

January 4, 2019

Delivered Via Certified Mail
Return Receipt Requested
No. 7016 3010 0000 6310 2343

Hon. Mitchell Knight, Mayor
P. O. Box 219
Clio, Alabama 36017

Re: Notice of Violation and Intent to File Suit under the Clean Water Act

Dear Mayor Knight:

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, the Choctawhatchee Riverkeeper and Environmental Defense Alliance may file suit against the City of Clio for violations of NPDES Permit No. AL0067181 issued by the Alabama Department of Environmental Management pursuant to Alabama's NPDES permit program approved by the U.S. Environmental Protection Agency under Clean Water Act § 402(b), 33 U.S.C. § 1342(b), and for violations of Consent Order No. 16-061-CWP issued by the Alabama Department of Environmental Management to the City of Clio with respect to NPDES Permit No. AL0067181 and conditions thereof.

I. Violations

A. Permit Discharge Limit Violations

Pursuant to § 402(b) of the Clean Water Act, 33 U.S.C. § 1342(b), the Alabama Department of Environmental Management issued NPDES Permit No. AL0067181 authorizing the City of Clio to discharge pollutants from the Clio Lagoon, located at on Alex Shipman Road, subject to specific discharge limitations in Part I, A., 1. and 2. of the permit. The City of Clio has discharged pollutants from Outfall 0011 into the Pea River in violation of the discharge limitations of NPDES Permit No. AL0067181 from January 2013 through October 2015 as identified in **Table 1A** attached hereto and from November 2015 through November 2018 as identified in **Table 1B** attached hereto. Additional violations may have occurred subsequent to November 2018.

B. Administrative Order Violations

Pursuant to Ala. Code 1975 § 22-22A-5, the Alabama Department of Environmental Management issued Consent Order No. 16-061-CWP to the City of Clio with respect to NPDES

Permit No. AL0067181 and conditions thereof on June 8, 2016. Consent Order No. 16-061-CWP imposed the following requirements:

F. The Permittee shall fully comply with the Permit limitations for Total Ammonia Nitrogen and Carbonaceous Biochemical Oxygen Demand within 730 days from issuance of this Consent Order.

G. The Permittee shall comply with all other terms, conditions, and limitations of the Permit immediately upon issuance of this Consent Order.

The City of Clio violated the requirement of paragraph F of Consent Order No. 16-061-CWP as identified in **Table 2A** attached hereto.

The City of Clio violated the requirement of paragraph G of Consent Order No. 16-061-CWP as identified in **Table 2B** attached hereto.

II. History of Violations and Previous Enforcement Actions

On August 16, 1999, the Alabama Department of Environmental Management issued a Notice of Violation to the City of Clio in which it cited discharge limit violations for the period from February 1999 through May 1999.

On February 29, 2000, the Alabama Department of Environmental Management issued a Notice of Violation to the City of Clio in which it cited discharge limit violations for the period from October 1999 through December 1999.

On January 25, 2001, the Alabama Department of Environmental Management issued a Notice of Violation to the City of Clio in which it cited effluent violations for the period from February 2000 through July 2000.

On December 19, 2001, the Alabama Department of Environmental Management and City of Clio entered into Consent Order No. 02-043-CWP in which it cited effluent violations for the period from February 2000 through December 2000. The Order directed the City to develop a compliance plan and to achieve compliance within 12 months. The Order assessed a penalty of \$2,200.

On October 19, 2005, the Alabama Department of Environmental Management issued a Warning Letter to the City of Clio in which it cited a discharge limit violation in August 2005.

On November 6, 2006, the Alabama Department of Environmental Management issued a Warning Letter to the City of Clio in which it cited a discharge limit violation in August 2006.

On May 6, 2009, the Alabama Department of Environmental Management issued a Notice of Violation to the City of Clio in which it cited discharge limit violations occurring in February and December of 2008.

On October 16, 2009, the Alabama Department of Environmental Management issued a Notice of Violation to the City of Clio in which it cited a discharge limit violation occurring in June 2009 and failure to properly maintain treatment facilities and monitoring devices.

On October 24, 2011, the Alabama Department of Environmental Management issued a Notice of Violation to the City of Clio in which it cited discharge limit violations occurring in December 2009 and failure to submit discharge monitoring reports for eight months during 2010-2011 and failure to submit monitoring data in October 2009 and May 2010.

On June 8, 2016, the Alabama Department of Environmental Management and City of Clio entered into Consent Order No. 16-061-CWP in which it cited discharge limit violations during the period from April 2014 through August 2015. The Order also cited failure to submit discharge monitoring reports, failure to submit timely discharge monitoring reports, and failure to submit complete monitoring reports. The Order directed the City to achieve compliance with all discharge limits on or before June 8, 2018 and to submit all missing discharge monitoring reports within 30 days. The Order assessed a penalty of \$8,650.

The Alabama Department of Environmental Management has not pursued further enforcement action against the City of Clio subsequent to the June 8, 2016 deadline for compliance with Consent Order No. 16-061-CWP. The history of enforcement actions by the Alabama Department of Environmental Management is graphically represented in **Figure 1** attached hereto.

III. Sanctions

The Clean Water Act authorizes the court to enforce a NPDES permit or condition thereof and a state order with respect to a NPDES permit or condition thereof. Clean Water Act § 505(a), 33 U.S.C. § 1365(a). The court may assess civil penalties up to \$37,500 per day per violation for violations that occurred after December 6, 2013 through November 2, 2015 and \$53,484 per day per violation for violations that occurred after November 2, 2015. Clean Water Act §§ 505(a) and 309(d), 33 U.S.C. §§ 1365(a) and 1319(d); Federal Civil Penalties Inflation Adjustment Act of 1990, Pub. L. 101-410, Oct. 5, 1990, 104 Stat. 890, as amended by Pub. L. 104-134, title III, § 31001(s)(1), Apr. 26, 1996, 110 Stat. 1321-373; Federal Civil Penalties Inflation Adjustment Improvements Act of 2015, Pub. L. 105-362, title XIII, § 1301(a), Nov. 10, 1998, 112 Stat. 3293; Pub. L. 114-74, title VII, § 701(b), Nov. 2, 2015, 129 Stat. 599; 40 C.F.R. § 19.4. Each day a violation continues is a separate violation. Violations of monthly average limits and weekly average limits are counted as violations for each day of the month and each day of the week, respectively. *See Atlantic States Legal Found. Inc. v. Tyson Foods, Inc.*, 897 F.2d 1128 (11th Cir. 1990). In addition, the Clean Water Act authorizes the award of costs of

litigation (including reasonable attorney and expert witness fees) to any prevailing or substantially prevailing party, whenever the court determines that such an award is appropriate. Clean Water Act § 505(d), 33 U.S.C. § 1365(d).

Suit may be avoided if these violations have ceased before the expiration 60 days following service of this notice. "Service" is defined as the postmark date of this notice. 40 C.F.R. § 135.2(c). Please advise the undersigned of any measures which you may undertake which you contend have permanently abated these violations before suit is filed. Please direct all communications to the undersigned attorney for the Choctawhatchee Riverkeeper, Inc. and Environmental Defense Alliance.

Sincerely,



David A. Ludder
Attorney for
Choctawhatchee Riverkeeper, Inc. &
Environmental Defense Alliance

cc:

Hon. Lance R. LeFleur, Director
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, Alabama 36130-1463

Hon. Andrew Wheeler, Acting Administrator
Mail Code 1101A
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Hon. Mary S. Walker, Acting Regional Administrator
U.S. Environmental Protection Agency - Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303

Michael W. Mullen
Riverkeeper, Choctawhatchee Riverkeeper, Inc.
President, Environmental Defense Alliance
207 Gail Street
Troy, Alabama 36079
Tel. (334) 807-1365

TABLE 1A
 Discharge Limit Violations
 AL0067181: CLIO LAGOON, CLIO, AL 36017
 Date Range: 01/01/2013 to 10/31/2015

Month Ending	Outfall	Parameter Description	Limit Type	Discharge Limit	Discharge Measurement	Violation-Days
7/31/2013	0011	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85 %	83 %	31
9/30/2015	0011	BOD, carbonaceous, 05 day, 20 C	WKLY AVG	<= 16.5 mg/L	30.0 mg/L	7
9/30/2015	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 11.0 mg/L	19.0 mg/L	30
8/31/2015	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 11.0 mg/L	13.0 mg/L	31
7/31/2015	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 11.0 mg/L	14.0 mg/L	31
7/31/2015	0011	BOD, carbonaceous, 05 day, 20 C	WKLY AVG	<= 16.5 mg/L	18.0 mg/L	7
6/30/2015	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 11.0 mg/L	13.0 mg/L	30
5/31/2015	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 11.0 mg/L	15.0 mg/L	31
5/31/2015	0011	BOD, carbonaceous, 05 day, 20 C	WKLY AVG	<= 16.5 mg/L	20.0 mg/L	7
4/30/2015	0011	BOD, carbonaceous, 05 day, 20 C	WKLY AVG	<= 16.5 mg/L	29.0 mg/L	7
4/30/2015	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 11.0 mg/L	17.0 mg/L	30
3/31/2015	0011	BOD, carbonaceous, 05 day, 20 C	WKLY AVG	<= 16.5 mg/L	21.0 mg/L	7
3/31/2015	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 11.0 mg/L	15.0 mg/L	31
12/31/2014	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 11.0 mg/L	13.1 mg/L	31
10/31/2014	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 11.0 mg/L	13.0 mg/L	31
10/31/2014	0011	BOD, carbonaceous, 05 day, 20 C	WKLY AVG	<= 16.5 mg/L	17.8 mg/L	7
5/31/2014	0011	BOD, carbonaceous, 05 day, 20 C	WKLY AVG	<= 37.5 mg/L	67.4 mg/L	7
5/31/2014	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 25.0 mg/L	48.0 mg/L	31
2/28/2014	0011	BOD, carbonaceous, 05 day, 20 C	WKLY AVG	<= 37.5 mg/L	67.4 mg/L	7
2/28/2014	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 25.0 mg/L	48.0 mg/L	28
5/31/2014	0011	Chlorine, total residual	DAILY MX	<= 0.18 mg/L	0.2 mg/L	1
5/31/2014	0011	Coliform, fecal general	DAILY MX	<= 2000 CFU/100mL	6000 CFU/100mL	1
4/30/2014	0011	Coliform, fecal general	DAILY MX	<= 2000 CFU/100mL	2700 CFU/100mL	1
2/28/2014	0011	Coliform, fecal general	DAILY MX	<= 2000 CFU/100mL	6000 CFU/100mL	1
1/31/2014	0011	Coliform, fecal general	MO AVG	<= 1000 CFU/100mL	3674 CFU/100mL	31

