

LANCE R. LEFLEUR
DIRECTOR



Alabama Department of Environmental Management
adem.alabama.gov

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Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

ROBERT J. BENTLEY
GOVERNOR

JUNE 8, 2016

CERTIFIED MAIL 91 7199 9991 7032 3171 5360
RETURN RECEIPT REQUESTED

Mr. David Grice
General Manager
City of Clio
3311 Elamville Street
Clio, AL 36017

RE: Consent Order No: 16-061-CWP
NPDES Permit AL0067181
Clio Lagoon
Shipman Road
Clio, AL 36017
Barbour County (005)

Dear Mr. Grice:

Please find the enclosed ADEM Consent Order No. 16-061-CWP which requires you to take certain actions at the Clio Lagoon location at Shipman Road, in Clio, AL in regard to alleged violations of the Alabama Water Pollution Control Act. This Consent Order has been issued with the consent of the City of Clio.

Sincerely,

Glenda L. Dean, Chief
Water Division

GLD/mfc

File: ECO/16-061-CWP

Enclosure

cc: Tom Johnston/ADEM, Office of General Counsel
Carrie Blanton/ADEM, Office of General Counsel
Daphne Lutz/ADEM, Industrial Municipal Branch/Water Division
Emily Anderson/ADEM, Industrial Municipal Branch/Water Division
Shanda Torbert/ADEM, Industrial Municipal Branch/Water Division

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
3664 Dauphin Street, Suite B
Mobile, AL 36608
(251) 304-1176
(251) 304-1189 (FAX)

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:)

City of Clio)

Clio Lagoon)

Clio, Barbour County, Alabama)

NPDES PERMIT NO. AL0067181)

Consent Order No. 16-061-CWP

PREAMBLE

This Special Order by Consent is made and entered into by the Alabama Department of Environmental Management (hereinafter "the Department") and the City of Clio (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 Clio Lagoon, located on Shipman Road, in Clio, Barbour 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. AL0067181 (hereinafter "the Permit") to the Permittee on August 28, 2009, effective September 1, 2009, establishing limitations on the discharge of pollutants from a point source, designated therein as outfall number 0011, to the Pear River, a water of the state. The Department again reissued the Permit on September 24, 2014, effective October 1, 2014, establishing limitations on the discharge of pollutants from the same point

source, Outfall 0011, to Pea River, 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 I.A requires that discharges be limited and monitored as specified in the Permit. For the monitoring periods included in Attachment 1, DMRs submitted to the Department by the Permittee indicate that the Permittee has discharged pollutants from Outfall 0011 into the Pea River in violation of the limits imposed by the Permit. The months the permit limitation violations occurred along with the parameters violated are listed in Attachment 1.

6. Permit Condition I.C.1.b requires that DMRs be submitted as specified in the Permit. Permit Condition I.C.1.b.1 states that monthly DMRs are due to the Department on the 28th day of the month following the monitoring period. The Permittee failed to submit DMRs for the monitoring periods listed in Attachment 2 in violation of Permit Condition I.C.1.b.

7. Permit Condition I.C.1.b requires that DMRs be submitted as specified in the Permit. Permit Conditions I.C.1.b.1 states that monthly DMRs are due to the Department on the 28th day of the month following the monitoring period. The Department received the DMRs listed in Attachment 3 were submitted after the required due dates, in violation of Permit Condition I.C.1.b.1.

8. Permit Condition I.C.1 requires that monitoring required more frequently than monthly and monthly shall be conducted during the first full month following the effective date of coverage under the Permit and every month thereafter, and that monitoring be submitted on a monthly basis. The DMRs submitted for the monitoring periods listed in Attachment 4 did not include the listed monitoring data.

9. Permit Condition I.C.2.b requires that a noncompliance notification report be submitted to the Department should a discharge not comply with any limitation of the permit. Noncompliance notification reports are to be submitted to the Department with the next DMR

after becoming aware of the noncompliance. The Permittee failed to submit a Noncompliance Notification Form for the effluent violations listed in Attachment 1, in violation of the Permit.

10. The Department issued a Notice of Violation (hereinafter "NOV") to the Permittee on October 24, 2011, for permit limitation violations, missing DMRs, and missing DMR data. The NOV required that the Permittee submit to the Department, within thirty days of receipt of the NOV, Noncompliance Notification forms, DMRs, missing data, and a written report describing the steps taken to correct the violations. The Permittee submitted DMRs to the Department on December 21, 2011; however, the Permittee failed to submit the remainder of information required by the NOV. On December 20, 2011, the Department contacted the Permittee by email to again request the information that the Permittee had not submitted as required by the NOV. On June 26, 2012, the Department sent a letter to the Permittee requesting the written report and the missing data required by the NOV, missing data from June 2011, and missing DMRs from November 2011 through April 2012. The letter also informed the Permittee that its self-generated DMRs were not consistent with the preprinted DMRs supplied by the Department. The Permittee has failed to submit all the information required by the October 24, 2011, NOV, nor has it submitted all additional information requested in the June 26, 2012, letter, in violation of Ala. Code § 22-22-9(e) (2006 Rplc. Vol.) and the Permit.

