

LANCE R. LEFLEUR
DIRECTOR



Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

ROBERT J. BENTLEY
GOVERNOR

SEP - 5 2014

CERTIFIED MAIL #91 7108 2133 3936 7223 9063
RETURN RECEIPT REQUESTED

Mr. Roger Conner
Utilities Director
Phenix City Department of Public Utilities
Phenix City WWTP
1119 Broad Street
Phenix City, Alabama 36868

RE: Consent Order No. 14-104-CWP
NPDES Permit AL0022209
Phenix City WWTP
Russell County (113)

Dear Mr. Conner:

Please find the enclosed ADEM Consent Order No. 14-104-CWP which requires you to take certain actions at the Phenix City WWTP at 1600 E. State Docks Road in Phenix City, AL in regard to alleged violations of the Alabama Water Pollution Control Act. This Consent Order has been issued with the consent of Phenix City Department of Public Utilities/Phenix City WWTP. Please note that the assessed civil penalty is due within 45 days.

Sincerely,

Glenda L. Dean

Glenda L. Dean, Chief
Water Division

GLD/kbj

File: ECO/14-104-CWP

Enclosure

cc: Tom Johnston/ADEM, Office of General Counsel
Schuyler Espy/ADEM, Office of General Counsel
Daphne Smart/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:)
)
Phenix City Department)
of Public Utilities)
Phenix City WWTP)
Phenix City, Russell County, Alabama)
)
<u>NPDES PERMIT NO. AL0022209</u>)

Consent Order No. 14-104-CWP

PREAMBLE

This Special Order by Consent is made and entered into by the Alabama Department of Environmental Management (hereinafter "the Department") and the Phenix City Department of Public Utilities (hereinafter "the Permittee") pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-16 (2006 Rplc. Vol.), 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, and § 402 of the Federal Water Pollution Control Act, 33 U.S.C. § 1342.

STIPULATIONS

1. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 to 22-22A-16 (2006 Rplc. Vol.).
2. 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 and 33 U.S.C. §§ 1251 to 1387. In addition, the Department is authorized to administer and enforce the provisions of the AWPCA, Ala. Code §§ 22-22-1 to 22-22-14 (2006 Rplc. Vol.).
3. The Permittee operates a wastewater treatment plant (hereinafter "WWTP"), known as the Phenix City WWTP, located at 1600 East State Docks Road, in Phenix City, Russell County, Alabama.

4. The Department reissued National Pollutant Discharge Elimination System (hereinafter "NPDES") Permit No. AL0022209 (hereinafter "the Permit") to the Permittee on May 27, 2009, effective June 1, 2009, establishing limitations on the discharge of pollutants from point sources, designated therein as outfall numbers 001 and 002, to the Chattahoochee 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. The DMRs submitted to the Department by the Permittee indicate that the Permittee has discharged pollutants from Outfall 0011 into the Chattahoochee River in violation of the limits imposed by the Permit. The months the violations occurred along with the parameters violated are listed in Attachment 1.

6. Permit Condition I.C.2.b requires the Permittee to submit a noncompliance notification report 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 noncompliance notification reports submitted for the July through November 2013 monitoring periods do not include all limitation violations listed on the respective DMRs, as indicated in Attachment 1.

7. 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 April through June 2013 Quarterly DMR (Outfall 001Q) was due on July 28, 2013. The Department received the DMR from the Permittee late on November 16, 2013.

8. Permit Condition I.C.1 requires that quarterly monitoring shall be conducted during the first full calendar quarter following the effective date of the coverage under the Permit and every quarter thereafter, and that monitoring be submitted with last DMR due for the quarter

(i.e. March, June, September, and December DMRs). The DMR submitted for the January through March 2012 quarterly monitoring period indicated that samples were not collected for Total Recoverable Thallium, Benzo(a)pyrene, Benzo(a)anthracene, and Benzedrine analysis due to a clerical error.

9. Ala. Code §22-22-9(i) (3) (2006 Rplc. Vol.) requires that a permit be obtained prior to discharging any new or increased pollution into any water of the state. The sanitary sewer overflows (hereinafter “SSOs”) listed in Attachment 2 indicate that wastewater in the form of SSOs was discharged without a permit.

10. Permit Condition I.B.7 requires all equipment and instrumentation used to determine compliance with the requirements of the permit shall be installed, maintained, and calibrated in accordance with the manufacturer’s instructions or, in the absence of the manufacturer’s instructions, in accordance with accepted practices. At a minimum, flow measurement devices shall be calibrated at least once every twelve (12) months. In addition, Permit Condition II.A.1. requires the Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are properly installed or used by the Permittee to achieve compliance with conditions of the Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The Department’s Field Office conducted inspections of the WWTP on April 9, 2012, and April 1, 2013. During the April 9, 2012, inspection, the following deficiencies were noted:

- The facility did not have a Best Management Practice (hereinafter “BMP”) in place for storm water runoff.
- The primary clarifiers were dark in color.
- Sludge was being reintroduced to the surface of the clarifier.

During the April 1, 2013, inspection conducted by the Department’s Field Office the following deficiencies were noted:

- The trickling filter was spraying partially treated sewage over the outer concrete wall and onto the ground nearby. The personnel at the WWTP stated that one of the trickling filters was out of service causing the increase in flow to the other trickling filter plant thus resulting in the overflow. The flow rate was adjusted and the overflow was corrected prior to completion of the inspection.
- The Dissolved Oxygen (hereinafter "D.O.") analysis conducted during the inspection was below the permit limit.
- The effluent was slightly tinted.

The above noted issues documented during the Department's inspections indicate the facility was not properly operating in violation of Permit Conditions I.B.7 and II.A.1.

11. Permit Condition IV.B.7 states that information for effluent toxicity testing reports shall be submitted with each discharge monitoring report unless otherwise directed by the Department. The Department's February 7, 2012, and February 19, 2013, technical reviews of the toxicity test reports indicate that the reports could not be reviewed due to the raw test data and custody documentation being unavailable. Therefore, the reports were deemed incomplete in violation of Permit Condition IV.B.7.

