

ONIS "TREY" GLENN, III
DIRECTOR



Alabama Department of Environmental Management

adem.alabama.gov

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Montgomery, Alabama 36130-1463

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BOB RILEY
GOVERNOR

October 6, 2008

7008 0150 0001 8908 5305
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

MR. G. WAYNE BOOKER
ADMINISTRATOR
ALABAMA DEPARTMENT OF YOUTH SERVICES
P. O. BOX 66
MOUNT MEIGS, ALABAMA 36057



RE: Final Administrative Order No. 09-001-WP
NPDES Permit AL0058777
Mount Meigs Campus Complex Lagoon
Montgomery County, Alabama

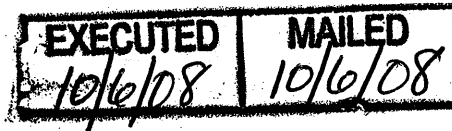
Dear Mr. Booker:

Please find enclosed the ADEM Administrative Order No. 09-001-WP which requires you to take certain actions at the Mount Meigs Campus Complex Lagoon in regard to alleged violations of the Alabama Water Pollution Control Act. This Administrative Order has been issued without the consent of the Alabama Department of Youth Services. Please note that the assessed civil penalty is due within 45 days.

Sincerely,

James E. McIndoe, Chief
Water Division

JEM/ss



Enclosure

cc: Olivia Rowell/Office of General Counsel
Vernon H. Crockett/NPDES Enforcement Branch

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
4171 Commanders Drive
Mobile, AL 36615-1421
(251) 432-6533
(251) 432-6598 (Fax)

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:

State of Alabama

Department of Youth Services

Mt. Meigs Campus Complex Lagoon

Mt. Meigs (Montgomery County), AL

NPDES AL0058777

ORDER NO. 09-001-WP

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 through 22-22A-16 (2006 Rplc. Vol.), and the Alabama Water Pollution Control Act, Ala. Code §§ 22-22-1 through 22-22-14 (2006 Rplc. Vol.), the ADEM Administrative Code of Regulations (hereinafter "ADEM Admin. Code r.") promulgated pursuant thereto, and § 402 of the Federal Water Pollution Control Act, 33 U.S.C. § 1342, the Alabama Department of Environmental Management (hereinafter "the Department") makes the following FINDINGS:

1. The State of Alabama Department of Youth Services (hereinafter "Permittee") operates a wastewater treatment lagoon known as the Mt. Meigs Campus Complex Lagoon located on 1000 Industrial School Road in Mt. Meigs, Montgomery County, Alabama. The wastewater treatment lagoon discharges pollutants from a point source into an unnamed tributary of Butler Creek, a water of the state.

2. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 through 22-22A-16 (2006 Rplc. Vol.).

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 1387. In addition, the Department is authorized to administer and enforce

the provisions of the Alabama Water Pollution Control Act, Ala. Code §§ 22-22-1 through 22-22-14 (2006 Rplc. Vol.).

4. On October 7, 2004, the Department re-issued NPDES Permit Number AL0058777 (hereinafter "the Permit") to the Permittee, establishing limitations on the discharge of pollutants from a point source, designated therein as outfall number 001, into an unnamed tributary of Butler Creek. 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. The Permit also requires that the Permittee maintain in good working order all systems used by the Permittee to achieve compliance with the terms and conditions of the Permit.

5. The DMRs submitted to the Department by the Permittee indicate that the Permittee has discharged pollutants from Outfall 001 into the aforementioned unnamed tributary of Butler Creek 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. On February 28, 2007, the Permittee was issued a Notice of Violation (hereinafter "NOV") by the Department regarding effluent violations that occurred during the months of March 2005 through December 2006. A response to this NOV was required within thirty days and to date, a response has yet to be received by the Department. The response was due on March 28, 2007.

7. The Permittee has failed to submit DMRs for the months of April 2007 through February 2008. To date, the Department has not received these DMRs.

8. The Permittee has violated Part II.A.3 of NPDES Permit No. AL0058777 by operating the wastewater lagoon without a certified operator from April 1, 2007 through October 17, 2007.

