

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:)

Suntrace Mobile Home Park, LLC)

Suntrace Mobile Home Park)

Troy, Pike County, Alabama)

NPDES PERMIT NO. AL0057509)

Consent Order No. XX-XXX-CWP

PREAMBLE

This Special Order by Consent is made and entered into by the Alabama Department of Environmental Management (hereinafter "the Department") and the Suntrace Mobile Home Park, LLC (hereinafter "the Permittee") pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-17, as amended, the Alabama Water Pollution Control Act (hereinafter "AWPCA"), Ala. Code §§ 22-22-1 to 22-22-14 (2006 Rplc. Vol.), and the regulations promulgated pursuant thereto.

STIPULATIONS

1. The Permittee operates a wastewater treatment plant known as the Suntrace Mobile Home Park (hereinafter "the Facility"), located at 12689 U.S. Highway 231, in Troy, Pike County, Alabama.
2. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 to 22-22A-17, as amended.
3. 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 1388. In addition, the Department is authorized to administer and enforce the provisions of the AWPCA.
4. The Department reissued National Pollutant Discharge Elimination System (hereinafter "NPDES") Permit No. AL0057509 (hereinafter "the Permit") to the Permittee on December 18, 2013, effective January 1, 2014, establishing limitations on the discharge of pollutants from a

point source, designated therein as outfall number 0011, to an unnamed tributary (hereinafter "UT") to Walnut Creek, 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. In addition, the Permit requires that the Permittee properly operate and maintain all facilities and systems of treatment and control which are installed or used by the Permittee to achieve compliance with the conditions of the Permit.

5. Permit Condition Part I.A. requires that discharges be limited and monitored by the Permittee as specified in the permit. The Permittee submitted DMRs to the Department indicating that the Permittee has discharged pollutants from Outfall 0011 into the UT to Walnut Creek, a water of the state, in violation of the limitations established in Permit Condition I.A. of the Permit. The months the violations occurred along with the parameters violated are listed in Attachment I.

6. Permit Condition I.C.1.b requires the Permittee to submit the monthly monitoring reports so that they are received by the Department no later than the 28th day of the month following the monitoring period. The Permittee failed to submit the DMRs listed in Attachment II so that they were received by the Department by the required due date.

7. The Permittee consents to abide by the terms of this Consent Order and to pay any civil penalty assessed herein.

8. The Department has agreed to the terms of this Consent Order in an effort to resolve the violations cited herein without the unwarranted expenditure of State resources in further prosecuting the alleged violations. The Department has determined that the terms contemplated in this Consent Order are in the best interests of the citizens of Alabama.

CONTENTIONS

Pursuant to Ala. Code § 22-22A-5(18)c., as amended, in determining the amount of any penalty, the Department must give consideration to the seriousness of the violation, including any irreparable harm to the environment and any threat to the health or safety of the public; the standard of care manifested by such person; the economic benefit which delayed compliance

may confer upon such person; the nature, extent, and degree of success of such person's efforts to minimize or mitigate the effects of such violation upon the environment; such person's history of previous violations; and the ability of such person to pay such penalty. Any civil penalty assessed pursuant to this authority shall not exceed \$25,000.00 for each violation, provided however, that the total penalty assessed in an order issued by the Department shall not exceed \$250,000.00. Each day that such violation continues shall constitute a separate violation. In arriving at this civil penalty (summarized in Attachment III), the Department has considered the following:

A. **SERIOUSNESS OF THE VIOLATIONS AND BASE PENALTY:** Based on the information available to the Department, violations of the Permit, ADEM Admin. Code chap. 335-6-6, and the AWPCA were noted. The Department considered the general nature of each violation, the magnitude and duration of each non-compliant discharge, the characteristics of each pollutant discharged, the condition of the receiving waters, the violations' effects, if any, on the receiving waters, and any available evidence of irreparable harm to the environment or threat to the public.

B. **THE STANDARD OF CARE:** The Permittee could have easily avoided some of the violations cited herein by submitting timely DMRs. In consideration of the standard of care manifested by the Permittee, the Department enhanced the penalty.

C. **ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED:** The Department has considered that delayed compliance may have conferred an economic benefit upon the Permittee but is unable to estimate the economic benefit associated with the violations cited above, as the costs for compliance are not available.