TABLE 1A (con't)

Month Ending	Outfall	Parameter Description	Limit Type	Discharge Limit	Discharge Measurement	Violation-Days
1/31/2014	0011	Coliform, fecal general	DAILY MX	<= 2000 CFU/100mL	5000 CFU/100mL	1
12/31/2013	0011	Coliform, fecal general	DAILY MX	<= 2000 CFU/100mL	5200 CFU/100mL	1
12/31/2013	0011	Coliform, fecal general	MO AVG	<= 1000 CFU/100mL	2698 CFU/100mL	31
11/30/2013	0011	Coliform, fecal general	DAILY MX	<= 2000 CFU/100mL	2300 CFU/100mL	1
11/30/2013	0011	Coliform, fecal general	MO AVG	<= 1000 CFU/100mL	2090 CFU/100mL	30
10/31/2013	0011	Coliform, fecal general	DAILY MX	<= 2000 CFU/100mL	6000 CFU/100mL	1
10/31/2013	0011	Coliform, fecal general	MO AVG	<= 1000 CFU/100mL	2190 CFU/100mL	31
9/30/2013	0011	Coliform, fecal general	MO AVG	<= 200 CFU/100mL	1587 CFU/100mL	30
9/30/2013	0011	Coliform, fecal general	DAILY MX	<= 2000 CFU/100mL	2100 CFU/100mL	1
8/31/2013	0011	Coliform, fecal general	MO AVG	<= 200 CFU/100mL	2097 CFU/100mL	31
8/31/2013	0011	Coliform, fecal general	DAILY MX	<= 2000 CFU/100mL	4400 CFU/100mL	1
6/30/2013	0011	Coliform, fecal general	DAILY MX	<= 2000 CFU/100mL	4300 CFU/100mL	1
6/30/2013	0011	Coliform, fecal general	MO AVG	<= 200 CFU/100mL	3144 CFU/100mL	30
5/31/2013	0011	Coliform, fecal general	MO AVG	<= 1000 CFU/100mL	2775 CFU/100mL	31
5/31/2013	0011	Coliform, fecal general	DAILY MX	<= 2000 CFU/100mL	5300 CFU/100mL	1
2/28/2013	0011	Coliform, fecal general	DAILY MX	<= 2000 CFU/100mL	6000 CFU/100mL	1
	0011					
9/30/2015	0011	E. coli	MO AVG	<= 126 #/100mL	205 CFU/100mL	30
12/31/2014	0011	E. coli	DAILY MX	<= 2507 #/100mL	3300 CFU/100mL	1
10/31/2015	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	4.0 mg/L	31
10/31/2015	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	8.0 mg/L	7
7/31/2015	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	39 lbs/day	31
7/31/2015	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	22.0 mg/L	7
7/31/2015	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	22.0 mg/L	31
7/31/2015	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	40 lbs/day	7
6/30/2015	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	17.8 lbs/day	30
6/30/2015	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	16.0 mg/L	7
6/30/2015	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	17.8 lbs/day	30
6/30/2015	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	16.0 mg/L	30
5/31/2015	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	33 lbs/day	7

TABLE 1A (con't)

Month Ending	Outfall	Parameter Description	Limit Type	Discharge Limit	Discharge Measurement	Violation-Days
5/31/2015	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	30.0 mg/L	7
5/31/2015	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	21 lbs/day	31
5/31/2015	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	19.0 mg/L	31
4/30/2015	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	29.0 mg/L	7
4/30/2015	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	29.0 mg/L	30
4/30/2015	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	35 lbs/day	7
4/30/2015	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	35 lbs/day	30
3/31/2015	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	27.0 mg/L	31
3/31/2015	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	25 lbs/day	31
3/31/2015	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	43 lbs/day	7
3/31/2015	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	46.0 mg/L	7
2/28/2015	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	5.0 mg/L	7
2/28/2015	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	4.0 mg/L	28
1/31/2015	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	4.3 mg/L	31
1/31/2015	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	5.8 mg/L	7
11/30/2014	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	12.0 mg/L	30
11/30/2014	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	15 lbs/day	30
11/30/2014	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	20.0 mg/L	7
11/30/2014	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	25 lbs/day	7
10/31/2014	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	14.0 mg/L	7
10/31/2014	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	7.0 mg/L	31
10/31/2014	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	16.1 lbs/day	7
6/30/2014	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 15.0 mg/L	16.0 mg/L	30
5/31/2014	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 22.5 mg/L	45.1 mg/L	7
5/31/2014	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 15.0 mg/L	37.8 mg/L	31
4/30/2014	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 15.0 mg/L	15.6 mg/L	30
4/30/2014	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 22.5 mg/L	24.6 mg/L	7
2/28/2014	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 22.5 mg/L	45.1 mg/L	7
2/28/2014	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 15.0 mg/L	37.8 mg/L	28
1/31/2014	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 22.5 mg/L	24.9 mg/L	7
12/31/2013	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 22.5 mg/L	25.2 mg/L	7

TABLE 1A (con't)

Month Ending	Outfall	Parameter Description	Limit Type	Discharge Limit	Discharge Measurement	Violation-Days
11/30/2013	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 15.0 mg/L	22.5 mg/L	30
11/30/2013	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 22.5 mg/L	23.6 mg/L	7
10/31/2013	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 15.0 mg/L	26.3 mg/L	31
10/31/2013	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 22.5 mg/L	27.9 mg/L	7
9/30/2013	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 15.0 mg/L	27.6 mg/L	30
9/30/2013	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 22.5 mg/L	28.2 mg/L	7
8/31/2013	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 15.0 mg/L	22.0 mg/L	31
6/30/2013	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 15.0 mg/L	27.4 mg/L	30
6/30/2013	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 22.5 mg/L	29.7 mg/L	7
5/31/2013	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 15.0 mg/L	15.9 mg/L	31
4/30/2013	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 22.5 mg/L	26.3 mg/L	7
4/30/2013	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 15.0 mg/L	23.3 mg/L	30
3/31/2013	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 15.0 mg/L	19.9 mg/L	31
2/28/2013	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 22.5 mg/L	31.0 mg/L	7
2/28/2013	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 15.0 mg/L	25.4 mg/L	28
1/31/2013	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 15.0 mg/L	23.5 mg/L	31
1/31/2013	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 22.5 mg/L	26.9 mg/L	7
8/31/2013	0011	Oxygen, dissolved (DO)	DAILY MN	>= 5.0 mg/L	4.6 mg/L	1
9/30/2015	0011	pH	DAILY MX	<= 9.0 SU	10 SU	1
9/30/2014	0011	Solids, suspended percent removal	MO AV MN	>= 65.0 %	57 %	30
TOTAL						1878

TABLE 1B
 Discharge Limit Violations
 AL0067181: CLIO LAGOON, CLIO, AL 36017
 Date Range: 11/01/2015 to 11/31/2018

Month Ending	Outfall	Parameter Description	Limit Type	Discharge Limit	Discharge Measurement	Violation-Days
6/30/2018	0011	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85.0 %	0.98 %	30
2/28/2018	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 36.6 lbs/day	38.2 lbs/day	28
2/28/2018	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 11.0 mg/L	16 mg/L	28
9/30/2017	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 11.0 mg/L	16.4 mg/L	30
7/31/2017	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 11.0 mg/L	13 mg/L	31
5/31/2017	0011	BOD, carbonaceous, 05 day, 20 C	WKLY AVG	<= 55.0 lbs/day	73 lbs/day	7
5/31/2017	0011	BOD, carbonaceous, 05 day, 20 C	WKLY AVG	<= 16.5 mg/L	28 mg/L	7
5/31/2017	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 11.0 mg/L	28 mg/L	31
5/31/2017	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 36.6 lbs/day	73 lbs/day	31
4/30/2017	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 36.6 lbs/day	45 lbs/day	30
4/30/2017	0011	BOD, carbonaceous, 05 day, 20 C	WKLY AVG	<= 16.5 mg/L	22 mg/L	7
4/30/2017	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 11.0 mg/L	22 mg/L	30
3/31/2017	0011	BOD, carbonaceous, 05 day, 20 C	WKLY AVG	<= 55.0 lbs/day	94 lbs/day	7
3/31/2017	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 36.6 lbs/day	94 lbs/day	31
3/31/2017	0011	BOD, carbonaceous, 05 day, 20 C	WKLY AVG	<= 55.0 mg/L	37 mg/L	7
3/31/2017	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 11.0 mg/L	37 mg/L	31
2/28/2017	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 11.0 mg/L	16 mg/L	28
1/31/2017	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 11.0 mg/L	16 mg/L	31
12/31/2016	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 36.6 lbs/day	41 lbs/day	31
12/31/2016	0011	BOD, carbonaceous, 05 day, 20 C	WKLY AVG	<= 16.5 mg/L	23 mg/L	7
12/31/2016	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 11.0 mg/L	23 mg/L	31
11/30/2016	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 11.0 mg/L	12 mg/L	30
4/30/2016	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 11.0 mg/L	12 mg/L	30
2/29/2016	0011	BOD, carbonaceous, 05 day, 20 C	MO AVG	<= 11.0 mg/L	12 mg/L	28