9. Pursuant to Ala. Code § 22-22A-5(18)c (2006 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 the Permittee; the

economic benefit that delayed compliance may have conferred upon the Permittee; the nature, extent and degree of success of the Permittee's efforts to minimize or mitigate the effects of such violation upon the environment; the Permittee's history of previous violations; and the ability of the Permittee to pay such penalty. Any civil penalty assessed pursuant to this authority shall not be less than \$100.00 or 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, the Department has considered the following:

A. SERIOUSNESS OF THE VIOLATION: Violations consisted of exceeding the weekly and monthly average permit limitations for Total Suspended Solids (hereinafter "TSS"), total ammonia-nitrogen (hereinafter "NH₃-N"), carbonaceous biochemical oxygen demand (hereinafter "CBOD₅"), and Fecal Coliform (hereinafter "FC"), and percent removal for Carbonaceous Biochemical Oxygen Demand and Total Suspended Solids. Violations also consisted of exceeding the daily minimum and maximum permit limitations for Dissolved Oxygen (hereinafter "DO") and pH. In addition, the Permittee operated the wastewater lagoon without a certified operator from April 2007 through October 2007 and failed to submit DMRs for April 2007 through January 2008 as required by the Permit. The Permittee also failed to respond to the Department's February 28, 2007 NOV. The Department has no evidence of irreparable harm to the environment or of any threat to the health and safety of the public as a result of these violations.

B. THE STANDARD OF CARE: The Permittee installed the infrastructure, including a lift pump, to access the City of Montgomery's sewage treatment system and thereby cease all surface discharges. However, prior to authorization to discharge, the City of Montgomery required a smoke test, repairs to the lines on the Permittee's property, and installation of a grinder pump. To date authorization by the City of Montgomery to discharge into the City's sewage treatment system as not been received by

the Permittee. The Permittee failed to maintain in good working order all systems used by the Permittee to achieve compliance with the terms and conditions of the Permit. The Permittee also failed to maintain a system for ensuring reporting occurs in accordance with Permit requirements.

C. ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED: The Department has been unable to ascertain if there has been a significant economic benefit conferred by the delay of compliance with permit limitations.

D. EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON THE ENVIRONMENT: There are no known environmental effects as a result of the violations cited in this Order.

E. HISTORY OF PREVIOUS VIOLATIONS: The Permittee has incurred NH₃-N and DO violations along with CBOD₅ and TSS percent removal violations in the period prior to the two year period addressed by this Consent Order. The Department issued warning letters on April 22, 2005 and August 24, 2005, and a Notice of Violation on February 28, 2007 as a result of prior permit violations. The prior warning letters and the Notice of Violation have been unsuccessful at resolving the ongoing permit violations.

F. THE ABILITY TO PAY: Based on available information, the Department believes that the Permittee has a limited ability to pay a civil penalty. The Department has carefully considered the six statutory 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 concludes that the penalty amount is appropriate and consistent with the historical penalty range imposed by the Department for similar violations, as follows:

<u>Violation Type</u>	<u>Penalty Range for Violation Type</u>
Violation of Established Discharge Limits:	\$100 - \$12,000
Failure to Respond:	\$1,000 - \$25,000
Failure to Report:	\$100 - \$2,500
Operational:	\$1,000 - \$10,000

ORDER

Based on the foregoing FINDINGS and pursuant to Ala. Code §§ 22-22A-10, 22-22A-5(12), 22-22A-5(18), and 22-22-9(i) (2006 Rplc. Vol.), it is hereby ORDERED:

A. That, not later than forty-five days after receipt of this Order, the Permittee shall pay to the Department a civil penalty in the amount of \$12,500.00 for the violations stated herein.

B. That all penalties due pursuant to this 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. That the Permittee shall prepare and submit to the Department, not later than 45 days after the issuance of this Order, an Engineering Report that identifies the potential causes of noncompliance and that summarizes an investigation of the changes necessary for the Permittee to implement to achieve compliance with the Permit. The Engineering Report must include a schedule for implementation (i.e., a Compliance Plan). At a minimum, the Permittee's Engineering Report must address the need for changes in maintenance and operating procedures, the need for modification of existing treatment works and collection system components, and the need for new or additional treatment works and collection system components. The Engineering Report must be prepared by a professional engineer licensed to practice in the State of Alabama. If the Department determines through its review of the submitted Engineering Report that the submittal is not sufficient to accomplish compliance with the NPDES permit, then the Permittee must modify the Engineering Report so that it does accomplish compliance. Modifications to the Engineering Report, if required, shall be submitted to the Department no later than thirty days after receipt of the Department's comments. The Permittee shall complete

implementation of the recommendations made in the Engineering Report within 670 days from the date of issuance of this Order.

