



May 18, 2026

Delivered via Certified Mail

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No. 7016 3010 0000 6309 1654

Hon. Robert Green, Mayor
Town of Pine Hill
P.O. Drawer 397
Pine Hill AL 36769

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

Dear Mayor Green:

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 Environmental Defense Alliance may file suit against the Town of Pine Hill for violations of NPDES Permit No. AL0062731 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).

I. Violations of NPDES Permit AL0062731

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. AL0062731 authorizing the Town of Pine Hill to discharge pollutants from the Pine Hill Lagoon, located at State Road 5 South, Broad Street, Pine Hill, into the Alabama River (Clairborne Lake), subject to discharge limitations and other conditions.

A. Discharge Limitations

NPDES Permit No. AL0062731 includes specific discharge limitations in Part I, A., 1. and 2. of the permit. The Board has discharged pollutants from Outfall 0021 into the Alabama River (Clairborne Lake) in violation of the discharge limitations of NPDES Permit No. AL0062731 from May 2021 through March 2026 as identified in Table A attached hereto. Additional violations may have occurred subsequent to March 31, 2026.

B. Facility Operation and Maintenance

NPDES Permit No. AL0062731 includes a condition in Part II, A., 1. which provides:

Facilities Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of

the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities only when necessary to achieve compliance with the conditions of the permit.

The Town violated the above condition by failing to operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed by the Town to achieve compliance with the discharge limitations in NPDES Permit No. AL0062731. The engineering report submitted to the Department on December 30, 2025 admits that facility upgrades are necessary to achieve compliance with the discharge limitations in NPDES Permit No. AL0062731 and further admits that completion of those upgrades are dependent on the receipt of government funding which has not been authorized.

II. History of ADEM's Previous Enforcement Actions

On December 1, 2025, the Alabama Department of Environmental Management issued a Warning Letter to the City, in which it cited discharge limit noncompliance for the period from November 2023 to October 2025. The Letter requests the submission of “a written report describing the steps that have been or will be taken to correct the noncompliance and deficiencies . . .”

On November 20, 2023, the Alabama Department of Environmental Management issued a Notice of Violation to the City, in which it cited discharge limit violations for the period from February 2022 to September 2023. The Notice requires the submission of “a written report prepared by an engineer registered and authorized to practice in Alabama which describes the steps that have been taken or will be taken to correct these violations . . .”

On March 25, 2021, the Alabama Department of Environmental Management issued a Warning Letter to the City, in which it cited discharge limit noncompliance for the period from June 2019 through January 2021. The Letter requests the submission of “a written report describing the steps that have been or will be taken to correct the noncompliance and deficiencies . . .”

On February 26, 2018, the Alabama Department of Environmental Management issued a Notice of Violation to the City, in which it cited discharge limit violations for the period from May 2016 to December 2017. The Notice requires the submission of “a written report prepared by an engineer registered and authorized to practice in Alabama which describes the steps that have been taken or will be taken to correct these violations . . .”

On December 16, 2016, the Alabama Department of Environmental Management issued a Notice of Violation to the City, in which it cited discharge limit violations for the period from December 2014 to October 2016. The Notice requires the submission of “a written report prepared by an engineer registered and authorized to practice in Alabama which describes the steps that have been taken or will be taken to correct these violations . . .”

No further enforcement actions have been taken by the Alabama Department of Environmental Management despite continuing violations of permit discharge limits.

III. Sanctions

The Clean Water Act authorizes the federal court to enforce 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 \$66,712 per day per violation. 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 the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Pub. L. 114–74, Title VII, § 701, Nov. 2, 2015, 129 Stat. 599; Federal Reports Elimination Act of 1998, Pub. L. 105–362, title XIII, § 1301(a), Nov. 10, 1998, 112 Stat. 3293; Bipartisan Budget Act of 2015, 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 discharge limitations and weekly average discharge limitations 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 of 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 Environmental Defense Alliance.

