LAW OFFICE OF
DAVID A. LUDDER
A Professional Limited Liability Company

August 28, 2009

Certified Mail
Return Receipt Requested

Hon. Frank Criswell, Mayor
City of Reform
P. O. Box 489
Reform, Alabama 35481

Re: **Notice of Intent to File Suit under the Clean Water Act for Violations of NPDES Permit No. AL0020915 and Administrative Order No. 07-132-CWP**

Dear Mayor Criswell:

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 Reform for discharges of pollutants from the City's Wastewater Treatment Plant into Lubbub Creek in violation of the limitations and conditions of NPDES Permit No. AL0020915 as reported in Discharge Monitoring Reports submitted by the City of Reform to the Alabama Department of Environmental Management, including but not limited to, the following:

Violations of NPDES Permit No. AL0020915

Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation
pH	≥ 6.0 s.u. Daily Minimum	5.5 s.u.	Jul 2005	1
		5.5 s.u.	Aug 2005	1
		5.5 s.u.	Sep 2005	1
		5.5 s.u.	Oct 2005	1
		5.5 s.u.	Nov 2005	1
		5.5 s.u.	Dec 2005	1
		5.5 s.u.	Jan 2006	1
		5.5 s.u.	Feb 2006	1
		5.4 s.u.	Jun 2008	1
		5.1 s.u.	Oct 2008	1

9150 McDougal Court ◆ Tallahassee ◆ Florida 32312-4208 ◆ Telephone 850-386-5671
Facsimile 206-888-5671 ◆ Email DavidALudder@enviro-lawyer.com ◆ Web www.enviro-lawyer.com

		5.1 s.u.	Feb 2009	1
		5.9 s.u.	Mar 2009	1
		5.7 s.u.	Apr 2009	1
	≤ 8.5 s.u. Daily Maximum	9.1 s.u.	Nov 2008	1
Pollutant Parameter	**Discharge Limit**	**Discharge Violation**	**Violation Date(s)**	**Days in Violation**
Biochemical Oxygen Demand, Carbonaceous	≤ 5.0 mg/L Monthly Average (after Jan 31, 2007)	9.3 mg/L	Jan 2008	31
		6.8 mg/L	Jul 2008	31
		9.3 mg/L	Aug 2008	31
		5.7 mg/L	Sep 2008	30
		8.2 mg/L	Oct 2008	31
		6.2 mg/L	Nov 2008	30
		7.1 mg/L	Feb 2009	28
	≤ 7.5 mg/L Weekly Average (after Jan 31, 2007)	21.2 mg/L	Jun 2007	7
		14.7 mg/L	Jan 2008	7
		11.5 mg/L	Jul 2008	7
		16.1 mg/L	Aug 2008	7
		9.9 mg/L	Sep 2008	7
		15.5 mg/L	Oct 2008	7
		9.2 mg/L	Nov 2008	7
		17.5 mg/L	Feb 2009	7
	≤ 20.4 lbs/day Monthly Average (after Jan 31, 2007)	22.1 lbs/day	Jan 2008	31
	≤ 30.6 lbs/day Weekly Average (after Jan 31, 2007)	44.4 lbs/day	Jan 2008	7
		35.4 lbs/day	Feb 2009	7
	≤ 10 mg/L Monthly Average (before Feb 1, 2007)	102 mg/L	Aug 2005	31
		10.9 mg/L	Oct 2005	31
	≤ 15 mg/L Weekly Average (before Feb 1, 2007)	447 mg/L	Aug 2005	7

	≤ 40.8 lbs/day Monthly Average (before Feb 1, 2007)	254 lbs/day	Aug 2005	31
	≤ 61.2 lbs/day Weekly Average (before Feb 1, 2007)	1100 lbs/day	Aug 2005	7
Pollutant Parameter	**Discharge Limit**	**Discharge Violation**	**Violation Date(s)**	**Days in Violation**
Coliform, Fecal	≤ 200 colonies Monthly Geometric Mean (Jun - Sep)	2940 colonies	Jul 2005	31
		3330 colonies	Aug 2005	31
		9460 colonies	Sep 2005	30
		16300 colonies	Oct 2005	31
		14600 colonies	Nov 2005	30
		1990 colonies	Dec 2005	31
		2520 colonies	Jan 2006	31
		961 colonies	Feb 2006	28
		566 colonies	Apr 2006	30
		3950 colonies	May 2006	31
		1330 colonies	Jun 2006	30
		26100 colonies	Jul 2006	31
		12000 colonies	Aug 2006	31
		5240 colonies	Sep 2006	30
		5000 colonies	Oct 2006	31
		1880 colonies	Nov 2006	30
		23100 colonies	Jun 2007	30
		5840 colonies	Aug 2007	31
		17000 colonies	Sep 2007	30
		6610 colonies	Jul 2008	31
		1230 colonies	Aug 2008	31
		20600 colonies	Sep 2008	30