12. The Department issued a warning letter to the Permittee on June 27, 2012, for effluent limit violations, SSOs, and deficiencies noted during Departmental inspections. The Department received a response to the warning letter on July 24, 2012, that included the corrective actions the Permittee took or were taking to come back into compliance with the Permit. The corrective actions included the following:

- Correcting the chain of custody paperwork.
- Developing a BMP for the Storm Water Pollution Prevention Program
- Investigating ways to come into compliance with Total Ammonia Nitrogen
- Finding alternatives to removing solids or keeping it as the floor of the basins.

In addition, the Permittee indicated they were working to reduce SSOs by televising the lines for potential problems, cleaning lines, replacing failing lines, making improvements to the lift stations, and inspecting the lift stations daily.

13. The Department issued a Notice of Violation (hereinafter "NOV") to the Permittee on April 26, 2013, for effluent limit violations and SSOs. The NOV also informed the Permittee that due to continuous toxicity testing failures, the toxicity testing frequency was being increased from annually to quarterly for the remainder of the permit cycle or until the Department indicated in writing that annual monitoring could resume. The Department received a response to the NOV on May 28, 2013, indicating that the Permittee was considering hiring an engineering company to analyze the entire WWTP in order to improve the overall treatment capabilities so the WWTP would meet required permit limits. The Permittee has sent several letters informing the Department of corrective actions they have taken to determine the cause of the high Total Ammonia Nitrogen levels and the actions that can be taken to bring them into compliance with the Permit. The correspondences included the following:

- The Permittee has obtained services from an engineering company to assist the Permittee come into compliance with the Permit.
- They have begun investigating the use of different types of chemicals that might help reduce ammonia levels.
- They have increased the number of blowers at the aeration basins to provide more air.
- They have been performing in house testing to provide additional information for the engineering company's proposal.

14. Pursuant to the April 26, 2013 NOV, toxicity testing is required during the February, May, August, and November monitoring periods for the remainder of the permit cycle or until the Department indicates in writing that annual monitoring can be resumed. The DMR submitted to the Department for the August 2013 toxicity monitoring indicates that the tests were invalid. Pursuant to the letter submitted by Environmental Resource Analysts, Inc., the samples were collected; however, the samples were analyzed at an incorrect concentration. Therefore, the monitoring was not properly performed in violation of Permit Condition IV.B.3.c.

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

16. 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) (206 Rplc. Vol.), 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 that delayed compliance may have conferred 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 3), 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 r. 335-6, and the AWPCA were noted. Considering the general nature of each violation, the magnitude and duration of each non-compliant discharge, the characteristics of each pollutant discharged, their effects, if any, on impaired waters, and any available evidence of irreparable harm to the environment or threat to the public, the Department determined the base penalty to be \$22,200.00.

B. **THE STANDARD OF CARE:** Some of the violations listed above, such as submitting the June 2013 Quarterly DMR in a timely manner, testing for toxicity, and properly maintaining and operating the WWTP, are considered to be easily avoidable. In consideration

of the standard of care provided by the Permittee, the Department enhanced the penalty by an additional \$1,200.00.

C. ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED:

The Department has not been able to determine if there has been a significant economic benefit associated with the violations cited above.

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

E. HISTORY OF PREVIOUS VIOLATIONS: Violations of a similar nature have been reported prior to the two year period addressed by this Consent Order. In consideration of the history of previous violations, the Department has enhanced the penalty by an additional \$4,550.00.

F. THE ABILITY TO PAY: The Permittee has not alleged an inability to pay the civil penalty.

G. OTHER FACTORS: 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 3.

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 six penalty factors enumerated in Ala. Code § 22-22A-5(18)(c) (2006 Rplc. Vol.), 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. That the Permittee shall pay to the Department a civil penalty in the amount of \$27,950.00 in settlement of the violations alleged herein within forty-five days from the issuance date of this Consent Order. Failure to pay the civil penalty within forty-five days from the issuance date may result in the Department filing a civil action in the Circuit Court of Montgomery County to recover the civil penalty. That, unless the Permittee chooses and fulfills the requirements of the alternative penalty payment method outline in Paragraph B below.

B. That, alternatively, the Permittee may elect to perform the Supplemental Environmental Project (hereinafter "SEP") which has been approved by the Department to offset a portion of the civil penalty referenced in Paragraph A above. This SEP may, at the sole discretion of the Department, offset a portion of the penalty at a ratio of \$1.00 for every \$3.00 spent on the SEP but in no event shall the penalty be offset below \$9,300.00. Should the Permittee elect to perform the SEP, the Permittee shall submit, within 15 days of the effective date of this Consent Order, a written report describing the SEP project, including the SEP implementation schedule. The SEP project and implementation schedule may be implemented only if approved by the Department. Should the Permittee elect to perform the SEP project and it is approved by the Department, then within 45 days of the effective date of this Consent Order, the Permittee shall pay to the Department a civil penalty of \$9,300.00. Adequate documentation of all expenses related to the SEP shall be submitted to the Department for review and concurrence in determining the amount of the penalty to be offset no later than 30 days after the approved completion date of the SEP or the completion of the SEP, whichever is earlier. Routing operating costs (i.e. those costs which would normally be incurred by the Permittee absent the requirements of the SEP) and costs related to routine compliance requirements, including the costs of complying with requirements of Paragraphs D through I below, shall not be considered for penalty offset. Should the Permittee not offset the total amount of the penalty allowed, the remaining amount of the penalty required which is not offset shall be due and payable within 30 days of the Department's notifying the Permittee of the remaining amount of penalty due to be paid. If the SEP is implemented, the Permittee shall

submit monthly status reports to the Department documenting actual accomplishments and implementation costs.