Sincerely,



David A. Ludder
Attorney for
Environmental Defense Alliance

cc: Hon. Edward F. Poolos, Director
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, Alabama 36130-1463

Environmental Management Commission
P.O. Box 301463
Montgomery, AL 36130-1463

Hon. Lee M. Zeldin, Administrator
Mail Code 1101A
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Hon. Kevin J. McOmber, Regional Administrator
U.S. Environmental Protection Agency - Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303

Environmental Defense Alliance
1116 20th Street South #526
Birmingham, AL 35205-2612
(205) 718-7336

TABLE A

DISCHARGE LIMITATION VIOLATIONS
 NPDES PERMIT NO. AL0062731: PINE HILL LAGOON, PINE HILL, AL
 Date Range: 05/01/2021 to 03/31/2026

Month Ending	Outfall	Parameter Description	Limit Type	Discharge Limit	Discharge Measurement	Violation Days
3/31/2026	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85 %	81.3 %	31
2/28/2026	0021	Nitrogen, ammonia total [as N]	MO AVG	<= 20.8 lb/d	40.2 lb/d	28
2/28/2026	0021	Nitrogen, ammonia total [as N]	WKLY AVG	<= 31.2 lb/d	40.2 lb/d	7
2/28/2026	0021	E. coli	MO AVG	<= 126 /100mL	630 /100mL	28
2/28/2026	0021	E. coli	DAILY MX	<= 235 /100mL	630 /100mL	1
2/28/2026	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85 %	0 %	28
1/31/2026	0021	Nitrogen, ammonia total [as N]	MO AVG	<= 20.8 lb/d	40.2 lb/d	31
1/31/2026	0021	Nitrogen, ammonia total [as N]	WKLY AVG	<= 31.2 lb/d	40.2 lb/d	7
1/31/2026	0021	E. coli	MO AVG	<= 126 /100mL	630 /100mL	31
1/31/2026	0021	E. coli	DAILY MX	<= 235 /100mL	630 /100mL	1
1/31/2026	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85 %	0 %	31
12/31/2025	0021	Nitrogen, ammonia total [as N]	MO AVG	<= 20.8 lb/d	28.6 lb/d	31
12/31/2025	0021	Nitrogen, ammonia total [as N]	MO AVG	<= 20 mg/L	21.8 mg/L	31
12/31/2025	0021	E. coli	DAILY MX	<= 235 /100mL	365 /100mL	1
12/31/2025	0021	E. coli	MO AVG	<= 126 /100mL	365 /100mL	31
11/30/2025	0021	E. coli	MO AVG	<= 126 /100mL	238 /100mL	30
11/30/2025	0021	E. coli	DAILY MX	<= 235 /100mL	238 /100mL	30
11/30/2025	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85 %	65.2 %	30
11/30/2025	0021	Solids, suspended percent removal	MO AV MN	>= 65 %	0 %	30
10/31/2025	0021	E. coli	MO AVG	<= 126 /100mL	1046 /100mL	31
10/31/2025	0021	E. coli	DAILY MX	<= 235 /100mL	1046 /100mL	1
10/31/2025	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85 %	72 %	31
10/31/2025	0021	Solids, suspended percent removal	MO AV MN	>= 65 %	44.6 %	31
9/30/2025	0021	E. coli	MO AVG	<= 126 /100mL	770 /100mL	30
9/30/2025	0021	E. coli	DAILY MX	<= 235 /100mL	770 /100mL	30
8/31/2025	0021	E. coli	DAILY MX	<= 235 /100mL	520 #/100mL	31
8/31/2025	0021	E. coli	MO AVG	<= 126 /100mL	520 #/100mL	31
8/31/2025	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85 %	57.8 %	31