D. That the Permittee agrees to complete the following projects within the timeframe specified in this Provision.

Project A: Video Inspection and Testing of Existing Collection System –

Compliance date is 95 days from the effective date of this Order.

Project B: Design and Construction Management – Rehab and Point

Repair of Existing Collection System – Compliance date is 195 days from the effective date of this Order.

Project C: Complete Final Design – On-site Wastewater Treatment or

Force Main to Montgomery Industrial Park – Compliance date is 240 days from the effective date of this Order.

E. That the Permittee shall prepare and submit to the Department, not later than 365 days after the issuance of this Order, a Final Compliance Plan that identifies the corrective action option selected, that is: whether connection to the Montgomery Wastewater Treatment Plant or Upgrade of the on-site Wastewater Treatment System will be accomplished. The Engineering Report must include a schedule for implementation (i.e., a Compliance Plan). The Engineering Report must be prepared by a professional engineer licensed to practice in the State of Alabama. If the Department determines through its review of the submitted Engineering Report that the submittal is not sufficient to accomplish compliance with the NPDES permit, then the Permittee must modify the Engineering Report so that it does accomplish compliance. Modifications to the Engineering Report, if required, shall be submitted to the Department no later than thirty days after receipt of the Department's comments. The Permittee shall complete implementation of the recommendations made in the Final Compliance Plan within 730 days from the date of issuance of this Order.

F. That the Permittee shall prepare and submit Semi-Annual Progress Reports to the Department describing in detail the Permittee's progress towards achieving

compliance with items presented in the Compliance Plan. Semi-Annual Progress Reports are to be submitted to the Department beginning six months after receipt of this Order and continuing every six months thereafter that the Permittee's performance obligations under this Order remain incomplete. In addition, not later than fourteen days following each applicable due date contained in this Order, the Permittee shall submit a written notice of noncompliance with the requirements of that paragraph, if applicable. 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 Order.

G. That, not later than 730 days after issuance of this Order, the Permittee shall comply with the Total Ammonia Nitrogen, pH, DO, FC, CBOD₅, TSS, CBOD₅ and TSS % removal limitations imposed by NPDES Permit Number AL0058777. The Permittee shall comply with all other terms, conditions, and limitations of its NPDES Permit immediately upon receipt of this Order.

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

I. That final approval and issuance of this Order are subject to the requirement 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 Order.

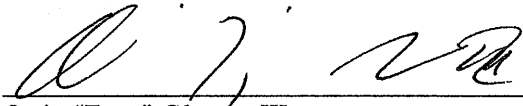
J. That, should any provision of this Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with Federal or State law and, therefore, unenforceable, the remaining provisions hereof shall remain in full force and effect.

K. That, except as otherwise set forth herein, this 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.

L. That the issuance of this Administrative Order does not preclude the Department from seeking criminal fines or other appropriate sanctions or relief against the Permittee for the violations cited herein.

M. That failure to comply with the provisions of this Administrative Order shall constitute cause for commencement of legal action by the Department against the Permittee for recovery of additional civil penalties, criminal fines, or other appropriate sanctions or relief.

ORDERED and ISSUED this 6th day of October, 2008.