	≤ 1000 colonies Monthly Geometric Mean (Oct - May)	7800 colonies	May 2007	31
		1540 colonies	Nov 2007	30
		13000 colonies	Jan 2008	31
		2300 colonies	Feb 2008	28
		8700 colonies	Apr 2008	30
		8310 colonies	May 2008	31
		25900 colonies	Oct 2008	31
	≤ 2000 colonies Daily Maximum	9700 colonies	Jul 2005	1
		16000 colonies	Aug 2005	1
		3700 colonies	Sep 2005	1
		40000 colonies	Oct 2005	1
		63000 colonies	Nov 2005	1
		11800 colonies	Dec 2005	1
		8600 colonies	Jan 2006	1
		5900 colonies	Feb 2006	1
		2800 colonies	Apr 2006	1
		15500 colonies	May 2006	1
		5900 colonies	Jun 2006	1
		22000 colonies	Jul 2006	1
		46000 colonies	Aug 2006	1
		9600 colonies	Sep 2006	1
		17000 colonies	Oct 2006	1
		5000 colonies	Nov 2006	1
		37000 colonies	May 2007	1
		26000 colonies	Aug 2007	1
		40000 colonies	Sep 2007	1
		7800 colonies	Nov 2007	1
		75000 colonies	Jan 2008	1
		5700 colonies	Feb 2008	1
		30000 colonies	Apr 2008	1

		72000 colonies	May 2008	1
		22000 colonies	Jun 2008	1
		26000 colonies	Jul 2008	1
		67000 colonies	Aug 2008	1
		84000 colonies	Sep 2008	1
		132000 colonies	Oct 2008	1
		2800 colonies	Nov 2008	1
Pollutant Parameter	**Discharge Limit**	**Discharge Violation**	**Violation Date(s)**	**Days in Violation**
Nitrogen, Ammonia Total (as N)	≤ 1.5 mg/L Monthly Average (after Jan 31, 2007)	2.55 mg/L	Jan 2008	31
		1.70 mg/L	May 2008	31
		1.55 mg/L	Jun 2008	30
		1.54 mg/L	Jul 2008	31
		3.35 mg/L	Sep 2008	30
		6.84 mg/L	Nov 2008	30
		1.56 mg/L	Apr 2009	30
	≤ 2.2 mg/L Weekly Average (after Jan 31, 2007)	4.32 mg/L	May 2007	7
		2.69 mg/L	Nov 2007	7
		5.06 mg/L	Jan 2008	7
		6.55 mg/L	May 2008	7
		5.35 mg/L	Jun 2008	7
		2.86 mg/L	Jul 2008	7
		7.32 mg/L	Sep 2008	7
		16.4 mg/L	Nov 2008	7
		3.38 mg/L	Apr 2009	7
	≤ 4.8 mg/L Weekly Average (before Feb 1, 2007)	11.2 mg/L	Dec 2005	7
	≤ 6.1 lbs/day Monthly Average (after Jan 31, 2007)	6.55 lbs/day	Sep 2008	30
		12.3 lbs/day	Nov 2008	30