8/31/2025	0021	Solids, suspended percent removal	MO AV MN	>= 65	%	0 %	31
7/31/2025	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	80.1 %	31
6/30/2025	0021	E. coli	MO AVG	<= 126	/100mL	2420 /100mL	30
6/30/2025	0021	E. coli	DAILY MX	<= 235	/100mL	2420 /100mL	1
6/30/2025	0021	BOD, carbonaceous [5 day, 20 C]	MO AVG	<= 26	lb/d	40 lb/d	30
6/30/2025	0021	BOD, carbonaceous [5 day, 20 C]	WKLY AVG	<= 39	lb/d	40 lb/d	7
6/30/2025	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	54.3 %	30
6/30/2025	0021	Solids, suspended percent removal	MO AV MN	>= 65	%	22.5 %	30
5/31/2025	0021	E. coli	DAILY MX	<= 235	/100mL	2420 /100mL	1
5/31/2025	0021	E. coli	MO AVG	<= 126	/100mL	2420 /100mL	31
4/30/2025	0021	E. coli	MO AVG	<= 126	/100mL	727 #/100mL	30
4/30/2025	0021	E. coli	DAILY MX	<= 235	/100mL	727 #/100mL	1
4/30/2025	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	84.9 %	30
4/30/2025	0021	Solids, suspended percent removal	MO AV MN	>= 65	%	29.6 %	30
3/31/2025	0021	E. coli	MO AVG	<= 126	/100mL	2420 /100mL	31
3/31/2025	0021	E. coli	DAILY MX	<= 235	/100mL	2420 /100mL	1
3/31/2025	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	82.9 %	31
3/31/2025	0021	Solids, suspended percent removal	MO AV MN	>= 65	%	46.9 %	31
2/28/2025	0021	BOD, carbonaceous [5 day, 20 C]	MO AVG	<= 26	lb/d	27.4 lb/d	28
2/28/2025	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	84.4 %	28
1/31/2025	0021	E. coli	MO AVG	<= 126	/100mL	15290 /100mL	31
1/31/2025	0021	E. coli	DAILY MX	<= 235	/100mL	15290 /100mL	31
1/31/2025	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	76.2 %	31
1/31/2025	0021	Solids, suspended percent removal	MO AV MN	>= 65	%	36.7 %	31
12/31/2024	0021	E. coli	MO AVG	<= 126	/100mL	68670 #/100mL	31
12/31/2024	0021	E. coli	DAILY MX	<= 235	/100mL	68670 #/100mL	1
12/31/2024	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	62.8 %	31
12/31/2024	0021	Solids, suspended percent removal	MO AV MN	>= 65	%	0 %	31
11/30/2024	0021	E. coli	MO AVG	<= 126	/100mL	2419.6 /100mL	30
11/30/2024	0021	E. coli	DAILY MX	<= 235	/100mL	2419.6 /100mL	1
11/30/2024	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	71.4 %	30
11/30/2024	0021	Solids, suspended percent removal	MO AV MN	>= 65	%	30.7 %	30
10/31/2024	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	82.5 %	31
9/30/2024	0021	E. coli	DAILY MX	<= 235	/100mL	2420 /100mL	1
9/30/2024	0021	E. coli	MO AVG	<= 126	/100mL	2420 /100mL	30
8/31/2024	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	82.8 %	31

7/31/2024	0021	E. coli	MO AVG	<= 126	/100mL	387	/100mL	31
7/31/2024	0021	E. coli	DAILY MX	<= 235	/100mL	387	/100mL	1
7/31/2024	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	61.9	%	31
7/31/2024	0021	Solids, suspended percent removal	MO AV MN	>= 65	%	0	%	31
6/30/2024	0021	E. coli	DAILY MX	<= 235	/100mL	816	/100mL	1
6/30/2024	0021	E. coli	MO AVG	<= 126	/100mL	816	/100mL	30
6/30/2024	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	74.4	%	30
6/30/2024	0021	Solids, suspended percent removal	MO AV MN	>= 65	%	46.3	%	30
5/31/2024	0021	E. coli	MO AVG	<= 126	/100mL	2419.6	/100mL	31
5/31/2024	0021	E. coli	DAILY MX	<= 235	/100mL	2419.6	/100mL	1
4/30/2024	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	84	%	30
3/31/2024	0021	E. coli	MO AVG	<= 126	/100mL	310	/100mL	31
3/31/2024	0021	E. coli	DAILY MX	<= 235	/100mL	310	/100mL	1
2/29/2024	0021	Solids, total suspended	MO AVG	<= 93.8	lb/d	99	lb/d	28
2/29/2024	0021	BOD, carbonaceous [5 day, 20 C]	MO AVG	<= 26	lb/d	35.5	lb/d	28
2/29/2024	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	69.4	%	28
1/31/2024	0021	Solids, total suspended	MO AVG	<= 93.8	lb/d	111	lb/d	31
1/31/2024	0021	Nitrogen, ammonia total [as N]	MO AVG	<= 20.8	lb/d	26.1	lb/d	31
1/31/2024	0021	E. coli	MO AVG	<= 126	/100mL	1414	/100mL	31
1/31/2024	0021	E. coli	DAILY MX	<= 235	/100mL	1414	/100mL	1
1/31/2024	0021	BOD, carbonaceous [5 day, 20 C]	MO AVG	<= 26	lb/d	29	lb/d	31
1/31/2024	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	64.7	%	31
1/31/2024	0021	Solids, suspended percent removal	MO AV MN	>= 65	%	46.5	%	31
12/31/2023	0021	E. coli	DAILY MX	<= 235	/100mL	970	/100mL	1
12/31/2023	0021	E. coli	MO AVG	<= 126	/100mL	970	/100mL	31
12/31/2023	0021	Solids, suspended percent removal	MO AV MN	>= 65	%	22.7	%	31
11/30/2023	0021	E. coli	MO AVG	<= 126	/100mL	517	/100mL	30
11/30/2023	0021	E. coli	DAILY MX	<= 235	/100mL	517	/100mL	1
11/30/2023	0021	Solids, suspended percent removal	MO AV MN	>= 65	%	59.1	%	30
10/31/2023	0021	Solids, suspended percent removal	MO AV MN	>= 65	%	28.6	%	31
9/30/2023	0021	E. coli	DAILY MX	<= 235	/100mL	727	/100mL	1
9/30/2023	0021	E. coli	MO AVG	<= 126	/100mL	727	/100mL	30
9/30/2023	0021	Solids, suspended percent removal	MO AV MN	>= 65	%	0	%	30
8/31/2023	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	77.3	%	31
8/31/2023	0021	Solids, suspended percent removal	MO AV MN	>= 65	%	55.7	%	31
7/31/2023	0021	E. coli	MO AVG	<= 126	/100mL	TNTC	/100mL	31

