

August 5, 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Hon. Clay King, Mayor
Town of Samson
104 East Main Street
Samson, Alabama 36447

Re: **Notice of Intent to File Suit under the Clean Water Act for Violations of NPDES Permit No. AL0068896**

Dear Mayor King:

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 sixty (60) days following the date of this notice, Choctawhatchee Riverkeeper, Inc. may file suit against the Town of Samson for discharges of pollutants from the Samson Lagoon located on Steel Road in Samson, Geneva County, Alabama into the Pea River at approximately Latitude 31.13412° N, Longitude 86.08236° W, in violation of the Clean Water Act, 33 U.S.C. § 1251 et seq., NPDES Permit No. AL0068896, and Consent Order 06-059-CWP.

I. Discharge Violations of NPDES Permit No. AL0068896

Pursuant to § 402 of the Clean Water Act, 33 U.S.C. § 1342, the Town of Samson has been issued NPDES Permit No. AL0068896 authorizing the discharge of pollutants from the Samson Lagoon into the Pea River subject to specific discharge limitations. The Town of Samson has discharged pollutants from Outfall 001 into the Pea River in violation of the discharge limitations in Part I, A. of NPDES Permit No. AL0068896 from July 2009 to April 2014 as indicated in Tables 1 through 3.

II. Discharges in Violation of Consent Order 06-059-CWP

The Alabama Department of Environmental Management issued Consent Order 06-059-CWP to the Town of Samson on May 8, 2006. The Order (Paragraph F) requires that the Town of Samson comply with the discharge limitations in NPDES Permit No. AL0068896 for Carbonaceous Biochemical Oxygen Demand (percent removal) and Total Suspended Solids (percent removal) by May 7, 2008. The Town of Samson violated Consent Order 06-059-CWP by exceeding the discharge limitations in NPDES Permit No. AL0068896 for Carbonaceous Biochemical Oxygen Demand (percent removal) and Total Suspended Solids (percent removal) after May 6, 2008 as indicated in Tables 1 and 2.

Consent Order 06-059-CWP (Paragraph F) also requires that the Town of Samson comply with all other limitations in NPDES Permit No. AL0068896 effective May 8, 2006. The Town of Samson violated Consent Order 06-059-CWP by exceeding the discharge limitations in NPDES Permit No. AL0068896 for E coli bacteria after May 8, 2006 as indicated in Table 3.

III. History of Previous Enforcement Actions

On February 29, 2000, the Alabama Department of Environmental Management sent a Notice of Violation to the Town of Samson for exceedences of discharge limitations in NPDES Permit No. AL0068896 for Biochemical Oxygen Demand (monthly average concentration) and Total Suspended Solids (monthly and weekly average concentration) during the period from November 1999 through December 1999.

On February 1, 2005, the Alabama Department of Environmental Management sent a Notice of Violation to the Town of Samson for exceedences of discharge limitations in NPDES Permit No. AL0068896 for Carbonaceous Biochemical Oxygen Demand, Carbonaceous Biochemical Oxygen Demand (monthly average percent removal), and Total Suspended Solids (monthly average percent removal) during the period of July 2004 through September 2004 and November 2004.

On April 20, 2005, the Alabama Department of Environmental Management sent a Warning Letter to the Town of Samson for exceedences of discharge limitations in NPDES Permit No. AL0068896 for Carbonaceous Biochemical Oxygen Demand (monthly average concentration) and Biochemical Oxygen Demand (monthly average percent removal) during February 2005.

On May 8, 2006, the Alabama Department of Environmental Management and Town of Samson entered into Consent Order 06-059-CWP for numerous exceedences of discharge limitations in NPDES Permit No. AL0068896 during the period of January 2004 through November 2005. The Order imposed a civil penalty of \$5,100 for past violations. The Order required that the Town of Samson comply with interim limitations on Total Suspended Solids (monthly average percent removal no less than 40%) and Carbonaceous Biochemical Oxygen Demand (monthly average percent removal no less than 40%). The Order required that the Town of Samson comply with the discharge limitations in NPDES Permit No. AL0068896 for Carbonaceous Biochemical Oxygen Demand, Total Suspended Solids, Carbonaceous Biochemical Oxygen Demand (percent removal), and Total Suspended Solids (percent removal) by May 7, 2008. The Order also requires that the Town of Samson comply with all other limitations in NPDES Permit No. AL0068896 effective May 8, 2006.