	≤ 9.2 lbs/day Weekly Average (after Jan 31, 2007)	11.8 lbs/day	Jan 2008	7
		11.4 lbs/day	May 2008	7
		14.7 lbs/day	Sep 2008	7
		26.6 lbs/day	Nov 2008	7
	≤ 19.6 lbs/day Weekly Average (before Feb 1, 2007)	25.8	Dec 2005	7
Pollutant Parameter	**Discharge Limit**	**Discharge Violation**	**Violation Date(s)**	**Days in Violation**
Oxygen, Dissolved	≥ 6.0 mg/L Daily Minimum	5.4 mg/L	Jun 2007	1
		4.9 mg/L	Jun 2008	1
		5 mg/L	Aug 2008	1
		4.1 mg/L	Oct 2008	1
		5.2 mg/L	Nov 2008	1
		4.1 mg/L	Dec 2008	1
		5.4 mg/L	Mar 2009	1
Pollutant Parameter	**Discharge Limit**	**Discharge Violation**	**Violation Date(s)**	**Days in Violation**
Solids, Suspended	≤ 35 mg/L Monthly Average	43 mg/L	Jan 2008	31
		31 mg/L	May 2008	31
		60 mg/L	Sep 2008	30
		32 mg/L	Oct 2008	31
	≤ 45 mg/L Weekly Average	49 mg/L	Sep 2007	7
		71 mg/L	Jan 2008	7
		79 mg/L	May 2008	7
		93 mg/L	Sep 2008	7
		51 mg/L	Oct 2008	7
	≤ 183 lbs/day Weekly Average	234 lbs/day	Jan 2008	7
		322 lbs/day	May 2008	7
	≥ 85 Percent Removal	79.9 Percent Removal	Sep 2005	30
		81.4 Percent Removal	Oct 2005	31

		55.6 Percent Removal	Jan 2006	31
		35.4 Percent Removal	Feb 2006	28
		80.1 Percent Removal	Apr 2006	30
		82.7 Percent Removal	Jul 2006	31
		76.4 Percent Removal	Sep 2006	30
		79.8 Percent Removal	Oct 2006	31
		73.8 Percent Removal	Nov 2006	30
		64.9 Percent Removal	Feb 2008	28
		64.8 Percent Removal	Sep 2008	30
		61 Percent Removal	Dec 2008	31
		38.7 Percent Removal	Jan 2009	31
		6.62 Percent Removal	Feb 2009	28
		36.2 Percent Removal	Mar 2009	31
			TOTAL VIOLATIONS	2354

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 Reform for violations of requirements in Administrative Order No. 07-132-CWP, including but not limited to, the following:

Violations of Administrative Order No. 07-132-CWP

Order Paragraph	Requirement	Violation	Days in Violation
C	City shall submit engineering report not later than 910 days after June 25, 2007 (December 22, 2007)	Failure to submit engineering report not later than December 22, 2007 and thereafter through August 28, 2009	615
D	City shall submit first progress report not later than six months after June 25, 2007 (December 25, 2007)	Failure to submit first progress report not later than six months after June 25, 2007 (December 25, 2007) and thereafter through August 28, 2009	612
D	City shall submit second progress report not later than twelve months after June 25, 2007 (June 25, 2008)	Failure to submit second progress report not later than twelve months after June 25, 2007 (June 25, 2008) and thereafter through August 28, 2009	429

D	City shall submit third progress report not later than eighteen months after June 25, 2007 (December 25, 2008)	Failure to submit third progress report not later than eighteen months after June 25, 2007 (December 25, 2008) and thereafter through August 28, 2009	246
D	City shall submit fourth progress report not later than twenty-four months after June 25, 2007 (June 25, 2009)	Failure to submit fourth progress report not later than twenty-four months after June 25, 2007 (June 25, 2009) and thereafter through August 28, 2009	64
F	City shall achieve 65 percent removal of total suspended solids from June 25, 2007 to December 21, 2009	Failure to achieve 65 percent removal of total suspended solids from June 25, 2007 to March 31, 2009	179
		TOTAL	2145

Administrative Order No. 07-132-CWP is the fifth such order issued to the City of Reform by the Alabama Department of Environmental Management. *See* Order Nos. 85-089-WP, 90-163-WP, 91-091-WP, 01-194-CWP. The Alabama Department of Environmental Management's past enforcement efforts have not been diligent.

Civil penalties of up to $37,500 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:

Hon. Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Hon. A. Stanley Meiberg, Acting Regional Administrator
U.S. Environmental Protection Agency-Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-3104

Hon. Onis "Trey" Glenn, Director
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, Alabama 36130-1463

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CIRCUIT COURT OF
PICKENS COUNTY, ALABAMA
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State of Alabama
Unified Judicial System

Form C-34 Rev 6/88

SUMMONS
-CIVIL-

IN THE CIRCUIT **COURT OF** PICKENS **COUNTY**

Plaintiff STATE OF ALABAMA, TROY KING ALABAMA DEPT. ENVIROMENTAL **v. Defendant** CITY OF REFORM

NOTICE TO TIMOTHY B. McCOOL, Attorney for the CITY OF REFORM
100 PHOENIX AVENUE, CARROLLTON, ALABAMA 35447

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADDMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF OR PLAINTIFF'S ATTORNEY ROBERT D. TAMBLING WHOSE ADDRESS IS 500 DEXTER AVENUE, MONTGOMERY, AL 36130.

