



May 2, 2013

***SENT VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
& VIA FACSIMILE***

Honorable James Rhodes, Mayor  
City of Rochelle  
410 Stephens Street  
P.O. Box 156  
Rochelle, Georgia 31079  
(229) 365-2245 Fax

Re: Notice Of Intent To File Citizen Suit Under The Clean Water Act  
NPDES Permit No. GA0024244 And Associated Sanitary Sewer Collection  
System

Dear Mayor Rhodes:

On behalf of Mr. John Jackson, Ms. Hattie McBurrows, Ms. Sittie Butts, Mr. Rufus Howard, Mr. Robert Ferguson, Mr. James Woods, Mr. Thomas Ferguson, Ms. Johnnie Armstrong, and Mr. Eddie Coney, this letter informs you that the City of Rochelle has continued to fail to obtain NPDES permits as required by section 1342 of the Clean Water Act, 33 U.S.C. §1251 et seq. (1972), for structures owned and operated by the City of Rochelle as part of its Sanitary Sewer Collection System that discharge pollutants into a ditch on the north side of Rochelle, GA, and for the ditch itself, which flows into Mill Creek, a tributary of the Alapaha River. In addition, the City has violated and continues to violate its NPDES permit (NPDES Permit No. GA0024244) by failing to report and monitor spills in the sanitary sewer system in compliance with Part II(A)(11) of its permit, allowing bypassing around its Northwest Sewage Pond in violation of Part II(A)(8) of its permit, and allowing adverse impacts to human health and the environment in violation of Part II(A)(10) of its permit. These violations continue to reoccur at intermittent intervals every three to four months, depending on rainfall. Pursuant to section 1365(b)(1)(a) of the Clean Water Act, this letter serves as notice that if the above violations are not remedied within sixty days, the parties listed above intend to file a citizen suit under section 1365(a)(1) of the Clean Water Act to enjoin these unlawful discharges and violations and for the imposition of civil penalties, attorney's fees and litigation costs as appropriate.

## **BACKGROUND**

In Rochelle's African-American community on the north side of the railroad tracks, raw sewage has backed up into residents' homes and yards for decades. The city's sewage conveyance pipes, which date back to the 1940's, are subject to repeated blockages and infiltration by stormwater, which cause raw sewage to back up in the outdated system. Raw