

**ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF: )  
)  
**Town of Priceville** )  
**Priceville Lagoon** )  
**Decatur, Morgan County, Alabama** )  
)  
**NPDES PERMIT NO. AL0060577** )

Consent Order No. XX-XXX-CWP

***PREAMBLE***

This Special Order by Consent is made and entered into by the Alabama Department of Environmental Management (“the Department”) and the Town of Priceville (“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 (“AWPCA”), Ala. Code §§ 22-22-1 to 22-22-14, as amended, and the regulations promulgated pursuant thereto.

***STIPULATIONS***

1. The Permittee operates a wastewater treatment lagoon known as the Priceville Lagoon, located on Old Branch Road, in Decatur, Morgan 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), 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.
4. The Department reissued National Pollutant Discharge Elimination System (“NPDES”) Permit No. AL0060577 (“the Permit”) to the Permittee on November 17, 2015, effective December 1, 2015, establishing limitations on the discharge of pollutants from a point source, designated therein as outfall number 0011, to the Tennessee River, a water of the state. The Permit requires that the Permittee monitor its discharges and submit periodic Discharge Monitoring Reports

(“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 I.A. requires that discharges be limited and monitored as specified in the Permit. For the monitoring periods listed in Attachment I, the Permittee submitted DMRs to the Department indicating that the Permittee discharged pollutants from Outfall 0011 into the Tennessee River, a water of the State, in violation of its Permit limitations for E. coli, Five Day Carbonaceous Biochemical Oxygen Demand (“CBOD”), and Total Suspended Solids (TSS).

6. 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 discharge monitoring report after becoming aware of the noncompliance. The Department has not received the noncompliance notification reports for the August 2019, February 2020 through April 2020, and July 2020 permit limitation violations included in Attachment I. The DMRs submitted for the February 2020 through April 2020, and July 2020 monitoring periods included comments regarding the permit limitation violations. However, the DMR comments did not meet the requirements of Permit Condition I.C.2.b.

7. Ala. Code § 22-22-9(i)(3), as amended, requires that a permit be obtained prior to discharging any new or increased pollution into any water of the State. The Permittee reported unpermitted discharges in the form of Sanitary Sewer Overflows (“SSOs”) to the Department and are listed in Attachment II.

8. Permit Condition I.C.2.d states that “[t]he Permittee shall provide notification to the Director, the public, the county health department and any other affected entity such as public water systems, as soon as possible upon becoming aware of any notifiable SSO.” Permit Condition III.H.30 defines a notifiable SSO as “an overflow, spill, release or diversion of wastewater from a sanitary sewer system that: a. Reaches a surface water of the State; or b. May imminently and substantially endanger human health based on potential for public exposure

including by not limited to close proximity to public or private water supply wells or in areas where human contact would be likely to occur.” Therefore, the public, county health department, and all other affected entities must be notified when the Permittee becomes aware of a notifiable SSO. The SSO report submitted for the February 10, 2020, SSO indicates that the county health department and ADEM were not notified of the SSO in a timely manner.

9. Permit Condition I.B.2.i allows the Permittee to increase the frequency of sampling and states that all sampling results are required to be reported to the Department. During the Department’s Compliance Sampling Inspection on February 27, 2020, the Department observed that sampling for E. coli was occurring more frequently than required by the Permit. However, sample results that did not comply with the permit limitation were discarded and not included on the DMR.

10. Permit Condition II.A.1 requires the Permittee to 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. During the Department’s Compliance Sampling Inspection on February 27, 2020, the Department was informed that the lagoons had never been dredged, and that the sludge levels had not been checked in six months. Also, the samples taken by Department personnel at the outfall were cloudy with visible solids present, indicating that the Facility was not being properly operated and maintained.

