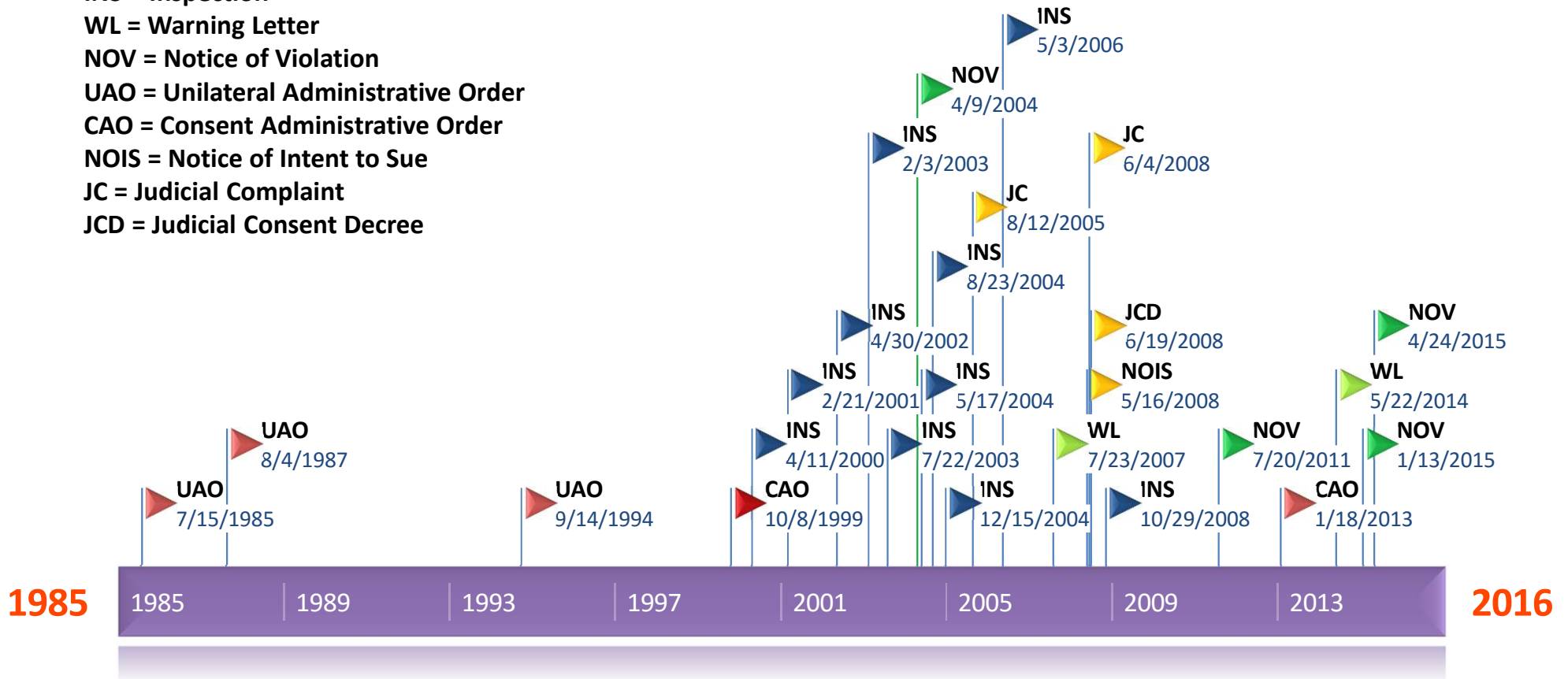


City of Ashford

NPDES Permit No. AL0057878

Mill Creek (Fish & Wildlife)

