

March 30, 2009

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Hon. Walt Maddox, Mayor  
City of Tuscaloosa  
P. O. Box 2089  
Tuscaloosa, Alabama 35403

**Re: Notice of Intent to File Suit under the Clean Water Act for Unlawful Discharges**

Dear Mayor Maddox:

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, Friends of Hurricane Creek intends to file suit against the City of Tuscaloosa for discharging pollutants from the Tuscaloosa Wastewater Treatment Plant located at 3900 Kauloosa Avenue into the Black Warrior River via Cribbs Mill Creek without a National Pollutant Discharge Elimination System permit in violation of 33 U.S.C. § 1311(a). The unlawful discharges are described in the attached tabulations.

Suit may be avoided if these discharges have ceased or a NPDES permit has been obtained before the expiration 60 days following service of this notice. Please advise the undersigned of any measures which you may undertake which you contend have permanently abated these violations before suit is filed.

Sincerely,

David A. Ludder  
Attorney for  
Friends of Hurricane Creek

cc: Lisa P. Jackson, Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

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

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

**Carbonaceous Biochemical Oxygen Demand**

Date	Concentration (mg/L)		Quantity (lbs/day)	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum
1/31/2006	6.3	7.2	894.1	1020.3
2/28/2006	7.9	9.6	1329.7	1614.9
3/31/2006	8.1	9.8	1172.5	1421
4/30/2006	5.2	5.9	627	718.8
5/31/2006	5.3	6.9	634.1	828
6/30/2006	5	5.8	545.8	641.9
7/31/2006	8	11.5	882.7	1268.8
8/31/2006	6.4	11.3	742.8	1309.2
9/30/2006	6.4	8.3	760.9	992.7
10/31/2006	6.7	9.6	850.3	1225.5
11/30/2006	3.8	5.3	484.9	676.3
12/31/2006	3.5	4.2	419.9	515.6
1/31/2007	5	6.7	659.8	885.3
2/28/2007	5.3	7.2	657.6	903.6
3/31/2007	4.4	5.6	516.2	615.7
4/30/2007	5.8	7.6	704.7	918.2
5/31/2007	7.3	9.4	902	1162
6/30/2007	5.4	8.6	743.9	1188.4
7/31/2007	3.9	4.7	553.9	666.4
8/31/2007	4.1	5.6	560.5	773.6
9/30/2007	4.8	5.4	612.2	696.9
10/31/2007	3.7	4.4	466.2	556.4
11/30/2007	3.9	4.5	471.8	550.4
12/31/2007	5.4	7.3	625.4	848.8
1/31/2008	6.8	8.1	841.6	1005.1
2/29/2008	6.8	8.8	970.5	1247.9
3/31/2008	7.3	8.6	916.8	1088.5
4/30/2008	5.8	6.2	719.8	777
5/31/2008	5.4	8.5	670.5	1052.5
6/30/2008	4.6	6	526.4	686.8
7/31/2008	3.9	4.7	553.9	666.4
8/31/2008	3.8	5.2	498.3	674.2
9/30/2008	4.4	5.9	589.8	790
10/31/2008	6.4	8.7	833.8	1139
11/30/2008	9.4	11.4	1247.3	1514.6
12/31/2008	11.2	14.1	1562.6	1963

**Fecal Coliform**

Date	Concentration (#/100ML)	
	Monthly Geometric Mean	Daily Maximum
1/31/2006	109	865
2/28/2006	35	120
3/31/2006	20	168
4/30/2006	32	150
5/31/2006	21	545
6/30/2006	23	465
7/31/2006	51	1466
8/31/2006	285	2740
9/30/2006	94	634
10/31/2006	60	287
11/30/2006	50	752
12/31/2006	79	933
1/31/2007	93	503
2/28/2007	167	2490
3/31/2007	148	1227
4/30/2007	169	507
5/31/2007	250	1700
6/30/2007	155	1780
7/31/2007	56	310
8/31/2007	104	1267
9/30/2007	122	967
10/31/2007	248	1529
11/30/2007	267	1353
12/31/2007	121	603
1/31/2008	98	1303
2/29/2008	119	650
3/31/2008	14	297
4/30/2008	14	419
5/31/2008	39	1979
6/30/2008	44	374
7/31/2008	56	310
8/31/2008	31	310
9/30/2008	21	850
10/31/2008	25	171
11/30/2008	29	205
12/31/2008	32	228