11. Permit Condition I.B.4 states that for each measurement or sample taken pursuant to the requirements of this permit, the Permittee shall record the following information:

- a. The facility name and location, point source number, date, time and exact place of sampling;
- b. The name(s) of person(s) who obtained the samples or measurements;
- c. The dates and times the analyses were performed;
- d. The name(s) of the person(s) who performed the analyses;
- e. The analytical techniques or methods used, including source of method and method number; and the results of all required analyses.

Permit Condition I.B.5.b. requires all records to be kept for a period of three years. During the Department's Compliance Sampling Inspection on February 27, 2020, the Department was informed there were no records available to verify correct procedures.

12. The Department issued a Notice of Violation ("NOV") to the Permittee on August 7, 2020, for permit limitation violations including E. coli and CBOD; failure to submit noncompliance notification reports ("NCFs"); SSOs; failure to complete timely SSO notifications to the Health Department and ADEM; and deficiencies noted during the Department's February 27, 2020, inspection. The Permittee responded to the NOV by letter dated September 11, 2020.

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

14. 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 did not manifest a proper standard of care and could have easily avoided some of the violations cited herein by maintaining the treatment facility, reporting all sample results in the DMRs, and maintaining sampling records. 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: The Department has determined that the Permittee has an inability to pay a portion of the civil penalty. In consideration of the Permittee's inability to pay, the Department has decreased the penalty.

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 (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 \$12,700.00 in settlement of the violations alleged herein within forty-five days from issuance of this Consent Order. Failure to pay the civil penalty within forty-five days from issuance 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. SSO Response Plan

1. Within 120 days of the issuance of this Order, the Permittee shall develop a Sanitary Sewer Overflow (SSO) Response Plan to establish timely and effective methods for responding to notifiable sanitary sewer overflows. The SSO Response Plan shall address each of the following:

a. General Information:

- (1) Approximate population of City/Town, if applicable
- (2) Approximate number of customers served by the Permittee
- (3) Identification of any subbasins designated by the Permittee, if applicable

- (4) Identification of estimated linear feet of sanitary sewers
- (5) Number of Pump/Lift Stations in the collection system

b. Responsibility Information:

- (1) The title(s) and contact information of key position(s) who will coordinate the SSO response, including information for a backup coordinator in the event that the primary SSO coordinator is unavailable. The SSO coordinator is the person responsible for assessing the SSO and initiating a series of response actions based on the type, severity, and destination of the SSO, except for routine SSOs for which the coordinator may pre-approve written procedures. Routine SSOs are those for which the corrective action procedures are generally consistent.
- (2) The title(s), and contact information of key position(s) who will respond to SSOs, including information for backup responder(s) in the event the primary responder(s) are unavailable (i.e., position(s) who provide notification to the Department, the public, the county health department, and other affected entities such as public water systems; position(s) responsible for organizing crews for response; position(s) responsible for addressing public inquiries).

c. SSO and Surface Water Assessment

- (1) Identification of locations within the collection system at which an SSO is likely to occur (e.g., based upon historical SSOs, lift stations where electricity may be lost, etc.).
- (2) A map of the general collection system area, including identification of surface waterbodies and the location(s) of public drinking water source(s). Mapping of all collection system piping, pump stations, etc. is not required; however, if this information is already available, it should be included.
- (3) Identification of surface waterbodies within the collection system area which are classified as Swimming according to ADEM Admin. Code chap. 335-6-

11. References available to assist in this requirement include:  
<http://www.adem.alabama.gov/alEnviroRegLaws/files/Division6Vol1.pdf>  
and [http://gis.adem.alabama.gov/ADEM\\_Dash/use\\_class/index.html](http://gis.adem.alabama.gov/ADEM_Dash/use_class/index.html).

(4) Identification of surface waterbodies within the collection system area which are not classified as Swimming as indicated in paragraph (3) above, but are known locally as areas where swimming occurs or as areas that are heavily recreated.

d. Public Reporting of SSOs

(1) Contact information for the public to report an SSO to the Permittee, during both normal and outside of normal business hours (e.g., telephone number, website, email address, etc.).

