

June 23, 2009

**Certified Mail**  
**Return Receipt Requested**

Hon. Charles H. Murphy, Mayor  
City of Robertsdale  
P. O. Box 429  
Robertsdale, Alabama 36567

**Re: Notice of Intent to File Suit under the Clean Water Act for Violations of NPDES Permit No. AL0042838 and Administrative Order No. 06-046-CWP**

Dear Mayor Murphy:

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 Robertsdale for discharges of pollutants from the City of Robertsdale's Wastewater Treatment Plant located at 20325 County Road 52 into Rock Creek in violation of the limitations and conditions of NPDES Permit No. AL0042838 as reported in Discharge Monitoring Reports submitted by the City of Robertsdale to the Alabama Department of Environmental Management, including but not limited to, the following:

**Violations of NPDES Permit No. AL0042838**

Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation
pH	≥ 6.0 s.u. Daily Minimum	5.7 s.u.	Mar 2009	1
		5.7 s.u.	Feb 2009	1
		5.6 s.u.	Dec 2008	1
		5.9 s.u.	Oct 2008	1
		5.4 s.u.	Sep 2008	1
		5.7 s.u.	Jun 2008	1
		5.4 s.u.	May 2008	1
		5.7 s.u.	Mar 2008	1

<b>Pollutant Parameter</b>	<b>Discharge Limit</b>	<b>Discharge Violation</b>	<b>Violation Date(s)</b>	<b>Days in Violation</b>
Nitrogen, Ammonia Total (as N)	≤ 6.0 mg/L Monthly Average (Jun-Oct)	9.0 mg/L	Jul 2008	31
		13.8 mg/L	Oct 2007	31
		13.1 mg/L	Sep 2007	30
		15 mg/L	Aug 2007	31
		10.0 mg/L	Jul 2007	31
		14.5 mg/L	Jun 2007	30
		15.5 mg/L	Oct 2006	31
		9.9 mg/L	Sep 2006	30
		8.5 mg/L	Aug 2006	31
		9.6 mg/L	Jun 2006	30
		10.3 mg/L	Oct 2005	31
		8.0 mg/L	Sep 2005	30
		7.9 mg/L	Aug 2005	31
		6.5 mg/L	Jun 2005	30
		9.7 mg/L	Oct 2004	31
		6.3 mg/L	Sep 2004	30
		6.6 mg/L	Jun 2004	30
		≤ 11.0 mg/L Monthly Average (Nov-May)	13.3 mg/L	Feb 2008
	11.8 mg/L		Jan 2008	31
	16.2 mg/L		Dec 2007	31
	14.1 mg/L		Nov 2007	30
	16.2 mg/L		May 2007	31
	18.6 mg/L		Apr 2007	30
	17.8 mg/L		Mar 2007	31
	16.6 mg/L		Feb 2007	28
	15 mg/L		Dec 2006	31

		11.3 mg/L	Nov 2006	30
		16 mg/L	Apr 2006	30
		12 mg/L	Mar 2006	31
		12.2 mg/L	Dec 2005	31
		12.8 mg/L	Nov 2005	30
		11.1 mg/L	May 2005	31
		13.1 mg/L	Feb 2005	28
		11.7 mg/L	Jan 2005	31
		13.9 mg/L	Apr 2004	30
	≤ 9.0 mg/L Weekly Average (Jun-Oct)	15.3 mg/L	Sep 2008	7
		10.4 mg/L	Jul 2008	7
		18 mg/L	Oct 2007	7
		14.4 mg/L	Sep 2007	7
		18.4 mg/L	Aug 2007	7
		10.7 mg/L	Jul 2007	7
		20.9 mg/L	Jun 2007	7
		17.7 mg/L	Oct 2006	7
		11.0 mg/L	Sep 2006	7
		10.9 mg/L	Aug 2006	7
		11.0 mg/L	Jun 2006	7
		14.6 mg/L	Oct 2005	7
		11.2 mg/L	Sep 2005	7
		10.2 mg/L	Aug 2005	7
		12.9 mg/L	Jun 2005	7
	11.6 mg/L	Oct 2004	7	
	9.5 mg/L	Sep 2004	7	