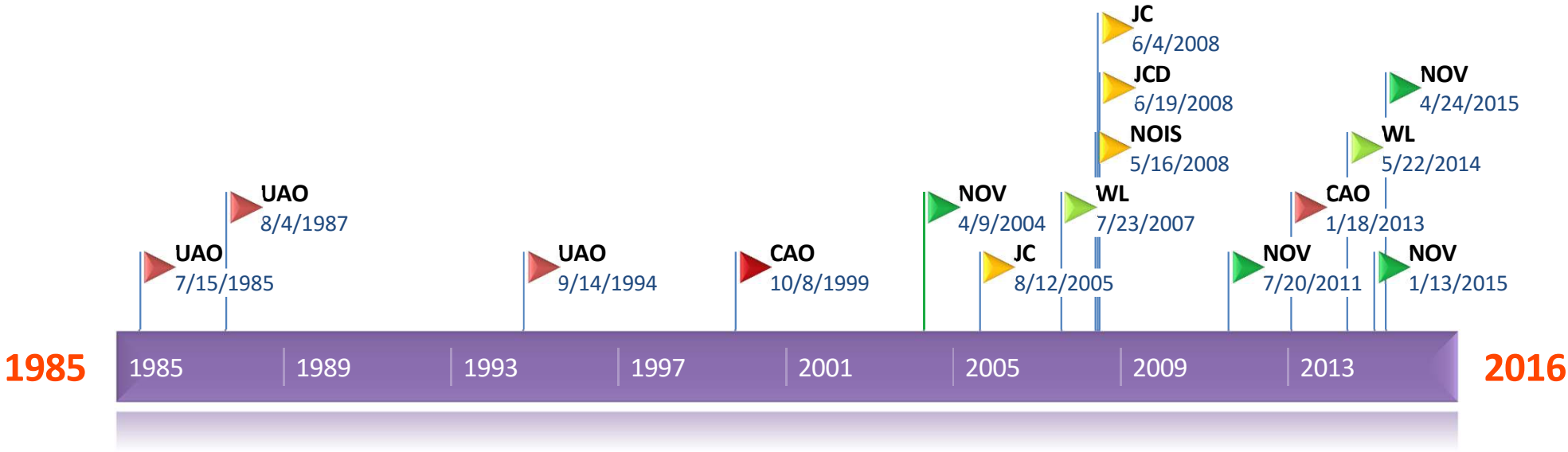
INS = Inspection
WL = Warning Letter
NOV = Notice of Violation
UAO = Unilateral Administrative Order
CAO = Consent Administrative Order
NOIS = Notice of Intent to Sue
JC = Judicial Complaint
JCD = Judicial Consent Decree



Notes: History of ADEM actions to address chronic violations at City of Ashford sewage treatment facility.

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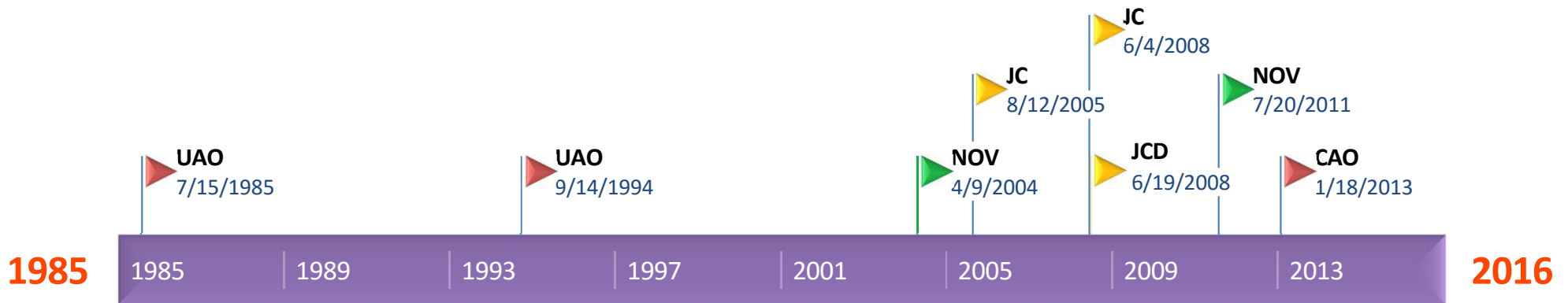
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Notes: History of ADEM enforcement actions (less inspections) to address chronic violations at City of Ashford sewage treatment facility.