D. **EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATIONS UPON THE ENVIRONMENT:** The Department is unaware of any efforts by the Permittee to minimize or mitigate the effects of the violations upon the environment.

E. **HISTORY OF PREVIOUS VIOLATIONS:** The Permittee has a history of previous violations. In consideration of such history of previous violations, the Department has enhanced the penalty.

F. THE ABILITY TO PAY: Based upon information available to the Department, the Department believes the Permittee has a limited ability to pay a civil penalty. The Department has reduced the penalty based on the Facility's inability to pay as indicated in Attachment III.

G. This Special Order by Consent is a negotiated settlement and, therefore, the Department has compromised the amount of the penalty the Department believes is warranted in this matter in the spirit of cooperation and desire to resolve this matter amicably, without incurring the unwarranted expense of litigation.

H. The civil penalty is summarized in Attachment III.

ORDER

THEREFORE, the Permittee, along with the Department, desires to resolve and settle the compliance issues cited above. The Department has carefully considered the facts available to it and has considered the penalty factors enumerated in Ala. Code § 22-22A-5(18)c., as amended, as well as the need for timely and effective enforcement, and the Department believes that the penalty assessed below and the following conditions are appropriate to address the violations alleged herein. Therefore, the Department and the Permittee (hereinafter collectively "Parties") agree to enter into this CONSENT ORDER with the following terms and conditions:

A. The Permittee shall pay to the Department a civil penalty in the amount of \$12,000 in settlement of the violations alleged herein, payable in twelve monthly installments. Each installment payment shall be due in the amount of \$1,000.00. The first payment shall be due thirty days from the issuance date of this Consent Order, with each subsequent payment due on the first of each month thereafter. Failure to pay the civil penalty in accordance with the specified payment schedule may result in the Department's filing a civil action in the Circuit Court of Montgomery County to recover the civil penalty.

B. All penalties due pursuant to this Consent Order shall be made payable to the Alabama Department of Environmental Management by certified or cashier's check and shall be remitted to:

Office of General Counsel
Alabama Department of Environmental Management
P.O. Box 301463

Montgomery, Alabama 36130-1463

C. The Permittee shall submit a report to the Department, as required by Permit Condition IV.D, that includes the name, address, and operator number of the certified wastewater operator in responsible charge of the Facility. The Permittee shall submit such report so that it is received by the Department no later than 30 days after issuance of this Consent Order.

D. The Permittee shall prepare and submit to the Department an Engineering Report that addresses the need for changes in maintenance and operating procedures, the potential for infiltration and inflow, the need for modification of existing treatment and collection system works, and the need for new or additional treatment and collection system works as necessary to achieve compliance with applicable rules and regulations and Permit conditions. The Engineering Report shall include a Compliance Plan with a schedule for implementation of necessary corrective actions and cost of such necessary corrective actions, if known. The Engineering Report shall be prepared by a professional engineer licensed to practice in the State of Alabama. The Engineering Report shall be submitted so that it is received by the Department no later than ninety days after issuance of this Consent Order. If the Department determines through its review of the submitted Engineering Report that the submittal is not sufficient, then the Permittee shall modify the Engineering Report. The Permittee shall submit modifications to the Engineering Report, if required, so that they are received by the Department no later than thirty days after Permittee's receipt of the Department's comments. The Permittee shall complete implementation of the recommendations provided in the Engineering Report not later than 365 days after issuance of this Consent Order.

E. The Permittee shall prepare and submit detailed quarterly Progress Reports to the Department describing the Permittee's progress towards achieving compliance with the items presented in the Compliance Plan, including the cost of necessary corrective actions. The Permittee shall submit the Progress Reports so that they are received by the Department no later than one hundred eighty days after issuance of this Consent Order and continuing every ninety days thereafter that the Permittee's performance obligations under this Consent Order remain incomplete. In addition, no later than fourteen days following each due date herein, the Permittee

shall submit to the Department a written notice of noncompliance, if applicable. Notices of noncompliance shall state the cause(s) of noncompliance, the corrective action taken, and shall describe the Permittee's ability to comply with any remaining requirements of this Consent Order.