On October 22, 2010, the Alabama Department of Environmental Management sent a Notice of Violation to the Town of Samson for exceedences of discharge limitations in NPDES Permit No. AL0068896 for Carbonaceous Biochemical Oxygen Demand (monthly average, weekly average, and monthly average percent removal), Fecal Coliform (monthly geometric mean) and Total Suspended Solids (monthly average percent removal) during the periods of October 2008, December 2008 through February 2009, August 2009, October 2009 through November 2009, February 2010, and April 2010. The Notice of Violation also cited the Town of Samson for failure to submit timely

discharge monitoring reports for December 2008, January 2009, March 2009, June 2009, September 2009, December 2009, January 2010, March 2010, and June 2010. Finally, the Notice of Violation advised the Town of Samson that its failure to submit a complete and sufficient application for reissuance of NPDES Permit No. AL0068896 by March 4, 2010 meant that the existing permit would expire on August 31, 2010 and that until a new permit is issued, any discharges occurring after that date would be unpermitted discharges.

On August 12, 2011, the Alabama Department of Environmental Management notified the Town of Samson that it had not submitted Non-compliance Notification Forms for discharge violations occurring from October 2008 through April 2010. In addition, the notice identified exceedences of discharge limitations in NPDES Permit No. AL0068896 during the periods of October 2008, December 2008 through February 2009, June 2009 through August 2009, October 2009, November 2009, February 2010, April 2010, and March 2011.

On April 14, 2014, the Alabama Department of Environmental Management sent a Notice of Violation to the Town of Samson for exceedences of discharge limitations in NPDES Permit No. AL0068896 for Carbonaceous Biochemical Oxygen Demand (monthly average, weekly average, and percent removal), Total Suspended Solids (monthly average and percent removal), and E. Coli during the months of March 2012, June 2012, August through September 2012, March 2013, June through August 2013, and October through November 2013.

The foregoing enforcement actions by the Alabama Department of Environmental Management have failed to deter the Town of Samson from causing violations of the Clean Water Act and NPDES Permit No. AL0068896.

IV. Sanctions

The Court may assess civil penalties of up to \$37,500 per violation. 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). Accordingly, there are 1,880 discharge violations alleged herein. In addition, the Court may award litigation expenses and attorney fees. Suit may be avoided if these violations have been permanently abated before the expiration of sixty (60) days following the date of this notice. Please advise the undersigned of any measures that you may undertake which you contend have permanently abated these violations before suit is filed.

Sincerely,



David A. Ludder
Attorney for Choctawhatchee Riverkeeper, Inc.

cc: Hon. Gina McCarthy, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building (AR)
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20004

Hon. Heather McTeer Toney, Regional Administrator
Environmental Protection Agency
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

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

Michael William Mullen, Choctawhatchee Riverkeeper
Choctawhatchee Riverkeeper, Inc.
P.O. Box 6734
Banks, AL 36005
(334) 807-1365

TABLE 1

| PERCENT REMOVAL OF TOTAL SUSPENDED SOLIDS IN EFFLUENT DISCHARGED FROM OUTFALL 0011 | | | |
|--|-----------------------------------|-------------------------------------|----------------|
| Monitoring Period End Date | MONTHLY AVERAGE | | |
| | Permit Limit (percent removal) | Measured Value (percent removal) | Violation Days |
| Apr 30, 2014 | ≥65.0 | 0 | 30 |
| Nov 30, 2013 | ≥65.0 | 33.7 | 30 |
| Oct 31, 2013 | ≥65.0 | 42.4 | 30 |
| Aug 31, 2013 | ≥65.0 | 15 | 31 |
| Jul 31, 2013 | ≥65.0 | 0 | 31 |
| Sep 30, 2012 | ≥65.0 | 47.2 | 30 |
| Sep 30, 2011 | ≥65.0 | 37.4 | 30 |
| Aug 31, 2011 | ≥65.0 | 12.9 | 31 |
| Apr 30, 2010 | ≥65.0 | 55.7 | 30 |
| Feb 28, 2010 | ≥65.0 | 0 | 28 |
| Nov 30, 2009 | ≥65.0 | 42.1 | 30 |
| Oct 31, 2009 | ≥65.0 | 28.7 | 31 |
| Jul 31, 2009 | ≥65.0 | 60 | 31 |
| TOTAL | | | 393 |

