.42 lbs/day	Aug 2007	7
		2.50 lbs/day	Jul 2007	7
		1.84 lbs/day	Oct 2006	7
		4.39 lbs/day	Sep 2006	7
		1.51 lbs/day	May 2006	7
		2.5 lbs/day	Oct 2005	7

		1.65 lbs/day	Sep 2005	7	
		2.2 lbs/day	Aug 2005	7	
	≤ 2.92 lbs/day Weekly Average (Dec-Apr)	6.26 lbs/day	Dec 2007	7	
		4.54 lbs/day	Apr 2006	7	
Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation	
Nitrogen, Ammonia Total (as N)	≤ 0.70 mg/L Monthly Average (May-Nov)	3.8 mg/L	Nov 2007	30	
		4.3 mg/L	Oct 2007	31	
		5.9 mg/L	Sep 2007	30	
		4.0 mg/L	Aug 2007	31	
		1.5 mg/L	Nov 2006	30	
		3.0 mg/L	Oct 2006	31	
		5.4 mg/L	Sep 2006	30	
		2.2 mg/L	Aug 2006	31	
		0.8 mg/L	Jul 2006	31	
		0.9 mg/L	Jun 2006	30	
		1.6 mg/L	May 2006	31	
		2.55 mg/L	Nov 2005	30	
		4.45 mg/L	Oct 2005	31	
		4.5 mg/L	Sep 2005	30	
		1.55 mg/L	Aug 2005	31	
		≤ 1.0 mg/L Monthly Average (Dec-Apr)	3.7 mg/L	Feb 2008	29
			7.3 mg/L	Jan 2008	31
			4.4 mg/L	Dec 2007	31
			6.0 mg/L	Feb 2007	28
			3.2 mg/L	Jan 2007	31
	2.1 mg/L		Dec 2006	31	

	≤ 0.37 lbs/day Monthly Average (May-Nov)	1.10 lbs/day	Nov 2007	30
		1.25 lbs/day	Oct 2007	31
		0.87 lbs/day	Sep 2007	30
		1.17 lbs/day	Aug 2007	31
		0.57 lbs/day	Nov 2006	30
		0.72 lbs/day	Oct 2006	31
		2.62 lbs/day	Sep 2006	30
		0.46 lbs/day	Nov 2005	30
		0.47 lbs/day	Oct 2005	31
		0.87 lbs/day	Sep 2005	30
	≤ 0.54 lbs/day Monthly Average (Dec-Apr)	1.08 lbs/day	Feb 2008	29
		5.14 lbs/day	Jan 2008	31
		3.13 lbs/day	Dec 2007	31
		2.15 lbs/day	Feb 2007	28
		0.65 lbs/day	Jan 2007	31
	≤ 1.0 mg/L Weekly Average (May-Nov)	4.1 mg/L	Nov 2007	7
		4.9 mg/L	Oct 2007	7
		6.2 mg/L	Sep 2007	7
		4.3 mg/L	Aug 2007	7
		2.6 mg/L	Nov 2005	7
		3.0 mg/L	Oct 2006	7
		7.9 mg/L	Sep 2006	7
		3.0 mg/L	Aug 2006	7
		4.00 mg/L	Nov 2005	7
		4.8 mg/L	Oct 2005	7
		6.0 mg/L	Sep 2005	7
		2.0 mg/L	Aug 2005	7
	≤ 1.5 mg/L Weekly Average (Dec-Apr)	4.9 mg/L	Feb 2008	7
		8.3 mg/L	Jan 2008	7

		4.6 mg/L	Dec 2007	7
		9.9 mg/L	Feb 2007	7
		3.5 mg/L	Jan 2007	7
		2.8 mg/L	Dec 2006	7
		1.7 mg/L	Jan 2006	7
	≤ 0.56 lbs/day Weekly Average (May-Nov)	1.19 lbs/day	Nov 2007	7
		1.41 lbs/day	Oct 2007	7
		0.92 lbs/day	Sep 2007	7
		1.25 lbs/day	Aug 2007	7
		0.99 lbs/day	Nov 2006	7
		0.73 lbs/day	Oct 2006	7
		3.80 lbs/day	Sep 2006	7
		0.65 lbs/day	Oct 2005	7
		0.88 lbs/day	Sep 2005	7
	≤ 0.81 lbs/day Weekly Average (Dec-Apr)	1.43 lbs/day	Feb 2008	7
		5.88 lbs/day	Jan 2008	7
		3.27 lbs/day	Dec 2007	7
		3.58 lbs/day	Feb 2007	7
Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation
Coliform, Fecal	≤ 200 col./100 ml Monthly Geom. Mean (Jun-Sep)	980 col./100 ml	Sep 2007	30
		931 col./100 ml	Jul 2007	31
		223 col./100 ml	Jun 2007	30
		3500 col./100 ml	Sep 2006	30
		710 col./100 ml	Aug 2006	31
		1265 col./100 ml	Sep 2005	30
		566 col./100 ml	Aug 2005	31
	≤ 1000 col./100 ml Monthly Geom. Mean (Oct-May)	1817 col./100 ml	Jan 2008	31
		2324 col./100 ml	Dec 2007	31
		1395 col./100 ml	Nov 2007	30

		1210 col./100 ml	Oct 2007	31
		3060 col./100 ml	May 2006	31
		2400 col./100 ml	Jan 2006	31
		1290 col./100 ml	Dec 2005	31
		1020 col./100 ml	Oct 2005	31
	≤ 2000 col./100 ml Daily Maximum	3000 col./100 ml	Jan 2008	1
		4500 col./100 ml	Dec 2007	1
		3520 col./100 ml	Nov 2007	1
		6000 col./100 ml	Sep 2006	1
		4800 col./100 ml	May 2006	1
		3200 col./100 ml	Jan 2006	1
Pollutant Parameter	Discharge Limit	Discharge Violation col./100 ml on	Violation Date(s)	Days in Violation
Oxygen, Dissolved	≥ 7.0 mg/L Daily Minimum	6.17 mg/L	Feb 2008	1
		6.63 mg/L	Jan 2008	1
		1.71 mg/L	Dec 2007	1
		5.64 mg/L	Oct 2007	1
		1.25 mg/L	Sep 2007	1
		5.25 mg/L	Aug 2007	1
		6.5 mg/L	Jul 2007	1
		6.55 mg/L	Jun 2007	1
		4.02 mg/L	Feb 2007	1
		6.15 mg/L	Jan 2007	1
		6.64 mg/L	Dec 2006	1
		6.26 mg/L	Oct 2006	1
		5.82 mg/L	Sep 2006	1
		4.5 mg/L	Aug 2006	1
		6.25 mg/L	Jul 2006	1
		3.3 mg/L	May 2006	1
		3.51 mg/L	Apr 2006	1

		4.17 mg/L	Mar 2006	1
		4.14 mg/L	Feb 2006	1
		3.08 mg/L	Jan 2006	1
		4.13 mg/L	Dec 2005	1
		5.9 mg/L	Nov 2005	1
		4.8 mg/L	Oct 2005	1
		5.2 mg/L	Sep 2005	1
		5.3 mg/L	Aug 2005	1
TOTAL VIOLATIONS				3198

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

cc: Stephen L. Johnson, Administrator
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