F. The Permittee shall fully comply with the Permit limitations for pH, E. Coli, Dissolved Oxygen (hereinafter "DO"), 5 Day Carbonaceous Biochemical Oxygen Demand (hereinafter "CBOD5"), CBOD5 Percent Removal, Total Suspended Solids (hereinafter "TSS"), TSS Percent Removal, Total Residual Chlorine (hereinafter "TRC"), and Ammonia as Nitrogen (hereinafter "NH3-N"), no later than 365 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.

H. The Permittee shall submit a certification to the Department, signed by a professional engineer licensed to practice in the State of Alabama, indicating whether the Permittee is in compliance with all requirements of this Consent Order. The Permittee shall submit such certification so that it is received by the Department no later than 395 days after issuance of this Consent Order.

I. After issuance of this Consent Order, the Permittee shall pay stipulated penalties for each day it fails to meet any of the milestone dates or satisfy any of the requirements set forth in or established by Paragraphs C, D, E, and H contained herein. The stipulated civil penalties for failure to meet each milestone or any requirement date, except for *Force Majeure* acts as hereinafter defined, shall be as follows:

<u>Period of Noncompliance</u>	<u>Penalty per Day per Violation</u>
1st to 30th day	\$ 100.00
31st to 60th day	\$ 200.00
After 60 days	\$ 300.00

If the Permittee fails to meet any milestone or any assigned date ninety days after the required dates found in Paragraphs C, D, E, and H, the Department reserves the right to file a new action against the Permittee.

J. Cumulative stipulated penalties described in Paragraph H above shall under no circumstances exceed \$18,000.00. Once stipulated penalties of \$18,000.00 are due to the Department, or should violations continue to occur after the final compliance date specified in the accepted Compliance Plan, the Department reserves the right to issue additional orders or file suit against the Permittee in the Circuit Court of Montgomery County or other court of competent jurisdiction to enforce compliance with this Consent Order.

K. Payment of stipulated penalties are due for violations of milestone dates under this Consent Order not later than the 28th day of the month following the month a milestone date was not achieved. Notification to the Permittee by the Department of the assessment of any stipulated penalty is not required.

L. This Consent Order shall apply to and be binding upon both Parties, their directors, officers, and all persons or entities acting under or for them. Each signatory to this Consent Order certifies that he or she is fully authorized by the Party he or she represents to enter into the terms and conditions of this Consent Order, to execute the Consent Order on behalf of the Party represented, and to legally bind such Party.

M. Subject to the terms of these presents and subject to provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the violations which are cited in this Consent Order.

N. The Permittee is not relieved from any liability if it fails to comply with any provision of this Consent Order.

O. For purposes of this Consent Order only, the Department may properly bring an action to compel compliance with the terms and conditions contained herein in the Circuit Court of Montgomery County. In any action brought by the Department to compel compliance with the terms of this Agreement, the Permittee shall be limited to the defenses of *Force Majeure*, compliance with this Agreement and physical impossibility. A *Force Majeure* is defined as any event arising from causes that are not foreseeable and are beyond the reasonable control of the Permittee, including its contractors and consultants, which could not be overcome by due diligence (i.e., causes which could have been overcome or avoided by the exercise of due diligence

will not be considered to have been beyond the reasonable control of the Permittee) and which delays or prevents performance by a date required by the Consent Order. Events such as unanticipated or increased costs of performance, changed economic circumstances, normal precipitation events, or failure to obtain federal, state, or local permits shall not constitute *Force Majeure*. Any request for a modification of a deadline shall be accompanied by the reasons (including documentation) for each extension and the proposed extension time. The Permittee shall submit this information so that it is received by the Department a minimum of ten working days prior to the original anticipated completion date. If the Department, after review of the extension request, finds the work was delayed because of conditions beyond the control and without the fault of the Permittee, the Department may extend the time as justified by the circumstances. The Department may also grant any other additional time extension as justified by the circumstances, but it is not obligated to do so.

P. The sole purpose of this Consent Order is to resolve and dispose of all allegations and contentions stated herein concerning the factual circumstances referenced herein. Should additional facts and circumstances be discovered in the future concerning the Suntrace Mobile Home Park which would constitute possible violations not addressed in this Consent Order, then such future violations may be addressed in other orders as may be issued by the Director, by litigation initiated by the Department, or by such other enforcement action as may be appropriate. The Permittee shall not object to such future orders, litigation, or enforcement action based on the issuance of this Consent Order if such future orders, litigation, or other enforcement action addresses new matters not raised in this Consent Order.