TABLE 2

| PERCENT REMOVAL OF CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND IN EFFLUENT DISCHARGED FROM OUTFALL 0011 | | | |
|--|-----------------------------------|-------------------------------------|----------------|
| Monitoring Period End Date | MONTHLY AVERAGE | | |
| | Permit Limit (percent removal) | Measured Value (percent removal) | Violation Days |
| Apr 30, 2014 | ≥85.0 | 61 | 30 |
| Aug 31, 2013 | ≥85.0 | 40 | 31 |
| Jul 31, 2013 | ≥85.0 | 0 | 31 |
| Jun 30, 2013 | ≥85.0 | 74.3 | 30 |
| Mar 31, 2013 | ≥85.0 | 80.9 | 31 |
| Sep 30, 2012 | ≥85.0 | 79.8 | 30 |
| Aug 31, 2011 | ≥85.0 | 79 | 31 |
| Jul 31, 2011 | ≥85.0 | 84.5 | 31 |
| Feb 28, 2010 | ≥85.0 | 67.4 | 28 |
| Nov 30, 2009 | ≥85.0 | 76 | 30 |
| Aug 31, 2009 | ≥85.0 | 62.3 | 31 |
| Jul 31, 2009 | ≥85.0 | 71 | 31 |
| TOTAL | | | 365 |

TABLE 3

| DISCHARGE OF E COLI FROM OUTFALL 0011 | | | |
|---------------------------------------|---------------------------|------------------------------------|----------------|
| MONITORING PERIOD END DATE | MONTHLY AVERAGE | | |
| | Limit (Colonies/100mL) | Measured Value (Colonies/100mL) | Violation Days |
| Jun 30, 2013 | ≤126 | 150 | 30 |
| Sep 30, 2012 | ≤126 | 228 | 30 |
| Aug 31, 2012 | ≤126 | 166 | 31 |
| Jun 30, 2012 | ≤126 | 350 | 30 |
| Sep 30, 2011 | ≤126 | 187 | 30 |
| Aug 31, 2011 | ≤126 | 200 | 31 |
| TOTAL | | | 182 |



AlaFile E-Notice

34-CV-2014-900088.00

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

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF GENEVA COUNTY, ALABAMA

STATE OF ALABAMA EX REL, LUTHER STRANGE AG ET AL V. TOWN OF SAMSON
34-CV-2014-900088.00

The following complaint was FILED on 9/24/2014 3:20:56 PM

Notice Date: 9/24/2014 3:20:56 PM

GALE LAYE
CIRCUIT COURT CLERK
GENEVA COUNTY, ALABAMA
200 NORTH COMMERCE STREET
GENEVA, AL 36340

334-684-5620
gale.laye@alacourt.gov

**COVER SHEET
CIRCUIT COURT - CIVIL CASE**

(Not For Domestic Relations Cases)

Case Number:
34-CV-201

Date of Filing:
09/24/2014



ELECTRONICALLY FILED
9/24/2014 3:21 PM
34-CV-2014-900088.00
CIRCUIT COURT OF
GENEVA COUNTY, ALABAMA
GALE LAYE, CLERK

GENERAL INFORMATION

**IN THE CIRCUIT OF GENEVA COUNTY, ALABAMA
STATE OF ALABAMA EX REL, LUTHER STRANGE AG ET AL v. TOWN OF SAMSON**

First Plaintiff: Business Individual Government Other
First Defendant: Business Individual Government Other