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED by the Alabama Rules of Civil Procedure:

☑ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant.

☐ Service by certified mail of this summons is initiated upon the written request of _____ pursuant to the Alabama Rules of Civil Procedure.

Date _____ _____ By: _____
Clerk/Register

☐ Certified Mail is hereby requested.

_____
Plaintiff's/Attorney's Signature

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____.
(Date)

☐ I certify that I personally delivered a copy of the Summons and Complaint to _____ in _____ County, Alabama on _____.
(Date)

_____ _____
Date Server's Signature

_____ _____
Type of Process Server Address of Server

_____
Phone Number of Server

IN THE CIRCUIT COURT OF PICKENS COUNTY, ALABAMA

STATE OF ALABAMA, ex rel. TROY KING, and THE ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,	)	
Plaintiffs,	)	**CV-2009-**
v.	)	
CITY OF REFORM,	)	
Defendant.	)	

COMPLAINT

The Parties

1. The Attorney General is authorized by Ala. Code § 22-22A-5(1), § 22-22-9(m), § 22-22A-5(12), and § 22-22A-5(18) (2006 Rplc. Vol.) to enforce the provisions of the Alabama Water Pollution Control Act (hereinafter "AWPCA"), which is found at Ala. Code §§ 22-22-1 through 22-22-14 (2006 Rplc. Vol.). Specifically, Ala. Code § 22-22A-5(18)(b) (2006 Rplc. Vol.) authorizes the Attorney General to bring a civil action for violation of permits issued under the AWPCA and for unpermitted discharges of pollutants in violation of said Act. In addition, Ala. Code § 22-22A-5(18)(c) (2006 Rplc. Vol.) authorizes the Attorney General to recover civil penalties for such permit violations and unpermitted discharges of pollutants, providing for a maximum of $25,000.00 per violation. The Attorney General is authorized by Ala. Code § 36-15-12 (2006 Rplc. Vol.) to institute and prosecute, in the name of the State, all civil actions and other proceedings necessary to protect the rights and interests of the State.

2. The Alabama Department of Environmental Management (hereinafter "the Department" or "ADEM") is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 through 22-22A-16 (2006 Rplc. Vol.). Pursuant to Ala. Code § 22-22A-

4(n) (2006 Rplc. Vol.), the Department is the state agency responsible for the promulgation and enforcement of water pollution control regulations in accordance with the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 to 1387. In addition, the Department is authorized to administer and enforce the provisions of the AWPCA.

3. The City of Reform (hereinafter "the Defendant") operates a wastewater treatment facility located on Third Avenue South East in Reform, Pickens County, Alabama 35481. The wastewater treatment facility discharges pollutants from a point source into Lubbub Creek, a water of the State.

Jurisdiction and Venue

4. The Court has jurisdiction and venue over this Complaint pursuant to Ala. Code § 22-22A-5(18)(b) and § 22-22A-5(19) (2006 Rplc. Vol.).

General Allegations

5. On January 25, 2007, pursuant to the National Pollutant Discharge Elimination System (hereinafter "NPDES") administered by ADEM and approved by the Administrator of the U.S. Environmental Protection Agency pursuant to § 402 of the Federal Water Pollution Control Act, 33 U.S.C. § 1342, the Department issued NPDES Permit Number AL0020915 (hereinafter "the Permit") to the Defendant. The Permit establishes limitations, terms, and conditions on the discharge of pollutants from a point source into Lubbub Creek. The Permit requires that the Defendant to monitor its discharges and submit periodic Discharge Monitoring Reports to the Department describing the results of the monitoring. The Permit also requires that the Permittee maintain in good working order all systems used by the Permittee to achieve compliance with the terms and conditions of the Permit.

6. Discharge Monitoring Reports submitted to the Department by the Permittee

indicate that the Permittee has discharged pollutants from such point source into the aforementioned Lubbub Creek in violation of the limitations established in the Permit. The months the violations occurred along with the parameters violated are listed in Attachment 1, which is incorporated by reference as if fully set forth herein.