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Untimely enforcement: ADEM' has taken enforcement action only after long periods of continuous violations. UAO (7/15/1985) was preceded by two years of discharge violations. UAO (9/14/1994) was preceded by 6 months of discharges without a permit. NOV (4/9/2004) was preceded by 1 year of discharge violations. JC (8/12/2005) was preceded by at least 2 years of discharge violations. JC (6/4/2008) was preceded by an additional 2 years of discharge violations. JCD (6/19/2008) was entered after at least 5 years of violations. NOV (7/20/2011) was preceded by failure to file 6 monthly discharge monitoring reports and failure to timely file 16 monthly discharge monitoring reports. CAO (1/18/2013) was preceded by 2 years of discharge violations.

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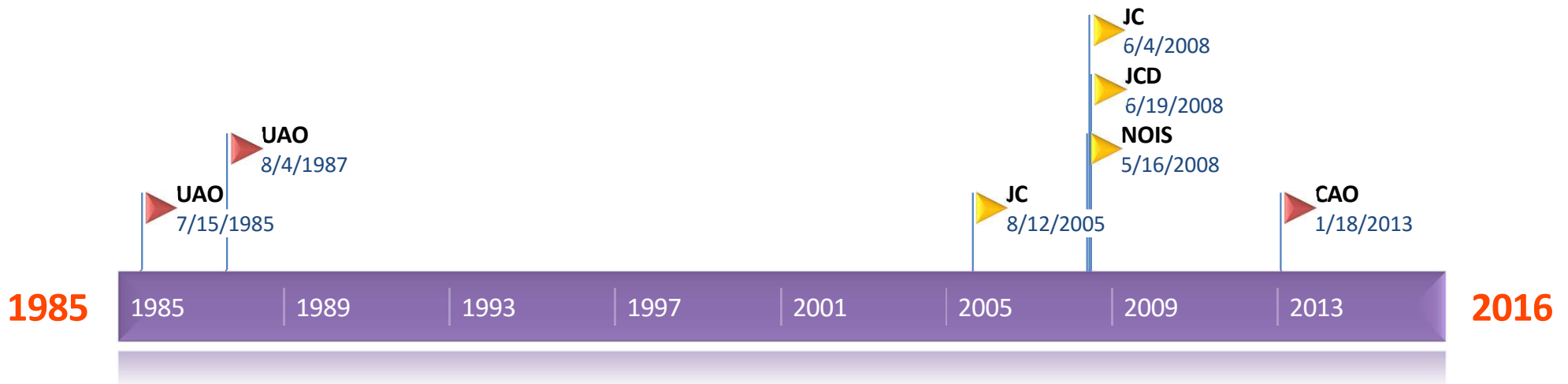
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Notes: Inappropriate enforcement: ADEM’s enforcement actions have not been appropriate to the violations that occurred. UAO (8/4/1987) imposed a moratorium on non-residential connections to facility with no compliance deadline after City failed to adhere to compliance deadlines imposed by UAO (7/15/1985). CAO (1/18/2013) imposed an administrative compliance deadline 4½ years after entry of Judicial Consent Decree.

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Notes: Ineffective enforcement: The sanctions imposed or agreed to by ADEM have not been effective in abating the violations. UAO (8/4/1987) imposed a moratorium on new non-residential connections to facility that treated mostly residential wastewater and imposed no compliance deadline. JCD (6/19/2008) imposed no enforceable compliance deadline.

Recommendations

The AEMC should develop environmental enforcement policy, or advise the Director to revise existing environmental enforcement policy, to ensure that the following practices are implemented:

(1) ADEM should promptly issue a Notice of Violation or Administrative Order to any permittee that has violated permit conditions during three consecutive months; *provided however*, that if the permittee has been issued a Notice of Violation for the same type of violation during the previous twelve months, the enforcement action shall be an Administrative Order or Judicial Action;

(2) ADEM should promptly issue an Administrative Order (consent or unilateral) to, or commence a Judicial Action against, any permittee that has violated permit conditions during any six of the preceding twelve months; *provided however*, that if the permittee has been issued a Administrative Order for the same type of violation during the previous twelve months, the enforcement action shall be a Judicial Action;

(3) All Administrative Orders issued by ADEM (consent and unilateral) should require compliance with permit conditions as expeditiously as possible and by a date certain;

(4) All Administrative Orders issued by ADEM (consent and unilateral) that include schedules for the completion of interim tasks should include the assessment of prospective administrative penalties in a sufficient amount to ensure that permittees will meet the schedules;

(5) If a permittee is in violation of an Administrative Order (consent or unilateral), ADEM should seek compliance by filing suit to enforce the Order or by assessment of an administrative penalty in a sufficient amount to ensure a prompt return to compliance;

(6) ADEM should oppose the entry of any Consent Decree that does not include a date after which the violator must achieve and maintain compliance with permit conditions;

(7) Negotiations of Judicial Consent Decrees should be concluded promptly (less than 12 months).