11. Permit condition II.E.1.a requires that either an application for permit renewal or a written notification of intent to discontinue discharging beyond the Permit's expiration date shall be submitted to the Department at least 180 days prior to its expiration. The application for permit renewal or notification of discontinuance was due to the Department on March 5, 2014. The Department received a complete application late on April 11, 2014, in violation of Permit condition II.E.1.a.

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

13. 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 5), 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 avoided some of the violations cited herein by submitting timely and complete 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: As noted herein, 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 some 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 5.

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 \$8,650.00 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 submit all missing DMRs listed in Attachment 2 through the E2 Program. If the Permittee did not collect and analyze samples for the parameters included in the required DMRs, the Permittee should submit the DMRs with the notation "NODI = E" (*E if submitted via eDMR) which indicates analysis was not conducted or no sample was collected. These reports shall be submitted so that they are received by the Department through the E2 Program no later than 30 days after the effective date 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 730 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 Total Ammonia Nitrogen and Carbonaceous Biochemical Oxygen Demand within 730 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 760 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 I 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 Clio 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.

CITY OF CLIO

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

EXECUTED AND ISSUED:

By:



Its:

Mayor

Date:

4-1-2016

By:



Its:

Deputy Director

Date:

JUNE 8, 2016

Attachment 1: Effluent Violations

Facility Name: Clio Lagoon

Permit Number: AL0067181

Monitoring Period	Parameter	Average, Max, Min.	Units	Permit Limits	Sample Result	Form 421
April 2014	FC	Daily Max.	col/ 100 mL	2000	2700.0	No
April 2014	NH3-N	Monthly Avg.	mg/L	15.0	15.6	No
April 2014	NH3-N	Weekly Avg.	mg/L	22.5	24.6	No
May 2014	CBOD	Monthly Avg.	mg/L	25.0	48.0	No
May 2014	CBOD	Weekly Avg.	mg/L	37.5	67.4	No
May 2014	TRC	Daily Max.	mg/L	0.18	0.2	No
May 2014	FC	Daily Max.	col/ 100 mL	2000	6000	No
May 2014	NH3-N	Monthly Avg.	mg/L	15.0	37.8	No
May 2014	NH3-N	Weekly Avg.	mg/L	22.5	45.1	No
June 2014	NH3-N	Monthly Avg.	mg/L	15.0	16.0	No
October 2014	CBOD	Monthly Avg.	mg/L	11.0	13	No
October 2014	CBOD	Weekly Avg.	mg/L	16.5	17.8	No
October 2014	NH3-N	Weekly Avg.	lbs/day	15.0	16.1	No
October 2014	NH3-N	Monthly Avg.	mg/L	3.0	7	No
October 2014	NH3-N	Weekly Avg.	mg/L	4.5	14	No
November 2014	NH3-N	Monthly Avg.	lbs/day	10.0	15.0	No
November 2014	NH3-N	Weekly Avg.	lbs/day	15.0	25	No
November 2014	NH3-N	Monthly Avg.	mg/L	3.0	12	No
November 2014	NH3-N	Weekly Avg.	mg/L	4.5	20	No
December 2014	CBOD	Monthly Avg.	mg/L	11.0	13.1	No
December 2014	E. coli	Daily Max.	col/ 100 mL	2507	3300	No
January 2015	NH3-N	Monthly Avg.	mg/L	3.0	4.3	No
January 2015	NH3-N	Weekly Avg.	mg/L	4.5	5.8	No
February 2015	NH3-N	Monthly Avg.	mg/L	3.0	4	No
February 2015	NH3-N	Weekly Avg.	mg/L	4.5	5	No
March 2015	CBOD	Monthly Avg.	mg/L	11.0	15	No
March 2015	CBOD	Weekly Avg.	mg/L	16.5	21	No
March 2015	NH3-N	Monthly Avg.	lbs/day	10.0	25	No
March 2015	NH3-N	Weekly Avg.	lbs/day	15.0	43	No
March 2015	NH3-N	Monthly Avg.	mg/L	3.0	27	No
March 2015	NH3-N	Weekly Avg.	mg/L	4.5	46	No
April 2015	CBOD	Monthly Avg.	mg/L	11.0	17	No
April 2015	CBOD	Weekly Avg.	mg/L	16.5	29	No
April 2015	NH3-N	Monthly Avg.	lbs/day	10.0	35	No
April 2015	NH3-N	Weekly Avg.	lbs/day	15.0	35	No
April 2015	NH3-N	Monthly Avg.	mg/L	3.0	29	No
April 2015	NH3-N	Weekly Avg.	mg/L	4.5	29	No
May 2015	CBOD	Monthly Avg.	mg/L	11.0	15	No
May 2015	CBOD	Weekly Avg.	mg/L	16.5	20	No
May 2015	NH3-N	Monthly Avg.	lbs/day	10.0	21	No
May 2015	NH3-N	Weekly Avg.	lbs/day	15.0	33	No
May 2015	NH3-N	Monthly Avg.	mg/L	3.0	19	No