Count I

7. Plaintiffs repeat, replead and incorporate by reference paragraphs 1 through 6, above.

8. The above violations are due to be abated by injunction.

Count II

9. Plaintiffs repeat, replead and incorporate by reference paragraphs 1 through 8, above.

10. Pursuant to Ala. Code § 22-22A-5(18) (2006 Rplc. Vol.), a civil penalty is due to be assessed for the referenced violations.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court:

A. Take jurisdiction over this matter.

B. Adjudge and declare that the Defendant violated the limitations, terms, and conditions of the Permit.

C. Adjudge and declare that the Defendant caused or allowed unpermitted discharges of pollutants from its wastewater treatment facility into a water of the State.

D. Order the Defendant to take action to ensure that similar violations of the AWPCA will not recur in the future.

E. Assess a civil penalty against the Defendant and in favor of Plaintiffs pursuant to Ala. Code §§ 22-22A-5(18)(b) and (c) (2006 Rplc. Vol.) for each and every violation of the Permit alleged in this Complaint.

F. Tax the costs of this action against the Defendant.

G. Order such other relief that the Court deems proper.

Respectfully submitted,

s/ Robert D. Tambling
Robert D. Tambling (TAM001)
Assistant Attorney General

ADDRESS OF COUNSEL:
Office of the Attorney General
11 South Union Street
Montgomery, AL 36130
(334) 242-7445/Office
rtambling@ago.state.al.us

s/ Antoinette Jones
Antoinette Jones
Associate General Counsel
Alabama Department of
Environmental Management

ADDRESS OF COUNSEL:
P.O. Box 301463
Montgomery, AL 36130-1463
(334) 271-7855 (Office)

Attachment 1

CITY OF REFORM NPDES PERMIT No. AL0020915

DISSOLVED OXYGEN

Date of Violation	Discharge Violation	Discharge Limit	Days In Violation
January, 2008	5.4 mg/L	< 6.0 mg/L	Daily Minimum
June, 2008	4.9 mg/L	< 6.0 mg/L	Daily Minimum
August, 2008	5.0 mg/L	< 6.0 mg/L	Daily Minimum
October, 2008	4.1 mg/L	< 6.0 mg/L	Daily Minimum
November, 2008	4.1 mg/l	< 6.0 mg/L	Daily Minimum
December, 2008	4.1 mg/L	< 6.0 mg/L	Daily Minimum
March, 2009	5.4 mg/L	< 6.0 mg/L	Daily Minimum

CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND

Date of Violation	Discharge Violation	Discharge Limit	Days In Violation
February, 2009	7.1 mg/L	< 5.0 mg/L	Monthly Average
	17.5 mg/L	< 7.5 mg/L	Weekly Average
	35.4 lbs/day	< 30.6 lbs/day	Weekly Average
January, 2008	9.3 mg/L	< 5.0 mg/L	Monthly Average
	14.7 mg/L	< 7.5 mg/L	Weekly Average
	22.1 lbs/day	< 20.4 lbs/day	Monthly Average
	44.4 lbs/day	< 30.6 lbs/day	Weekly Average
March, 2008	20.4 lbs/day	< 22.1 lbs/day	Monthly Average
	44.4 lbs/day	< 30.6 lbs/day	Weekly Average
	9.3 mg/L	< 5.0 mg/L	Monthly Average
	14.7 mg/L	< 7.5 mg/L	Weekly Average
July, 2008	6.8 mg/L	< 5.0 mg/L	Monthly Average
	11.5 mg/l	< 7.5 mg/L	Weekly Average
August, 2008	9.3 mg/L	< 5.0 mg/L	Monthly Average
	16.1 mg/L	< 7.5 mg/L	Weekly Average
September, 2008	5.70 mg/L	< 5.0 mg/L	Monthly Average

	9.9 mg/L	< 7.5 mg/L	Weekly Average
October, 2008	8.2 mg/L	< 5.0 mg/L	Monthly Average
	15.5 mg/L	< 7.5 mg/L	Weekly Average
November, 2008	6.2 mg/L	< 5.0 mg/L	Monthly Average
	9.2 mg/L	< 7.5 mg/L	Weekly Average
June, 2007	21.2 mg/L	< 7.5 mg/L	Weekly Average
August, 2005	102 mg/L	< 10 mg/L	Monthly Average
	15 mg/L	< 447 mg/L	Weekly Average
	254 lbs/day	< 40.8	Monthly Average
	1100 lbs/day	< 61.2 lbs/day	Weekly Average
October, 2005	10.9 mg/L	< 10 mg/L	Weekly Average