7/31/2023	0021	E. coli	DAILY MX	<= 235	/100mL	TNTC	/100mL	1
7/31/2023	0021	BOD, carbonaceous [5 day, 20 C]	MO AVG	<= 26	lb/d	45.4	lb/d	31
7/31/2023	0021	BOD, carbonaceous [5 day, 20 C]	WKLY AVG	<= 39	lb/d	45.4	lb/d	7
7/31/2023	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	43	%	31
7/31/2023	0021	Solids, suspended percent removal	MO AV MN	>= 65	%	54	%	31
6/30/2023	0021	E. coli	DAILY MX	<= 235	/100mL	2920	/100mL	1
6/30/2023	0021	E. coli	MO AVG	<= 126	/100mL	2920	/100mL	30
6/30/2023	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	82	%	30
4/30/2023	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	78.6	%	30
3/31/2023	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	76.4	%	31
1/31/2023	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	82	%	31
12/31/2022	0021	Nitrogen, ammonia total [as N]	MO AVG	<= 20.8	lb/d	22.3	lb/d	31
12/31/2022	0021	E. coli	DAILY MX	<= 235	/100mL	TNTC		1
12/31/2022	0021	E. coli	MO AVG	<= 126	/100mL	TNTC		31
11/30/2022	0021	E. coli	DAILY MX	<= 235	/100mL	TNTC		1
11/30/2022	0021	E. coli	MO AVG	<= 126	/100mL	TNTC		30
10/31/2022	0021	E. coli	DAILY MX	<= 235	/100mL	387	/100mL	1
10/31/2022	0021	E. coli	MO AVG	<= 126	/100mL	387	/100mL	31
4/30/2022	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	74.8	%	30
3/31/2022	0021	Solids, suspended percent removal	MO AV MN	>= 65	%	0	%	31
2/28/2022	0021	Solids, total suspended	MO AVG	<= 93.8	lb/d	171	lb/d	28
2/28/2022	0021	Solids, total suspended	WKLY AVG	<= 140	lb/d	171	lb/d	7
2/28/2022	0021	Nitrogen, ammonia total [as N]	MO AVG	<= 20.8	lb/d	86	lb/d	28
2/28/2022	0021	Nitrogen, ammonia total [as N]	WKLY AVG	<= 31.2	lb/d	86	lb/d	7
9/30/2021	0021	Nitrogen, ammonia total [as N]	WKLY AVG	<= 31.2	lb/d	33	lb/d	7
9/30/2021	0021	Nitrogen, ammonia total [as N]	MO AVG	<= 20.8	lb/d	33	lb/d	30
9/30/2021	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	82	%	30
7/31/2021	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	76	%	31
6/30/2021	0021	Toxicity [acute], Ceriodaphnia dubia	SINGSAMP	<= Pass		Fail		1
6/30/2021	0021	Toxicity [acute], Pimephales promelas [Fathead Minnow]	SINGSAMP	<= Pass		Fail		1
5/31/2021	0021	BOD, carb-5 day, 20 deg C, percent removal	MO AV MN	>= 85	%	73	%	31

Total Violation Days 3051