



CITY OF TALLADEGA

FOUNDED 1834 MEMBER: ALABAMA LEAGUE OF MUNICIPALITIES

City Council

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September 23, 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 2009 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:

This document is being submitted as the annual report of the City Manager as required by paragraph 13 of the Compliance Agreement dated September 25, 2007, between the EPA and the City of Talladega.

Pursuant to the requirements of Section II, Paragraph O, Subparagraph 9, the City Council of the City of Talladega unanimously adopted an Ordinance to regulate the disposal of fats, oil and grease by food service facilities into the sanitary sewer system of the City of Talladega on September 25, 2009. The effective date of this Ordinance will be following its publication in The Daily Home, a local newspaper.

Regarding expenditures and the financial commitment of the City of Talladega to the improvement of wastewater collection and treatment, wastewater overflow and the other matters cited in the Compliance Agreement and the ADEM Administrative Consent Order Number 08-010-CWP, it was previously reported that the Operations Manager for the Water and Sewer Department had requested a budget reduction from 2008/2009. I am reporting at this time that I have since recommended to the City Council for adoption in its annual budget for 2009/2010 an 8% increase in water rates in an effort to generate additional capital to address those matters cited in the Consent Order and the Compliance Agreement. This budget will be considered for adoption at a special called meeting on September 28, 2009, and will become effective on October 1, 2009.

Regarding the development of a procedure for employee re-certification regarding entries in the Water and Sewer Department's applicable operation and maintenance logbooks by said logs being updated and resigned by appropriate employees and operators of the Water and Sewer Department on an annual basis, I have requested in writing that the Operations Manager of the Water and Sewer Department to submit a formal procedure. It was reported to me by the Operations Manager that the employees will be notified by memo on January 1st to review the entries made to logs within thirty (30) days, resign the logs and certify compliance in writing. I responded to the Operations Manager that he should prepare and submit to me a written procedure and schedule to insure adequate education of all employees regarding recertifications and to include a description of the procedure to make the logs accessible to the employees. As of the date of this letter, I have not received the written policy and cannot certify to compliance with that condition of Section VIII, Paragraph 13, of the Compliance Agreement. I will continue to monitor the development of this practice and procedure and will inform you upon my receipt of the adoption of the required procedure.

Regarding compliance with Item VIII, Paragraph 13, Certification of Monthly Reports, I requested in writing from the Operations Manager on August 26, 2009, a report consisting of all data regarding said reports, including the date of completion and to whom the reports were sent, as well as the dates and times of each and every incident reported as required by the record keeping requirements of the Compliance Agreement. A summary report was submitted from the Operations Manager of the Water and Sewer Department affirmatively assuring me that the required reports were reviewed and submitted to the appropriate state and federal agencies by the Operations Manager of the Water and Sewer Department. The required specific data requested by me was not made available and I am continuing to monitor this matter. Therefore, based upon the foregoing, I cannot certify compliance that all of the required reports have been filed.

Regarding compliance with the ADEM Consent Order, the Operations Manager of the Water and Sewer Department has assured me that the City is in compliance with the conditions of the Consent Order. However, my investigation reveals that several matters required by the Consent Order and the Comprehensive Engineering Report prepared by Krebs Architecture & Engineering, Inc., and submitted to ADEM, have not been completed. Particularly, the Shocco Lift Station remains an incomplete issue. In its January 2008 report to ADEM, Krebs Engineering made its recommendation to improve the performance of the Shocco Lift Station and reduce Sanitary Sewer Overflows (SSOs). The Operations Manager reports that the portable generator required to operate the lift station has not been connected. The Operations Manager further reports that, in his opinion, a survey prepared by a professional engineer may be needed to profile the main sewer line and that it may be necessary that the solution include a relocation of the Shocco Lift Station. As of the date of this letter, I have received no further information from the Operations Manager regarding this matter and cannot certify compliance with that requirement of the ADEM Consent Order. I will continue to monitor this situation.

Regarding expenditures for monitoring and correcting infiltration and inflow problems, the City Council has amended at my recommendation the requested budget submitted by the Operations Manager of the Water and Sewer Department for the fiscal year 2009/2010 in order to generate additional funds for this purpose. I have requested, but have not received, from the Operations Manager a compliance plan identifying all potential causes of infiltration and inflow into the waste

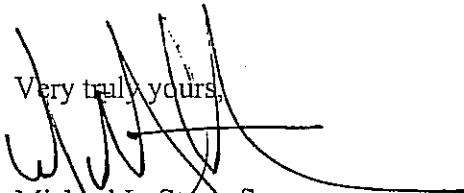
water collection and treatment system. I have received a report of wastewater overflows and corrective measures taken in the form of repairs or cleaning sewer lines regarding sanitary sewer overflows and bypasses. However, based upon complaints made to my office, the report submitted by the Operations Manager was deficient in that it failed to list an overflow on Avenue H on January 7, 2009, and sewage in the yard at 625 Angus Street sometime between July 29, 2009, and August 3, 2009. It is the position of the Operations Manager that neither of these events constituted overflows or bypasses at either of those locations on those dates. Based upon the discrepancies between the report submitted by the Operations Manager and the complaints made by citizens regarding these two incidents, I cannot certify to compliance with the reporting requirements of SSOs. However, I assure you that I will continue to monitor the situation and insist that the Operations Manager submit all of the required reports.

Regarding the semiannual reports from the Operations Manager of the Water and Sewer Department to ADEM under the ADEM Consent Order, I cannot certify that the Director of Operations has made the required semiannual reports. My investigation reveals that the Operations Manager has submitted only the April 14, 2008, report. The reports due for October of 2008 and April of 2009 are past due. I assure you that I will continue to monitor this reporting requirement and direct the Operations Manager to make the required reports.

Finally, in an effort to clarify the responsibilities of the Operations Manager of the Water and Sewer Department as enumerated in the Compliance Agreement and Consent Order, I have developed a revised job description for the Director of the Water and Sewer Department. I have submitted the job description to the Civil Service Board of the City of Talladega as required by the local Civil Service Act. The Civil Service Board has approved this job description. Upon approval and adoption of the revised job description by the City Council, I am confident that the clarification will result in better compliance by the City of Talladega with the terms and conditions of the Compliance Agreement and the Consent Order.

In conclusion, after a more thorough review of the Compliance Agreement and the Consent Order with legal counsel for the City of Talladega, I have a better understanding of the mandates of the Compliance Agreement and the Consent Order and the responsibilities of the City of Talladega under these instruments. The City is making every effort within the budgetary constraints to improve the wastewater collection and treatment system and reduce the occasions of sanitary sewer overflows and bypasses within the City of Talladega.

If you have any questions concerning the above or wish to discuss the same further, please do not hesitate to contact me.

Very truly yours,

Michael L. Stampfler
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
Mr. Robert D. Miller, Jr., Councilman
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