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Date of Violation	Discharge Violation	Discharge Limit	Days In Violation
December, 2005	11.2 mg/L	< 4.8 mg/L	Weekly Average
	25.8 lbs/day	< 19.6 lbs/day	Weekly Average
May, 2007	4.32 mg/L	< 2.2 mg/L	Weekly Average
November, 2007	2.69 mg/L	< 2.2 mg/L	Weekly Average
January, 2008	2.55 mg/L	1.5 mg/L	Monthly Average
	5.06 mg/L	< 2.2 mg/L	Weekly Average
March, 2008	11.8 lbs/day	< 9.2 lbs/day	Weekly Average
	2.55 mg/L	< 1.5 mg/L	Monthly Average
	5.06 mg/L	< 2.2 mg/L	Weekly Average
May, 2008	1.70 mg/L	1.5 mg/L	Monthly Average
	6.55 mg/L	< 2.2 mg/L	Weekly Average
	11.4 lbs/day	< 9.2 lbs/day	Weekly Average
June, 2008	1.55 mg/L	1.5 mg/L	Monthly Average
	5.35 mg/L	< 2.2 mg/L	Weekly Average
July, 2008	1.54 mg/L	1.5 mg/L	Monthly Average
	2.86 mg/L	< 2.2 mg/L	Weekly Average
September, 2008	3.35 mg/L	1.5 mg/L	Monthly Average
	7.32 mg/L	< 2.2 mg/L	Weekly Average
	6.55 lbs/day	< 6.1 lbs/day	Monthly Average

	14.70 lbs/day	< 9.2 lbs/day	Weekly Average
November, 2008	6.84 mg/L	< 1.5 mg/L	Monthly Average
	16.4 mg/L	< 2.2 mg/L	Weekly Average
	12.3 lbs/day	< 6.1 lbs/day	Monthly Average
April, 2009	1.56 mg/L	< 1.5 mg/L	Monthly Average
	3.38 mg/L	< 2.2 mg/L	Weekly Average

TOTAL SUSPENDED SOLIDS

Date of Violation	Discharge Violation	Discharge Limit	Days In Violation
March, 2008	43 mg/L	< 35 mg/L	Monthly Average
	79 mg/L	< 45 mg/L	Weekly Average
	234 lbs/day	< 183 lbs/day	Weekly Average
May, 2008	31 mg/L	< 35 mg/L	Monthly Average
	79 mg/L	< 45 mg/L	Weekly Average
	322 lbs/day	< 183 lbs/day	Weekly Average
September, 2008	60 mg/L	< 35 mg/L	Monthly Average
	93 mg/L	< 45 mg/L	Weekly Average
October, 2008	32 mg/L	< 35 mg/L	Monthly Average
	51 mg/L	< 45 mg/L	Weekly Average
September, 2007	49 mg/L	< 45 mg/L	Weekly Average

TOTAL SUSPENDED PERCENT REMOVAL 85 PERCENT REMOVAL

Date of Violation	Discharge Violation	Discharge Limit	Days In Violation
September, 2005	79.9 % Removal	< 85% Removal	Monthly Average
October, 2005	81.4 % Removal	< 85 % Removal	Monthly Average
January, 2006	55.6 % Removal	< 85 % Removal	Monthly Average
February, 2006	35.4 % Removal	< 85 % Removal	Monthly Average
April, 2006	80.1 % Removal	< 85 % Removal	Monthly Average
July, 2006	82.7 % Removal	< 85 % Removal	Monthly Average
September, 2006	76.4 % Removal	< 85 % Removal	Monthly Average
October, 2006	79.8 % Removal	< 85 % Removal	Monthly Average

November, 2006	73.8 % Removal	< 85 % Removal	Monthly Average
February, 2008	64.9 % Removal	< 85 % Removal	Monthly Average
March, 2008	0 %	< 85 % Removal	Monthly Average
September, 2008	64.8 % Removal	< 85 % Removal	Monthly Average
December, 2008	61.0 % Removal	< 85 % Removal	Monthly Average
January, 2009	38.7 % Removal	< 85 % Removal	Monthly Average
February, 2009	6.62 % Removal	< 85 % Removal	Monthly Average
March, 2009	36.2 % Removal	< 85 % Removal	Monthly Average