TABLE 1B (con't)

Month Ending	Outfall	Parameter Description	Limit Type	Discharge Limit	Discharge Measurement	Violation-Days
6/30/2018	0011	E. coli	MO AVG	<= 126 #/100mL	160 #/100mL	30
9/30/2017	0011	E. coli	MO AVG	<= 126 #/100mL	1154 #/100mL	30
9/30/2017	0011	E. coli	DAILY MX	<= 487 #/100mL	2300 #/100mL	1
5/31/2017	0011	E. coli	MO AVG	<= 548 #/100mL	765 #/100mL	31
4/30/2017	0011	E. coli	MO AVG	<= 548 #/100mL	1145 #/100mL	30
3/31/2017	0011	E. coli	MO AVG	<= 548 #/100mL	760 #/100mL	31
10/31/2016	0011	E. coli	MO AVG	<= 548 #/100mL	880 #/100mL	31
9/30/2016	0011	E. coli	MO AVG	<= 126 #/100mL	1520 #/100mL	30
9/30/2016	0011	E. coli	DAILY MX	<= 487 #/100mL	2800 #/100mL	1
6/30/2016	0011	E. coli	MO AVG	<= 126 #/100mL	670 #/100mL	30
6/30/2016	0011	E. coli	DAILY MX	<= 487 #/100mL	700 #/100mL	1
11/30/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	4.5 mg/L	30
10/31/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	3.44 mg/L	31
9/30/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	4 mg/L	30
8/31/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	16 lbs/day	31
8/31/2018	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	10 mg/L	7
8/31/2018	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	16 lbs/day	7
8/31/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	10 mg/L	31
7/31/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	11.8 mg/L	31
7/31/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	14 lbs/day	31
7/31/2018	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	11.8 mg/L	7
6/30/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	19.7 mg/L	30
6/30/2018	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 kg/d	39 lbs/day	7
6/30/2018	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	19.7 mg/L	7
6/30/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	39 lbs/day	30
5/31/2018	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	41 lbs/day	7
5/31/2018	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	17 mg/L	7
5/31/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	41 lbs/day	31
5/31/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	17 mg/L	31

TABLE 1B (con't)

Month Ending	Outfall	Parameter Description	Limit Type	Discharge Limit	Discharge Measurement	Violation-Days
4/30/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	37.9 lbs/day	30
4/30/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	16.3 mg/L	30
4/30/2018	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	37.9 lbs/day	7
4/30/2018	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	16.3 mg/L	7
3/31/2018	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	27.5 mg/L	7
3/31/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	27.5 mg/L	31
3/31/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	63.9 lbs/day	31
3/31/2018	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	63.9 lbs/day	7
2/28/2018	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	64 lbs/day	7
2/28/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	64 lbs/day	28
2/28/2018	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	26.7 mg/L	7
2/28/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	26.7 mg/L	28
1/31/2018	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	12 mg/L	7
1/31/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	28 lbs/day	31
1/31/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	12 mg/L	31
1/31/2018	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	28 lbs/day	7
12/31/2017	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	24 mg/L	31
12/31/2017	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	56 lbs/day	31
12/31/2017	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	24 mg/L	7
12/31/2017	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	56 lbs/day	7
11/30/2017	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	46 lbs/day	30
11/30/2017	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	24 mg/L	30
11/30/2017	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	24 mg/L	7
11/30/2017	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	46 lbs/day	7
10/31/2017	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	52 lbs/day	31
10/31/2017	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	22 mg/L	31
10/31/2017	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	22 mg/L	31
10/31/2017	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	52 lbs/day	7
9/30/2017	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	30 lbs/day	30

TABLE 1B (con't)

Month Ending	Outfall	Parameter Description	Limit Type	Discharge Limit	Discharge Measurement	Violation-Days
9/30/2017	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	16.2 mg/L	7
9/30/2017	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	16.3 mg/L	30
9/30/2017	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	30 lbs/day	7
8/31/2017	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	23 mg/L	31
8/31/2017	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	23 mg/L	31
8/31/2017	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	58 lbs/day	31
8/31/2017	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	58 lbs/day	7
7/31/2017	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	68 lbs/day	7
7/31/2017	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	30 mg/L	31
7/31/2017	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	68 lbs/day	31
7/31/2017	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	30 mg/L	7
6/30/2017	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	26.5 mg/L	7
6/30/2017	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	61 lbs/day	30
6/30/2017	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	61 lbs/day	7
6/30/2017	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	26.5 mg/L	30
5/31/2017	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	58 lbs/day	31
5/31/2017	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	58 lbs/day	7
5/31/2017	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	25 mg/L	7
5/31/2017	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	25 mg/L	31
4/30/2017	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	53 lbs/day	30
4/30/2017	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	26 mg/L	7
4/30/2017	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	53 lbs/day	7
4/30/2017	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	26 mg/L	30
3/31/2017	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	24 mg/L	7
3/31/2017	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	62 lbs/day	7
3/31/2017	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	62 lbs/day	31
3/31/2017	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	24 mg/L	31
2/28/2017	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	64 lbs/day	28
2/28/2017	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	22 mg/L	28

TABLE 1B (con't)

Month Ending	Outfall	Parameter Description	Limit Type	Discharge Limit	Discharge Measurement	Violation-Days
2/28/2017	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	22 mg/L	7
2/28/2017	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	64 lbs/day	7
1/31/2017	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	21 mg/L	31
1/31/2017	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	21 mg/L	7
1/31/2017	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	37 lbs/day	31
1/31/2017	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	37 lbs/day	7
12/31/2016	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	34 lbs/day	7
12/31/2016	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	34 lbs/day	31
12/31/2016	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	19 mg/L	31
12/31/2016	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	19 mg/L	7
11/30/2016	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	27 lbs/day	7
11/30/2016	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	15 mg/L	30
11/30/2016	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	27 lbs/day	30
11/30/2016	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	15 mg/L	7
10/31/2016	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	20 mg/L	7
10/31/2016	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	35 lbs/day	7
10/31/2016	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	20 mg/L	31
10/31/2016	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	35 lbs/day	31
9/30/2016	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	21 lbs/day	7
9/30/2016	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	12 mg/L	30
9/30/2016	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	12 mg/L	7
9/30/2016	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	21 lbs/day	30
6/30/2016	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	29.9 mg/L	30
6/30/2016	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	53 lbs/day	7
6/30/2016	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	50 lbs/day	30
6/30/2016	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	31.8 mg/L	7
5/31/2016	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	57.6 lbs/day	31
5/31/2016	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	62.6 lbs/day	7

TABLE 1B (con't)

Month Ending	Outfall	Parameter Description	Limit Type	Discharge Limit	Discharge Measurement	Violation-Days
5/31/2016	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	28 mg/L	7
5/31/2016	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	25.8 mg/L	31
4/30/2016	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	73 lbs/day	7
4/30/2016	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	17 mg/L	30
4/30/2016	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	34 mg/L	7
4/30/2016	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	37 lbs/day	30
2/29/2016	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	22 lbs/day	7
2/29/2016	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	11 lbs/day	28
2/29/2016	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	13 mg/L	7
2/29/2016	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	6 mg/L	28
1/31/2016	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	34 lbs/day	7
1/31/2016	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	25 mg/L	31
1/31/2016	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	32 mg/L	7
1/31/2016	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	27 lbs/day	31
11/30/2016	0011	Oxygen, dissolved (DO)	DAILY MN	>= 6.0 mg/L	5.61 mg/L	1
2/29/2016	0011	pH	DAILY MX	<= 9.0 SU	9.7 SU	1
6/30/2018	0011	Solids, suspended percent removal	MO AV MN	>= 65.0 %	0.97 %	30
					TOTAL	3158

Table 2A

Violations of Paragraph F of Consent Order No. 16-061-CWP
 Failure to comply with discharge limitations in NPDES Permit No. AL0067181 for
 Total Ammonia Nitrogen and Carbonaceous Biochemical Oxygen Demand after June 8, 2018

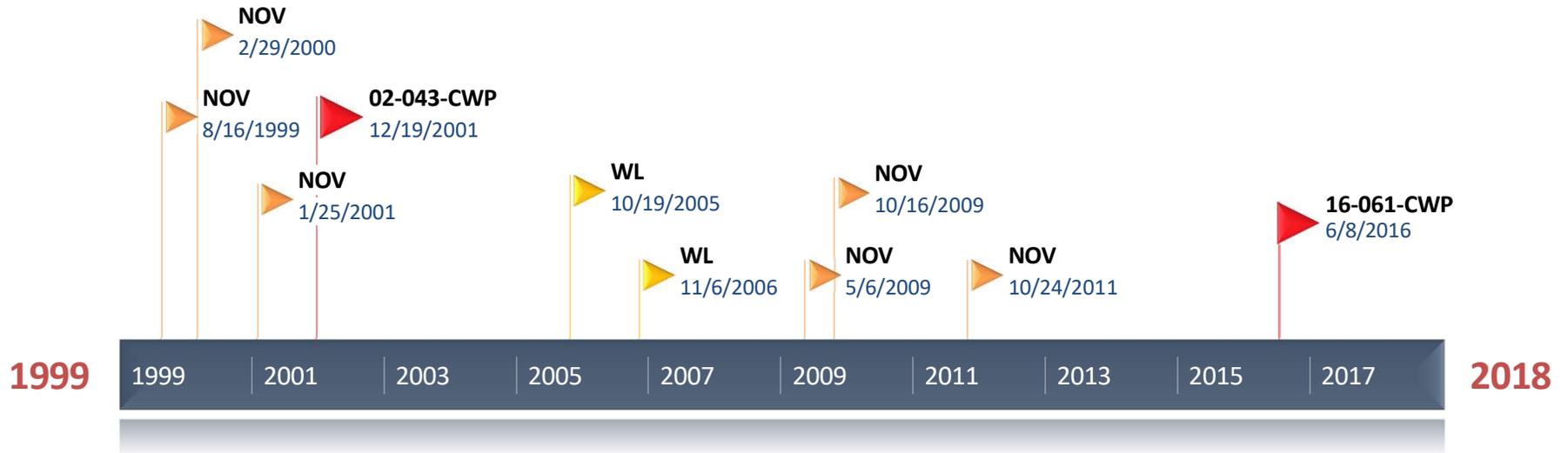
Month Ending	Outfall	Parameter Description	Limit Type	Discharge Limit	Discharge Measurement	Violation-Days
11/30/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	4.5 mg/L	30
10/31/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	3.44 mg/L	31
9/30/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	4 mg/L	30
8/31/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	16 lbs/day	31
8/31/2018	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	10 mg/L	7
8/31/2018	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 15.0 lbs/day	16 lbs/day	7
8/31/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	10 mg/L	31
7/31/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 3.0 mg/L	11.8 mg/L	31
7/31/2018	0011	Nitrogen, ammonia total (as N)	MO AVG	<= 10.0 lbs/day	14 lbs/day	31
7/31/2018	0011	Nitrogen, ammonia total (as N)	WKLY AVG	<= 4.5 mg/L	11.8 mg/L	7
TOTAL						236