Q. This Consent Order shall be considered final and effective immediately upon signature of all Parties. This Consent Order shall not be appealable, and the Permittee does hereby waive any hearing on the terms and conditions of same.

R. This Consent Order shall not affect the Permittee's obligation to comply with any Federal, State, or local laws or regulations.

S. Final approval and entry into this Consent Order are subject to the requirements that the Department provide notice of proposed orders to the public, and that the public have at least thirty days within which to comment on the proposed Consent Order.

T. Should any provision of this Consent Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with Federal or State law and therefore unenforceable, the remaining provisions hereof shall remain in full force and effect.

U. Any modification of this Consent Order shall be agreed to in writing and signed by both Parties.

V. Except as otherwise set forth herein, this Consent Order is not and shall not be interpreted to be a permit or modification of an existing permit under Federal, State, or local law, and shall not be construed to waive or relieve the Permittee of its obligations to comply in the future with any permit.

Executed in duplicate, with each part being an original.

SUNTRACE MOBILE HOME PARK, LLC

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

EXECUTED AND ISSUED:

By: 
Its: Managing Member
Date: 11/30/16

By: _____
Its: _____
Date: _____

Attachment I

**Suntrace Mobile Home Park
NPDES Permit No. AL0057509**

Permit Limitations

<u>Monitoring Period</u>	<u>Parameter</u>	<u>Average, Max, Min</u>	<u>Unit</u>	<u>Limit</u>	<u>Reported Value</u>
January 2015	TSS	Weekly Average	lbs/day	16.8	20
January 2015	TSS	Monthly Average	lbs/day	11.2	20
January 2015	TSS	Monthly Average	mg/l	90.0	118
January 2015	CBOD5	Monthly Average	lbs/day	3.1	9.5
January 2015	CBOD5	Monthly Average	mg/l	25.0	57
January 2015	CBOD5	Weekly Average	lbs/day	4.7	9.5
January 2015	NH3-N	Weekly Average	mg/l	3.3	14
January 2015	TRC	Monthly Average	mg/l	0.011	0.08
January 2015	TRC	Maximum Daily	mg/l	0.019	0.08
January 2015	E. Coli	Monthly Average	col/100mL	548	10000
January 2015	E. Coli	Maximum Daily	col/100mL	2507	10111
January 2015	CBOD5	Weekly Average	mg/l	37.5	57
January 2015	CBOD5 % Removal	Monthly Average Minimum	%	85.0	0.0
January 2015	TSS % Removal	Monthly Average Minimum	%	65.0	0.0
January 2015	NH3-N	Monthly Average	lbs/day	0.270	2.4
January 2015	NH3-N	Monthly Average	mg/l	2.2	14
January 2015	NH3-N	Weekly Average	lbs/day	0.40	2.4
February 2015	TSS	Monthly Average	mg/l	90.0	153
February 2015	TSS	Weekly Average	mg/l	135	153
February 2015	TSS	Monthly Average	lbs/day	11.2	25
February 2015	TSS	Weekly Average	lbs/day	16.8	25
February 2015	CBOD5	Monthly Average	mg/l	25.0	80
February 2015	CBOD5	Weekly Average	lbs/day	4.7	13.3
February 2015	NH3-N	Weekly Average	lbs/day	0.40	1.7
February 2015	NH3-N	Monthly Average	lbs/day	0.270	1.7
February 2015	TRC	Maximum Daily	mg/l	0.019	0.41
February 2015	TRC	Monthly Average	mg/l	0.011	0.41
February 2015	E. Coli	Monthly Average	col/100mL	548	2900
February 2015	E. Coli	Maximum Daily	col/100mL	2507	2900
February 2015	CBOD5	Weekly Average	mg/l	37.5	80
February 2015	CBOD5	Monthly Average	lbs/day	3.1	13.3
February 2015	CBOD5 % Removal	Monthly Average Minimum	%	85.0	46.7
February 2015	TSS % Removal	Monthly Average Minimum	%	65.0	0.0
February 2015	NH3-N	Weekly Average	mg/l	3.3	10
February 2015	NH3-N	Monthly Average	mg/l	2.2	10