(2) Information requested from the person reporting an SSO to assist the Permittee in identifying the SSO (e.g., date, time, location, contact information).

(3) Procedures for communication of the SSO report to the appropriate positions for follow-up investigation and response, if necessary.

e. Procedures to immediately notify the Department, the county health department, and other affected entities (such as public water systems) upon becoming aware of notifiable SSOs

f. Public Notification Methods for SSOs

(1) A listing of methods that are feasible, as determined by the Permittee, for public notifications (e.g., flyers distributed to nearby residents; signs posted at the location of the SSO, where the SSO enters a water of the state, and/or at a central public location; signs posted at fishing piers, boat launches, parks, swimming waterbodies, etc.; website and/or social media notifications; local print or radio and broadcast media notifications; "opt in" email, text message, or automated phone message notifications)



- (a) If signage is a feasible method for public notification, procedures for use and removal of signage (e.g., availability and maintenance of signs, appropriate duration of postings)
  - (2) Minimum information to be included in public notifications (e.g., identification that an SSO has occurred, date, duration if known, estimated volume if known, location of the SSO by street address or other appropriate method, initial destination of the SSO)
  - (3) Procedures developed by the Permittee for determining the appropriate public notification method(s) based upon the potential for public exposure to health risks associated with the SSO
- g. Standard Procedures shall be developed by the Permittee and shall include, at a minimum:
- (1) General SSO Response Procedures (e.g., procedures for dispatching staff to assess/correct an SSO; procedures for routine SSO corrective actions such as those for sewer blockages, overflowing manholes, line breakages, pump station power failure, etc.; procedures for disinfection of affected area, if applicable);
  - (2) Procedures for collection and proper disposal of the SSO, if feasible.
  - (3) General procedures for coordinating instream water quality monitoring, including, but not limited to, procedures for mobilizing staff, collecting samples, and typical test methods should the Department or the Permittee determine monitoring is appropriate following an SSO. Identification of a contractor who will collect and analyze the sample(s) may be listed in lieu of the procedures.
  - (4) References to other documents (such as Standard Operating Procedures for SSO Responses) may be acceptable for this section; however, the referenced document shall be identified and shall be reviewed at a frequency of at least that required by the Administrative Procedures Section.

- h. Date of the SSO Response Plan, dates of all modifications and/or reviews, the title and signature of the reviewer(s) for each date and the signature of the responsible official or the appropriate designee.
2. SSO Response Plan Implementation

Except as otherwise required by this Order, the Permittee shall fully implement the SSO Response Plan as soon as practicable, but no later than 180 days after the issuance of this Order.
3. Department Review of the SSO Response Plan
  - a. When requested by the Director or his designee, the Permittee shall make the SSO Response Plan available for review by the Department.
  - b. Upon review, the Director or his designee may notify the Permittee that the SSO Response Plan is deficient and require modification of the Plan.
  - c. Within thirty days of receipt of notification, or an alternate timeframe as approved by the Department, the Permittee shall modify any SSO Response Plan deficiency identified by the Director or his designee and shall certify to the Department that the modification has been made.
4. SSO Response Plan Administrative Procedures
  - a. The Permittee shall maintain a copy of the SSO Response Plan at the permitted facility or an alternate location approved by the Department in writing and shall make it available for inspection by the Department.
  - b. The Permittee shall make a copy of the SSO Response Plan available to the public upon written request within 30 days of such request. The Permittee may redact information which may present security issues, such as location of public water supplies, identification of specific details of vulnerabilities, employee information, etc.
  - c. The Permittee shall provide training for any personnel required to implement the SSO Response Plan and shall retain at the facility documentation of such training. This documentation shall be available for inspection by the

Department. Training shall be provided for existing personnel prior to the date by which implementation of the SSO Response Plan is required and for new personnel as soon as possible. Should significant revisions be made to the SSO Response Plan, training regarding the revisions shall be conducted as soon as possible.