C. That 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

D. That, if not already enrolled, the Permittee shall prepare and submit to the Department a complete application for enrollment in the Department's Electronic Environmental DMR Reporting System Program (hereinafter "E2 Program") for all of its permitted facilities, so that it is received by the Department not later than thirty days after the issuance date of this Consent Order. If the Department determines through its review of the submitted application that the submittal is not sufficient for the Permittee to participate in the E2 Program, then the Permittee must modify the application so that it is sufficient. The Permittee shall submit modifications to the application, if required, so that they are received by the Department no later than fourteen days after receipt of the Department's comments. Upon acceptance by the Department into the E2 Program, the Permittee shall begin the electronic submittals of DMRs through the E2 Program no later than the 28th day of the month following the first complete monitoring period. The Permittee shall fully implement all aspects of the E2 Program including the cessation of federal paper DMR submittals, if applicable, no later than 180 days after acceptance into the E2 Program, unless an extension is granted in writing by the Department. The Permittee shall abide by all terms, conditions, and limitations of the E2 Program immediately upon acceptance into the E2 Program.

E. That 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 must include a schedule for implementation (i.e., a Compliance Plan), a plan for continued maintenance of the collection system, and cost of equipment and/or repairs needed to achieve compliance, if known. The Engineering Report must 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 the date of 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 must modify the Engineering Report. The Department must receive modifications to the Engineering Report, if required, no later than thirty days after receipt of the Department's comments. The Permittee shall complete implementation of the recommendations provided in the Engineering Report not later than 1095 days for corrective actions performed regarding the WWTP and 1825 days for corrective actions performed regarding the collection system after the date of issuance of this Consent Order; however, the Permittee will continue to implement a SSO program to help improve the collection system.

F. That the Permittee shall prepare and submit detailed semi-annual 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 equipment and/or repairs needed to achieve compliance. The Department must receive the Progress Reports no later than 180 days after the date of issuance of this Consent Order and continuing every 180 days thereafter that the Permittee's performance obligations under this Consent Order remain incomplete. In addition, the Permittee shall submit a written notice of noncompliance with each applicable imposed requirement, if applicable. The Permittee shall submit the notice of noncompliance to the Department no later than fourteen days following each applicable due date contained in this Consent Order. Notices of noncompliance shall state the cause of noncompliance and the corrective action taken and shall also describe the Permittee's ability to comply with any remaining requirements of this Consent Order.

G. That the Permittee shall fully comply with the Permit limitations for Total Ammonia Nitrogen, Carbonaceous Biochemical Oxygen Demand, Acute Ceriodaphnia Toxicity, and Acute Pimephales Toxicity within 1095 days from the issuance date of this Consent Order. Also, the Permittee shall significantly reduce the number of SSOs and the amount of untreated wastewater discharged during SSOs within 1825 days from the issuance date of this Consent Order.

H. That the Permittee shall comply will all other terms, conditions, and limitations of the Permit immediately upon the issuance date of this Consent Order.

I. That the Permittee shall submit certifications to the Department, signed by a professional engineer licensed to practice in the State of Alabama, indicating whether or not the Permittee is in compliance with all requirements of this Consent Order. The Permittee shall submit such certifications to the Department no later than 1125 days and 1855 days after the date of issuance of this Consent Order.

J. That, after the issuance date 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, F, G, and I 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, F, G, and I, the Department reserves the right to file a new action against the Permittee.

K. That cumulative stipulated penalties described in Paragraph J above shall under no circumstances exceed \$18,000.00. Once stipulated penalties of \$18,000.00 are due to the

Department and violations continue to occur, or, should violations continue to occur after the final compliance date, then the Department shall be free 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.

L. That payment of stipulated penalties due for violations of milestone dates under this Consent Order shall be due not later than the 28th day of the month following the milestone date and each and every month thereafter until the milestone is completed or until the final compliance date of this Consent Order. The Department is not required to notify the Permittee of the assessment of any stipulated penalty.

M. That 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.

N. That, 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.

O. That the Permittee is not relieved from any liability if it fails to comply with any provision of this Consent Order.

P. For purposes of this Consent Order only, that 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 must be accompanied by the reasons (including documentation) for each extension and the proposed extension time. This information shall be submitted to 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.

Q. That 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 facility 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, and the Permittee shall not object to such future Orders, litigation or enforcement action based on the issuance of this Consent Order if future Orders, litigation or other enforcement action address new matters not raised in this Consent Order.