NATURE OF SUIT:

TORTS: PERSONAL INJURY

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

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
- FELA-Railroad/Seaman (FELA)
- RPRO-Real Property
- WTEG-Will/Trust/Estate/Guardianship/Conservatorship
- COMP-Workers' Compensation
- CVXX-Miscellaneous Circuit Civil Case

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

ORIGIN: F **INITIAL FILING** A **APPEAL FROM DISTRICT COURT** O **OTHER**
R **REMANDED** T **TRANSFERRED FROM OTHER CIRCUIT COURT** _____

HAS JURY TRIAL BEEN DEMANDED? Yes No

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

ATTORNEY CODE: TAM001 9/24/2014 3:21:36 PM /s/ ROBERT D. TAMBLING

MEDIATION REQUESTED: Yes No Undecided



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

| | | |
|--------------------------------------|---|-------------------------|
| STATE OF ALABAMA ex rel., |) | |
| LUTHER STRANGE, |) | |
| ATTORNEY GENERAL |) | |
| and the ALABAMA DEPARTMENT of |) | |
| ENVIRONMENTAL MANAGEMENT, |) | |
| |) | |
| Plaintiffs, |) | Civil Action No. |
| |) | CV-2014-_____ |
| v. |) | |
| |) | |
| THE TOWN OF SAMSON, |) | |
| |) | |
| Defendant. |) | |

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) (2006 Rplc. Vol.) 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 (2006 Rplc. Vol.). Specifically, Ala. Code § 22-22A-5(18)(b) (2006 Rplc. Vol.) 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) (2006 Rplc. Vol.) 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 (2006 Rplc. Vol.) 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-16 (2006 Rplc. Vol.). Pursuant to Ala. Code § 22-22A-4(n) (2006 Rplc. Vol.), 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 1387. In addition, the Department is authorized to administer and enforce the provisions of the AWPCA.

3. The Town of Samson (hereinafter “the Permittee”) operates a wastewater treatment facility known as the Samson Lagoon. The wastewater treatment facility discharges pollutants from the Samson Lagoon located on Steel Road in Samson, Geneva County, 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) (2006 Rplc. Vol.).

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 reissued NPDES Permit Number AL0068896 (hereinafter “the Permit”) to the Permittee on August 24, 2005, effective September 1, 2005. Said Permit was again reissued on May 31, 2011, effective June 1, 2011. The Permit establishes limitations, terms, and conditions on the discharge of pollutants from a point source, described therein as outfall 0011 into the Pea River, a water of the State. The Permit requires that the Permittee monitor its discharges and submit periodic Discharge Monitoring Reports to the Department describing the results of the monitoring. The Permit also requires that the Permittee maintain in

good working order all systems used by the Permittee to achieve compliance with the terms and conditions of the Permit.

6. Discharge Monitoring Reports (hereinafter “DMRs”) submitted to the Department by the Permittee indicate that the Permittee has discharged pollutants from the aforementioned point source, outfall number 0011, to the Pea River in violation of the limitations established in the Permit. The months the violations occurred along with the parameters violated are listed in Attachment 1, which is incorporated by reference as if fully set forth herein.

7. 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 to the Department with the next DMR after becoming aware of the noncompliance. Defendant failed to file noncompliance notification reports as described in Attachment 1.

8. Permit Condition I.C.1.b requires that DMRs be submitted so that they are received by the Department no later than the 28th day of the month following the reporting period. The DMRs for the monitoring periods as described in Attachment 1 were not received by the Department.

9. Permit Condition I.C.1.b requires that all DMRs be received by the Department on the 28th day of the following month. If the reporting period lasts longer than one month, the DMR is due to the Department on the 28th day of the month following the reporting period. The DMRs which were not submitted within the required timeframes are included in Attachment 1.