	$\leq 16.5$ mg/L Weekly Average (Nov-May)	20.9 mg/L	Mar 2008	7
		16.9 mg/L	Feb 2008	7
		17.2 mg/L	Jan 2008	7
		18.4 mg/L	Dec 2007	7
		18 mg/L	Nov 2007	7
		19.3 mg/L	May 2007	7
		20.2 mg/L	Apr 2007	7
		19.4 mg/L	Mar 2007	7
		20.1 mg/L	Feb 2007	7
		17.6 mg/L	Dec 2006	7
		17.4 mg/L	Apr 2006	7
		$\leq 47.5$ lbs/day Monthly Average (Jun-Oct)	84 lbs/day	Oct 2007
	67 lbs/day		Sep 2007	30
	93 lbs/day		Aug 2007	31
	92 lbs/day		Jul 2007	31
	64 lbs/day		Oct 2006	31
	67 lbs/day		Sep 2006	30
	49 lbs/day		Oct 2005	31
	55 lbs/day		Jun 2005	30
	48 lbs/day		Oct 2004	31
	49 lbs/day		Jun 2004	30
	$\leq 87.1$ lbs/day Monthly Average (Nov-May)	119 lbs/day	Feb 2008	29
		104 lbs/day	Jan 2008	31
		97 lbs/day	Dec 2007	31
		108 lbs/day	Nov 2007	30
		92 lbs/day	Apr 2007	30
		89 lbs/day	Mar 2007	31
		108 lbs/day	Feb 2007	28
		91.5 lbs/day	Apr 2005	30

		105 lbs/day	Feb 2005	28
	≤ 71.3 lbs/day Weekly Average (Jun-Sep)	89 lbs/day	Sep 2008	7
		102 lbs/day	Oct 2007	7
		72 lbs/day	Sep 2007	7
		115 lbs/day	Aug 2007	7
		104 lbs/day	Jul 2007	7
		132 lbs/day	Jun 2007	7
		112 lbs/day	Oct 2006	7
		132 lbs/day	Sep 2006	7
		74 lbs/day	Aug 2005	7
		130 lbs/day	Jun 2005	7
		≤ 130 lbs/day Weekly Average (Oct-May)	160 lbs/day	Mar 2008
	167 lbs/day		Feb 2008	7
	137 lbs/day		Nov 2007	7
	135 lbs/day		Jan 2007	7
	139 lbs/day		Apr 2005	7
	165 lbs/day		Feb 2005	7
<b>Pollutant Parameter</b>	<b>Discharge Limit</b>	<b>Discharge Violation</b>	<b>Violation Date(s)</b>	<b>Days in Violation</b>
Fecal Coliform	≤200 colonies/100 mL Monthly Geom. Mean Jun-Sep	2106 colonies/100 mL	Sep 2008	30
		776 colonies/100 mL	Jun 2008	30
		317 colonies/100 mL	Oct 2007	31
		2214 colonies/100 mL	Sep 2007	30
		6369 colonies/100 mL	Jul 2007	31
		257 colonies/100 mL	Jun 2007	30
		7064 colonies/100 mL	Sep 2006	30
		392 colonies/100 mL	Jun 2005	30
		502 colonies/100 mL	Nov 2004	30
		551 colonies/100 mL	Jun 2004	30

	≤ 1000 colonies/100 mL Monthly Geom. Mean Oct-May	1213 colonies/100 mL	Apr 2008	30
		2205 colonies/100 mL	Mar 2008	31
		4112 colonies/100 mL	Feb 2008	29
		1491 colonies/100 mL	Jan 2008	31
		1625 colonies/100 mL	Dec 2007	31
		4350 colonies/100 mL	Dec 2006	31
		1393 colonies/100 mL	Nov 2006	30
		1086 colonies/100 mL	Apr 2006	30
		5004 colonies/100 mL	Apr 2005	30
		4109 colonies/100 mL	Jan 2005	31
	≤ 2000 colonies/100 mL Daily Maximum	2700 colonies/100 mL	Dec 2008	1
		4600 colonies/100 mL	Oct 2008	1
		25000 colonies/100 mL	Sep 2008	1
		8700 colonies/100 mL	Jun 2008	1
		5900 colonies/100 mL	May 2008	1
		7500 colonies/100 mL	Apr 2008	1
		25000 colonies/100 mL	Mar 2008	1
		15600 colonies/100 mL	Feb 2008	1
		8700 colonies/100 mL	Jan 2008	1
		3200 colonies/100 mL	Dec 2007	1
		7900 colonies/100 mL	Sep 2007	1
		15400 colonies/100 mL	Jul 2007	1
		5600 colonies/100 mL	Dec 2006	1
2740 colonies/100 mL	Nov 2006	1		
14800 colonies/100 mL	Sep 2006	1		
2660 colonies/100 mL	Apr 2006	1		
20000 colonies/100 mL	Apr 2005	1		
14600 colonies/100 mL	Jan 2005	1		
2600 colonies/100 mL	Jun 2004	1		