**Solids, Total Suspended**

Date	Concentration (mg/L)		Quantity (lbs/day)	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum
1/31/2006	6.8	8.4	971.1	1186.7
2/28/2006	11.5	16.9	1925.7	2834.4
3/31/2006	11.3	16	1633.3	2319.5
4/30/2006	8.2	10.4	996.7	1256.2
5/31/2006	7.2	9.9	870.9	1198.8
6/30/2006	7.2	9.9	789.6	1091.8
7/31/2006	11.6	17.8	1284.8	1965.6
8/31/2006	10.4	14.9	1203.9	1736.2
9/30/2006	11.8	13	1402.5	1546.1
10/31/2006	9.7	13.8	1235	1761.9
11/30/2006	7.4	9.2	940	1176.2
12/31/2006	6.5	8.3	784.9	1010.5
1/31/2007	11	13.5	1454.7	1783.8
2/28/2007	13.2	18.4	1644	2295.4
3/31/2007	9.3	10.9	1087.1	1280.1
4/30/2007	11.3	13	1378.7	1584.7
5/31/2007	13.7	16.1	1699.5	1990.2
6/30/2007	9	13.6	1233.8	1864.1
7/31/2007	8.2	9.5	1151.7	1342.4
8/31/2007	6	7.5	820.6	1039.4
9/30/2007	8.5	10.5	1098.7	1353.3
10/31/2007	7.9	10.7	985.4	1340.1
11/30/2007	7.2	7.9	877.8	966.6
12/31/2007	9.8	14.6	1128	1692.7
1/31/2008	9.7	10.9	1212.3	1353.8
2/29/2008	9.9	12.9	1414.7	1832.2
3/31/2008	8.9	10.4	1118.5	1308.8
4/30/2008	10.4	12.5	1293.2	1561.1
5/31/2008	7.3	10	910.5	1249.8
6/30/2008	6.3	9.4	712.4	1070.9
7/31/2008	8.2	9.5	1151.7	1342.4
8/31/2008	5	5.5	656.4	711.4
9/30/2008	5.5	6.6	727.1	883.2
10/31/2008	7.1	9.6	932.8	1260.8
11/30/2008	7.3	8	966.2	1067.5
12/31/2008	8.7	10.1	1215.8	1402.7

**Nitrogen, Organic (as N)**

Date	Concentration (mg/L)		Quantity (lbs/day)	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum
10/31/2005	1.8	3.6	216	426
1/31/2006	3.3	6	470.4	856
2/28/2006	2.7	3.9	445.6	658.9
3/31/2006	4	9.1	576.5	1317.8
4/30/2006	1.3	2.1	168.1	254
5/31/2006	0.4	1.3	44.8	155.2
6/30/2006	0.5	1.7	59.5	185.6
7/31/2006	0.3	0.6	28.2	66.4
8/31/2006	2.2	4.3	254.4	496.8
9/30/2006	1.4	1.8	162.5	214.6
10/31/2006	0.6	1	74.7	123.6
11/30/2006	0.8	1.1	101.4	141.8
12/31/2006	1.2	2.2	141.5	263.9
1/31/2007	3	5.7	400.2	756.9
2/28/2007	3	7.3	375.1	914.3
3/31/2007	4	10.2	467.4	1188.7
4/30/2007	2.4	3.2	288.7	392.3
5/31/2007	1.4	3.3	171.5	404.4
6/30/2007	1.1	2.2	157.2	302.5
7/31/2007	0.4	0.9	63.1	124.6
8/31/2007	0.2	0.4	30.7	53.2
9/30/2007	0.3	0.6	32.2	75.4
10/31/2007	0.9	1.6	116.4	198.6
11/30/2007	0.3	0.9	40.6	113.2
12/31/2007	1.7	3.2	194.3	368.3
1/31/2008	4.7	6.9	588.5	855.7
2/29/2008	4.6	6.2	657.5	877.4
3/31/2008	2.8	4.4	357.5	552.4
4/30/2008	3.2	4.7	404.6	586.3
5/31/2008	0.6	1.2	72.3	154.7
6/30/2008	0.2	0.5	17.8	58.6
7/31/2008	0.4	0.9	63.1	124.6
8/31/2008	0.3	1.3	43.2	163.5
9/30/2008	0	0	0	0
10/31/2008	0.1	0.3	10.6	45.6
11/30/2008	0.6	2.2	78.4	298.2

**Nitrogen, Ammonia Total (as N)**

Date	Concentration (mg/L)		Quantity (lbs/day)	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum
1/31/2006	1.8	2.9	259.7	409.8
2/28/2006	1.9	2.6	312.1	433.7
3/31/2006	1	1.6	139.5	225.1
4/30/2006	0.6	1	75	117.5
5/31/2006	0.2	0.5	30	55.2
6/30/2006	0.1	0.2	11.7	26.7
7/31/2006	0.2	0.5	30.3	50.6
8/31/2006	2	5	237.8	576.5
9/30/2006	0.9	1.2	111.1	137.2
10/31/2006	0.2	0.4	23.4	56.4
11/30/2006	0.2	0.4	25.9	45.4
12/31/2006	0.5	1	57.6	125
1/31/2007	1.8	3.6	240	479.5
2/28/2007	2.3	5.8	284.3	725.3
3/31/2007	2.4	6.4	275.1	749
4/30/2007	1.3	2.5	153.9	303.8
5/31/2007	0.7	1.8	87.8	226.6
6/30/2007	0.3	0.7	45.8	94.3
7/31/2007	0.2	0.4	21.3	50.2
8/31/2007	0	0.1	3.6	7.9
9/30/2007	0	0.1	2.1	9.2
10/31/2007	0.1	0.3	14.9	32.2
11/30/2007	0.1	0.1	6.1	17.4
12/31/2007	0.8	2	98.1	236.2
1/31/2008	1.4	3.1	176.7	389.6
2/29/2008	2.9	4.3	408.3	616.8
3/31/2008	1.3	2.5	161.8	319.5
4/30/2008	1.5	2.7	189.6	333.3
5/31/2008	0.1	0.3	11.2	32
6/30/2008	0	0.2	4.9	21.2
7/31/2008	0.2	0.4	21.3	50.2
8/31/2008	0.1	0.1	7.1	16.7
9/30/2008	0	0	0	0
10/31/2008	0	0	0.4	1.9
11/30/2008	0.1	0.3	9.8	41.8
12/31/2008	0.9	1.7	118.4	232.5