Table 2B

Violations of Paragraph G of Consent Order No. 16-061-CWP
 Failure to comply with all other terms, conditions and limitations in NPDES Permit No. AL0067181 after June 8, 2016

Month Ending	Outfall	Parameter Description	Limit Type	Discharge Limit	Discharge Measurement	Violation-Days
11/30/2016	0011	Oxygen, dissolved (DO)	DAILY MN	>= 6.0 mg/L	5.61 mg/L	1
TOTAL						1

City of Clio NPDES Permit No. AL0067181



02-043-CWP: \$2,200 penalty; compliance deadline Dec. 19, 2002 (365 days)

16-061-CWP: \$8,650 penalty; compliance deadline June 8, 2018 (730 days)



AlaFile E-Notice

06-CV-2019-900010.00

To: ROBERT D. TAMBLING
rtambling@ago.state.al.us

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF BARBOUR COUNTY, ALABAMA

ALABAMA ATTORNEY GENERAL'S OFFICE ET AL V. CITY OF CLIO
06-CV-2019-900010.00

The following complaint was FILED on 2/19/2019 2:45:23 PM

Notice Date: 2/19/2019 2:45:23 PM

PAIGE SMITH
CIRCUIT COURT CLERK
BARBOUR COUNTY, ALABAMA
P.O. BOX 219
CLAYTON, AL, 36016

334-775-8366
paige.smith@alacourt.gov



ELECTRONICALLY FILED
2/19/2019 2:45 PM
06-CV-2019-900010.00
CIRCUIT COURT OF
BARBOUR COUNTY, ALABAMA
PAIGE SMITH, CLERK

State of Alabama Unified Judicial System Form ARCiv-93 Rev. 9/18	COVER SHEET CIRCUIT COURT - CIVIL CASE (Not For Domestic Relations Cases)	Case: 06 Date of Filing: 02/19/2019 Judge Code:
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GENERAL INFORMATION

IN THE CIRCUIT COURT OF BARBOUR COUNTY, ALABAMA
ALABAMA ATTORNEY GENERAL'S OFFICE ET AL v. CITY OF CLIO

First Plaintiff: <input type="checkbox"/> Business <input type="checkbox"/> Individual	First Defendant: <input type="checkbox"/> Business <input type="checkbox"/> Individual
<input checked="" type="checkbox"/> Government <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Government <input type="checkbox"/> Other

NATURE OF SUIT: Select primary cause of action, by checking box (check only one) that best characterizes your action:

TORTS: PERSONAL INJURY

- WDEA - Wrongful Death
- TONG - Negligence: General
- TOMV - Negligence: Motor Vehicle
- TOWA - Wantonness
- TOPL - Product Liability/AEMLD
- TOMM - Malpractice-Medical
- TOLM - Malpractice-Legal
- TOOM - Malpractice-Other
- TBFM - Fraud/Bad Faith/Misrepresentation
- TOXX - Other: _____

TORTS: PERSONAL INJURY

- TOPE - Personal Property
- TORE - Real Property

OTHER CIVIL FILINGS

- ABAN - Abandoned Automobile
- ACCT - Account & Nonmortgage
- APAA - Administrative Agency Appeal
- ADPA - Administrative Procedure Act
- ANPS - Adults in Need of Protective Services

OTHER CIVIL FILINGS (cont'd)

- MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/ Enforcement of Agency Subpoena/Petition to Preserve
- CVRT - Civil Rights
- COND - Condemnation/Eminent Domain/Right-of-Way
- CTMP - Contempt of Court
- CONT - Contract/Ejectment/Writ of Seizure
- TOCN - Conversion
- EQND - Equity Non-Damages Actions/Declaratory Judgment/ Injunction Election Contest/Quiet Title/Sale For Division
- CVUD - Eviction Appeal/Unlawful Detainer
- FORJ - Foreign Judgment
- FORF - Fruits of Crime Forfeiture
- MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
- PFAB - Protection From Abuse
- EPFA - Elder Protection From Abuse
- FELA - Railroad/Seaman (FELA)
- RPRO - Real Property
- WTEG - Will/Trust/Estate/Guardianship/Conservatorship
- COMP - Workers' Compensation
- CVXX - Miscellaneous Circuit Civil Case

ORIGIN: F <input checked="" type="checkbox"/> INITIAL FILING	A <input type="checkbox"/> APPEAL FROM DISTRICT COURT	O <input type="checkbox"/> OTHER
R <input type="checkbox"/> REMANDED	T <input type="checkbox"/> TRANSFERRED FROM OTHER CIRCUIT COURT	

HAS JURY TRIAL BEEN DEMANDED? YES NO Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P, for procedure)

RELIEF REQUESTED: **MONETARY AWARD REQUESTED** **NO MONETARY AWARD REQUESTED**

ATTORNEY CODE: TAM001 2/19/2019 2:45:17 PM /s/ ROBERT D. TAMBLING

Date Signature of Attorney/Party filing this form

MEDIATION REQUESTED: YES NO UNDECIDED

Election to Proceed under the Alabama Rules for Expedited Civil Actions: YES NO



**THE CIRCUIT COURT OF
BARBOUR COUNTY, ALABAMA**

STATE OF ALABAMA ex rel.,)
STEVE MARSHALL,)
ATTORNEY GENERAL)
and the ALABAMA DEPARTMENT of)
ENVIRONMENTAL MANAGEMENT,)
)
Plaintiffs,)
)
v.)
)
THE CITY OF CLIO,)
)
Defendant.)

Civil Action No.
CV-2019-

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), as amended, 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, as amended. Specifically, Ala. Code § 22-22A-5(18)b., as amended, 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., as amended, 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, as amended, 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-17, as amended. Pursuant to Ala. Code § 22-22A-4(n), as amended, 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 1388. In addition, the Department is authorized to administer and enforce the provisions of the AWPCA.

3. The City of Clio (hereinafter “the Permittee” or “the Defendant”) operates a wastewater treatment facility known as the Clio Lagoon (hereinafter “the Facility”). The Permittee discharges pollutants from the Facility located on Alex Shipman Road in Clio, Alabama, into the Pea River, 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), as amended.

General Allegations

5. Pursuant to the National Pollutant Discharge Elimination System (hereinafter “NPDES”) program 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 AL0067181 (hereinafter “the Permit”) to the Permittee. The Permit was reissued August 28, 2009, effective September 1, 2009. The Permit was again reissued September 24, 2014, effective October 1, 2014. The Permit establishes limitations, terms, and conditions on the discharge of pollutants from a point source, described therein as Outfall 001 into the Pea River, a water of the State. The Permit requires that the Permittee monitor its discharges and submit periodic Discharge Monitoring Reports (hereinafter “DMRs”) to the Department describing the results of the monitoring. The Permit also requires that the Permittee properly operate and maintain all facilities and systems of treatment and control

which are installed or used by the Defendant to achieve compliance with the conditions of the Permit.

6. Permit Condition I.A. requires that discharges be limited and monitored as specified in the Permit. For the monitoring periods listed in Attachment 1, the Permittee submitted DMRs to the Department indicating that the Permittee has discharged pollutants from Outfall 0011 into the Pea River, a water of the State, in violations of its Permit limitations for Total Ammonia as Nitrogen (hereinafter “NH₃N”), Fecal Coliform, Total Residual Chlorine (hereinafter “TRC”), E. coli, Dissolved Oxygen (hereinafter “DO”), Five Day Carbonaceous Biochemical Oxygen Demand (hereinafter “CBOD₅”), pH, CBOD₅ Percent Removal, and Total Suspended Solids Percent Removal (hereinafter “TSS Percent Removal”).

7. Permit Condition I.C.1.b requires that DMRs be submitted as specified in the Permit. Permit Condition I.C.1.b.2 states that quarterly DMRs are due to the Department on the 28th day of the month following the monitoring period. The Permittee failed to submit a DMR for the October 2018 through December 2018 quarterly monitoring period, in violation of I.C.1.b.

8. Permit Condition I.A requires that discharges be limited and monitored as specified in the Permit. DMRs submitted to the Department by the Permittee indicate that the Permittee failed to collect or analyze samples for Total Recoverable Mercury as required by the Permit during the quarterly monitoring periods included in Attachment 2.

9. Permit Condition I.C.1.b requires that DMRs be submitted as specified in the Permit. Permit Condition I.C.1.b.1 states that monthly DMRs are due to the Department on the 28th day of the month following the monitoring period. The Permittee failed to submit the DMRs listed in Attachment 3 by their due dates, in violation of Permit Condition I.C.1.b.1.

10. Permit Condition I.C.2.b requires that a noncompliance notification report be submitted to the Department should a discharge not comply with any limitation of the permit. Noncompliance notification reports are to be submitted with the next DMR after becoming aware of the noncompliance. The Permittee failed to submit a Noncompliance Notification Form for the Permit limitation violations as specified in Attachment 1, in violation of the Permit.