10. During the December 16, 2013 facility inspection the Department noted that the Permittee was not recording sampling times. Futhermore, the Department noted that the Permittee needed to preserve samples according to the 40 CFR 136.3 Table II – required

containers, preservation techniques, and holding times. Permit Conditions 1.B.3 and 4 require the Permittee to utilize test procedures that conform to 40 CFR Permit 136 in addition to recording the date and time of sample collection.

11. Permit condition I.A requires the Permittee to monitor all parameters for outfall 001Q on a quarterly basis. The DMRs for the monitoring period listed in Attachment 1 indicate the Permittee failed to conduct analysis for Total Recoverable Mercury during the 3rd and 4th quarters of 2011.

12. Permit condition II.E.1.a requires that an application for permit renewal or a written notification of intent to discontinue discharging beyond the Permit's expiration date be submitted to the Department at least 180 days prior to its expiration. The application for permit renewal or notification of discontinuance was due to the Department on March 4, 2010. The Department recorded the application as being received late on June 13, 2010. As a result, the Permit was not administratively extended, and the Permit expired on August 31, 2010. Therefore, the discharges from the Samson Lagoon to the Pea River from September 1, 2010 through May 31, 2011 were unpermitted.

Count I

13. Plaintiffs repeat, replead and incorporate by reference paragraphs 1 through 12, above.

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

Count II

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

16. Pursuant to Ala. Code § 22-22A-5(18) (2006 Rplc. Vol.), 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 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. (2006 Rplc. Vol.) 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,

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

ADDRESS OF COUNSEL:
Office of the Attorney General
501 Washington Avenue
Montgomery, AL 36130
Telephone: (334) 242-7445
Email: rtambling@ago.state.al.us

s/ Schuyler Espy
Schuyler Espy (KEA009)
Assistant Attorney General

ADDRESS OF COUNSEL:

Alabama Department of Environmental Management
Office of General Counsel
P.O. Box 301463
Montgomery, AL 36130-1463
Telephone: (334) 271-7855
Fax: (334) 394-4332
Email: sespy@adem.state.al.us



Facility Name: Samson Lagoon
 Permit Number: AL0068896

Unpermitted Discharges

| Monitoring Period | Number of Discharges |
|----------------------------|-----------------------------|
| September 2010 - May 2011* | |

*Due to permit expiration

Missing DMRs

| Monitoring Period | Outfall |
|--------------------------|----------------|
| March 2014 | 001Q |
| June 2014 | 001Q |

Late DMRS

| Monitoring Period | Outfall | Due Date | Received Date |
|--------------------------|----------------|-------------------|----------------------|
| April 2010 | 0011 | May 28, 2010 | June 3, 2010 |
| October 2010 | 0011 | November 28, 2010 | December 1, 2010 |
| May 2011 | 0011 | June 28, 2011 | July 7, 2011 |
| September 2011 | 0011 | October 28, 2011 | November 17, 2011 |
| October 2011 | 0011 | November 28, 2011 | November 29, 2011 |
| April 2012 | 0011 | May 28, 2012 | May 29, 2012 |

