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ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NOV 06 2023

IND/MUN BRANCH WATER DIVISION

IN THE MATTER OF:
City of Talladega
Talladega Brecon WWTP
Talladega, Talladega County, Alabama
NPDES PERMIT NO. AL0022349

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 City of Talladega ("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 plant ("WWTP") known as the Talladega Brecon WWTP, located at 525 Welch Avenue, in Talladega, Talladega 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. AL0022349 ("the Permit") to the Permittee on January 25, 2017, effective March 1, 2017 and modified April 26, 2019. The permit was again reissued to the Permittee on December 22, 2022 and effective January 1, 2023, establishing limitations on the discharge of pollutants from a point source, designated therein as outfall number 001, to an Unnamed Tributary to Kelly

Creek, 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. The DMRs for the October 2022 and November 2022 monitoring periods indicate that the discharges from Outfall 001 were not monitored as required by the Permit. Total Recoverable Copper and Total Recoverable Thallium parameters are required to be monitored monthly. The DMR submitted for the monitoring period of October 2022 indicates that Total Recoverable Copper and Total Recoverable Thallium were not monitored monthly. The DMR for the October 2022 monitoring period included \*E (Analysis not Conducted/No Sample). Chronic Ceriodaphnia Toxicity and Chronic Pimephales Toxicity tests were required to be conducted in November 2022. The DMR submitted for the November 2022 monitoring period indicates that Chronic Ceriodaphnia Toxicity and Chronic Pimephales Toxicity tests were not conducted. The November 2022 Toxicity DMR included \*E (Analysis not Conducted/No Sample); however, Departmental records indicate that Chronic Ceriodaphnia Toxicity and Chronic Pimephales Toxicity tests were conducted in January 2023.

6. Permit Condition I.A. requires that discharges be limited and monitored as specified in the Permit. For the monitoring periods listed in Attachment 1, the Permittee submitted DMRs to the Department indicating that the Permittee has discharged pollutants from Outfall 001 into an Unnamed Tributary to Kelly Creek, a water of the State, in violation of its Permit limitations for pH, Total Ammonia Nitrogen (“NH<sub>3</sub>N”), Total Suspended Solids (“TSS”), E.coli, Five-Day Carbonaceous Biochemical Oxygen Demand (“CBOD<sub>5</sub>”), CBOD<sub>5</sub> Percent Removal (“CBOD<sub>5</sub> % Removal”), and TSS Percent Removal (“TSS % Removal”).

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

discharge monitoring report after becoming aware of the noncompliance. Permit Condition I.C.2.c requires that Form 421 be submitted in accordance with Permit Condition I.C.2.b. The Department has not received noncompliance notification reports for the April 2023 and May 2023 monitoring periods.

8. The Department issued a Warning Letter (“WL”) to the Permittee on July 15, 2020, for permit limitation noncompliances including NH<sub>3</sub>N, pH, TSS, CBOD<sub>5</sub>, CBOD<sub>5</sub> % Removal, and TSS % Removal. The WL required the Permittee to submit to the Department a written report describing the steps that had been or would be taken to correct noncompliances with the Permit. The Permittee submitted a response to the WL on August 13, 2020.

9. The Department issued a Notice of Violation (“NOV”) to the Permittee on September 9, 2021, for permit limitation violations including pH, NH<sub>3</sub>N, E. coli, CBOD<sub>5</sub>, TSS, CBOD<sub>5</sub> % Removal, and TSS % Removal. The NOV required the Permittee to submit to the Department an Engineering Report prepared by an engineer registered and authorized to practice in the State of Alabama describing the steps that had been or would be taken to correct violations of its Permit. The Permittee submitted to the Department an Engineering Report on October 21, 2021.

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

11. 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 2), 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 monitoring the discharges as required by the Permit. 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 Permittee has not alleged an inability to pay the civil 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 2.

**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 \$10,000.00 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. 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 sixty 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 March 31, 2024.