11. Permit Condition I.C.2.e requires the Permittee to submit an annual Municipal Water Pollution Prevention Plan (hereinafter “MWPP”) report to the Department each year by May 31st for the prior calendar year period beginning January 1st and ending December 31st. The Department has not received the 2017 MWPP report to the Department that was due on May 31, 2018.

12. The Department entered into Consent Order 16-061-CWP (hereinafter “the Consent Order”) with the Permittee effective June 8, 2016. The Consent Order required the Permittee to pay a civil penalty, submit an Engineering Report and Quarterly Progress Reports, and comply with the Permit limitations for Total Ammonia Nitrogen and Carbonaceous Biochemical Oxygen Demand. Total Ammonia Nitrogen and Carbonaceous Biochemical Oxygen Demand Permit limitation compliance was required no later than June 8, 2018.

13. Paragraph Q of the Consent Order signed by the Permittee states that it “shall not be appealable, and the Permittee does hereby waive any hearings on the terms and conditions of the same.” Accordingly, the Consent Order is not subject to judicial review in this civil proceeding for enforcement.

14. The Permittee has failed to achieve compliance with the Consent Order by the June 8, 2018, deadline.

Count I

15. Plaintiffs repeat, replead and incorporate by reference paragraphs 1 through 14 above.

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

Count II

17. Plaintiffs repeat, replead and incorporate by reference paragraphs 1 through 16 above.

18. Pursuant to Ala. Code § 22-22A-5(18), as amended, 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 Permittee violated the limitations, terms, and conditions of the Permit.
- C. Adjudge and declare that the Permittee caused or allowed discharges of pollutants from its wastewater treatment facility into a water of the State in violation of the limitations set forth in the Permit.
- D. Order the Permittee to take action to ensure that similar violations of the AWPCA, the Permit, and all applicable ADEM regulations will not recur in the future.
- E. Assess a civil penalty against the Permittee and in favor of Plaintiffs pursuant to Ala. Code §§ 22-22A-5(18)b. and c., as amended, 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,

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Attachment 1
Permit Limitation Violations

Monitoring Period	Outfall	Parameter	Average, Max, Min	Unit	Limit	Reported Value	Form 421
January 2014	0011	NH ₃ N	Weekly Avg.	mg/L	22.5	24.9	No
January 2014	0011	Fecal Coliform	Monthly Avg.	col/ 100 mL	1000	3674	No
January 2014	0011	Fecal Coliform	Daily Max.	col/ 100 mL	2000	5000	No
February 2014	0011	NH ₃ N	Monthly Avg.	mg/L	15.0	37.8	No
February 2014	0011	NH ₃ N	Weekly Avg.	mg/L	22.5	45.1	No
February 2014	0011	Fecal Coliform	Daily Max.	col/ 100 mL	2000	6000	No
February 2014	0011	CBOD ₅	Monthly Avg.	mg/L	25.0	48	No
February 2014	0011	CBOD ₅	Weekly Avg.	mg/L	37.5	67.4	No
April 2014	0011	NH ₃ N	Monthly Avg.	mg/L	15.0	15.6	No
April 2014	0011	NH ₃ N	Weekly Avg.	mg/L	22.5	24.6	No
April 2014	0011	Fecal Coliform	Daily Max.	col/ 100 mL	2000	2700.0	No
May 2014	0011	NH ₃ N	Monthly Avg.	mg/L	15.0	37.8	No
May 2014	0011	NH ₃ N	Weekly Avg.	mg/L	22.5	45.1	No
May 2014	0011	TRC	Daily Max.	mg/L	0.18	0.2	No
May 2014	0011	Fecal Coliform	Daily Max.	col/ 100 mL	2000	6000	No
May 2014	0011	CBOD ₅	Monthly Avg.	mg/L	25.0	48.0	No
May 2014	0011	CBOD ₅	Weekly Avg.	mg/L	37.5	67.4	No
June 2014	0011	NH ₃ N	Monthly Avg.	mg/L	15.0	16.0	No
September 2014	0011	TSS Percent Removal	Monthly Avg. Min.	Percent	65.0	57	No
October 2014	0011	NH ₃ N	Weekly Avg.	lbs./day	15.0	16.1	No
October 2014	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	7	No
October 2014	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	14	No
October 2014	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	13	No
October 2014	0011	CBOD ₅	Weekly Avg.	mg/L	16.5	17.8	No
November 2014	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	15.0	No
November 2014	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	25	No
November 2014	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	12	No
November 2014	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	20	No
December 2014	0011	E. coli	Daily Max.	col/ 100 mL	2507	3300	No
December 2014	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	13.1	No
January 2015	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	4.3	No
January 2015	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	5.8	No
February 2015	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	4	No
February 2015	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	5	No
March 2015	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	25	No
March 2015	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	43	No
March 2015	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	27	No
March 2015	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	46	No
March 2015	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	15	No
March 2015	0011	CBOD ₅	Weekly Avg.	mg/L	16.5	21	No
April 2015	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	35	No
April 2015	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	35	No
April 2015	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	29	No
April 2015	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	29	No
April 2015	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	17	No
April 2015	0011	CBOD ₅	Weekly Avg.	mg/L	16.5	29	No
May 2015	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	21	No
May 2015	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	33	No
May 2015	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	19	No
May 2015	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	30	No
May 2015	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	15	No
May 2015	0011	CBOD ₅	Weekly Avg.	mg/L	16.5	20	No
June 2015	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	17.8	No
June 2015	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	17.8	No
June 2015	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	16	No
June 2015	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	16	No

Monitoring Period	Outfall	Parameter	Average, Max, Min	Unit	Limit	Reported Value	Form 421
June 2015	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	13	No
July 2015	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	39	No
July 2015	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	40	No
July 2015	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	22	No
July 2015	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	22	No
July 2015	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	14	No
July 2015	0011	CBOD ₅	Weekly Avg.	mg/L	16.5	18	No
August 2015	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	13	No
September 2015	0011	pH	Daily Max.	s.u.	9.0	10	No
September 2015	0011	E. coli	Monthly Avg.	col/ 100 mL	126	205	No
September 2015	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	19	No
September 2015	0011	CBOD ₅	Weekly Avg.	mg/L	16.5	30	No
October 2015	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	4	No
October 2015	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	8	No
January 2016	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	27	No
January 2016	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	34	No
January 2016	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	25	No
January 2016	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	32	No
February 2016	0011	pH	Daily Max.	s.u.	9.0	9.7	No
February 2016	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	11	No
February 2016	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	22	No
February 2016	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	6	No
February 2016	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	13	No
February 2016	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	12	No
April 2016	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	37	No
April 2016	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	73	No
April 2016	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	17	No
April 2016	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	34	No
April 2016	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	12	No
May 2016	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	57.6	No
May 2016	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	62.6	No
May 2016	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	25.8	No
May 2016	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	28	No
June 2016	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	50	*
June 2016	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	53	*
June 2016	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	29.9	*
June 2016	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	31.8	*
June 2016	0011	E. coli	Monthly Avg.	col/ 100 mL	126	670	No
June 2016	0011	E. coli	Daily Max.	col/ 100 mL	487	700	No
September 2016	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	21	Yes
September 2016	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	21	Yes
September 2016	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	12	Yes
September 2016	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	12	Yes
September 2016	0011	E. coli	Monthly Avg.	col/ 100 mL	126	1520	No
September 2016	0011	E. coli	Daily Max.	col/ 100 mL	487	2800	No
October 2016	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	35	No
October 2016	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	35	No
October 2016	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	20	No
October 2016	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	20	No
October 2016	0011	E. coli	Monthly Avg.	col/ 100 mL	548	880	No
November 2016	0011	DO	Daily Min.	mg/L	6.0	5.61	Yes
November 2016	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	27	Yes
November 2016	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	27	Yes
November 2016	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	15	Yes
November 2016	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	15	Yes
November 2016	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	12	Yes
December 2016	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	34	Yes
December 2016	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	34	Yes
December 2016	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	19	Yes

Monitoring Period	Outfall	Parameter	Average, Max, Min	Unit	Limit	Reported Value	Form 421
December 2016	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	19	Yes
December 2016	0011	CBOD ₅	Monthly Avg.	lbs/day	36.6	41	Yes
December 2016	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	23	Yes
December 2016	0011	CBOD ₅	Weekly Avg.	mg/L	16.5	23	Yes
January 2017	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	37	Yes
January 2017	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	37	Yes
January 2017	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	21	Yes
January 2017	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	21	Yes
January 2017	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	16	Yes
February 2017	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	64	No
February 2017	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	64	No
February 2017	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	22	No
February 2017	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	22	No
February 2017	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	16	No
March 2017	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	62	No
March 2017	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	62	No
March 2017	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	24	No
March 2017	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	24	No
March 2017	0011	E. coli	Monthly Avg.	col/ 100 mL	548	760	No
March 2017	0011	CBOD ₅	Monthly Avg.	lbs/day	36.6	94	No
March 2017	0011	CBOD ₅	Weekly Avg	lbs/day	55.0	94	No
March 2017	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	37	No
March 2017	0011	CBOD ₅	Weekly Avg.	mg/L	16.5	37	No
April 2017	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	53	Yes
April 2017	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	53	Yes
April 2017	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	26	Yes
April 2017	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	26	Yes
April 2017	0011	E. coli	Monthly Avg.	col/ 100 mL	548	1145	Yes
April 2017	0011	CBOD ₅	Monthly Avg.	lbs/day	36.6	45	Yes
April 2017	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	22	Yes
April 2017	0011	CBOD ₅	Weekly Avg.	mg/L	16.5	22	Yes
May 2017	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	58	Yes
May 2017	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	58	Yes
May 2017	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	25	Yes
May 2017	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	25	Yes
May 2017	0011	E. coli	Monthly Avg.	col/ 100 mL	548	765	Yes
May 2017	0011	CBOD ₅	Monthly Avg.	lbs/day	36.6	63	Yes
May 2017	0011	CBOD ₅	Weekly Avg	lbs/day	55.0	63	Yes
May 2017	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	28	Yes
May 2017	0011	CBOD ₅	Weekly Avg.	mg/L	16.5	28	Yes
June 2017	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	61	No
June 2017	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	61	No
June 2017	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	26.5	No
June 2017	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	26.5	No
July 2017	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	68	Yes
July 2017	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	68	Yes
July 2017	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	30	Yes
July 2017	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	30	Yes
July 2017	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	13	Yes
August 2017	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	58	Yes
August 2017	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	58	Yes
August 2017	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	23	Yes
August 2017	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	23	Yes
September 2017	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	30	Yes
September 2017	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	30	Yes
September 2017	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	16.3	Yes
September 2017	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	16.2	Yes
September 2017	0011	E. coli	Monthly Avg.	col/ 100 mL	126	1154	Yes
September 2017	0011	E. coli	Daily Max.	col/ 100 mL	487	2300	Yes