R. That 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.

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

T. That 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 Consent Order.

U. That, 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.

V. That any modifications of this Consent Order must be agreed to in writing signed by both Parties.

W. That, 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.

**PHENIX CITY DEPARTMENT
OF PUBLIC UTILITIES**

By: Walter B. Hobbs
Its: City Manager
Date: July 16, 2014

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

By: Manlyr Elliott
Its: Deputy Director
Date: SEP - 5 2014

By: [Signature]
Its: Utility Director
Date: 7-15-14

Attachment 1: Violations Report

Facility Name: Phenix City WWTP

Permit Number: AL0022209

Monitoring Period	Outfall	Violaton Type	Parameter	Permit Limits	Sample Result	Form 421 Submitted
May 2012	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Monthly Avg)	4.0 mg/L	5.416 mg/L	Yes
May 2012	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Weekly Avg)	6.0 mg/L	9.13 mg/L	Yes
November 2012	001T	Numeric Violation	Toxicity, Ceriodaphnia Acute	Pass = 0 Fail = 1	1	Letter with Retest
November 2012	001T	Numeric Violation	Toxicity, Pimephales Acute	Pass = 0 Fail = 1	1	Letter with Retest
May 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Monthly Avg)	258 lbs/day	623.8 lbs/day	Yes
May 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Weekly Avg)	387 lbs/day	611.8 lbs/day	Yes
May 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Monthly Avg)	4.0 mg/L	20.7 mg/L	Yes
May 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Weekly Avg)	6.0 mg/L	20.5 mg/L	Yes
June 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Monthly Avg)	258 lbs/day	910.68 lbs/day	Yes
June 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Weekly Avg)	387 lbs/day	910.68 lbs/day	Yes
June 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Monthly Avg)	4.0 mg/L	22.76 mg/L	Yes
June 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Weekly Avg)	6.0 mg/L	22.76 mg/L	Yes
June 2013	0011	Numeric Violation	BOD, Carbonaceous 5 Day, 20C (Monthly Avg)	19.0 mg/L	20.9 mg/L	Yes
July 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Monthly Avg)	258 lbs/day	722.98 lbs/day	No
July 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Weekly Avg)	387 lbs/day	679.51 lbs/day	No
July 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Monthly Avg)	4.0 mg/L	16.8 mg/L	Yes
July 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Weekly Avg)	6.0 mg/L	16.8 mg/L	No
August 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Monthly Avg)	258 lbs/day	593.57 lbs/day	No
August 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Weekly Avg)	387 lbs/day	610.46 lbs/day	No
August 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Monthly Avg)	4.0 mg/L	16.60 mg/L	Yes
August 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Weekly Avg)	6.0 mg/L	17.01 mg/L	No
August 2013	0011	Missing Data	Toxicity, Ceriodaphnia Acute	Pass = 0 Fail = 1	*H	Toxicity Letter
August 2013	0011	Missing Data	Toxicity, Pimephales Acute	Pass = 0 Fail = 1	*H	Toxicity Letter
September 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Monthly Avg)	258 lbs/day	470.84 lbs/day	No
September 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Weekly Avg)	387 lbs/day	445.69 lbs/day	No
September 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Monthly Avg)	4.0 mg/L	16.29 mg/L	Yes
September 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Weekly Avg)	6.0 mg/L	15.77 mg/L	No
October 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Monthly Avg)	258 lbs/day	324.24 lbs/day	No
October 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Monthly Avg)	4.0 mg/L	13.5 mg/L	Yes
October 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Weekly Avg)	6.0 mg/L	13.4 mg/L	No

Monitoring Period	Outfall	Violaton Type	Parameter	Permit Limits	Sample Result	Form 421 Submitted
November 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Monthly Avg)	258 lbs/day	305.49 lbs/day	No
November 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Monthly Avg)	4.0 mg/L	16.46 mg/L	Yes
November 2013	0011	Numeric Violation	Nitrogen, Ammonia Total (as N) (Weekly Avg)	6.0 mg/L	16.75 mg/L	No

*H = Invalid Test

Attachment 2: Sanitary Sewer Overflows (SSOs) Report

Facility Name: Phenix City WWTP

Permit Number: AL0022209

County: Russell

Major Municipal

Overflow Date	Location SSO	Volume SSO (gallons)	Destination SSO	Length of SSO	Cause SSO	Corrective Actions Taken	Others Notified
1/5/2012	1906 Crawford Road	15	Ground absorbed	1 hr.	Grease blockage	The line was jetted of the blockage and red hot was applied after the line was cleared. The city washed down around the manhole of the estimated 15 gals that leaked out.	
1/13/2012	Off Hwy 431; 100 yds from 3rd St. S. entrance	7500	UT of Cachgalechee Creek; Ground absorbed	2.5 hrs.	Grease blockage	Removed blockage; increase frequency of maintenance checks	Placements of signs; Co. Health Dept.
1/13/2012	Holland Creek LS - 1100 Block of Broad St.	unknown	Holland Creek	ongoing	Pump Failure at Lift Station	In process of getting temporary pump until pump can be pulled and necessary repairs made. 1/17/2012 @ 8:20 am - John Holt called back to say there had been no overflow.	
1/25/2012	Shoney's outfall line behind Sportsman Drive	8,400	Mill Creek	6 hrs.	Line broke due to the embankment of creek bed caring in over the top of the line from being eased out from storm water.	Replaced the clay pipe with PVC. Added HTH and reinforced the creek bed with rock.	Flagged area; place signs; Co. Health Dept.
1/26/2012	Ridgebrook LS off Nukols Rd.	825	Drainage Ditch	2 hrs. 45 min.	Pump malfunction and control panel	Control panel and one of the pumps backup and running. applied HTH	Flagged area; place of signs; Co. Health Dept.
1/26/2012	Industrial Park Lift station # 1	41,000	7 Mile Creek; Ground absorbed	Stopped at 9:00 PM on 1/27/2012	Pump malfunction	The city is going to have to turn #2 Industrial Park LS off long enough for the dry weak side of industrial park LS #1 to be pumped out so city personnel can work effectively to get the pumps back up and running.	Flagged area; placed signs; Co. Health Dept.

Overflow Date	Location SSO	Volume SSO (gallons)	Destination SSO	Length of SSO	Cause SSO	Corrective Actions Taken	Others Notified
1/31/2012	Industrial Park LS #2	91,200	Seven Mile Creek	19 hrs.	Sump pump discharge pipe broke and flooded the dry well and motors.	The city is going to have to turn #2 Industrial Park LS off long enough for the dry weak side of industrial park LS #1 to be pumped out so city personnel can work effectively to get the pumps back up and running.	Flagged area; placed signs; Co. Health Dept.
3/4/2012	33rd place outfall line south to 29th Street LS	9,000	Ground absorbed	2hrs 30 min	Roots from the pine trees, 7ft from the sewer line.	Removed the roots and repaired a section of the sewer line. Put out HTH removed top soil and replaced with new soil. Flag the area off and informed the customer adjacent to the property.	Flagged area; informed customer; Co. Health Dept
3/7/2012	29th Street LS	132,000	Chattahoochee River	10.5 hrs.	Mechanical seals were worn out in the pumps and needed to be replaced from the observation Wednesday March 7, 2012, manhole had an overflow pipe built into the system.	The city put out caution tape and signs around the area contaminated. The city also contacted the local health department. We will continue to monitor the area by sampling and running tests. We are presently sampling at 3 point.	Georgia EPD; Co. Health; placed signs; flag area
3/12/2012	Lakewood Golf Course	1000	Drainage Ditch	50 minutes	Stoppage due to grease accumulation	Plans to eliminate future discharges included checking the area for blockage more and/or unstopping the line if necessary to prevent overflow. The contamination soil will be removed and good soil will take it's place.	Placement of signs; Co. Health Dept.
3/12/2012	13th St. & 7th Ave. manhole Touchless Carwash	50	Storm drain and Ground	15 minutes	Stoppage due to grease accumulation	Plans to eliminate future discharges include checking the area for blockage more and/or unstopping the line if necessary to prevent overflow. The contaminated soil will be removed and good soil will take it's place.	Flagged area off; place signs; Co. Health Dept