- d. The Permittee shall complete a review and evaluation of the SSO Response Plan. Documentation of the SSO Response Plan review and evaluation shall be signed and dated by the responsible official or the appropriate designee as part of the SSO Response Plan.

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 include a plan for continued maintenance and assessment of the collection system to minimize future inflow and infiltration. 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 June 30, 2022.

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 Progress Reports shall also include the Permittee's progress towards the development and implementation of the SSO Response Plan as required by paragraph C. 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 E. coli, CBOD, and TSS no later than June 30, 2022.

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 July 30, 2022.

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 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 D, E, and H, the Department reserves the right to file a new action against the Permittee.

J. Cumulative stipulated penalties described in Paragraph I. above shall under no circumstances exceed \$15,000.00. Once stipulated penalties of \$15,000.00 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 28<sup>th</sup> 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 Priceville Lagoon 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.

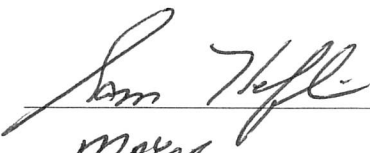
V. Except as otherwise set forth herein, this Consent Order is not and shall not be interpreted to be a permit or modification of an existing permit under Federal, State, or local law, and shall not be construed to waive or relieve the Permittee of its obligations to comply in the future with any permit.

Executed in duplicate, with each part being an original.

**TOWN OF PRICEVILLE**

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**EXECUTED AND ISSUED:**

By:   
Its: MAYOR  
Date: 3-18-21

By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

Attachment I  
 Permit Limitation Violations

Monitoring Period	Parameter	Limit	Reported	Unit	Violation Type	NCF Submitted?
May 2019	TSS	90	91.9	mg/L	Monthly Average	No*
August 2019	CBOD	52.1	69	lbs/day	Monthly Average	No
October 2019	TSS	90	106	mg/L	Monthly Average	No*
October 2019	CBOD	25	46	mg/L	Monthly Average	No*
November 2019	CBOD	25	71	mg/L	Monthly Average	No*
February 2020	E. coli	126	430	col/100mL	Monthly Average	No
February 2020	E. coli	235	430	col/100mL	Maximum Daily	No
February 2020	CBOD	52.1	53	lbs/day	Monthly Average	No
February 27, 2020	E. coli	235	3320	col/100mL	Maximum Daily	No**
March 2020	E. coli	126	130	col/100mL	Monthly Average	No
April 2020	E. coli	126	1300	col/100mL	Monthly Average	No
April 2020	E. coli	235	1300	col/100mL	Maximum Daily	No
July 2020	E. coli	126	160	col/100mL	Monthly Average	No
August 2020	E. coli	126	182	col/100mL	Monthly Average	Yes
September 2020	CBOD	25	65	mg/L	Monthly Average	Yes
September 2020	CBOD	37.5	65	mg/L	Weekly Average	Yes
September 2020	CBOD	52.1	118	lbs/day	Monthly Average	Yes
September 2020	CBOD	78.1	118	lbs/day	Weekly Average	Yes
October 2020	CBOD	25.0	52	mg/L	Monthly Average	Yes
October 2020	CBOD	37.5	52	mg/L	Weekly Average	Yes
October 2020	CBOD	52.1	91.3	lbs/day	Monthly Average	Yes
October 2020	CBOD	78.1	91.3	lbs/day	Weekly Average	Yes
October 2020	E.coli	126	798	col/100mL	Monthly Average	Yes
October 2020	E.coli	235	798	col/100mL	Daily Maximum	Yes
November 2020	CBOD	25.0	37	mg/L	Monthly Average	Yes