Monitoring Period	Outfall	Parameter	Average, Max, Min	Unit	Limit	Reported Value	Form 421
September 2017	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	16.4	Yes
October 2017	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	52	Yes
October 2017	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	52	Yes
October 2017	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	22	Yes
October 2017	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	22	Yes
November 2017	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	46	Yes
November 2017	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	46	Yes
November 2017	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	24	Yes
November 2017	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	24	Yes
December 2017	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	56	Yes
December 2017	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	56	Yes
December 2017	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	24	Yes
December 2017	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	24	Yes
January 2018	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	28	Yes
January 2018	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	28	Yes
January 2018	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	12	Yes
January 2018	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	12	Yes
February 2018	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	64	Yes
February 2018	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	64	Yes
February 2018	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	26.7	Yes
February 2018	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	26.7	Yes
February 2018	0011	CBOD ₅	Monthly Avg.	lbs/day	36.6	38.2	Yes
February 2018	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	16	Yes
March 2018	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	63.9	No
March 2018	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	63.9	No
March 2018	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	27.5	No
March 2018	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	27.5	No
April 2018	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	37.9	Yes
April 2018	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	37.9	Yes
April 2018	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	16.3	Yes
April 2018	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	16.3	Yes
May 2018	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	41	No
May 2018	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	41	No
May 2018	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	17	No
May 2018	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	17	No
June 2018	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	39	No
June 2018	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	39	No
June 2018	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	19.7	No
June 2018	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	19.7	No
June 2018	0011	E. coli	Monthly Avg.	col/ 100 mL	126	160	No
June 2018	0011	CBOD ₅ % Removal	Monthly Avg. Min.	Percent	85.0	0.98	No
June 2018	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	0.97	No
July 2018	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	14	No
July 2018	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	11.8	No
July 2018	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	11.8	No
August 2018	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	16	No
August 2018	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	16	No
August 2018	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	10	No
August 2018	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	10	No
September 2018	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	4	Yes
October 2018	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	3.44	Yes
November 2018	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	4.5	Yes
December 2018	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	32	Yes
December 2018	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	32	Yes
December 2018	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	12.5	Yes
December 2018	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	12.5	Yes

* Numerical results reported on NCF not consistent with DMR data.

Attachment 2

Failure to Monitor as Required

<u>Monitoring Period</u>	<u>Outfall</u>	<u>Parameter</u>	<u>Required Monitoring Frequency</u>	<u>Reported Monitoring Frequency</u>	<u>Units</u>	<u>Average, Max, Min</u>
October – December 2014	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Monthly Average
October – December 2014	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Maximum Daily
January – March 2015	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Monthly Average
January – March 2015	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Maximum Daily
April – June 2015	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Monthly Average
April – June 2015	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Maximum Daily
July – September 2015	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Monthly Average
July – September 2015	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Maximum Daily
October – December 2015	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Monthly Average
October – December 2015	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Maximum Daily
January – March 2016	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Monthly Average
January – March 2016	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Maximum Daily
April - June 2016	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Monthly Average
April - June 2016	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Maximum Daily

*E (Analysis not conducted or no sample collected)

Attachment 3
Late DMRs

Monitoring Period	Outfall	Due Date	Received Date	Days Late
January 2014	0011	02/28/2014	04/01/2014	32
February 2014	0011	3/28/2014	4/1/2014	4
March 2014	0011	4/28/2014	7/9/2014	72
April 2014	0011	5/28/2014	10/15/2015	505
May 2014	0011	6/28/2014	10/15/2015	474
June 2014	0011	7/28/2014	10/15/2015	444
July 2014	0011	8/28/2014	10/15/2015	413
August 2014	0011	9/28/2014	10/15/2015	382
September 2014	0011	10/28/2014	10/15/2015	352
October 2014	0011	11/28/2014	7/25/2015	239
November 2014	0011	12/28/2014	7/25/2015	209
December 2014	0011	1/28/2015	7/25/2015	178
January 2015	0011	2/28/2015	7/24/2015	146
February 2015	0011	3/28/2015	7/24/2015	118
March 2015	0011	4/28/2015	7/24/2015	87
January - March 2015	001Q	04/28/2015	11/21/2016	573
April 2015	0011	5/28/2015	7/24/2015	57
May 2015	0011	6/28/2015	7/24/2015	26
April - June 2015	001Q	07/28/2015	11/21/2016	482
July 2015	0011	8/28/2015	8/9/2016	347
August 2015	0011	9/28/2015	10/2/2015	4
September 2015	0011	10/28/2015	8/9/2016	286
July - September 2015	001Q	10/28/2015	11/21/2016	390
October 2015	0011	11/28/2015	7/28/2016	243
November 2015	0011	12/28/2015	7/28/2016	213
December 2015	0011	1/28/2016	7/28/2016	182
October - December 2015	001Q	01/28/2016	11/21/2016	298
January 2016	0011	02/28/2016	07/28/2016	151
February 2016	0011	03/28/2016	07/28/2016	122
March 2016	0011	04/28/2016	07/28/2016	91
January - March 2016	001Q	04/28/2016	11/21/2016	207
April 2016	0011	05/28/2016	07/28/2016	61
June 2016	0011	07/28/2016	08/18/2016	21
April - June 2016	001Q	07/28/2016	11/20/2016	115
July 2016	0011	08/28/2016	11/20/2016	84
August 2016	0011	09/28/2016	11/21/2016	54
September 2016	0011	10/28/2016	11/20/2016	23
July - September 2016	001Q	10/28/2016	11/20/2016	23
January 2017	0011	02/28/2017	08/23/2017	176
February 2017	0011	03/28/2017	08/23/2017	148
January-March 2017	001Q	04/28/2017	06/16/2017	49
March 2017	0011	04/28/2017	08/28/2017	122
April 2017	0011	05/28/2017	08/20/2017	84
May 2017	0011	06/28/2017	08/23/2017	56
April-June 2017	001Q	07/28/2017	08/20/2017	23
June 2017	0011	07/28/2017	08/23/2017	26
August 2017	0011	09/28/2017	09/29/2017	1
July-September 2017	001Q	10/28/2017	02/19/2018	114
September 2017	0011	10/28/2017	12/05/2017	38
October-December 2017	001Q	01/28/2018	03/29/2018	60
January 2018	0011	02/28/2018	03/01/2018	1
February 2018	0011	03/28/2018	03/29/2018	1
January 2018-March 2018	001Q	4/28/2018	5/23/2018	25
April 2018	0011	5/28/2018	5/29/2018	1
June 2018	001Q	7/28/2018	12/18/2018	143

<u>Monitoring Period</u>	<u>Outfall</u>	<u>Due Date</u>	<u>Received Date</u>	<u>Days Late</u>
August 2018	0011	9/28/2018	10/1/2018	3
September 2018	0011	10/28/2018	11/7/2018	10
July - September 2018	001Q	10/28/2018	11/20/2018	23



**THE CIRCUIT COURT OF
BARBOUR COUNTY, ALABAMA**

STATE OF ALABAMA ex rel.,)
STEVE MARSHALL,)
ATTORNEY GENERAL)
and the ALABAMA DEPARTMENT of)
ENVIRONMENTAL MANAGEMENT,)
)
Plaintiffs,)
)
v.)
)
CITY OF CLIO,)
)
Defendant.)
)

**Civil Action No.
CV-2019-**

**PLAINTIFFS' FIRST SET OF INTERROGATORIES
TO THE DEFENDANT**

The State of Alabama, upon relation of Attorney General Steve Marshall hereby propounds the following Interrogatories on City of Clio (hereinafter "Defendant"). The answers to these interrogatories are to be delivered within forty-five (45) days to the undersigned attorney at the address listed hereon.

INSTRUCTIONS

Please restate each interrogatory in full prior to providing your response thereto.

This discovery is to be considered continuing in character. Answers should be modified or supplemented as you obtain further or different information prior to the trial in this matter.

To the extent that information sought by any interrogatory may be furnished by reference to answers to another interrogatory, such practice will be acceptable. Separate answers should, however, be accorded in all cases.

Where exact information cannot be furnished, estimated information is to be supplied.

Where estimated information is used, the discovery answers should indicate this fact, and an explanation should be given of the basis on which the estimate was made and the reason that exact information could not be furnished.

Where knowledge or information is requested of Defendant, such request includes knowledge and information in the possession of Defendant's agents, representatives, attorneys, or experts.

If you fail to answer any interrogatory in accordance with these instructions, state specifically the reasons why.

If you interpose any objection to any interrogatory, fully state the ground(s) for the objection and the legal authority upon which you will rely in response to a motion to compel.

DEFINITIONS

A. Where any interrogatory asks you to state the name or names of any person or persons, the term "name" or "names" includes the person's full name, his or her business and residential address, and his or her business affiliation and position.

B. Where any interrogatory refers to "the Permit", the term "the Permit" refers to NPDES Permit Number AL0067181 issued to the City of Clio by the Alabama Department of Environmental Management.