FECAL COLIFORM SUMMER

200 #100mL Monthly Geo Mean 2000 #100 mL Daily Maximum
June through September

Date of Violation	Discharge Violation	Discharge Limit	Days In Violation
July, 2005	2940 #100 mL	≤200 #100 mL	Monthly Average
	9700 #100 mL	≤2000 #100 mL	Daily Maximum
August, 2005	3330 #100 m/L	≤200 #100 mL	Monthly Average
	16000 #100 mL	≤2000 #100 mL	Daily Maximum
September, 2005	9460 #100 mL	≤200 #100mL	Monthly Average
	3700 #100 mL	≤2000 #100 mL	Daily Maximum
June, 2006	1330 #100 mL	≤200 #100 mL	Monthly Average
	5900 #100 mL	≤2000 #100 mL	Daily Maximum
July, 2006	26100 #100 mL	≤200 #100 mL	Monthly Average
	22000 #100 mL	≤2000 #100 m/L	Daily Maximum
August, 2006	12000 #100 mL	≤200 #100 mL	Monthly Average
	46000 #100 mL	≤2000 #100 m/L	Daily Maximum
September, 2006	5240 #100 mL	≤200 #100 mL	Monthly Average
	9600 #100 mL	≤2000 #100 mL	Daily Maximum
June, 2007	23100 #100 mL	≤200 #100 mL	Monthly Average
August, 2007	5840 #100 mL	≤200 #100 mL	Monthly Average
	26000 #100 mL	≤2000 #100 m/L	Daily Maximum
September, 2007	17000 #100 mL	≤200 #100mL	Monthly Average
	40000 #100 mL	≤2000 #100 mL	Daily Maximum

June, 2008	22000 #100 mL	≤2000 #100 m/L	Daily Maximum
July, 2008	6610 #100 mL	≤200 #100 mL	Monthly Average
	26000 #100 mL	≤2000 #100 m/L	Daily Maximum
August, 2008	1230 #100 mL	≤200 #100 mL	Monthly Average
	67000 #100 mL	≤2000 #100 m/L	Daily Maximum
September, 2008	20600 #100 mL	≤200 #100 mL	Monthly Average
	84000 #100 mL	≤2000 #100 m/L	Daily Maximum

FECAL COLIFORM WINTER

200 #100mL Monthly Geo Mean 2000 #100 mL Daily Maximum

OCTOBER THROUGH MAY

Date of Violation	Discharge Violation	Discharge Limit	Month of Violation
October, 2005	16300 #100 mL	≤200 #100 mL	Monthly Average
	40000 #100 mL	≤2000 #100 mL	Daily Maximum
November, 2005	14600 #100 mL	≤200 #100 mL	Monthly Average
	63000 #100 mL	≤2000 #100 mL	Daily Maximum
December, 2005	1990 #100 mL	≤200 #100 mL	Monthly Average
	11800 #100 mL	≤2000 #100 mL	Daily Maximum
January, 2006	2520 #100 mL	≤200 #100 mL	Monthly Average
	8600 #100 mL	≤2000 #100 m/L	Daily Maximum
February, 2006	961 #100 mL	≤200 #100 mL	Monthly Average
	5900 #100 mL	≤2000 #100 mL	Daily Maximum
April, 2006	566 #100 mL	≤200 #100 mL	Monthly Average
	2800 #100 mL	≤2000 #100 m/L	Daily Maximum
May, 2006	3950 #100 mL	≤200 #100 mL	Monthly Average
	15500 #100 mL	≤2000 #100 m/L	Daily Maximum
October, 2006	5000 #100 mL	≤200 #100 mL	Monthly Average
	17000 #100 mL	≤2000 #100 m/L	Daily Maximum
November, 2006	1880 #100 mL	≤200 #100 mL	Monthly Average
	5000 #100 mL	≤2000 #100 m/L	Daily Maximum
November, 2008	2800 #100 mL	≤2000 #100 m/L	Daily Maximum