Monitoring Period	Parameter	Average, Max, Min.	Units	Permit Limits	Sample Result	Form 421
May 2015	NH3-N	Weekly Avg.	mg/L	4.5	30	No
June 2015	CBOD	Monthly Avg.	mg/L	11.0	13	No
June 2015	NH3-N	Monthly Avg.	lbs/day	10.0	17.8	No
June 2015	NH3-N	Weekly Avg.	lbs/day	15.0	17.8	No
June 2015	NH3-N	Monthly Avg.	mg/L	3.0	16	No
June 2015	NH3-N	Weekly Avg.	mg/L	4.5	16	No
August 2015	CBOD	Monthly Avg.	mg/L	11.0	13	No

Attachment 2: Missing DMRs

Facility Name: Clio Lagoon

Permit Number: AL0067181

Monitoring Period	Outfall	Due Date
October 2014-December 2014	001Q	1/28/2015
January 2015-March 2015	001Q	4/28/2015
April 2015 - June 2015	001Q	7/28/2015
July 2015	0011	8/28/2015
September 2015	0011	9/28/2015
July 2015 - September 2015	001Q	9/28/2015
October 2015	0011	11/28/2015
November 2015	0011	12/28/2015
December 2015	0011	1/28/2016
October 2015-December 2015	001Q	1/28/2016
January 2016	0011	2/28/2016

Attachment 3: Late DMR Violations

Facility Name: Clio Lagoon

Permit Number: AL0067181

Monitoring Period	Outfall	Due Date	Received Date	Days Late
April 2014	0011	5/28/2014	10/15/2015	505
May 2014	0011	6/28/2014	10/15/2015	474
June 2014	0011	7/28/2014	10/15/2015	444
July 2014	0011	8/28/2014	10/15/2015	413
August 2014	0011	9/28/2014	10/15/2015	382
September 2014	0011	10/28/2014	10/15/2015	352
October 2014	0011	11/28/2014	7/25/2015	239
November 2014	0011	12/28/2014	7/25/2015	209
December 2014	0011	1/28/2014	7/25/2015	178
January 2015	0011	2/28/2015	7/24/2015	146
February 2015	0011	3/28/2015	7/24/2015	118
March 2015	0011	4/28/2015	7/24/2015	87
April 2015	0011	5/28/2015	7/24/2015	57
May 2015	0011	6/28/2015	7/24/2015	26
August 2015	0011	9/28/2015	10/2/2015	4

Attachment 4: Missing DMR Data

Facility Name: Clio Lagoon

Permit Number: AL0067181

Monitoring Period	Outfall	Parameter	Average, Max, Min.	Units
June 2014	0011	Flow	Monthly Avg.	MGD
June 2014	0011	Flow	Daily Max.	MGD
June 2014	0011	CBOD % Removal	Monthly Avg. Min.	Percent
June 2014	0011	TSS % Removal	Monthly Avg. Min.	Percent
August 2014	0011	TSS	Monthly Avg.	mg/L
August 2014	0011	TSS	Weekly Avg.	mg/L
August 2014	0011	CBOD	Monthly Avg.	mg/L
August 2014	0011	CBOD	Weekly Avg.	mg/L
September 2014	0011	Flow	Monthly Avg.	MGD
September 2014	0011	Flow	Daily Max.	MGD
September 2014	0011	FC	Monthly Avg.	col/ 100 mL
September 2014	0011	CBOD % Removal	Monthly Avg. Min.	Percent
September 2014	0011	TSS % Removal	Monthly Avg. Min.	Percent

Attachment 5

**City of Clio
Clio Lagoon
Clio, Barbour County, Alabama
NPDES Permit No. AL0067181**

Violation*	Number of Violations*	(A)	(B)	(C)
		Seriousness of Violation*	Standard of Care*	History of Previous Violations*
Permit Limitation Violations	49	\$7,800.00	\$0.00	\$2,500.00
Late Submittal of DMRs (>30 days late)	13	\$1,300.00	\$650.00	\$650.00
Failure to Submit DMRs	9	\$3,300.00	\$1,500.00	\$1,500.00
Submittal of Incomplete DMRs	3	\$150.00	\$150.00	\$150.00

\$12,550.00	\$2,300.00	\$4,800.00
Total (A)	Total (B)	Total (C)

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

Base Penalty Total [Total (A) + Total (B) + Total (C)]	\$19,650.00
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Mitigating Factors (-)

Economic Benefit (+)

Ability to Pay (-)

\$11,000.00

Other Factors (+/-)

INITIAL PENALTY

\$8,650.00

Total Adjustments (+/-)

\$0.00

FINAL PENALTY

\$8,650.00

Footnotes

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