Overflow Date	Location SSO	Volume SSO (gallons)	Destination SSO	Length of SSO	Cause SSO	Corrective Actions Taken	Others Notified
3/19/2012	Approx. 50 ft E. of 32nd Street and 1st Ave	900	Chattahoochee River	3 hrs.	Pump failure from the 29th street L S caused the line to back up and discharge at the lowest manhole.	The 29th St. LS pumps to prevent received new rotating assemblies and the suction lines were reassembled. Temperature sensors will be placed on the prevent overheating which lead to rotating assembly and seal damage. HTH was placed on the contaminated so	Placement of signs; Co. Health Dept., Georgia EPD
3/23/2012	32nd Street and 1st Ave	200	Chattahoochee River		The 29th Street LS automatic pump control was not set properly during reset procedure which allowed the water level to rise too high in the well, causing backup and overflow.	The automatic pump control was properly set so that the pumps would start pumping before the well was filled. Caution tape was placed around the affected area.	
4/3/2012	2400 Dobbs Drive	500	Drainage Ditch	1 hr. 30 min.	Grease blockage.	The grease blockage was removed and the customer (Central High School) was made aware of the issue. Grease buildup prevention measures were discussed with the customer.	Placement of signs.
4/17/2012	Approx. 300 ft. SE of 224 N. Seale Rd.	6,600	UT to Chattahoochee River	5.5 hours.	Soil had eroded around the manhole, exposing the pipe and putting stress on the joint between the pipe and the manhole, which eventually caused the old pipe to break.	The broken line was repaired, rock was placed around the manhole and the repaired line was backfilled so that the line would not be exposed to the elements. HTH was put out on the ground and a small amount in the creek in order to disinfect what might have	Placement of signs; Co. Health Dept.

Overflow Date	Location SSO	Volume SSO (gallons)	Destination SSO	Length of SSO	Cause SSO	Corrective Actions Taken	Others Notified
4/20/2012	425 feet East of 3732 Opelika Road	28,500	UT to Mill Creek	19 hrs.	A manhole lid was stolen and the manhole was filled with rip-rap, concrete, large rocks, etc. This caused a stoppage with overflowing from an abandoned broken service line.	The rip-rap and trash was removed which cleared the stoppage and the broken service line was plugged. Trash from the overflow was removed from the tributary and HTH was put in the creek. A police report was filed on the stolen manhole lids and new lock	Placement of signs; Co. Health Dept.
4/30/2012	Ridgebrook LS	300	Drainage Ditch	1 hr. 30 min.	Pump failure due to clogged impeller resulting from trash in the sewage.	The pumps were pulled and the debris was removed from the impeller. The sewage in the drainage ditch was pumped back into the lift station and HTH was put in the contemned soil.	Placement of signs; Co. Health Dept.
5/7/2012	Pierce Road LS	300	Storm Drain	2 hrs. 15 min.	Failure during reset procedure	The LS automation was re-established, the contaminated area was cleaned, HTH was placed in the contaminated area and the street was washed down.	Press release; Co. Health Dept.
5/14/2012	Pierce Road LS	300	Storm Drain	15 minutes	Lift station float system failure due to plastic flagging tape being wrapped around floats.	The plastic was removed, lift station was wired to a different float system, the contaminated area was cleaned, HTH was placed in the contaminated areas and the street was washed down.	Placement of signs; Co. Health Dept.
5/21/2012	Approx. 150 feet NW of 88 Cutrate Road	500	Storm Drain	52 minutes	Stoppage in the service line that feeds from JVL Laboratories, a detergent producer, in which 95% of the discharge was stop.	The service was unclogged, HTH was placed on the contaminated areas and an additional cleanout will be installed in our right-of-way. The clog was due to a part of a broken pipe. We will be excavating the section of sanitary service we maintain and repair	Placement of signs; Co. Health Dept.
5/25/2012	29th Street LS	450	Chattahoochee River	45 minutes	Pump failure due to broken belts resulting from the pump locked up on account of a volleyball net caught in the impeller.	Belts were brought down from Birmingham, the pump was unclogged and the lift station was put back in service. The site was cleaned and HTH was placed on the contaminated areas.	Placement of signs; Co. Health Dept.; Georgia EPD