Monitoring Period	Parameter	Average, Max, Min	Unit	Limit	Reported Value
March 2015	TSS	Monthly Average	lbs/day	11.2	45
March 2015	TSS	Monthly Average	mg/l	90.0	272
March 2015	TSS	Weekly Average	lbs/day	16.8	45
March 2015	TSS	Weekly Average	mg/l	135	272
March 2015	CBOD5	Monthly Average	lbs/day	3.1	16.7
March 2015	CBOD5	Weekly Average	lbs/day	4.7	16.7
March 2015	NH3-N	Weekly Average	mg/l	3.3	8
March 2015	NH3-N	Monthly Average	lbs/day	0.270	1.3
March 2015	TRC	Monthly Average	mg/l	0.011	0.10
March 2015	TRC	Maximum Daily	mg/l	0.019	0.10
March 2015	E. Coli	Maximum Daily	col/100mL	2507	12000
March 2015	E. Coli	Monthly Average	col/100mL	548	12000
March 2015	CBOD5	Monthly Average	mg/l	25.0	100
March 2015	CBOD5	Weekly Average	mg/l	37.5	100
March 2015	CBOD5 % Removal	Monthly Average Minimum	%	85.0	0.0
March 2015	TSS % Removal	Monthly Average Minimum	%	65.0	0.0
March 2015	NH3-N	Monthly Average	mg/l	2.2	8
March 2015	NH3-N	Weekly Average	lbs/day	0.40	1.3
April 2015	CBOD5 % Removal	Monthly Average Minimum	%	85.0	0.0
April 2015	TSS % Removal	Monthly Average Minimum	%	65.0	0.0
April 2015	DO	Minimum Daily	mg/l	5.5	4.2
April 2015	NH3-N	Monthly Average	lbs/day	0.270	0.3
April 2015	NH3-N	Weekly Average	mg/l	3.3	17.4
April 2015	NH3-N	Monthly Average	mg/l	2.2	17.4
April 2015	TRC	Maximum Daily	mg/l	0.019	0.70
April 2015	TRC	Monthly Average	mg/l	0.011	0.70
May 2015	TSS	Weekly Average	mg/l	135	185
May 2015	TSS	Monthly Average	mg/l	90.0	185
May 2015	CBOD5	Weekly Average	mg/l	37.5	65
May 2015	CBOD5	Monthly Average	mg/l	25.0	65
May 2015	CBOD5 % Removal	Monthly Average Minimum	%	85.0	20.0
May 2015	TSS % Removal	Monthly Average Minimum	%	65.0	0.0
May 2015	NH3-N	Weekly Average	mg/l	3.3	8.5
May 2015	NH3-N	Monthly Average	mg/l	2.2	8.5
May 2015	TRC	Monthly Average	mg/l	0.011	1.04
May 2015	TRC	Maximum Daily	mg/l	0.019	1.04
May 2015	E. Coli	Monthly Average	col/100mL	548	2800
May 2015	E. Coli	Maximum Daily	col/100mL	2507	2800