D. The Permittee shall prepare and submit detailed monthly 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 ninety days after issuance of this Consent Order and continuing every thirty 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.

E. The Permittee shall fully comply with the Permit limitations for pH, NH<sub>3</sub>N, TSS, E.coli, CBOD<sub>5</sub>, CBOD<sub>5</sub> % Removal, and TSS % Removal not later than March 31, 2024. Until said date, Permittee shall take all reasonable measures to minimize these pollutants to the maximum extent practicable.

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

G. 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 April 30, 2024.

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

I. Cumulative stipulated penalties described in Paragraph H 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.

J. 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.

K. 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.

L. 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.

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

N. 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.

O. 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 Talladega Brecon WWTP 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.

P. 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.

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

R. 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.

S. 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.

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

U. 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.

**CITY OF TALLADEGA**

**ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT**

**EXECUTED AND ISSUED:**

**By:** Debbie K.

**By:** \_\_\_\_\_

**Its:** City Manager

**Its:** \_\_\_\_\_

**Date:** 10-27-23

**Date:** \_\_\_\_\_

Attachment 1

Permit Limitation Violations

Monitoring Period	Outfall	Parameter	Limit	Reported	Unit	Violation Type
January 2022	001-1	TSS % Removal	85.0	79.9	%	Monthly Average Minimum
February 2022	001-1	CBOD <sub>5</sub> , % Removal	85.0	67	%	Monthly Average Minimum
February 2022	001-1	CBOD <sub>5</sub>	50.0	57	lbs/day	Monthly Average
February 2022	001-1	CBOD <sub>5</sub>	75.0	91	lbs/day	Weekly Average
February 2022	001-1	NH <sub>3</sub> N	16.6	34.6	lbs/day	Monthly Average
February 2022	001-1	NH <sub>3</sub> N	4.0	4.98	mg/l	Monthly Average
February 2022	001-1	NH <sub>3</sub> N	25.0	39.8	lbs/day	Weekly Average
February 2022	001-1	NH <sub>3</sub> N	6.0	6.43	mg/l	Weekly Average
February 2022	001-1	TSS % Removal	85.0	70	%	Monthly Average Minimum
February 2022	001-1	TSS	187	193	lbs/day	Weekly Average
March 2022	001-1	NH <sub>3</sub> N	16.6	24.9	lbs/day	Monthly Average
March 2022	001-1	NH <sub>3</sub> N	6.0	7.50	mg/l	Weekly Average
March 2022	001-1	NH <sub>3</sub> N	25.0	40.8	lbs/day	Weekly Average
March 2022	001-1	TSS % Removal	85.0	79.1	%	Monthly Average Minimum
April 2022	001-1	TSS % Removal	85.0	76.5	%	Monthly Average Minimum
May 2022	001-1	CBOD <sub>5</sub>	4.0	4.7	mg/l	Monthly Average
May 2022	001-1	E. Coli	298	3000	col/100mL	Maximum Daily
May 2022	001-1	E. Coli	126	327	col/100mL	Monthly Average
May 2022	001-1	NH <sub>3</sub> N	1.5	2.25	mg/l	Monthly Average
May 2022	001-1	NH <sub>3</sub> N	2.2	4.07	mg/l	Weekly Average
May 2022	001-1	TSS	187	189	lbs/day	Weekly Average
June 2022	001-1	CBOD <sub>5</sub>	4.0	11.9	mg/l	Monthly Average
June 2022	001-1	CBOD <sub>5</sub>	16.6	30	lbs/day	Monthly Average
June 2022	001-1	CBOD <sub>5</sub>	25.0	56	lbs/day	Weekly Average
June 2022	001-1	CBOD <sub>5</sub>	6.0	15.3	mg/l	Weekly Average
June 2022	001-1	E. Coli	298	4500	col/100mL	Maximum Daily
June 2022	001-1	E. Coli	126	885	col/100mL	Monthly Average

