



June 5, 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Hon. John Houston, Commissioner
 Alabama Department of Mental Health and Mental Retardation
 Post Office Box 301410
 Montgomery, Alabama 36130-1410

**Re: Notice of Intent to File Suit under the Clean Water Act for Violations of NPDES
 Permit No. AL0056928**

Dear Commissioner Houston:

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 Alabama Department of Mental Health and Mental Retardation and Commissioner John Houston for discharges of pollutants from the Searcy Hospital Lagoon into Cedar Creek in violation of the limitations and conditions of NPDES Permit No. AL0056928 as reported in Discharge Monitoring Reports submitted by the Alabama Department of Mental Health and Mental Retardation to the Alabama Department of Environmental Management from May 2003 to May 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	5.2	Nov 2007	1
		5.0	Oct 2007	1
		4.9	Aug 2007	1
		4.6	Jun 2007	1
		5.3	May 2007	1
		5.3	Jan 2007	1
		4.7	Dec 2006	1
		4.1	Oct 2006	1
		4.3	Sep 2006	1
		2.9	Aug 2006	1
		4.0	Jun 2006	1
		5.7	Sep 2005	1
		2.1	Jun 2005	1

		4.2	Apr 2005	1
Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation
Biochemical Oxygen Demand, Carbonaceous	≤ 75.0 lbs/day Weekly Average	98	Sep 2006	7
		151	Sep 2005	7
		142	Apr 2005	7
	≥ 85 % Removal Monthly Average	57	Jul 2007	31
		79	Jun 2007	30
		67	May 2007	31
		84	Apr 2007	30
		67	Mar 2007	31
		82	Dec 2006	31
		55	Sep 2006	30
		58	Aug 2006	31
		71	Jul 2006	31
		70	Jun 2006	30
		83	Feb 2006	28
		62	Sep 2005	30
		70	Jun 2005	30
Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation
Solids, Total Suspended	≤ 90 mg/L Monthly Average	120	Sep 2005	30
	≤ 225 lbs/day Weekly Average	334.0	Jan 2007	7
		450.0	Sep 2006	7
		908	Sep 2005	7
	≥ 85 % Removal Monthly Average	62	Aug 2007	31
		25	Jun 2007	30
		36	May 2007	31
		39	Apr 2007	30
		58	Feb 2007	28

		61	Dec 2006	31
		32	Oct 2006	31
		54	Jul 2006	31
		60	Jun 2006	30
		63	Sep 2005	30
		50	Aug 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)	610	Aug 2007	31
		6000	Jun 2007	30
		>6000	Sep 2006	30
		260	Aug 2006	31
		220	Jul 2006	31
		300	Sep 2005	30
		>6000	Aug 2005	31
		>6000	Jun 2005	30
	≤1000 colonies/100 ml Monthly Geometric Mean (Oct-May)	6000	Apr 2007	30
		1400	Dec 2006	31
		>3000	Oct 2006	31
		1600	Feb 2006	28
		>6000	Jan 2006	31
	≤2000 colonies/100 ml Daily Maximum	6000	Jun 2007	1
		6000	Apr 2007	1
		>3000	Oct 2006	1
		>6000	Sep 2006	1
		>6000	Jan 2006	1
		>6000	Aug 2005	1
		>6000	Jun 2005	1

Pollutant Parameter	Discharge Limit	Discharge Violation	Violation Date(s)	Days in Violation
pH	6.0 ≥ 9.0	5.0	Feb 2008	1
		5.9	Aug 2006	1
TOTAL VIOLATIONS				1218

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

David A. Ludder
Attorney for
Conservation Alabama Foundation, Inc.

cc: Stephen L. Johnson, Administrator
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