<u>Monitoring Period</u>	<u>Parameter</u>	<u>Average, Max, Min</u>	<u>Unit</u>	<u>Limit</u>	<u>Reported Value</u>
June 2015	TSS	Monthly Average	mg/l	90.0	140
June 2015	TSS	Weekly Average	mg/l	135	140
June 2015	CBOD5	Monthly Average	mg/l	25.0	70
June 2015	CBOD5	Weekly Average	mg/l	37.5	70
June 2015	CBOD5 % Removal	Monthly Average Minimum	%	85.0	0
June 2015	TSS % Removal	Monthly Average Minimum	%	65.0	0
June 2015	NH3-N	Weekly Average	mg/l	3.3	8.9
June 2015	NH3-N	Monthly Average	mg/l	2.2	8.9
June 2015	TRC	Maximum Daily	mg/l	0.019	0.33
June 2015	TRC	Monthly Average	mg/l	0.011	0.33
June 2015	E. Coli	Monthly Average	col/100mL	126	390
July 2015	TSS % Removal	Monthly Average Minimum	%	65.0	23.0
July 2015	TRC	Maximum Daily	mg/l	0.019	0.86
July 2015	TRC	Monthly Average	mg/l	0.011	0.86
July 2015	CBOD5	Monthly Average	mg/l	25.0	80
July 2015	CBOD5	Weekly Average	mg/l	37.5	80
July 2015	DO	Minimum Daily	mg/l	5.5	4.5
July 2015	CBOD5 % Removal	Monthly Average Minimum	%	85.0	0
July 2015	NH3-N	Weekly Average	mg/l	3.3	13.6
July 2015	NH3-N	Monthly Average	lbs/day	0.270	0.40
July 2015	NH3-N	Monthly Average	mg/l	2.2	13.6
July 2015	pH	Daily Minimum	S.U.	6.0	4.5
August 2015	NH3-N	Weekly Average	mg/l	3.3	7.6
August 2015	NH3-N	Monthly Average	mg/l	2.2	7.6
August 2015	CBOD5 % Removal	Monthly Average Minimum	%	85.0	34.7
August 2015	CBOD5	Monthly Average	mg/l	25.0	64
August 2015	CBOD5	Weekly Average	mg/l	37.5	64
August 2015	DO	Minimum Daily	mg/l	5.5	4.0
August 2015	TRC	Maximum Daily	mg/l	0.019	2.2
August 2015	TRC	Monthly Average	mg/l	0.011	2.2
August 2015	TSS % Removal	Monthly Average Minimum	%	65.0	6.3
September 2015	TSS % Removal	Monthly Average Minimum	%	65.0	0
September 2015	NH3-N	Weekly Average	mg/l	3.3	6.7
September 2015	NH3-N	Monthly Average	mg/l	2.2	6.7
September 2015	TRC	Maximum Daily	mg/l	0.019	2.2
September 2015	TRC	Monthly Average	mg/l	0.011	2.2
September 2015	DO	Minimum Daily	mg/l	5.5	4.1

<u>Monitoring Period</u>	<u>Parameter</u>	<u>Average, Max, Min</u>	<u>Unit</u>	<u>Limit</u>	<u>Reported Value</u>
September 2015	CBOD5	Monthly Average	mg/l	25.0	86
September 2015	CBOD5	Weekly Average	mg/l	37.5	86
September 2015	CBOD5 % Removal	Monthly Average Minimum	%	85.0	0
October 2015	CBOD5 % Removal	Monthly Average Minimum	%	85.0	0
October 2015	CBOD5	Monthly Average	mg/l	25.0	340
October 2015	CBOD5	Weekly Average	mg/l	37.5	340
October 2015	DO	Minimum Daily	mg/l	5.5	4.2
October 2015	NH3-N	Weekly Average	mg/l	3.3	7.0
October 2015	NH3-N	Monthly Average	mg/l	2.2	7.0
October 2015	TSS % Removal	Monthly Average Minimum	%	65.0	0
October 2015	TSS	Monthly Average	mg/l	90.0	1730
October 2015	TSS	Monthly Average	lbs/day	11.2	14
October 2015	TSS	Weekly Average	mg/l	135	1730
November 2015	TSS	Weekly Average	mg/l	135	200
November 2015	TSS	Monthly Average	mg/l	90.0	200
November 2015	TSS % Removal	Monthly Average Minimum	%	65.0	0
November 2015	NH3-N	Weekly Average	mg/l	3.3	11
November 2015	NH3-N	Monthly Average	mg/l	2.2	11
November 2015	TRC	Maximum Daily	mg/l	0.019	0.05
November 2015	TRC	Monthly Average	mg/l	0.011	0.05
November 2015	CBOD5	Monthly Average	mg/l	25.0	46
November 2015	CBOD5	Weekly Average	mg/l	37.5	46
November 2015	CBOD5 % Removal	Monthly Average Minimum	%	85.0	2.1
November 2015	E. Coli	Monthly Average	col/100mL	548	5000
November 2015	E. Coli	Maximum Daily	col/100mL	2507	5000
December 2015	CBOD5 % Removal	Monthly Average Minimum	%	85.0	0
December 2015	DO	Minimum Daily	mg/l	5.5	4.8
December 2015	TSS % Removal	Monthly Average Minimum	%	65.0	0
December 2015	TRC	Maximum Daily	mg/l	0.019	2.2
December 2015	TRC	Monthly Average	mg/l	0.011	2.2
December 2015	NH3-N	Weekly Average	mg/l	3.3	10
December 2015	NH3-N	Monthly Average	mg/l	2.2	10
December 2015	TSS	Weekly Average	mg/l	135	158
December 2015	TSS	Monthly Average	mg/l	90.0	158
December 2015	CBOD5	Monthly Average	mg/l	25.0	96
December 2015	CBOD5	Weekly Average	mg/l	37.5	96
January 2016	CBOD5	Monthly Average	mg/l	25.0	44