Onis "Trey" Glenn, III
Director
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110-2059
(334) 271-7700

Attachment 1

AL0058777 MT MEIGS CAMPUS COMPLEX LAGOON

DMR Value	Limit	Units	Averaging Time
Outfall ID: 0011			
August, 2006			
<u>BOD CARBONACEOUS SUMMER</u>			
1 42.5	10	mg/l	Monthly Average
2 50.7	15	mg/l	Weekly Average
<u>CBOD 5 Day Percent Removal</u>			
3 0	85	Percent	Monthly Average
<u>DISSOLVED OXYGEN</u>			
4 2.6	6	mg/l	Daily Minimum
<u>F. COLIFORM SUMMER TIME</u>			
5 725	200	#/100 ml	Monthly Geo Mean
6 2100	2000	#/100 ml	Daily Maximum
<u>PH</u>			
7 10.5	8.5	SU	Daily Maximum
<u>SOLIDS SUSP PERCENT</u>			
8 0	65	Percent	Monthly Average
<u>TSS</u>			
9 499	90	mg/l	Monthly Average
10 510	135	mg/l	Weekly Average
September, 2006			
<u>BOD CARBONACEOUS SUMMER</u>			
11 28.1	10	mg/l	Monthly Average
12 29.1	15	mg/l	Weekly Average
<u>CBOD 5 Day Percent Removal</u>			
13 82.3	85	Percent	Monthly Average
<u>DISSOLVED OXYGEN</u>			
14 1	6	mg/l	Daily Minimum
<u>F. COLIFORM SUMMER TIME</u>			
15 17344	200	#/100 ml	Monthly Geo Mean
16 37600	2000	#/100 ml	Daily Maximum
<u>NITROGEN AMMONIA TOTAL</u>			
17 4.68	0.75	mg/l	Monthly Average
18 5.49	1.1	mg/l	Weekly Average
<u>PH</u>			
19 5.1	6	SU	Daily Minimum
<u>SOLIDS SUSP PERCENT</u>			
20 23.7	65	Percent	Monthly Average
<u>TSS</u>			
21 164	90	mg/l	Monthly Average
22 172	135	mg/l	Weekly Average
October, 2006			
<u>BOD CARBONACEOUS SUMMER</u>			
23 25.1	10	mg/l	Monthly Average
24 26.1	15	mg/l	Weekly Average
<u>CBOD 5 Day Percent Removal</u>			
25 82.2	85	Percent	Monthly Average
<u>DISSOLVED OXYGEN</u>			
26 4.2	6	mg/l	Daily Minimum

<u>FECAL COLIFORM</u>			
27 1549	1000	#/100 ml	Monthly Geo Mean
28 6000	2000	#/100 ml	Daily Maximum
<u>NITROGEN AMMONIA TOTAL</u>			
29 0.45	0.37	lbs/day	Monthly Average
30 0.59	0.56	lbs/day	Weekly Average
31 9.25	0.75	mg/l	Monthly Average
32 9.86	1.1	mg/l	Weekly Average
<u>PH</u>			
33 9	8.5	SU	Daily Maximum
<u>TSS</u>			
34 122	90	mg/l	Monthly Average

November, 2006

<u>DISSOLVED OXYGEN</u>			
35 3.2	6	mg/l	Daily Minimum
<u>FECAL COLIFORM</u>			
36 2862	1000	#/100 ml	Monthly Geo Mean
37 6300	2000	#/100 ml	Daily Maximum
<u>NITROGEN AMMONIA TOTAL</u>			
38 10.3	2.05	mg/l	Monthly Average
39 11.9	3.07	mg/l	Weekly Average

December, 2006

<u>BOD CARBONACEOUS</u>			
40 28.7	24	mg/l	Monthly Average
<u>DISSOLVED OXYGEN</u>			
41 5.3	6	mg/l	Daily Minimum
<u>FECAL COLIFORM</u>			
42 2006	1000	#/100 ml	Monthly Geo Mean
43 11500	2000	#/100 ml	Daily Maximum
<u>NITROGEN AMMONIA TOTAL</u>			
44 14	2.05	mg/l	Monthly Average
45 16.2	3.07	mg/l	Weekly Average

January, 2007

<u>DISSOLVED OXYGEN</u>			
46 2.5	6	mg/l	Daily Minimum
<u>FECAL COLIFORM</u>			
47 2150	1000	#/100 ml	Monthly Geo Mean
48 2150	2000	#/100 ml	Daily Maximum
<u>NITROGEN AMMONIA TOTAL</u>			
49 20	2.05	mg/l	Monthly Average
50 23.4	3.07	mg/l	Weekly Average