<b>Pollutant Parameter</b>	<b>Discharge Limit</b>	<b>Discharge Violation</b>	<b>Violation Date(s)</b>	<b>Days in Violation</b>
Suspended Solids, Total	≤ 30 mg/L Monthly Average	45.3 mg/L	Sep 2008	30
		55.5 mg/L	May 2008	31
		34 mg/L	Mar 2008	31
	≤ 45 mg/L Weekly Average	53 mg/L	Mar 2009	7
		78.5 mg/L	Jan 2009	7
		77 mg/L	Nov 2008	7
		207 mg/L	Sep 2008	7
		389.5 mg/L	May 2008	7
		71.5 mg/L	Apr 2008	7
		139.5 mg/L	Mar 2008	7
	≤ 237 lbs/day Monthly Average	375 lbs/day	Sep 2008	30
		495 lbs/day	May 2008	31
		290 lbs/day	Mar 2008	31
	≤ 356 lbs/day Weekly Average	439 lbs/day	Jan 2009	7
		385 lbs/day	Nov 2008	7
		1709 lbs/day	Sep 2008	7
		3508 lbs/day	May 2008	7
		474 lbs/day	Apr 2008	7
		1594 lbs/day	Mar 2008	7
		410 lbs/day	Nov 2007	7
	≥ 85 Percent Removal Monthly Average	0 Percent Removal	Apr 2009	30
		19 Percent Removal	Mar 2009	31
		57 Percent Removal	Feb 2009	28
38 Percent Removal		Jan 2009	31	
36 Percent Removal		Nov 2008	30	
72 Percent Removal		Oct 2008	31	
70 Percent Removal		Aug 2008	31	
44 Percent Removal		Apr 2008	30	

		63 Percent Removal	Mar 2008	31	
		68 Percent Removal	Feb 2008	29	
		59 Percent Removal	Jan 2008	31	
	≥ 65 Percent Removal Monthly Average	43 Percent Removal	Mar 2007	31	
		55 Percent Removal	Sep 2006	30	
		27 Percent Removal	May 2006	31	
		50 Percent Removal	Apr 2006	30	
		51 Percent Removal	Aug 2005	31	
		57 Percent Removal	Jun 2005	30	
		60 Percent Removal	Mar 2005	31	
		41 Percent Removal	Feb 2005	28	
<b>Pollutant Parameter</b>	<b>Discharge Limit</b>	<b>Discharge Violation</b>	<b>Violation Date(s)</b>	<b>Days in Violation</b>	
Biochemical Oxygen Demand, Carbonaceous	≥ 85 Percent Removal	82 Percent Removal	April 2009	30	
		64 Percent Removal	Apr 2008	30	
		41 Percent Removal	Mar 2008	31	
		70 Percent Removal	Feb 2008	29	
		65 Percent Removal	Jan 2008	31	
		74 Percent Removal	Dec 2007	31	
		77 Percent Removal	Nov 2007	30	
<b>TOTAL VIOLATIONS</b>				3647	

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 Robertsdale for violations of requirements in Administrative Order No. 06-046-CWP, including but not limited to, the following:

**Violations of Administrative Order No. 06-046-CWP**

<b>Order Paragraph</b>	<b>Requirement</b>	<b>Violation</b>	<b>Days in Violation</b>
C	City shall complete implementation of recommendations in Engineering Report not later than February 5, 2007	Failure to complete implementation of recommendations in Engineering Report not later than February 5, 2007 and thereafter	864
D	City shall submit first progress report not later than October 6, 2006	Failure to submit first progress report not later than October 6, 2006 and thereafter	986
D	City shall submit second progress report not later than April 6, 2007	Failure to submit second progress report not later than April 6, 2007 and thereafter	804
E	City shall comply with permit effluent limitations for fecal coliform; and nitrogen, ammonia total (as N), not later than April 6, 2007	Failure to comply with permit effluent limitations for fecal coliform; and total ammonia-nitrogen after April 6, 2007 as indicated above	1080
E	City shall comply with all other permit effluent limitations (pH; total suspended solids; fecal coliform; biochemical oxygen demand, carbonaceous) not later than April 6, 2006	Failure to comply with permit effluent limitations for all other effluent limitations (pH; total suspended solids; fecal coliform; biochemical oxygen demand, carbonaceous) after April 6, 2006 as indicated above	927
<b>TOTAL</b>			4661

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