

A. Failure to Report and Monitor Spills

The City of Rochelle has failed to report and monitor spills as required by its permit, NPDES Permit GA0024244 at Part II(A)(11), at the following locations: the ditch identified in Attachment A; the sanitary sewage structures on the north side of town including the manholes at the end of Jackson Street, the manhole located behind the house at 629 Lee Street, the broken pipe located at the corner of Sook Road and Gin House Road (near the lift station); and at residences² throughout the north side of Rochelle, including but not limited to, 1004 Gordon Street, 555 King Avenue, 423 Mills Street, the residences along Jackson Street, and the residences and businesses along Railroad Avenue³. The City has failed to notify the Georgia Environmental Protection Division of these spills, report the spills to local health departments, post notice of the spills, report the spills to local media, submit a written report, notify nearby public water sources and monitor the receiving waters. These spills are continuing and have occurred every three to four months, depending on rainfall for the last 5 years (and decades before). They constitute both “spills” and “major spills” as defined in the permit, as they discharge raw sewage into Mill Creek, a water of the United States. *Id.* Recent spills from these locations occurred daily from March 1, 2013 through March 6, 2013; intermittently from March 7, 2013 through March 25, 2013; and daily from March 26, 2013 until at least March 27, 2013.

B. Allowance of Illegal Bypasses of the Permitted Ponds

The City of Rochelle has violated its NPDES permit by illegally bypassing its Northwest Sewage Pond through discharges to the ditch on the north side of town and through structures related to its Sanitary Sewer Collection System throughout the north side (including the Jackson Street and Lee Street manholes discussed above and the broken pipe at the Sook Road lift station). These discharges are not directed to the Northwest Sewage Pond but instead, directed to Mill Creek. NPDES Permit No. GA0024244 prohibits bypassing of wastewater around permitted treatment works and requires the permittee to “operate the facility and the sewer system to minimize discharge of pollutants from ...bypasses.” Permit at Part II(A)(8). The permittee is also required to “maintain and operate efficiently all treatment or control facilities and related equipment installed or used by the permittee to achieve compliance with this permit.” Permit at Part II(A)(1). Further, any such bypasses must be reported. Permit at Part II(A)(8). The City has violated these provisions of its permits by bypassing the Northwest Sewage Pond, failing to properly operate and maintain its sewage system, and failing to report bypasses. These violations have occurred every three to four months, depending on rain, for the past five years

² Attached to this letter as “Attachment C” is a Google Earth Image of the City of Rochelle. The orange pin markers identify known areas where sewage is discharged into the homes and yards of area residents and businesses.

³ Some of these businesses have installed flapper valve systems in an effort to mitigate damages and to keep sewage from backing into their buildings. While these flapper valves have helped prevent the entry of sewage in recent years, bathrooms remain inoperable during times of system failure, sometimes for days. In addition, the City has sought to have these valve systems removed, which would again expose these businesses to the raw sewage backups that plagued them for so many years.