Monitoring Period	Outfall	Parameter	Limit	Reported	Unit	Violation Type
June 2022	001-1	NH <sub>3</sub> N	1.5	16.24	mg/l	Monthly Average
June 2022	001-1	NH <sub>3</sub> N	6.3	39.6	lbs/day	Monthly Average
June 2022	001-1	NH <sub>3</sub> N	9.4	64.8	lbs/day	Weekly Average
June 2022	001-1	NH <sub>3</sub> N	2.2	19.70	mg/l	Weekly Average
June 2022	001-1	TSS % Removal	85.0	84.4	%	Monthly Average Minimum
June 2022	001-1	TSS	125	217	lbs/day	Monthly Average
June 2022	001-1	TSS	30.0	73.5	mg/l	Monthly Average
June 2022	001-1	TSS	45.0	89.7	mg/l	Weekly Average
June 2022	001-1	TSS	187	482	lbs/day	Weekly Average
July 2022	001-1	CBOD <sub>5</sub>	4.0	8.8	mg/l	Monthly Average
July 2022	001-1	CBOD <sub>5</sub>	25.0	30	lbs/day	Weekly Average
July 2022	001-1	CBOD <sub>5</sub>	6.0	15.3	mg/l	Weekly Average
July 2022	001-1	E. Coli	298	3625	col/100mL	Maximum Daily
July 2022	001-1	E. Coli	126	595	col/100mL	Monthly Average
July 2022	001-1	NH <sub>3</sub> N	1.5	7.21	mg/l	Monthly Average
July 2022	001-1	NH <sub>3</sub> N	6.3	11.8	lbs/day	Monthly Average
July 2022	001-1	NH <sub>3</sub> N	9.4	33.6	lbs/day	Weekly Average
July 2022	001-1	NH <sub>3</sub> N	2.2	18.77	mg/l	Weekly Average
July 2022	001-1	pH	6.0	5.92	S.U.	Minimum Daily
July 2022	001-1	TSS	30.0	64.5	mg/l	Monthly Average
July 2022	001-1	TSS	45.0	138.7	mg/l	Weekly Average
July 2022	001-1	TSS	187	227	lbs/day	Weekly Average
September 2022	001-1	CBOD <sub>5</sub>	16.6	24	lbs/day	Monthly Average
September 2022	001-1	CBOD <sub>5</sub>	4.0	15.5	mg/l	Monthly Average
September 2022	001-1	CBOD <sub>5</sub>	6.0	37.6	mg/l	Weekly Average
September 2022	001-1	CBOD <sub>5</sub>	25.0	54	lbs/day	Weekly Average
September 2022	001-1	NH <sub>3</sub> N	6.3	13.9	lbs/day	Monthly Average
September 2022	001-1	NH <sub>3</sub> N	1.5	9.25	mg/l	Monthly Average
September 2022	001-1	NH <sub>3</sub> N	9.4	20.7	lbs/day	Weekly Average
September 2022	001-1	NH <sub>3</sub> N	2.2	14.67	mg/l	Weekly Average
October 2022	001-1	CBOD <sub>5</sub>	4.0	6.52	mg/l	Monthly Average
October 2022	001-1	CBOD <sub>5</sub>	6.0	16.62	mg/l	Weekly Average
October 2022	001-1	CBOD <sub>5</sub>	25.0	29.519	lbs/day	Weekly Average

