



# CITY OF TALLADEGA

FOUNDED 1834 MEMBER: ALABAMA LEAGUE OF MUNICIPALITIES

*City Council*

Horace L. Patterson, Sr.  
Eddie L. Tucker  
Robert D. Miller, Jr.  
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Brian York  
*Mayor*

Michael Stampfler  
*City Manager*  
(256) 362-8775

August 28, 2009

Angela Souder Blackwell  
District Counsel  
Southeastern District  
Suspension and Debarment  
U.S. Environmental Protection Agency  
61 Forsythe Street  
Atlanta, GA 30303

RE: EPA Case Number: 06-035-00  
City Manager's 2008 Annual Report under Compliance Agreement  
between United States Environmental Protection Agency (EPA)  
and City of Talladega, Alabama, (Talladega) dated September 25, 2007

Dear Ms. Blackwell:

As City Manager of the City of Talladega, Alabama, I understand and acknowledge my reporting responsibilities under the Compliance Agreement between the City and the EPA dated September 25, 2007. The administrative management of city government is my statutory responsibility. The day to day operations of the Water and Sewer Department of the City are vested in the Operations Manager of the Water and Sewer Department. I have requested from the Operations Manager of the Water and Sewer Department a report detailing the actions taken by that department evidencing compliance with the Compliance Agreement and the ADEM Consent Order Number 08-010-CWP, as well as the regulatory rules and regulations of any state or federal agency affecting water quality, delivery of potable water, waste disposal and waste water treatment.

I hereby certify that the adoption of a Code of Conduct by resolution of the City Council of the City of Talladega, an amendment to the Purchasing Policy Ordinance to provide a procedure for checking the EPLS, the official appointment of an ethics compliance officer (ECO) by the City Council and the creation of a job description for the ECO have been completed. The City Purchasing Director has certified to me that a procedure has been established for insuring that no vendor doing business with the City as a contractor or subcontractor is on the Excluded Parties List System. In addition, the Purchasing Director has reviewed the list of vendors doing business with the City since September 25, 2007 and finds that no vendors are on the EPLS. The Operations Manager has informed me that copies of the Code of Conduct have been furnished to all Water Department

employees, that he has posted the proper notices regarding ethics violations and reporting of the same, and that he has conducted ethics training of employees this week.

The Operations Manager has been directed by me to develop a procedure by which all certifications regarding entries in the applicable operation and maintenance log books by the appropriate employees and operators of the Water and Sewer Department will be reviewed, updated and re-signed by said employees at least annually. I will continue to monitor the development of this practice and procedure and will inform you of its status in my next annual report due September 25, 2009.

I have been advised by the Operations Manager of the Water and Sewer Department that those items enumerated 1 through 8, inclusive, of paragraph O of Section II, Recitals of the Compliance Agreement, have been satisfied. I have personal knowledge of the completion of item 7 regarding the adoption of an ethics Code of Conduct policy as above stated. Regarding items 1 through 6 and item 8, I do not possess the requisite technical expertise or knowledge as to the completion of those items as they were completed prior to my employment. However, the Operations Manager has certified completion of those matters. Regarding paragraph 9 and the development of a fats, oil and grease program, the Operations Manager has submitted to me and recommended for adoption by the City Council of the City of Talladega a fats, oil and grease ordinance. After review of the proposed ordinance by the city attorney, I will submit the Ordinance for consideration to the City Council of the City of Talladega. I will report as to the status of the adoption of this ordinance in my next annual report to be submitted September 25, 2009.

Regarding compliance with the ADEM Consent Order 08-010-CWP, the Operations Manager of the has assured me that the City is in compliance with the conditions of the Consent Order. However, my preliminary investigation reveals that several matters required by the Consent Order and the Comprehensive Engineering Report prepared by Krebs Architecture & Engineering, Inc., have not been completed. I assure you that I will do everything within my authority to persuade the City Council to take the appropriate steps and budgetary commitment to comply with the Consent Order.

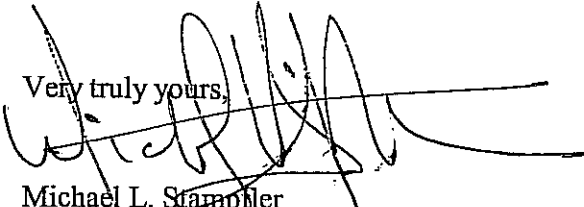
Regarding expenditures for monitoring and correcting infiltration and inflow problems, the Water and Sewer Department requested and was budgeted the amount of \$300,000.00 for the project in fiscal year 2008/2009. To my knowledge, the Water and Sewer Department spent \$10,000.00 in this area. For fiscal year 2009/2010, the requested budget was reduced by the Water and Sewer Operations Manager from \$300,000.00 to \$150,000.00. I have directed the Operations Manager to prepare and provide to me a compliance plan identifying all potential causes of infiltration and inflow into the waste water collection and treatment system as well as the occasions of waste water overflow, reporting data and corrective measures taken regarding these matters. I will submit a status report in this regard with my next annual report due September 25, 2009.

It is the intention of the City of Talladega to obey all laws and regulations of the United States, the State of Alabama and any local laws regarding the operation of an integrated water supply system and the disposition and treatment of waste water in the City of Talladega. To my knowledge, the City of Talladega is making every effort to comply with the recited laws and regulations. I have directed the Operations Manager to furnish to me a summary of all environmental violations reported

to or discovered by the Water and Sewer Department of the City of Talladega from September 25, 2007, to date, including but not limited to the date of the occurrence, the location, the agency to whom the violation was reported and the corrective measures taken by the Water and Sewer Department to correct the violation. Not having actual knowledge of the complaints and violations, or the action taken by the Water and Sewer Department, I cannot certify as to the completeness of the report of the Operations Manager, nor can I certify that the event of any environmental violation has been reported to the EPA. I hereby certify that I have directed the Operations Manager of the Water and Sewer Department to comply with the reporting terms and provisions of paragraph 21 of the Compliance Agreement within ten calendar days of the event and to furnish me evidence of compliance.

Regarding the citation in the Compliance Review Report for non-reporting of violations and events of overflow, the sewage overflow in the residences of Brecon Circle occurred in 2003 and suit was filed on March 19, 2007, precedent to the date of the Compliance Agreement. The Gunter claim was filed on June 12, 2009. It was not timely reported by the Operations Manager to the EPA as required. It was reported to Mr. Joseph J. Carbonaro, Jr., before the audit on July 20, 2009.

The City of Talladega understands the seriousness of the charges leveled in the EPA Compliance Review Report. I have thoroughly reviewed the Compliance Agreement and the Consent Order with my staff and with the City Attorney. I assure you that the City of Talladega is making every effort and will continue to make every effort to comply with the conditions of the Compliance Agreement and the Consent Order. It is my belief that the deficiencies cited in the EPA Compliance Review Report have been corrected or are being corrected. I pledge my cooperation to continue to oversee the City's compliance with the terms and conditions of the Compliance Agreement.

Very truly yours,  
  
Michael L. Stampfer  
City Manager  
City of Talladega

cc: Mr. Frank Dawkins  
Investigation and Oversight (3902R)  
Suspension and Debarment Division  
U.S. Environmental Protection Agency  
1300 Pennsylvania Avenue NW  
Washington, D.C. 20004

Dr. Horace L. Patterson, Sr., Council President  
Mr. Eddie L. Tucker, Councilman  
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