C. Where any interrogatory asks you to provide capital investment costs, the term "capital investment costs" refers to the initial capital investment and should include all depreciable investment outlays necessary to achieve compliance with the environmental

regulation or permit. Depreciable capital investments are usually made for things that wear out such as buildings, equipment, or other long-lived assets. Note that land is not a depreciable capital investment and should be input as a one-time non-depreciable cost. In estimating capital cost, keep in mind this includes all costs associated with designing installing, shipping, and purchasing the necessary equipment and associated facilities.

D. Where any interrogatory asks you to provide one-time non-depreciable costs, the term “one-time non-depreciable costs” refers to all compliance expenditures that need to be made only once and do not wear out. Such expenditures could include: purchasing land, setting up a record-keeping system, removing discharges of dredged and fill material, the hauling and disposing of excessive amounts of sludge, or initial training of employees. However, if training or record keeping must occur over time and regularly, these costs should be classified as annually recurring costs.

E. Where any interrogatory asks you to provide annually recurring costs, the term “annually recurring costs” refers to costs associated with operating and maintaining pollution control equipment needed to achieve compliance. These costs should include any changes in the cost of labor, power, water, raw materials and supplies, recurring training of employees, and any change in annual property taxes associated with operating the new or improved pollution control equipment.

INTERROGATORIES

1. Please describe in detail each compliance measure or interim measure Defendant has taken, or has considered taking but has not taken, or plans to take in the future, to comply with the Permit.

2. Please state the dates on which construction, installation, adoption and/or implementation of each compliance measure or interim measure was begun and completed; would have begun and been completed if the measure had been implemented; or is planned to begin and be completed in the future.
3. Please state the period of time during which each compliance measure or interim measure operated or is expected to operate in the future.
4. Please state the length of useful life for each compliance measure or interim measure taken or expected to be taken in the future.
5. Please provide an itemized statement of actual or, if unavailable, estimated capital investment costs associated with purchasing, designing, installing, constructing, shipping, adopting, or implementing the necessary equipment and associated facilities to remedy the violations.
6. Please state the date on which each capital investment cost associated with purchasing, designing, installing, constructing, shipping, adopting, or implementing the necessary equipment and associated facilities to remedy the violations was or is expected to be made.
7. Please provide an itemized statement of actual or, if unavailable, estimated one-time non-depreciable costs, such as consulting and labor costs, associated with the design, purchase, construction, installation, adoption, or implementation of measures necessary to remedy the violations.
8. Please state the date on which each one-time non-depreciable cost associated with the design, purchase, construction, installation, adoption, or implementation of measures necessary to remedy the violations was made or is expected to be made.

9. Please provide an itemized statement of actual or, if unavailable, estimated annually recurring costs associated with the operation and maintenance of the new or improved pollution control equipment.
10. Please state the date on which each annually recurring cost associated with the operation and maintenance of the new or improved pollution control equipment was made or is expected to be made.
11. Please identify any person, other than Defendant, including, but not limited to, any consultant(s) who has been employed by Defendant or a predecessor in interest to evaluate or implement improvements in the wastewater treatment facility.
12. Please identify the compliance date in which the Defendant has achieved compliance with the NPDES permit or will be in compliance with its NPDES Permit.
13. Please provide the size of the service population of the Defendant's wastewater treatment facility.

RESPECTFULLY SUBMITTED,

STEVE MARSHALL
ATTORNEY GENERAL

By:

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

CERTIFICATE OF SERVICE

I hereby certify that I have on this 19th day of February, 2019, served a copy of the forgoing upon the following via U.S. Mail, postage prepaid, addressed to:

s/ Robert D. Tambling
Robert D. Tambling
Assistant Attorney General



Attachment 1

Permit Limitation Violations

Monitoring Period	Outfall	Parameter	Average, Max, Min	Unit	Limit	Reported Value	Form 421
January 2014	0011	NH ₃ N	Weekly Avg.	mg/L	22.5	24.9	No
January 2014	0011	Fecal Coliform	Monthly Avg.	col/ 100 mL	1000	3674	No
January 2014	0011	Fecal Coliform	Daily Max.	col/ 100 mL	2000	5000	No
February 2014	0011	NH ₃ N	Monthly Avg.	mg/L	15.0	37.8	No
February 2014	0011	NH ₃ N	Weekly Avg.	mg/L	22.5	45.1	No
February 2014	0011	Fecal Coliform	Daily Max.	col/ 100 mL	2000	6000	No
February 2014	0011	CBOD ₅	Monthly Avg.	mg/L	25.0	48	No
February 2014	0011	CBOD ₅	Weekly Avg.	mg/L	37.5	67.4	No
April 2014	0011	NH ₃ N	Monthly Avg.	mg/L	15.0	15.6	No
April 2014	0011	NH ₃ N	Weekly Avg.	mg/L	22.5	24.6	No
April 2014	0011	Fecal Coliform	Daily Max.	col/ 100 mL	2000	2700.0	No
May 2014	0011	NH ₃ N	Monthly Avg.	mg/L	15.0	37.8	No
May 2014	0011	NH ₃ N	Weekly Avg.	mg/L	22.5	45.1	No
May 2014	0011	TRC	Daily Max.	mg/L	0.18	0.2	No
May 2014	0011	Fecal Coliform	Daily Max.	col/ 100 mL	2000	6000	No
May 2014	0011	CBOD ₅	Monthly Avg.	mg/L	25.0	48.0	No
May 2014	0011	CBOD ₅	Weekly Avg.	mg/L	37.5	67.4	No
June 2014	0011	NH ₃ N	Monthly Avg.	mg/L	15.0	16.0	No
September 2014	0011	TSS Percent Removal	Monthly Avg. Min.	Percent	65.0	57	No
October 2014	0011	NH ₃ N	Weekly Avg.	lbs./day	15.0	16.1	No
October 2014	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	7	No
October 2014	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	14	No
October 2014	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	13	No
October 2014	0011	CBOD ₅	Weekly Avg.	mg/L	16.5	17.8	No
November 2014	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	15.0	No
November 2014	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	25	No
November 2014	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	12	No
November 2014	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	20	No
December 2014	0011	E. coli	Daily Max.	col/ 100 mL	2507	3300	No
December 2014	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	13.1	No
January 2015	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	4.3	No
January 2015	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	5.8	No
February 2015	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	4	No
February 2015	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	5	No
March 2015	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	25	No
March 2015	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	43	No
March 2015	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	27	No
March 2015	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	46	No
March 2015	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	15	No
March 2015	0011	CBOD ₅	Weekly Avg.	mg/L	16.5	21	No
April 2015	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	35	No
April 2015	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	35	No
April 2015	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	29	No
April 2015	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	29	No
April 2015	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	17	No
April 2015	0011	CBOD ₅	Weekly Avg.	mg/L	16.5	29	No
May 2015	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	21	No
May 2015	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	33	No
May 2015	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	19	No
May 2015	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	30	No
May 2015	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	15	No
May 2015	0011	CBOD ₅	Weekly Avg.	mg/L	16.5	20	No
June 2015	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	17.8	No
June 2015	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	17.8	No
June 2015	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	16	No
June 2015	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	16	No

Monitoring Period	Outfall	Parameter	Average, Max, Min	Unit	Limit	Reported Value	Form 421
June 2015	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	13	No
July 2015	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	39	No
July 2015	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	40	No
July 2015	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	22	No
July 2015	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	22	No
July 2015	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	14	No
July 2015	0011	CBOD ₅	Weekly Avg.	mg/L	16.5	18	No
August 2015	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	13	No
September 2015	0011	pH	Daily Max.	s.u.	9.0	10	No
September 2015	0011	E. coli	Monthly Avg.	col/ 100 mL	126	205	No
September 2015	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	19	No
September 2015	0011	CBOD ₅	Weekly Avg.	mg/L	16.5	30	No
October 2015	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	4	No
October 2015	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	8	No
January 2016	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	27	No
January 2016	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	34	No
January 2016	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	25	No
January 2016	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	32	No
February 2016	0011	pH	Daily Max.	s.u.	9.0	9.7	No
February 2016	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	11	No
February 2016	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	22	No
February 2016	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	6	No
February 2016	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	13	No
February 2016	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	12	No
April 2016	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	37	No
April 2016	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	73	No
April 2016	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	17	No
April 2016	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	34	No
April 2016	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	12	No
May 2016	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	57.6	No
May 2016	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	62.6	No
May 2016	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	25.8	No
May 2016	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	28	No
June 2016	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	50	*
June 2016	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	53	*
June 2016	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	29.9	*
June 2016	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	31.8	*
June 2016	0011	E. coli	Monthly Avg.	col/ 100 mL	126	670	No
June 2016	0011	E. coli	Daily Max.	col/ 100 mL	487	700	No
September 2016	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	21	Yes
September 2016	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	21	Yes
September 2016	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	12	Yes
September 2016	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	12	Yes
September 2016	0011	E. coli	Monthly Avg.	col/ 100 mL	126	1520	No
September 2016	0011	E. coli	Daily Max.	col/ 100 mL	487	2800	No
October 2016	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	35	No
October 2016	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	35	No
October 2016	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	20	No
October 2016	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	20	No
October 2016	0011	E. coli	Monthly Avg.	col/ 100 mL	548	880	No
November 2016	0011	DO	Daily Min.	mg/L	6.0	5.61	Yes
November 2016	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	27	Yes
November 2016	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	27	Yes
November 2016	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	15	Yes
November 2016	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	15	Yes
November 2016	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	12	Yes
December 2016	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	34	Yes
December 2016	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	34	Yes
December 2016	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	19	Yes