<u>Monitoring Period</u>	<u>Parameter</u>	<u>Average, Max, Min</u>	<u>Unit</u>	<u>Limit</u>	<u>Reported Value</u>
January 2016	CBOD5	Weekly Average	mg/l	37.5	44
January 2016	TSS	Weekly Average	mg/l	135	230
January 2016	TSS	Monthly Average	mg/l	90.0	230
January 2016	NH3-N	Weekly Average	mg/l	3.3	12
January 2016	NH3-N	Monthly Average	mg/l	2.2	12
January 2016	TRC	Maximum Daily	mg/l	0.019	2.2
January 2016	TRC	Monthly Average	mg/l	0.011	2.2
January 2016	TSS % Removal	Monthly Average Minimum	%	65.0	0
January 2016	CBOD5 % Removal	Monthly Average Minimum	%	85.0	61.2
February 2016	CBOD5 % Removal	Monthly Average Minimum	%	85.0	0
February 2016	TSS % Removal	Monthly Average Minimum	%	65.0	0
February 2016	NH3-N	Weekly Average	mg/l	3.3	9.0
February 2016	NH3-N	Monthly Average	mg/l	2.2	9.0
February 2016	TRC	Maximum Daily	mg/l	0.019	2.2
February 2016	TRC	Monthly Average	mg/l	0.011	2.2
February 2016	TSS	Weekly Average	mg/l	135	155
February 2016	TSS	Monthly Average	mg/l	90.0	155
February 2016	CBOD5	Monthly Average	mg/l	25.0	64
February 2016	CBOD5	Weekly Average	mg/l	37.5	64
March 2016	CBOD5	Monthly Average	mg/l	25.0	47
March 2016	CBOD5	Weekly Average	mg/l	37.5	47
March 2016	TSS	Monthly Average	mg/l	90.0	92.0
March 2016	DO	Minimum Daily	mg/l	5.5	5.2
March 2016	NH3-N	Weekly Average	mg/l	3.3	9.2
March 2016	NH3-N	Monthly Average	mg/l	2.2	9.2
March 2016	CBOD5 % Removal	Monthly Average Minimum	%	85.0	56.0
March 2016	TSS % Removal	Monthly Average Minimum	%	65.0	0
March 2016	TRC	Maximum Daily	mg/l	0.019	2.2
March 2016	TRC	Monthly Average	mg/l	0.011	2.2
April 2016	TRC	Monthly Average	mg/l	0.011	2.0
April 2016	TRC	Maximum Daily	mg/l	0.019	2.0
April 2016	CBOD5 % Removal	Monthly Average Minimum	%	85.0	13.0
April 2016	TSS % Removal	Monthly Average Minimum	%	65.0	0
April 2016	DO	Minimum Daily	mg/l	5.5	4.4
April 2016	NH3-N	Weekly Average	mg/l	3.3	8.1
April 2016	NH3-N	Monthly Average	mg/l	2.2	8.1