Overflow Date	Location SSO	Volume SSO (gallons)	Destination SSO	Length of SSO	Cause SSO	Corrective Actions Taken	Others Notified
5/25/2012	Industrial Park Lift Station #2	300	7 Mile Creek	10 minute	Pump failure resulting from the pumps no being able to prime because of air reaching the pumps.	Air was released through the air release valve and the pumps were put back in service. The contaminated area is to be removed and hauled off and HTH was placed on the contaminated soil. Automatic air release valves will be implemented at the lift station	Placement of signs; Co. Health Dept.
5/25/2012	29th Street Lift Station	300	Chattahoochee River	14 minutes	Pump failure resulting from the pump not being able to prime because of volleyball nets were struck in the air release valve.	The air release valve was taken apart and the volleyball netting was removed. HTH was placed on the contaminated area and the site was cleaned.	Placement of signs; Co. Health Dept.; Georgia EPD
5/29/2012	Pierce Road Lift station	150	Storm drain	5 minutes	Short in float cable wire	The float cable was rewired, the contaminated area was cleaned, HTH was placed in the contaminated area and the street was washed down.	Placement of signs; Co. Health Dept.
6/11/2012	Ridgebrook Lift Station #2	500	Drainage Ditch	2 hrs	Infiltration from a heavy rain and pump malfunction.	A new pump with an upgraded impeller was put in place of the old pump. Environmental mitigation includes disinfection through HTH and replacing contaminated soil.	Placement of signs; Co. Health Dept.
6/11/2012	Industrial Park Lift Station #2	5,000	Seven Mile Creek	5 minutes	Automation controller malfunction	The pump was put in manual mode until the controller was working again. We are meeting with an electrical contractor today to determine the controller malfunction. Environmental mitigation includes disinfection through HTH and replacing contaminated soil.	Placement of signs; Co. Health Dept.
6/14/2012	Industrial Park Lift Station #2	36,000	Seven Mile Creek	12 hrs 15 min.	Controlled failure due to bad relay connection	The relay connection was re-established, the contaminated area was cleaned, and HTH was placed in the contamination area. A service call has been put in place to get our controller diagnosed.	Placement of signs; Co. Health Dept.

Overflow Date	Location SSO	Volume SSO (gallons)	Destination SSO	Length of SSO	Cause SSO	Corrective Actions Taken	Others Notified
6/27/2012	City of Phenix City Golf Course	5,000	UT to Holland Creek	4 hrs. 15 min.	Erosion along creek bank pulled sanitary sewer pipe and caused a separation at a pipe joint. A blockage caused the sewage to discharge at the joint separation.	The pipe was cleared and the overflow stopped. The sanitary main is repaired today. The contaminated areas was cleaned, HTH was placed in the contaminated area. Plans are being made to replace a large portion of the entire main between manholes. The c	Placement of signs; Co. Health Dept.
7/1/2012	Between Silver Lake Dr. and Lakewood Golf Course	42,300	UT to Holland Creek	23 hrs 30 min.	A root from a large tree dislocated the PVC pipe at the joint.	Sewer main has been repaired with ductile iron pipe. The poplar tree will be removed and the root will be ground up. The area is being cleaning up and HTH is being applied to the contaminated area. We will continue to monitor the stream.	Placement of signs; Co. Health Dept.
7/20/2012	Pierce Road Lift station	300	Storm Drain	5 minutes	Short in float cable wire attached directly to the pump	The float cable was rewind the contaminated area was cleaned. HTH was placed in the contamination area and the street was washed down. We will be installing a new control box in a few weeks which will allow us to use floats that are set in the wet well n	Placement of signs; Co. Health Dept.
8/9/2012	North of 280 Bypass at 1712 East 280 Bypass	360	UT to Mill Creek	2 hrs.	Grease	Investigating nearby restaurants to make sure they have grease traps and are properly maintained. Monitoring the sewer main more often; HTH was applied to the affected area. Sampled and will continue to sample up and downstream.	Placement of signs; Co. Health Dept.
8/10/2012	North of 280 Bypass at 1712 East 280 Bypass	270	UT to Mill Creek	3 hrs.	Grease blockage	Investigating nearby restaurants to make sure they have grease traps and are properly maintained. Monitoring the sewer main more often; HTH was applied to the affected area. Sampled and will continue to sample up and downstream.	Placement of signs; Co. Health Dept.

Overflow Date	Location SSO	Volume SSO (gallons)	Destination SSO	Length of SSO	Cause SSO	Corrective Actions Taken	Others Notified
8/13/2012	1712 East Hwy 280	525	Ute to Mill Creek	~ 2hrs. 55 mins.	Grease blockage	Investigating nearby restaurants to make sure they have grease traps and are properly maintained. Monitoring the sewer main more often; HTH was applied to the affected area. Sampled and will continue to sample up and downstream. Walk downstream checking other manholes to make sure there are not overflows downstream to 18th Ave. South.	Placement of signs; Co. Health Dept.
9/21/2012	Behind the Hog BBQ and Mad Grill Restaurants off the 280 bypass	900	Tributary Creek	1 hr	Grease	Cleared the stoppage, cleaned the area of the any debris, applied HTH to the contaminated area. Investigating the source of the grease blockage on the line.	Placement of signs; Co. Health Dept.
10/1/2012	Manhole @ Cloverleaf Apts.	30,000	Holland Creek	2 1/2 hours	Grease	Added HTH, cleaned area and spread lime.	Health Dept.
10/4/2012	16th Court S	150	UT	1 hour 15 mins.	Grease	Cleared blockage and added HTH. Picked up debris and posted signs.	Placement of signs; Co. Health Dept.
10/4/2012	Manhole between Clover Leaf Apts & Summertree Apts.	30,000	Tributary Creek	2 hrs. 30 mins.	Grease	Cleared the stoppage, cleaned the area of the any debris, applied HTH to the contaminated area. Source of the grease blockage came from the Clove Leaf Apt.	Placement of signs; Co. Health Dept.
10/29/2012	McIntosh Creek LS off 5th Ave/Riverchase Dr	1,350	Tributary Creek	4 hrs. 30 mins.	Electrical	One pump is back up and running contacted brown electric to come and to help with the control transformer. Going to have the burned up pump looked at for repairs. If it can't be repaired we will have it replaced. Placed HTH out on the effective area and cleaned up debris.	Placement of signs; Co. Health Dept.
10/31/2012	Off of 10th Ave South	40	Tributary Creek	~1 hr 19 mins.	Rags and grease blockage	Placed HTH out on the effective area removed rags and broke up the grease, informed the housing authority of the rag/grease problem and asked them to inform their residents of what not to flush or put into drains. The LP through Housing Authority is the only customers on this line.	Placement of signs; Co. Health Dept.

