



clean air clean water clean georgia

May 17, 2004

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Phil Best, Mayor
City of Dublin
Post Office Box 690
Dublin, Georgia 30094

Mr. George Roussel, City Manager
City of Dublin
Post Office Box 690
Dublin, Georgia 30094

Michael Clay
Director of Utilities
Post Office Box 690
Dublin, Georgia 30094

Willie Richardson, Superintendent Wastewater
City of Dublin
Post Office Box 690
Dublin, Georgia 30094

RE: Sixty (60) Day Notice of Intent to Sue the City of Dublin
for Violations of the Clean Water Act

To Whom it May Concern:

Pursuant to Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b), Altamaha Riverkeeper, Inc. (“Altamaha Riverkeeper”) hereby gives notice of its intent to commence a legal action in United States District Court against the City of Dublin for violations of the Clean Water Act, 33 U.S.C. 1251 et seq., Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 et seq., and the rules and regulations promulgated pursuant to each of these Acts. These violations are related to discharges from the City of Dublin’s Water Pollution Control Plant located at 250 Riverview Drive, Dublin (Laurens County), Georgia 31040 including but not limited to, discharges associated with the Dublin WPCP Point Source Discharge and Reuse Discharge to Southeast Newsprint.

Altamaha Riverkeeper is a non-profit environmental organization dedicated to protecting and restoring the habitat, water quality, and flow of the Altamaha River from its headwaters in North Georgia to its terminus at the Atlantic Ocean near Darien. ARK represents over 1,000 members who live, work, and recreate in the Oconee, Ocmulgee, and Ohoopsee River Basins and their feeder streams that make up the Altamaha River Watershed. The Altamaha Riverkeeper is located at P.O. Box 2642, Darien, Georgia, 31305, (912) 437-8164. All communications, however, should be directed as described at the close of this letter.

The State of Georgia, Environmental Protection Division (EPD) has issued National Pollutant Discharge Elimination System (NPDES) Permit Number GA0025569 to the City of Dublin for its Water Pollution Control Plant (WPCP). This permit authorizes the City of Dublin to discharge wastewater into a tributary to the Oconee River subject to certain effluent limitations, monitoring requirements, operating requirements and other conditions. The permit also authorizes the City of Dublin to discharge reuse water to Southeast Newsprint subject to certain effluent limitations, monitoring requirements, operating requirements and other conditions.

Upon information and belief, the City of Dublin has continuously failed to comply with the terms of its NPDES Permit as well as, the Clean Water Act, the Georgia Water Quality Control Act, and accompanying regulations. In this action, Altamaha Riverkeeper will allege that the City of Dublin has and continues to violate: (1) the terms of its NPDES Permit, the Clean Water Act, the Georgia Water Quality Control Act, and accompanying regulations by failing to comply with the effluent limitations, monitoring and reporting requirements, and operation and maintenance requirements set forth in its NPDES Permit and that there exists a reasonable likelihood that it will continue to do so in the future and (2) Section 301 and Section 402 of the Clean Water Act, 33 U.S.C. § 1311 and 1342, by discharging or causing to be discharged pollutants into the Oconee River without a valid permit and in violation of water quality standards.

Specifically, upon information and belief, these violations include, but are not limited to, the following:

Date	Violation
May 7, 2004	Unsightly and putrescent materials associated with municipal sewage including but not limited to, floating solids, brown and gray in color, being discharged in the effluent stream from the Dublin WPCP entering the receiving stream. Foam in the effluent stream from the Dublin WPCP entering the receiving stream. BOD violations in effluent stream from the Dublin WPCP entering the receiving stream.
April 19, 2004	Unsightly and putrescent materials associated with municipal sewage including but not limited to, floating solids, brown and gray in color, being discharged in the effluent stream from the Dublin WPCP entering the receiving stream. Foam in the effluent stream from the Dublin WPCP entering the receiving stream. Fecal Coliform violations in effluent stream from the Dublin WPCP entering the receiving stream.
April 12, 2004	Unsightly and putrescent materials associated with municipal sewage including but not limited to, floating solids, brown and gray in color, being discharged in the effluent stream from the Dublin WPCP entering the receiving stream.