Limitation Violations

| Monitoring Period | Outfall | Parameter | Average, Max, Min | Unit | Limit | Reported Value |
|--------------------------|----------------|------------------|--------------------------|-------------|--------------|-----------------------|
| June 2009 | 0011 | TSS % Removal | Monthly Avg Min | % | 65.0 | 53.6 |
| July 2009 | 0011 | CBOD % Removal | Monthly Avg Min | % | 85.0 | 71.0 |
| July 2009 | 0011 | TSS % Removal | Monthly Avg Min | % | 65.0 | 60.0 |
| August 2009* | 0011 | FC | Monthly Avg | col/100mL | 200 | 517 |
| August 2009 | 0011 | CBOD % Removal | Monthly Avg Min | % | 85.0 | 62.3 |
| October 2009 | 0011 | TSS % Removal | Monthly Avg Min | % | 65.0 | 28.7 |
| November 2009 | 0011 | CBOD % Removal | Monthly Avg Min | % | 85.0 | 76.0 |
| November 2009 | 0011 | TSS % Removal | Monthly Avg Min | % | 65.0 | 42.1 |
| February 2010 | 0011 | CBOD % Removal | Monthly Avg Min | % | 85.0 | 67.4 |
| February 2010 | 0011 | TSS % Removal | Monthly Avg Min | % | 65.0 | 0.0 |
| April 2010 | 0011 | TSS % Removal | Monthly Avg Min | % | 65.0 | 55.7 |
| March 2011 | 0011 | TSS % Removal | Monthly Avg Min | % | 65.0 | 60.5 |
| April 2011* | 0011 | CBOD % Removal | Monthly Avg Min | % | 85.0 | 68.9 |
| April 2011* | 0011 | TSS % Removal | Monthly Avg Min | % | 65.0 | 8.0 |
| July 2011* | 0011 | CBOD % Removal | Monthly Avg Min | % | 85.0 | 84.5 |
| August 2011 | 0011 | E. coli | Monthly Average | col/100mL | 126 | 200 |
| August 2011 | 0011 | CBOD % Removal | Monthly Avg Min | % | 85.0 | 79.0 |
| August 2011 | 0011 | TSS % Removal | Monthly Avg Min | % | 65.0 | 12.9 |
| September 2011 | 0011 | E. coli | Monthly Average | col/100mL | 126 | 187 |
| September 2011 | 0011 | TSS % Removal | Monthly Avg Min | % | 65.0 | 37.4 |
| March 2012* | 0011 | CBOD | Monthly Average | mg/L | 25.0 | 27.2 |
| June 2012 | 0011 | E. coli | Monthly Average | col/100mL | 126 | 350 |
| August 2012 | 0011 | E. coli | Monthly Average | col/100mL | 126 | 166 |
| August 2012 | 0011 | TSS % Removal | Monthly Avg Min | % | 65.0 | 61.5 |
| September 2012 | 0011 | E. coli | Monthly Average | col/100mL | 126 | 228 |
| September 2012 | 0011 | CBOD % Removal | Monthly Avg Min | % | 85.0 | 79.8 |
| September 2012 | 0011 | TSS % Removal | Monthly Avg Min | % | 65.0 | 47.2 |
| March 2013 | 0011 | CBOD % Removal | Monthly Avg Min | % | 85.0 | 80.9 |
| June 2013 | 0011 | E. Coli | Monthly Avg | Col/100ml | 126 | 150 |
| June 2013 | 0011 | CBOD % Removal | Monthly Avg Min | % | 85.0 | 74.3 |
| July 2013 | 0011 | TSS % Removal | Monthly Avg Min | % | 65.0 | 0 |
| July 2013 | 0011 | CBOD % Removal | Monthly Avg Min | % | 85.0 | 0 |
| July 2013 | 0011 | CBOD | Monthly Average | mg/L | 25.0 | 39 |
| July 2013 | 0011 | CBOD | Weekly Average | mg/L | 37.5 | 39 |

| | | | | | | |
|---------------|------|----------------|-----------------|------|------|------|
| July 2013 | 0011 | TSS | Monthly Average | Mg/l | 90 | 95 |
| August 2013 | 0011 | TSS % Removal | Monthly Avg Min | % | 65.0 | 15 |
| August 2013 | 0011 | CBOD % Removal | Monthly Avg Min | % | 85.0 | 40 |
| October 2013 | 0011 | TSS % Removal | Monthly Avg Min | % | 65.0 | 42.4 |
| November 2013 | 0011 | TSS % Removal | Monthly Avg Min | % | 65.0 | 33.7 |
| April 2014* | 0011 | CBOD % Removal | Monthly Avg Min | % | 85.0 | 61 |
| April 2014* | 0011 | TSS % Removal | Monthly Avg Min | % | 65.0 | 0.0 |

*Noncompliance Notification Forms were not submitted for these violations.

TSS – Total Suspended Solids

CBOD – Carbonaceous Biochemical Oxygen Demand

FC – Fecal Coliform

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> |
|--|----------------|------------------|--------------------------------------|--------------------------------------|
| 3 rd and 4 th Quarters 2011 | 001Q | Mercury | Quarterly | NODI=E |