February, 2007

<u>BOD CARBONACEOUS</u>			
51 37.4	24	mg/l	Monthly Average
52 39.6	36	mg/l	Weekly Average
<u>CBOD 5 Day Percent Removal</u>			
53 43.6	85	Percent	Monthly Average
<u>DISSOLVED OXYGEN</u>			

	DMR Value	Limit	Units	Averaging Time
54	5.2	6	mg/l	Daily Minimum
	<u>FECAL COLIFORM</u>			
55	2000	1000	#/100 ml	Monthly Geo Mean
	<u>NITROGEN AMMONIA TOTAL</u>			
56	5.3	2.05	mg/l	Monthly Average
57	6.94	3.07	mg/l	Weekly Average
	<u>PH</u>			
58	9.4	8.5	SU	Daily Maximum
	<u>SOLIDS SUSP PERCENT</u>			
59	16.8	65	Percent	Monthly Average
	<u>TSS</u>			
60	124	90	mg/l	Monthly Average
61	170	135	mg/l	Weekly Average

March, 2007

	<u>BOD CARBONACEOUS</u>			
62	29.1	24	mg/l	Monthly Average
63	37.5	36	mg/l	Weekly Average
	<u>PH</u>			
64	10.2	8.5	SU	Daily Maximum
	<u>TSS</u>			
65	167	90	mg/l	Monthly Average
66	210	135	mg/l	Weekly Average

Penalty Calculations for :
Permit Number:

Dept. Youth Services Mt. Meigs
AL0058777

Date Prepared:

Revised:

Revised:

5/8/2007

7/21/2007

7/1/2008

Semi-Public/Private Calculation Sheet

$$\text{Penalty (P)} = \$100 \times [A1+A2+A3+A4+A5+A6+A7]$$

Factor	Value Used
A3	0
A4	0
A7	0.5

Factor	Definition	Description	Range
A1	Result Reported / Limit	See Table Below	Calculated (Except % Removal, TRC & FC and pH)
A2	Pollutant Characteristics	Conventional	0
A3	303(d) Listed Waters	Toxic	0.5
A4	Preventative Actions	No	0
A5	Significant Violation	Yes	0.5
A6	Duration	No	0
A7	Repeat Violations	See Table Below	Calculated (Toxics > 1.2; Conventional > 1.4)
		Daily Min or Max	0.25
		Monthly Avg	0.5
		Weekly Avg	0.5
		Administrative Action w/in last 2 years or Repeat Violations	0.5