	Foam in the effluent stream from the Dublin WPCP entering the receiving stream.
April 8, 2004	Unsightly and putrescent materials associated with municipal sewage including, but not limited to, elastic substance (yellow and white in color) being discharged in the effluent from the Dublin WPCP entering the receiving stream.
April 1, 2004	Unsightly and putrescent materials associated with municipal sewage including but not limited to, gray water, floating solids, and sanitary products being discharged in the effluent from the Dublin WPCP entering the receiving stream.
January 19, 2004	Foam in the effluent stream from the Dublin WPCP entering the receiving stream.
April 23, 2003	Overflow from reuse effluent discharged directly to receiving stream.
April 21-22, 2003	Reuse effluent discharged to receiving stream. Failure to maintain and operate efficiently all treatment or control facilities and related equipment at the Dublin WPCP.
October 2002	Failure to report dissolved oxygen, ammonia and TRC on discharge monitoring report.
April 2002 – October 2002	Failure to report flow, Biochemical Oxygen Demand, Total Suspended Solids, pH, Fecal Coliform, Total Residual Chlorine, Ammonia and Turbidity on discharge monitoring report.
February 2000	Fecal Coliform violations: Reported Monthly Average = 273 mg/l; Permit limit = 200 mg/l monthly average Reported Weekly Maximum = 730 mg/l; Permit limit = 400 mg/l weekly maximum.

Altamaha Riverkeeper believes and alleges that such history of violations has been continuous from at least February 2000 to present and will likely continue. It is Altamaha Riverkeeper's further belief that such violations have occurred on each and every day between February 2000 and present. Such violations and any consecutive violations may be included in future legal actions by Altamaha Riverkeeper.

In light of the aforementioned violations, this letter constitutes Notice of the Intent to Sue pursuant to Section 505(b) of the Clean Water Act, 33 U.S.C. §1365(b). With this letter, Altamaha Riverkeeper provides notice to you, the United States Environmental Protection Agency, and the State of Georgia, of its intent to file a citizen suit under Section 505 of the Clean Water Act, 33 U.S.C. §1365, against the City of Dublin for each permit violation described above, including those which may be currently unknown and those occurring after termination of the sixty (60) day notice period. Please be advised that Altamaha Riverkeeper intends to commence this action at the close of the sixty (60) day notice period if these violations are not abated and necessary action taken to provide reasonable assurance that such violations will not recur. In such an action, Altamaha Riverkeeper intends to seek injunctive relief, civil penalties of up to \$27,500 per day per violation, recovery of litigation expenses including attorneys' fees and other litigation expenses, and other relief as may be appropriate.

It has also come to our attention that you are currently out of compliance with Georgia Administrative Code Section 391-3-6-.06(17). This code provision requires that facilities with a National Pollutant Discharge Elimination System ("NPDES") permit appropriately mark and identify all outfalls in order to inform the public of the discharge. Among other requirements, identification of the outfall must be adjacent to the outfall and visible from the receiving water. Should the outfall be submerged, then the sign should be posted on the bank as close to the outfall as possible. In any regard, the sign must be maintained and visible. We recommend that the sign be placed at the mouth of the tributary visible to those on the river.

If you have reason to believe that your facility is exempt from the requirements of the law, the permit, and relevant regulations, has complied with all such statutes, permits, and regulations, or otherwise has a defense to liability, please advise us of the specific basis for your exemption, compliance, or defense.

During the sixty (60) day notice period, we will be available to discuss effective remedies and actions and the possibility of resolving this matter without litigation, as well as any facts you believe are incorrectly set forth in this notice letter and other relevant facts not itemized above. As previously mentioned, all correspondence regarding this matter should be directed as follows:

Kasey Sturm / Justine Thompson
Georgia Center for Law in the Public Interest
175 Trinity Avenue, SW, Atlanta, Georgia 30303
404.659.3122 (voice)
404.688.6703 (fax)

Please feel free to contact either Kasey Sturm or Justine Thompson regarding this matter at 404.659.3122 or via email at ksturm@cleangeorgia.org or jthompson@cleangeorgia.org. Thank you for your time and consideration in this important matter.

Sincerely,

Kasey A. Sturm
Staff Attorney

Justine Thompson
Executive Director

Cc: Michael O. Leavitt– via certified mail
Administrator
U.S. Environmental Protection Agency
Environmental Protection Agency East
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J. I. Palmer Jr. – via certified mail
Regional Administrator
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Honorable John Ashcroft – via certified mail
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Honorable Lonice Barrett – via certified mail
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Mrs. Carol Couch – via certified mail
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