Monitoring Period	Outfall	Parameter	Average, Max, Min	Unit	Limit	Reported Value	Form 421
December 2016	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	19	Yes
December 2016	0011	CBOD ₅	Monthly Avg.	lbs/day	36.6	41	Yes
December 2016	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	23	Yes
December 2016	0011	CBOD ₅	Weekly Avg.	mg/L	16.5	23	Yes
January 2017	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	37	Yes
January 2017	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	37	Yes
January 2017	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	21	Yes
January 2017	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	21	Yes
January 2017	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	16	Yes
February 2017	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	64	No
February 2017	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	64	No
February 2017	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	22	No
February 2017	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	22	No
February 2017	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	16	No
March 2017	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	62	No
March 2017	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	62	No
March 2017	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	24	No
March 2017	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	24	No
March 2017	0011	E. coli	Monthly Avg.	col/ 100 mL	548	760	No
March 2017	0011	CBOD ₅	Monthly Avg.	lbs/day	36.6	94	No
March 2017	0011	CBOD ₅	Weekly Avg.	lbs/day	55.0	94	No
March 2017	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	37	No
March 2017	0011	CBOD ₅	Weekly Avg.	mg/L	16.5	37	No
April 2017	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	53	Yes
April 2017	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	53	Yes
April 2017	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	26	Yes
April 2017	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	26	Yes
April 2017	0011	E. coli	Monthly Avg.	col/ 100 mL	548	1145	Yes
April 2017	0011	CBOD ₅	Monthly Avg.	lbs/day	36.6	45	Yes
April 2017	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	22	Yes
April 2017	0011	CBOD ₅	Weekly Avg.	mg/L	16.5	22	Yes
May 2017	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	58	Yes
May 2017	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	58	Yes
May 2017	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	25	Yes
May 2017	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	25	Yes
May 2017	0011	E. coli	Monthly Avg.	col/ 100 mL	548	765	Yes
May 2017	0011	CBOD ₅	Monthly Avg.	lbs/day	36.6	63	Yes
May 2017	0011	CBOD ₅	Weekly Avg.	lbs/day	55.0	63	Yes
May 2017	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	28	Yes
May 2017	0011	CBOD ₅	Weekly Avg.	mg/L	16.5	28	Yes
June 2017	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	61	No
June 2017	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	61	No
June 2017	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	26.5	No
June 2017	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	26.5	No
July 2017	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	68	Yes
July 2017	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	68	Yes
July 2017	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	30	Yes
July 2017	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	30	Yes
July 2017	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	13	Yes
August 2017	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	58	Yes
August 2017	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	58	Yes
August 2017	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	23	Yes
August 2017	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	23	Yes
September 2017	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	30	Yes
September 2017	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	30	Yes
September 2017	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	16.3	Yes
September 2017	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	16.2	Yes
September 2017	0011	E. coli	Monthly Avg.	col/ 100 mL	126	1154	Yes
September 2017	0011	E. coli	Daily Max.	col/ 100 mL	487	2300	Yes

Monitoring Period	Outfall	Parameter	Average, Max, Min	Unit	Limit	Reported Value	Form 421
September 2017	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	16.4	Yes
October 2017	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	52	Yes
October 2017	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	52	Yes
October 2017	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	22	Yes
October 2017	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	22	Yes
November 2017	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	46	Yes
November 2017	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	46	Yes
November 2017	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	24	Yes
November 2017	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	24	Yes
December 2017	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	56	Yes
December 2017	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	56	Yes
December 2017	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	24	Yes
December 2017	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	24	Yes
January 2018	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	28	Yes
January 2018	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	28	Yes
January 2018	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	12	Yes
January 2018	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	12	Yes
February 2018	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	64	Yes
February 2018	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	64	Yes
February 2018	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	26.7	Yes
February 2018	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	26.7	Yes
February 2018	0011	CBOD ₅	Monthly Avg.	lbs/day	36.6	38.2	Yes
February 2018	0011	CBOD ₅	Monthly Avg.	mg/L	11.0	16	Yes
March 2018	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	63.9	No
March 2018	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	63.9	No
March 2018	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	27.5	No
March 2018	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	27.5	No
April 2018	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	37.9	Yes
April 2018	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	37.9	Yes
April 2018	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	16.3	Yes
April 2018	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	16.3	Yes
May 2018	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	41	No
May 2018	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	41	No
May 2018	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	17	No
May 2018	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	17	No
June 2018	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	39	No
June 2018	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	39	No
June 2018	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	19.7	No
June 2018	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	19.7	No
June 2018	0011	E. coli	Monthly Avg.	col/ 100 mL	126	160	No
June 2018	0011	CBOD ₅ % Removal	Monthly Avg. Min.	Percent	85.0	0.98	No
June 2018	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	0.97	No
July 2018	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	14	No
July 2018	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	11.8	No
July 2018	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	11.8	No
August 2018	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	16	No
August 2018	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	16	No
August 2018	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	10	No
August 2018	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	10	No
September 2018	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	4	Yes
October 2018	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	3.44	Yes
November 2018	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	4.5	Yes
December 2018	0011	NH ₃ N	Monthly Avg.	lbs/day	10.0	32	Yes
December 2018	0011	NH ₃ N	Weekly Avg.	lbs/day	15.0	32	Yes
December 2018	0011	NH ₃ N	Monthly Avg.	mg/L	3.0	12.5	Yes
December 2018	0011	NH ₃ N	Weekly Avg.	mg/L	4.5	12.5	Yes

* Numerical results reported on NCF not consistent with DMR data.

Attachment 2

Failure to Monitor as Required

<u>Monitoring Period</u>	<u>Outfall</u>	<u>Parameter</u>	<u>Required Monitoring Frequency</u>	<u>Reported Monitoring Frequency</u>	<u>Units</u>	<u>Average, Max, Min</u>
October – December 2014	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Monthly Average
October – December 2014	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Maximum Daily
January – March 2015	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Monthly Average
January – March 2015	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Maximum Daily
April – June 2015	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Monthly Average
April – June 2015	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Maximum Daily
July – September 2015	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Monthly Average
July – September 2015	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Maximum Daily
October – December 2015	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Monthly Average
October – December 2015	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Maximum Daily
January – March 2016	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Monthly Average
January – March 2016	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Maximum Daily
April - June 2016	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Monthly Average
April - June 2016	001Q	Total Recoverable Mercury	REPORT	*E	µg/l	Maximum Daily

*E (Analysis not conducted or no sample collected)

Attachment 3
Late DMRs

Monitoring Period	Outfall	Due Date	Received Date	Days Late
January 2014	0011	02/28/2014	04/01/2014	32
February 2014	0011	3/28/2014	4/1/2014	4
March 2014	0011	4/28/2014	7/9/2014	72
April 2014	0011	5/28/2014	10/15/2015	505
May 2014	0011	6/28/2014	10/15/2015	474
June 2014	0011	7/28/2014	10/15/2015	444
July 2014	0011	8/28/2014	10/15/2015	413
August 2014	0011	9/28/2014	10/15/2015	382
September 2014	0011	10/28/2014	10/15/2015	352
October 2014	0011	11/28/2014	7/25/2015	239
November 2014	0011	12/28/2014	7/25/2015	209
December 2014	0011	1/28/2015	7/25/2015	178
January 2015	0011	2/28/2015	7/24/2015	146
February 2015	0011	3/28/2015	7/24/2015	118
March 2015	0011	4/28/2015	7/24/2015	87
January - March 2015	001Q	04/28/2015	11/21/2016	573
April 2015	0011	5/28/2015	7/24/2015	57
May 2015	0011	6/28/2015	7/24/2015	26
April - June 2015	001Q	07/28/2015	11/21/2016	482
July 2015	0011	8/28/2015	8/9/2016	347
August 2015	0011	9/28/2015	10/2/2015	4
September 2015	0011	10/28/2015	8/9/2016	286
July - September 2015	001Q	10/28/2015	11/21/2016	390
October 2015	0011	11/28/2015	7/28/2016	243
November 2015	0011	12/28/2015	7/28/2016	213
December 2015	0011	1/28/2016	7/28/2016	182
October - December 2015	001Q	01/28/2016	11/21/2016	298
January 2016	0011	02/28/2016	07/28/2016	151
February 2016	0011	03/28/2016	07/28/2016	122
March 2016	0011	04/28/2016	07/28/2016	91
January - March 2016	001Q	04/28/2016	11/21/2016	207
April 2016	0011	05/28/2016	07/28/2016	61
June 2016	0011	07/28/2016	08/18/2016	21
April - June 2016	001Q	07/28/2016	11/20/2016	115
July 2016	0011	08/28/2016	11/20/2016	84
August 2016	0011	09/28/2016	11/21/2016	54
September 2016	0011	10/28/2016	11/20/2016	23
July - September 2016	001Q	10/28/2016	11/20/2016	23
January 2017	0011	02/28/2017	08/23/2017	176
February 2017	0011	03/28/2017	08/23/2017	148
January-March 2017	001Q	04/28/2017	06/16/2017	49
March 2017	0011	04/28/2017	08/28/2017	122
April 2017	0011	05/28/2017	08/20/2017	84
May 2017	0011	06/28/2017	08/23/2017	56
April-June 2017	001Q	07/28/2017	08/20/2017	23
June 2017	0011	07/28/2017	08/23/2017	26
August 2017	0011	09/28/2017	09/29/2017	1
July-September 2017	001Q	10/28/2017	02/19/2018	114
September 2017	0011	10/28/2017	12/05/2017	38
October-December 2017	001Q	01/28/2018	03/29/2018	60
January 2018	0011	02/28/2018	03/01/2018	1
February 2018	0011	03/28/2018	03/29/2018	1
January 2018-March 2018	001Q	4/28/2018	5/23/2018	25
April 2018	0011	5/28/2018	5/29/2018	1
June 2018	001Q	7/28/2018	12/18/2018	143

<u>Monitoring Period</u>	<u>Outfall</u>	<u>Due Date</u>	<u>Received Date</u>	<u>Days Late</u>
August 2018	0011	9/28/2018	10/1/2018	3
September 2018	0011	10/28/2018	11/7/2018	10
July - September 2018	001Q	10/28/2018	11/20/2018	23