Limit Basis (e.g. Monthly Average)	Date	Tor C	Parameter	Result Reported	Limit	A1	A2	A3	A4	A5	A6	A7	Penalty (P)
Monthly Average	Nov-05	C	FC	4756.00	4000.00	1.10	0.0	0.0	0.0	0.0	0.00	0.50	\$210
Daily Maximum	Nov-05	C	FC	5800.00	2000.00	1.40	0.0	0.0	0.0	0.0	0.00	0.50	\$160
Monthly Average	Nov-05	T	Ammonia	6.74	2.05	3.27	0.5	0.0	0.0	0.50	0.50	0.5	\$527
Weekly Average	Nov-05	T	Ammonia	7.16	3.07	2.33	0.5	0.0	0.0	0.50	0.50	0.5	\$408
Monthly Average	Dec-05	C	CBOD	25.30	24.00	4.05	0.0	0.0	0.0	0.00	0.50	0.5	\$205
Weekly Average	Dec-05	C	CBOD	44.70	36.00	1.24	0.0	0.0	0.0	0.00	0.50	0.5	\$180
Monthly Average	Dec-05	C	CBOD-% Removal	89.80	85.00	4.10	0.0	0.0	0.0	0.00	0.50	0.5	\$210
Daily Maximum	Dec-05	C	FC	4122.00	4000.00	1.10	0.0	0.0	0.0	0.00	0.50	0.5	\$160
Monthly Average	Dec-05	C	Ammonia	5150.00	2000.00	1.40	0.0	0.0	0.0	0.00	0.50	0.5	\$178
Weekly Average	Dec-05	T	Ammonia	5.70	2.05	2.78	0.5	0.0	0.0	0.50	0.50	0.5	\$376
Monthly Average	Dec-05	T	Ammonia	6.16	3.07	2.01	0.5	0.0	0.0	0.25	0.50	0.5	\$210
Daily Maximum	Dec-05	C	TSS-% Removal	9.00	65.00	4.10	0.0	0.0	0.0	0.00	0.50	0.5	\$160
Monthly Average	Dec-05	C	DO	5.60	6.00	1.10	0.0	0.0	0.0	0.00	0.50	0.5	\$160
Daily Maximum	Jun-06	C	pH	10.20	8.50	1.40	0.0	0.0	0.0	0.00	0.50	0.5	\$160
Monthly Average	Jul-06	C	CBOD	36.00	40.00	3.60	0.0	0.0	0.0	0.25	0.50	0.5	\$185
Weekly Average	Jul-06	C	CBOD	50.10	45.00	3.34	0.0	0.0	0.0	0.25	0.50	0.5	\$185
Monthly Average	Jul-06	C	CBOD-% Removal	58.60	85.00	4.10	0.0	0.0	0.0	0.00	0.50	0.5	\$210
Daily Maximum	Jul-06	C	DO	3.10	6.00	1.20	0.0	0.0	0.0	0.00	0.50	0.5	\$170
Monthly Average	Jul-06	C	FC	229.00	200.00	1.10	0.0	0.0	0.0	0.00	0.50	0.5	\$210
Daily Maximum	Jul-06	C	pH	10.30	8.50	1.40	0.0	0.0	0.0	0.00	0.50	0.5	\$160
Monthly Average	Jul-06	C	TSS-% Removal	9.00	65.00	4.10	0.0	0.0	0.0	0.00	0.50	0.5	\$210
Weekly Average	Jul-06	C	TSS	484.00	90.00	2.04	0.0	0.0	0.0	0.25	0.50	0.5	\$229
Monthly Average	Jul-06	C	TSS	290.00	436.00	2.15	0.0	0.0	0.0	0.25	0.50	0.5	\$315
Weekly Average	Aug-06	C	CBOD	42.50	10.00	4.25	0.0	0.0	0.0	0.25	0.50	0.5	\$550
Monthly Average	Aug-06	C	CBOD	50.70	15.00	3.38	0.0	0.0	0.0	0.25	0.25	0.5	\$438