Monitoring Period	Outfall	Parameter	Limit	Reported	Unit	Violation Type
October 2022	001-1	E. Coli	126	144	col/100mL	Monthly Average
October 2022	001-1	NH <sub>3</sub> N	6.3	14.687	lbs/day	Monthly Average
October 2022	001-1	NH <sub>3</sub> N	1.5	8.015	mg/l	Monthly Average
October 2022	001-1	NH <sub>3</sub> N	2.2	21.267	mg/l	Weekly Average
October 2022	001-1	NH <sub>3</sub> N	9.4	35.882	lbs/day	Weekly Average
October 2022	001-1	TSS	45.0	65.83	mg/l	Weekly Average
November 2022	001-1	NH <sub>3</sub> N	4.0	5.385	mg/l	Monthly Average
November 2022	001-1	NH <sub>3</sub> N	25.0	30.136	lbs/day	Weekly Average
November 2022	001-1	NH <sub>3</sub> N	6.0	18.900	mg/l	Weekly Average
November 2022	001-1	TSS	30.0	33.95	mg/l	Monthly Average
November 2022	001-1	TSS	45.0	46.75	mg/l	Weekly Average
November 2022	001-1	TSS	187	339.269	lbs/day	Weekly Average
January 2023	001-1	TSS	125	165.335	lbs/day	Monthly Average
January 2023	001-1	TSS	45.0	53.00	mg/l	Weekly Average
January 2023	001-1	TSS	187	770.883	lbs/day	Weekly Average
February 2023	001-1	TSS	187	278.133	lbs/day	Weekly Average
March 2023	001-1	NH <sub>3</sub> N	25.0	28.864	lbs/day	Weekly Average
April 2023	001-1	CBOD <sub>5</sub>	25.0	33.625	lbs/day	Weekly Average
May 2023	001-1	TSS	187	242.33	lbs/day	Weekly Average
May 2023	001-1	NH <sub>3</sub> N	6.3	19.162	lbs/day	Monthly Average
May 2023	001-1	NH <sub>3</sub> N	1.5	2.328	mg/l	Monthly Average
May 2023	001-1	NH <sub>3</sub> N	2.2	5.415	mg/l	Weekly Average
May 2023	001-1	NH <sub>3</sub> N	9.4	32.192	lbs/day	Weekly Average
May 2023	001-1	CBOD <sub>5</sub>	16.6	51.435	lbs/day	Monthly Average
May 2023	001-1	CBOD <sub>5</sub>	4.0	6.15	mg/l	Monthly Average
May 2023	001-1	CBOD <sub>5</sub>	6.0	11.10	mg/l	Weekly Average
May 2023	001-1	CBOD <sub>5</sub>	25.0	106.621	lbs/day	Weekly Average
June 2023	001-1	NH <sub>3</sub> N	1.5	2.462	mg/l	Monthly Average
June 2023	001-1	NH <sub>3</sub> N	2.2	5.324	mg/l	Weekly Average
June 2023	001-1	NH <sub>3</sub> N	9.4	16.258	lbs/day	Weekly Average

NH<sub>3</sub>N = Total Ammonia Nitrogen

TSS = Total Suspended Solids

CBOD<sub>5</sub> = Five-Day Carbonaceous Biochemical Oxygen Demand

**Attachment 2**


**City of Talladega  
Talladega Brecon WWTP  
Talladega, Talladega County, Alabama  
NPDES Permit No. AL0022349**

Violation*	Number of Violations*	(A)	(B)	(C)
		Seriousness of Violation*	Standard of Care*	History of Previous Violations*
Permit Effluent Violations	90	\$ 14,500.00	\$ -	\$ 4,500.00
Failure to Monitor in Accordance with the Permit	2	\$ 400.00	\$ 200.00	\$ 100.00

\$14,900.00	\$200.00	\$4,600.00
<b>Total (A)</b>	<b>Total (B)</b>	<b>Total (C)</b>
<b>Base Penalty Total</b> [Total (A) + Total (B) + Total (C)]		\$19,700.00
<b>Mitigating Factors (-)</b>		
<b>Economic Benefit (+)</b>		
<b>Ability to Pay (-)</b>		
<b>Other Factors (+/-)</b>		
<b>INITIAL PENALTY</b>		\$19,700.00
<b>Total Adjustments (+/-)</b>		-\$9,700.00
<b>FINAL PENALTY</b>		\$10,000.00

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

<b>Mitigating Factors (-)</b>	
<b>Economic Benefit (+)</b>	
<b>Ability to Pay (-)</b>	
<b>Other Factors (+/-)</b>	-\$9,700.00
<b>Total Adjustments (+/-)</b>	-\$9,700.00



Footnotes

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