FECAL COLIFORM WINTER

1000 #100mL Monthly Geo Mean 2000 #100 mL Daily Maximum

OCTOBER THROUGH MAY

Date of Violation	Discharge Violation	Discharge Limit	Months of Violation
May, 2007	7800 #100 mL	≤1000 #100 m/L	Monthly Average
	37000 #100 mL	≤2000 #100 m/L	Daily Maximum
November, 2007	1540 #100 mL	≤1000 #100mL	Monthly Average
	7800 #100 mL	≤2000 #100 m/L	Daily Maximum
January, 2008	13000 #100mL	≤1000 #100mL	Monthly Average
	75000 #100 mL	≤2000 #100 m/L	Daily Maximum
February, 2008	2300 #100mL	≤1000 #100mL	Monthly Average
	5700 #100 mL	≤2000 #100 m/L	Daily Maximum
April, 2008	8700 #100 mL	≤1000 #100mL	Monthly Average
	30000 #100 mL	≤2000 #100 m/L	Daily Maximum
May, 2008	8310 #100 mL	≤1000 #100mL	Monthly Average
	72000 #100 mL	≤2000 #100 m/L	Daily Maximum
October, 2008	25900 #100 mL	≤1000 #100mL	Monthly Average
	132000 #100 mL	≤2000 #100 m/L	Daily Maximum

pH

6.0 s.u. Daily Minimum – 8.5 s.u. Daily Maximum

Date of Violation	Discharge Violation	Discharge Limit	Days In Violation
July 2005	5.5 s.u.	< 6.0 s.u.	Daily Minimum
August, 2005	5.5 s.u.	< 6.0 s.u.	Daily Minimum
September, 2005	5.5 s.u.	< 6.0 s.u.	Daily Minimum
October, 2005	5.5 s.u.	< 6.0 s.u.	Daily Minimum
November, 2005	5.5 s.u.	< 6.0 s.u.	Daily Minimum
December, 2005	5.5 s.u.	< 6.0 s.u.	Daily Minimum
January, 2006	5.5 s.u.	< 6.0 s.u.	Daily Minimum
February, 2006	5.5 s.u.	< 6.0 s.u.	Daily Minimum
June, 2008	5.4 s.u.	< 6.0 s.u.	Daily Minimum
October, 2008	5.1 s.u.	< 6.0 s.u.	Daily Minimum
November, 2008	5.1 s.u.	< 6.5 s.u.	Daily Minimum
February, 2009	5.1 s.u.	< 6.5 s.u.	Daily Minimum
March, 2009	5.9 s.u.	< 6.5 s.u .	Daily Minimum

April, 2009	5.7 s.u.	< 6.5 s.u.	Daily Minimum
November, 2008	9.1 s.u.	< 8.5 s.u.	Daily Maximum

LATE DAILY MONITORING REPORTS

Monitoring Period	Date Due	Date Received
September, 2007	October 28, 2007	November 2, 2007
April, 2008	May 28, 2008	June 3, 2008
June, 2008	July 28, 2008	August 9, 2008
August, 2008	September 28, 2008	October 10, 2008
September, 2008	October 28, 2008	October 29, 2008
October, 2008	November 28, 2008	December 4, 2008

MISSING DAILY MONITORING REPORTS

December 2008

February, 2009

Administrative Order No. 07-132-CWP is the fifth such order issued to the City of Reform by the Alabama Department of Environmental Management. *See* Order Nos. 85-089-WP, 90-163-WP, 91-194-CWP, 01-194-CWP.

Violation of Administrative Order No. 07-132-CWP

ORDER PARAGRAPH	REQUIREMENT	VIOLATION	DAYS IN VIOLATION
C.	City shall submit engineering report not later than 910 days after June 25, 2007 (December 22, 2007)	Failure to submit engineering report not later than December 22, 2007 and thereafter through August 28, 2009.	615
D.	City shall submit first progress report not later than six months after June 25, 2007 (December 25, 2007).	Failure to first progress report not later than six months after June 25, 2007 (December 25, 2007) and thereafter through August 28, 2009.	612

D.	City shall submit second progress report not later than twelve months after (June 25, 2008)	Failure to submit second progress report not later than twelve months after June 25, 2008) and thereafter through August 28, 2009..	429
D	City shall submit third progress report not later than eighteen months after June 25, 2007. (December 25, 2008).	Failure to submit third progress report not later than eighteen months after June 25, 2007 (December 25, 2008) and thereafter through August 28, 2009.	246
D.	City shall submit fourth progress report not later than twenty-four months after June 25, 2007 (June 25, 2009).	Failure to submit fourth progress report not later than twenty-four months after June 25, 2007 (June 25, 2009) and thereafter through August 28, 2009.	64
F.	City shall achieve 65 percent removal of total suspended solids from June 25, 2007 to December 21, 2009.	Failure to achieve 65 percent removal of total suspended solids from June 25, 2007 to March 31, 2009.	179
		TOTAL	2145