Monthly Average	Aug-06	C	CBOD % Removal	0.00	85.00	1.10	0.0	0.0	0.0	0.0	0.0	0.0	0.50	0.5	\$210
Daily Minimum	Aug-06	C	DO	2.60	6.00	1.20	0.0	0.0	0.0	0.0	0.0	0.00	0.00	0.5	\$170
Monthly Average	Aug-06	C	FC	723.00	200.00	1.10	0.0	0.0	0.0	0.0	0.0	0.00	0.50	0.5	\$210
Daily Maximum	Aug-06	C	FC	2100.00	2000.00	1.10	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.5	\$160
Monthly Average	Aug-06	C	pH	10.50	8.50	1.20	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.5	\$170
Monthly Average	Aug-06	C	TSS % Removal	0.00	65.00	1.10	0.0	0.0	0.0	0.0	0.00	0.50	0.50	0.5	\$210
Weekly Average	Aug-06	C	TSS	499.00	90.00	5.54	0.0	0.0	0.0	0.0	0.25	0.25	0.50	0.5	\$679
Monthly Average	Aug-06	C	TSS	510.00	135.00	3.78	0.0	0.0	0.0	0.0	0.25	0.50	0.25	0.5	\$478
Weekly Average	Sep-06	C	CBOD	28.10	10.00	2.81	0.0	0.0	0.0	0.0	0.25	0.50	0.25	0.5	\$294
Monthly Average	Sep-06	C	CBOD	29.10	85.00	1.94	0.0	0.0	0.0	0.0	0.25	0.25	0.25	0.5	\$210
Weekly Average	Sep-06	C	CBOD % Removal	82.30	85.00	1.10	0.0	0.0	0.0	0.0	0.00	0.00	0.50	0.5	\$210
Daily Minimum	Sep-06	C	DO	1.00	6.00	1.20	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.5	\$170
Monthly Average	Sep-06	C	FC	1734.00	200.00	1.10	0.0	0.0	0.0	0.0	0.00	0.50	0.00	0.5	\$210
Daily Maximum	Sep-06	C	FC	37600.00	2000.00	1.10	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.5	\$160
Monthly Average	Sep-06	T	Ammonia	4.68	0.75	6.24	0.5	0.0	0.0	0.0	0.50	0.50	0.00	0.5	\$824
Weekly Average	Sep-06	T	Ammonia	5.49	1.10	4.99	0.5	0.0	0.0	0.0	0.50	0.25	0.25	0.5	\$674
Daily Minimum	Sep-06	C	pH	5.10	6.00	1.10	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.5	\$160
Monthly Average	Sep-06	C	TSS % Removal	23.70	65.00	1.10	0.0	0.0	0.0	0.0	0.00	0.50	0.50	0.5	\$210
Monthly Average	Sep-06	C	TSS	164.00	90.00	1.82	0.0	0.0	0.0	0.0	0.25	0.50	0.50	0.5	\$307
Weekly Average	Sep-06	C	TSS	172.00	135.00	1.27	0.0	0.0	0.0	0.0	0.00	0.25	0.25	0.5	\$202
Monthly Average	Oct-06	C	CBOD	25.10	10.00	2.51	0.0	0.0	0.0	0.0	0.25	0.50	0.50	0.5	\$376
Weekly Average	Oct-06	C	CBOD	26.10	15.00	1.74	0.0	0.0	0.0	0.0	0.25	0.25	0.25	0.5	\$274
Monthly Average	Oct-06	C	CBOD % Removal	82.20	85.00	1.10	0.0	0.0	0.0	0.0	0.00	0.50	0.50	0.5	\$210
Daily Minimum	Oct-06	C	DO	4.20	6.00	1.10	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.5	\$160
Monthly Average	Oct-06	C	FC	1549.00	1000.00	1.10	0.0	0.0	0.0	0.0	0.00	0.50	0.50	0.5	\$210
Daily Maximum	Oct-06	C	FC	6000.00	2000.00	1.10	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.5	\$160
Monthly Average	Oct-06	T	Ammonia	0.45	0.37	1.22	0.5	0.0	0.0	0.0	0.50	0.50	0.50	0.5	\$322
Weekly Average	Oct-06	T	Ammonia	0.59	0.56	1.05	0.5	0.0	0.0	0.0	0.00	0.25	0.25	0.5	\$230
Monthly Average	Oct-06	T	Ammonia	9.25	0.75	12.33	0.5	0.0	0.0	0.0	0.50	0.50	0.50	0.5	\$1,433
Weekly Average	Oct-06	T	Ammonia	9.86	1.10	8.96	0.5	0.0	0.0	0.0	0.50	0.25	0.25	0.5	\$1,071
Daily Maximum	Oct-06	C	pH	9.00	8.50	1.10	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.5	\$160
Monthly Average	Oct-06	C	TSS	122.00	90.00	1.36	0.0	0.0	0.0	0.0	0.00	0.50	0.50	0.5	\$236
Daily Minimum	Nov-06	C	DO	3.20	6.00	1.20	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.5	\$170
Monthly Average	Nov-06	C	FC	2862.00	1000.00	1.10	0.0	0.0	0.0	0.0	0.00	0.50	0.50	0.5	\$210