Monitoring Period	Parameter	Average, Max, Min	Unit	Limit	Reported Value
April 2016	TSS	Monthly Average	mg/l	90.0	114
April 2016	CBOD5	Monthly Average	mg/l	25.0	67
April 2016	CBOD5	Weekly Average	mg/l	37.5	67
May 2016	DO	Minimum Daily	mg/l	5.5	4.2
May 2016	NH3-N	Weekly Average	mg/l	3.3	8.0
May 2016	NH3-N	Monthly Average	mg/l	2.2	8.0
May 2016	CBOD5 % Removal	Monthly Average Minimum	%	85.0	49.2
May 2016	TSS % Removal	Monthly Average Minimum	%	65.0	55.3
May 2016	TRC	Maximum Daily	mg/l	0.019	0.08
May 2016	TRC	Monthly Average	mg/l	0.011	0.08
May 2016	E. Coli	Monthly Average	col/100mL	548	5000
May 2016	E. Coli	Maximum Daily	col/100mL	2507	5000
May 2016	CBOD5	Monthly Average	mg/l	25.0	64
May 2016	CBOD5	Weekly Average	mg/l	37.5	64
June 2016	DO	Minimum Daily	mg/l	5.5	4.2
June 2016	NH3-N	Weekly Average	mg/l	3.3	8.8
June 2016	NH3-N	Monthly Average	mg/l	2.2	8.8
June 2016	TRC	Maximum Daily	mg/l	0.019	0.21
June 2016	TRC	Monthly Average	mg/l	0.011	0.21
June 2016	CBOD5	Monthly Average	mg/l	25.0	84
June 2016	CBOD5	Weekly Average	mg/l	37.5	84
June 2016	CBOD5 % Removal	Monthly Average Minimum	%	85.0	74.5
June 2016	TSS % Removal	Monthly Average Minimum	%	65.0	14.5
July 2016	NH3-N	Monthly Average	lbs/day	0.270	0.30
July 2016	NH3-N	Weekly Average	mg/l	3.3	20
July 2016	NH3-N	Monthly Average	mg/l	2.2	20
July 2016	TRC	Maximum Daily	mg/l	0.019	2.0
July 2016	TRC	Monthly Average	mg/l	0.011	2.0
July 2016	CBOD5	Monthly Average	mg/l	25.0	73
July 2016	CBOD5	Weekly Average	mg/l	37.5	73
July 2016	CBOD5 % Removal	Monthly Average Minimum	%	85.0	12.0
July 2016	TSS % Removal	Monthly Average Minimum	%	65.0	0

CBOD5 – Five Day Carbonaceous Biochemical Oxygen Demand
 TSS - Total Suspended Solids
 TRC - Total Residual Chlorine
 NH3-N – Ammonia as Nitrogen
 DO - Dissolved Oxygen

Attachment II

**Suntrace Mobile Home Park
NPDES Permit No. AL0057509**

Late DMRs

Monitoring Period	Outfall	Due Date	Received Date	Days Late
November 2014	0011	12/28/2014	04/08/2015	101
December 2014	0011	01/28/2015	04/08/2015	70
January 2015	0011	02/28/2015	04/08/2015	39
March 2015	0011	04/28/2015	05/11/2015	13
May 2015	0011	06/28/2015	06/29/2015	1
June 2015	0011	07/28/2015	08/21/2015	24
November 2015	0011	12/28/2015	01/16/2016	19
April 2016	0011	5/28/2016	6/10/2016	13
September 2016	0011	10/28/2016	11/3/2016	6

Attachment III

**Suntrace Mobile Home Park, LLC
Suntrace Mobile Home Park Lagoon
Troy, Pike County, Alabama
NPDES Permit No. AL0057509**

Violation*	Number of Violations*	(A)	(B)	(C)
		Seriousness of Violation*	Standard of Care*	History of Previous Violations*
Permit Limitation Violations	215	\$ 37,150.00	\$ -	\$ 10,750.00
Late Submittal of DMRs (>30 days late)	1	\$ 100.00	\$ 50.00	\$ -

\$37,250.00	\$50.00	\$10,750.00
Total (A)	Total (B)	Total (C)
Base Penalty Total [Total (A) + Total (B) + Total (C)]		\$48,050.00
Mitigating Factors (-)		
Economic Benefit (+)		
Ability to Pay (-)		-\$36,050.00
Other Factors (+/-)		
INITIAL PENALTY		\$12,000.00

Additional Adjustments due to negotiations, receipt of additional information, or public comment

Mitigating Factors (-)	
Economic Benefit (+)	
Ability to Pay (-)	
Other Factors (+/-)	
Total Adjustments (+/-)	\$0.00



Total Adjustments (+/-)	\$0.00
FINAL PENALTY	\$12,000.00

Footnotes

*See the "Department's Contentions" portion of the Order for a detailed description of each violation and the penalty factors