CITY OF ASHFORD
NPDES Permit No. AL0057878
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1985

Jul 15 Unilateral Administrative Order No. 85-073-WP

Self monitoring reports indicate discharge limit violations from May 1983 through April 1985. New, additional or modified treatment works need to be constructed. Schedule established to submit plans and specifications and financial plan, and to start construction. Interim discharge limits established for BOD, TSS, and DO. Compliance with all permit limits required by July 1, 1988.

1987

Aug 4 Unilateral Administrative Order No. 87-065-WP

Ashford violated Order No. 85-073-WP by failing to submit plans and specifications and financial plan, and to start construction as required. Moratorium on non-residential sewer connections imposed.

1994

Sep 14 Unilateral Administrative Order No. 94-272-WP

Permit expired March 23, 1994. All discharges thereafter were unpermitted. Ashford required to comply with terms of expired permit and pay \$500 penalty.

1999

Oct 8 Consent Administrative Order No. 00-004-CWP

Permit expired on October 31, 1999. All discharges thereafter were unpermitted. Ashford required to comply with terms of expired permit and pay \$1000 penalty.

2002

Apr 30 Inspection

2003

Feb 5 Inspection

2004

Apr 9 Notice of Violation

Ashford notified of permit discharge limit violations for BOD, TSS and pH from January 2003 through January 2004.

May 17 Inspection

Aug 23 Inspection

2005

Aug 12 Judicial Complaint

Filed

2007

Jul 23 Warning Letter

Ashford notified that May 2007 discharge monitoring report was submitted late.

2008

May 16 Citizen Notice of Intent to Sue

Notice of intent to sue by Conservation Alabama Foundation, Inc. citing permit discharge limit violations beginning November 2005 through January 2008.

Jun 4 Amended Judicial Complaint

Alleging permit discharge limit violations from June 2003 through January 2008.

Jun 19 Judicial Consent Decree

Ashford submitted an engineering report in November 2007 addressing the need to modify maintenance and operating procedures and the need for new, additional or modified treatment works and collection system components. Ashford is required to complete implementation of the recommendations in the engineering report by March 1, 2010. No permit compliance deadline and no penalty.

2011

Jul 20 Notice of Violation

Six monthly discharge monitoring reports and quarterly monitoring reports not submitted. Sixteen monthly discharge monitoring reports submitted late.

2013

Jan 18 Consent Administrative Order No. 13-046-CWP

Ashford violated permit discharge limitations for DO, NH₃-N, CBOD, TSS and Escherichia coli from October 2010 through September 2012. Ashford required to submit engineering report within 90 days describing need for maintenance and operating procedures and need for new, additional or modified treatment works. Ashford required to complete implementation of recommendations in engineering report and comply with permit discharge limitations within 550 days. Ashford required to pay \$4500 penalty in 12 monthly installments.

2014

May 22 **Warning Letter**

Ashford violated permit discharge limitations for pH from March 2013 through January 2014.

2015

Jan 13 **Notice of Violation**

Ashford notified that discharge violated permit limit for chronic toxicity in October 2014.

Feb 24 **Noncompliance Notification**

Ashford self-reported a violation of monthly average discharge limit for TSS for month of January 2015.

Feb 28 **Noncompliance Notification**

Ashford self-reported a violation of monthly average discharge limit for NH3-N for month of February 2015.

Apr 14 **Noncompliance Notification**

Ashford self-reported a violation of monthly average discharge limit for NH3-N for month of March 2015.

Apr 24 **Notice of Violation**

Ashford failed to submit a timely permit renewal application.