Daily Maximum	Nov-06	C	FC	6300.00	2000.00	1.10	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.5	\$160
Monthly Average	Nov-06	T	Ammonia	10.30	2.05	5.02	0.5	0.0	0.0	0.0	0.50	0.50	0.50	0.5	\$702
Weekly Average	Nov-06	T	Ammonia	11.90	3.07	3.88	0.5	0.0	0.0	0.0	0.50	0.25	0.25	0.5	\$553
Monthly Average	Dec-06	C	CBOD	28.70	24.00	1.20	0.0	0.0	0.0	0.0	0.00	0.50	0.50	0.5	\$220
Daily Minimum	Dec-06	C	DO	5.30	6.00	1.10	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.5	\$160
Monthly Average	Dec-06	C	FC	2006.00	1000.00	1.10	0.0	0.0	0.0	0.0	0.00	0.50	0.50	0.5	\$210
Daily Maximum	Dec-06	C	FC	11500.00	2000.00	1.10	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.5	\$160
Monthly Average	Dec-06	T	Ammonia	14.00	2.05	6.83	0.5	0.0	0.0	0.0	0.50	0.50	0.50	0.5	\$883
Weekly Average	Dec-06	T	Ammonia	16.20	3.07	5.28	0.5	0.0	0.0	0.0	0.50	0.25	0.25	0.5	\$703
Daily Minimum	Jan-07	C	DO	2.50	6.00	1.20	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.5	\$170
Monthly Average	Jan-07	C	FC	2150.00	1000.00	1.10	0.0	0.0	0.0	0.0	0.00	0.50	0.50	0.5	\$210
Daily Maximum	Jan-07	T	FC	2150.00	2000.00	1.10	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.5	\$160
Monthly Average	Jan-07	T	Ammonia	20.00	2.05	9.76	0.5	0.0	0.0	0.0	0.50	0.50	0.50	0.5	\$1,176
Weekly Average	Jan-07	T	Ammonia	23.40	3.07	7.62	0.5	0.0	0.0	0.0	0.50	0.25	0.25	0.5	\$937
Monthly Average	Feb-07	C	CBOD	37.40	24.00	1.56	0.0	0.0	0.0	0.0	0.25	0.50	0.50	0.5	\$281
Weekly Average	Feb-07	C	CBOD	39.60	36.00	1.10	0.0	0.0	0.0	0.0	0.00	0.25	0.25	0.5	\$185
Monthly Average	Feb-07	C	CBOD % Removal	43.60	85.00	1.10	0.0	0.0	0.0	0.0	0.00	0.50	0.50	0.5	\$210
Daily Minimum	Feb-07	C	DO	5.20	6.00	1.10	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.5	\$160
Monthly Average	Feb-07	C	FC	2000.00	1000.00	1.10	0.0	0.0	0.0	0.0	0.00	0.50	0.50	0.5	\$210
Weekly Average	Feb-07	T	Ammonia	5.30	2.05	2.59	0.5	0.0	0.0	0.0	0.50	0.50	0.50	0.5	\$459
Monthly Average	Feb-07	T	Ammonia	6.94	3.07	2.26	0.5	0.0	0.0	0.0	0.50	0.25	0.25	0.5	\$401
Daily Maximum	Feb-07	C	pH	9.40	8.50	1.10	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.5	\$160
Monthly Average	Feb-07	C	TSS % Removal	16.80	65.00	1.10	0.0	0.0	0.0	0.0	0.00	0.50	0.50	0.5	\$210
Weekly Average	Feb-07	C	TSS	124.00	90.00	1.38	0.0	0.0	0.0	0.0	0.00	0.50	0.50	0.5	\$238
Monthly Average	Feb-07	C	TSS	170.00	135.00	1.26	0.0	0.0	0.0	0.0	0.00	0.25	0.25	0.5	\$201

Monthly Average	Mar-07	C	CBOD	29.10	24.00	1.21	0.0	0.0	0.0	0.50	0.5	\$221
Weekly Average	Mar-07	C	CBOD	37.50	36.00	1.04	0.0	0.0	0.0	0.25	0.5	\$179
Daily Maximum	Mar-07	C	pH	10.20	8.50	1.20	0.0	0.0	0.0	0.00	0.5	\$170
Monthly Average	Mar-07	C	TSS	167.00	90.00	1.86	0.0	0.0	0.25	0.50	0.5	\$311
Weekly Average	Mar-07	C	TSS	210.00	135.00	1.56	0.0	0.0	0.25	0.25	0.5	\$256
Proposed Penalty												
Adjustments												
Other Violations- FTR NOV												
Other Violations- DMRs (Mar 07-Feb 08)												
Other Violations- No Certified Operator												
Economic Benefit												
Ability to Pay												
Total Proposed Penalty w/o Ability to Pay												
Total Proposed Penalty Based on Ability to Pay												
Minimum Penalty												
Final Penalty *												
\$12,500												

* Final penalty amount of \$12,500 was determined during the Jan. 2008 meeting with the facility and it's representatives.