Overflow Date	Location SSO	Volume SSO (gallons)	Destination SSO	Length of SSO	Cause SSO	Corrective Actions Taken	Others Notified
11/8/2012	220 Martin Luther King Park Way, Sun Trace Mobile Home Park	14,700	UT of Cochgalechee Creek	30 minutes	The blockage wasn't grease as first reported. It was due to rocks, bricks, toilet bowl tank lid and other debris. The rocks were anywhere between the size anywhere between the size of 2' to 6' and we filled (6) 5 gallon buckets with the rock pulled from the line.	Removed the line of all debris placed HTH out up and down the creek, cleaning up bad soil and replacing with good soil, going to put a secure man hole lid on the man hole in place.	Placement of signs; Co. Health Dept.
11/9/2012	18th Green at the Lakewood Gulf	1,200	Tributary Creek		Unknown believed to be grease	Placed HTH out on the effective area removed any debris and cleaned the area up.	
11/16/2012	46th St & 22nd Ave	1,200	Hidden Creek	2 hrs	Grease	Placed HTH out on the effective area, removed and debris and cleaned the area up.	Placement of signs; Co. Health Dept.
11/19/2012	Manhole behind Russell Co Jail and Sherriff Office	300	UT to Cochgalechee	1hr 50minutes	Unknown blockage	Placed HTH out on the effective area, removed and debris and cleaned area.	Placement of signs; Co. Health Dept.
11/20/2012	Manhole behind Russell Co Jail and Sherriff Office	225	UT to Cochgalechee	45 minutes	Grease and rags	Placed HTH out on the effective area, removed and debris and cleaned area.	Placement of signs; Co. Health Dept.
12/10/2012	1031 US Hwy 280	375	Ground absorbed	25 minutes	Grease	Placed HTH out on the effective area, removed any debris and cleaned area	Placement of signs; Co. Health Dept.
12/10/2012	Evangeline Apartment	1,800	UT to Mill Creek	2 hrs	Grease	Placed HTH out on the effective area, removed any debris and cleaned area	Placement of signs; Co. Health Dept.
12/11/2012	305 11th Ave	10	UT to Busseys Lake	1 hr 15 minutes	Grease blockage in the main. The sewage did not escape from a manhole, but it escaped from an old abandoned sanitary sewer service.	Cleared the grease blockage, placed HTH out on the effective area, removed any debris and cleaned area. We also capped the old abandoned service.	Placement of signs; Co. Health Dept.
12/17/2012	15th Street	825	Mill Creek	2hrs 45 minutes	Root and Rags	Blockage removed	

Overflow Date	Location SSO	Volume SSO (gallons)	Destination SSO	Length of SSO	Cause SSO	Corrective Actions Taken	Others Notified
1/14/2013	14th Street & 12th Ave.		Creek		Checking for possible overflow	Took samples and waiting on results to make determination.	
2/11/2013	1600 East State Docks, Phenix City, AL 36869	8,000,000	Chattahoochee River	2 days	Excessive Rain (6.53"); Bypass open	The plant is treating the bypass with a heavy amount of chlorine. The Utilities Department is continuing to work on finding and repairing lines to help reduce the infiltration and inflow in our system.	Georgia EPD and Co. Health Dept.
3/26/2013	8th Street and 12th Ave. Outfall line	225	Unnamed Tributary Creek	50 minutes	Grease and clothing found in the system	Looking into installing locks onto the lids. HTH was applied to the affected area. Clean up all top soil around the contaminated area. Collected samples around 1:30 pm and will continue to sample up and downstream.	Flagged effective area off and Co. Health Dept.
4/3/2013	East terminus of 11th Place, approx. 700 ft. East of 28th Ave.	200	UT to Mill Creek; Ground absorbed	1 hr.	Grease	Cleared blockage and cleaned and disinfected area and placed sign.	Placement of signs and Co. Health Dept.
4/17/2013	1615 12th Street	200	UT to Mill Creek	50 minutes	Grease	Cleared blockage, cleaned and disinfected area, and placed warning sign	Placements of signs; Co. Health Dept.
4/23/2013	Lakewood Golf Course	2400	UT to Holland Creek	2 hrs.	Grease and trash	Removed blockage, cleaned and disinfected area, place signs	Placements of signs; Co. Health Dept.
5/3/2013	Manhole approx. 250 ft. west of 12th Ave. & 9th Street intersection	100	UT to Mill Creek	20 minutes	Grease	Cleared grease blockage, cleaned and disinfected area. Placement of signs.	Placements of signs; Co. Health Dept.
6/28/2013	1702 18th Street	1000	Storm Drain and gutter		Roots	Cleared blockage enough to stop SSO. Working on main to remove roots. Clean and disinfected area. Places sign.	Placement of signs; Co. Health Dept.
7/7/2013	Brookwood Lift Station between Gateway Drive and College Drive	195	Ground absorbed	6 hrs. 24 mins.	Power loss	Contacted power company, got power restored, cleaned and disinfected area. Placement of signs.	Placement of signs; Co. Health Dept.