November 2020	CBOD	52.1	68.9	lbs/day	Monthly Average	Yes
November 2020	E.coli	126	1670	col/100mL	Monthly Average	Yes
November 2020	E.coli	235	1670	col/100mL	Daily Maximum	Yes
January 2021	TSS	90	248	mg/L	Monthly Average	Yes
January 2021	TSS	135	248	mg/L	Weekly Average	Yes
January 2021	TSS	187	493.4	lbs/day	Monthly Average	Yes
January 2021	TSS	281	493.4	lbs/day	Weekly Average	Yes
January 2021	CBOD	25	79	mg/L	Monthly Average	Yes
January 2021	CBOD	37.5	79	mg/L	Weekly Average	Yes
January 2021	CBOD	52.1	157	lbs/day	Monthly Average	Yes
January 2021	CBOD	78.1	157	lbs/day	Weekly Average	Yes

\* Additional sample result not reported on DMR but included in NOV response

\*\*Sample result obtained by ADEM during a Compliance Sampling Inspection

Attachment II  
 Sanitary Sewer Overflows

<u>Date</u>	<u>Location</u>	<u>Amount</u>	<u>Cause</u>	<u>Destination</u>
12/23/2019	332 Pine Street- Priceville, AL 35603	1,000 < gallons <=10,000	Significant rain event in excess of 4 inches over a period of 20 hours, flooding, infiltration.	Drainage Ditch/ Tennessee River
1/3/2020	332 Pine Street Priceville, AL 35603	10,000 < gallons <= 25,000	Significant rain event excess of 5 inches over a 24 hour period. flooding / infiltration	Drainage Ditch/ Tennessee River
2/10/2020	332 Pine Street Priceville, AL 35603	10,000 < gallons <= 25,000	Significant rain event in excess of 4 inches over a 12 hour period	Drainage Ditch/ Tennessee River
2/13/2020	332 Pine St. Priceville, AL 35603	1,000 < gallons <=10,000	Continuous rain event in excess of 2-3 inches in a 12 hour period.	Drainage Ditch/ Tennessee River
4/13/2020	15 Eagle Wing Drive Priceville, AL 35603	<=1,000 gallons	Pump failure in downstream lift station during a severe thunderstorm.	Storm Drain/ Tennessee River
10/29/2020	256 Old Branch Rd - Priceville, AL	1,000 < gallons <=10,000	Broken influent line that was damaged by power company while installing a power pole.	Drainage Ditch

Attachment III

Town of Priceville  
 Priceville Lagoon  
 Priceville, Morgan County, Alabama  
 NPDES Permit No. AL0060577

Violation*	Number of Violations*	(A)	(B)	(C)
		Seriousness of Violation*	Standard of Care*	History of Previous Violations*
Permit Limitation Violations	36	\$ 8,900.00	\$ -	\$ -
Sanitary Sewer Overflows	6	\$ 2,200.00	\$ -	\$ 300.00
Failure to Properly Operate and Maintain the Facility	1	\$ 1,500.00	\$ 500.00	\$ -
Failure to Submit Sampling Results	6	\$ 3,000.00	\$ 1,500.00	\$ -
Failure to Maintain Sampling Records	1	\$ 500.00	\$ 250.00	

\$16,100.00	\$2,250.00	\$300.00
<b>Total (A)</b>	<b>Total (B)</b>	<b>Total (C)</b>
<b>Base Penalty Total</b> [Total (A) + Total (B) + Total (C)]		<b>\$18,650.00</b>
<b>Mitigating Factors (-)</b>		
<b>Economic Benefit (+)</b>		
<b>Ability to Pay (-)</b>		<b>-\$5,950.00</b>
<b>Other Factors (+/-)</b>		
<b>INITIAL PENALTY</b>		<b>\$12,700.00</b>
<b>Total Adjustments (+/-)</b>		<b>\$0.00</b>
<b>FINAL PENALTY</b>		<b>\$12,700.00</b>

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

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

Footnotes

\*See the "Stipulations" portion of the Order for a detailed description of each violation and the penalty factors