Overflow Date	Location SSO	Volume SSO (gallons)	Destination SSO	Length of SSO	Cause SSO	Corrective Actions Taken	Others Notified
7/23/2013	50 ft. NW of intersection of South Railroad St. and Lakewood Drive	100	Storm Drain and Drainage Ditch	20 minutes	Grease	Cleared grease blockage, cleaned and disinfected area. Placement of signs.	Placement of signs; Co. Health Dept.
7/25/2013	Manhole east of 2990 3rd Ave.	1425	Chattahoochee River	~55 minutes	Transducer failure in lift station	Manually operated lift station until a new transducer was installed. We are talking with transducer vendor about failure. Transducer that fail was new. Cleaned and disinfected area. Placed signs.	Placement of signs; Co. Health Dept.
8/5/2013	Behind 2408 Sportsmans Drive	2025	UT to Mill Creek	2 hrs. 15 min.	Possibly erosion along the bank of the creek	Repair sanitary main with flexible coupling and new section of pipe to connect to ductile iron. Cleaned and disinfected area and placed sign.	Placements of signs; Co. Health Dept.
8/6/2013	801 5th Place	22.5	Storm Drain	30 minutes	Leak at bottom of manhole	Repaired the bottom of the manhole with concrete. Cleaned and disinfection area at discharge of storm pipe. Placed sign.	Placements of signs; Co. Health Dept.
8/15/2013	Manhole on Bridgewater Drive West of Golf Course entrance.	4500	UT to Holland Creek	45 minutes	Storm water inflow and infiltration	Disinfected area. There was no debris to clean because most of the flow was storm water. Placed warning sign and investigated the sewer lines upstream for signs of inflow and infiltration.	Placement of signs; Co. Health Dept.
8/19/2013	Intersection of 19th St. and 1st Ave.	9	Ground absorbed and UT to Chattahoochee River	35 minutes	Leaking manhole or main.	Disinfected area. There was nothing to clean since it had seeped through a rock wall. Inspecting the manhole and main today by CCTV to determine location of the leak so it can be repaired	Placements of signs; Co. Health Dept.
11/6/2013	100 ft south of intersection of Crawford Road and 17th Ave.	6000	Mill Creek and Storm Drain	ongoing	Rocks in main and leak in main	Removed rocks from main, repaired sanitary main, disinfected storm pipe	Placement of signs; Co. Health Dept.
11/19/2013	MH 038 between 12th Place South and 17th Ave. South	500	Ground absorbed and drainage ditch	45 minutes	Grease	Cleared grease blockage, cleaned and disinfected area. Placement of signs.	Placement of signs; Co. Health Dept.

Overflow Date	Location SSO	Volume SSO (gallons)	Destination SSO	Length of SSO	Cause SSO	Corrective Actions Taken	Others Notified
12/13/2013	Industrial Park Lift Station 2; 0.2 miles past 20 Dowling Dr.	100	Seven Mile Creek	5 minutes	Grease in lift station caused the transducer to float on the grease and did not cut the pumps on.	Turn pumps on manually. Removed grease to allow transducer to function. Cleaned and disinfected area. Placed sign.	Placement of signs; Co. Health Dept.
12/13/2013	1609 5th Street South	1800	UT to Cochgalechee Creek and ground absorbed	30 minutes	Sewage backed up in the sanitary main due to grease. The sewage came out of the broken pipe in the crawl space of the location.	Cleared grease in main, cleaned and disinfected area. Contacted home owner and informed of broken sanitary pipe under house. Place sign.	Placement of signs; Co. Health Dept.
12/29/2013	Lakewood Golf Course	4500	UT to Holland Creek	5 hours	Broken sanitary sewer main.	We will place disinfectant and clean area after repair work is complete and stabilized. We will televise the sanitary main to look for other areas that may be damaged.	Placement of signs; Co. Health Dept.
1/7/2014	2109 Crawford Road	12.5	UT to Mill Creek; storm drain	10 hrs. 30 mins.	Damaged pipe and debris	Found and repaired damaged pipe. Cleaned and disinfected area. Placed sign.	Placement of signs; Co. Health Dept.
1/10/2014	Manhole near 2290 3rd Ave.	100	Ground Absorbed and Chattahoochee River	20 minutes	Lift station pump failure	Purchased materials and repaired the suction pipes on each pipe in the 29th Street Lift Station. We are having plans made to construct a new lift station at this location	Placements of signs; Co. Health Dept.
1/13/2014	Manhole near 2290 3rd Ave.	25	Ground Absorbed and Chattahoochee River	5 minutes	Pumps lost prime	Primed pumps. Cleaned and disinfected area. We are having plans made to construct a new lift station at this location.	Placement of signs; Co. Health Dept.
2/7/2014	32° 30' 55" N 85° 00' 48" W	2100	UT to Chattahoochee River and Ground Absorbed	~27 minutes	Temperature sensor tripped	Reset sensor. Installing a different pump in lift station to try to avoid overheating temp sensor. Cleaned and disinfect area. Place signs.	Placement of signs; Co. Health Department.
2/12/2014	Ridgebrook Lift Station #2	175	UT to Chattahoochee River, drainage ditch and ground absorbed	35 minutes	Storm water infiltration	Pumped storm water from lift station. Cleaned and disinfected area. Placed sign. We will televise the sanitary sewer system to determine location(s) of infiltration and repair.	Placement of signs and Co. Health Dept.

Phenix City WWTP AL0022209
Attachment 3
Penalty Synopsis Worksheet

Violation	Number of Violations	Seriousness of Violation & Base Penalty*	Standard of Care*	History of Previous Violations*
Permit Limitation Violations	31	\$7,500.00	\$0.00	\$1,500.00
SSOs	55	\$12,300.00	\$0.00	\$2,000.00
Late DMRs	1	\$100.00	\$50.00	\$0.00
Failure to Properly Operate and Maintain WWTP	2	\$2,000.00	\$1,000.00	\$1,000.00
Submittal of Incomplete Toxicity Testing Report	1	\$100.00	\$50.00	\$50.00
Failure to Monitor in Accordance with the Permit (3/2012 DMR, 8/2013 Toxicity Test)	2	\$200.00	\$100.00	\$0.00
Totals:	86	\$22,200.00	\$1,200.00	\$4,550.00
Economic Benefit*:				\$0.00
Mitigating Factors*:				\$0.00
Ability to Pay*:				\$0.00
Other Factors*:				\$0.00
Final Penalty:				\$27,950.00

* Refer to the "Findings" of the Order for a description of each penalty factor