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September 30, 2010

Mr. Christopher L. Plymale
Ms. Susan Pope
U.S. Environmental Protection Agency, Region 4
Clean Water Enforcement Branch
Water Protection Division
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Re: Information Request – Section 308 of the Clean Water Act
NPDES Permit No. ALS000001
Joint Response of Cities of Adamsville, Brighton, Brookside, Center Point, Clay, Fairfield, Gardendale, Homewood, Hueytown, Irondale, Leeds, Lipscomb, Maytown, Midfield, Mulga, Mountain Brook, Pinson, Pleasant Grove, Tarrant, Trussville, and Vestavia Hills, Alabama to MS4 308 Report

Dear Mr. Plymale and Ms. Pope:

Please allow this letter to serve as a joint response to the MS4 308 Review Report of the U.S. Environmental Protection Agency ("EPA") issued to the Cities of Adamsville, Brighton, Brookside, Center Point, Clay, Fairfield, Gardendale, Homewood, Hueytown, Irondale, Lipscomb, Maytown, Midfield, Mulga, Mountain Brook, Pinson, Pleasant Grove, Tarrant, Trussville, and Vestavia Hills, Alabama ("City" or "Member City"), dated July 15, 2010. We appreciate the EPA allowing these Cities additional time to respond. These Cities are the current members of the Storm Water Management Authority, Inc. ("SWMA"). The Cities are responding to the Permit Requirements and Program Recommendations set forth in the Review Report. The Cities, along with SWMA and the Jefferson County Board of Health ("JCDH"), will submit any additional information or documentation requested by the EPA.

INTRODUCTION

All of the Cities to which the 308 Review Report was directed are members of SWMA. SWMA is a public corporation that was incorporated in 1997 by Jefferson County and 23 municipalities within Jefferson County pursuant to the Alabama Storm Water Act, *Ala. Code* § 11-89C-1, *et seq* ("Storm Water Act"). Mayor Eugene A. Melton, Mayor of the City of Trussville, is the Chairman of the Board of Directors of SWMA. The Board of Directors is comprised of the Mayors of the Member Cities of SWMA. The Storm Water Act was enacted to enable governing bodies, such as the Member Cities, to effectively and efficiently comply with the storm water obligations imposed upon them by federal and state storm water laws. *Ala. Code* § 11-89C-1, 2(8).

Enclosed for your information are the Articles of Incorporation of SWMA and the subsequently adopted Bylaws. These are the interjurisdictional agreements that allow the Member Cities to operate together to comply with storm water laws, including Permit ALS000001. ("Permit").

As you may be aware, in recent years, certain SWMA Member Cities have withdrawn from SWMA and determined to operate a separate program to comply with the Permit. Most notably, effective October 1, 2009, Jefferson County withdrew as a Member City. The employees who had operated the SWMA storm water

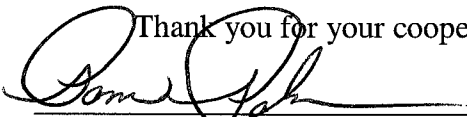
program were employees of Jefferson County on loan to SWMA. The withdrawal of Jefferson County as Member City necessitated that those employees be reassigned to duty within Jefferson County. At that juncture, SWMA's Board of Directors determined to engage the JCDH to conduct certain functions relating to Permit compliance. Enclosed is a copy of the contract between SWMA and JCDH which was renewed at SWMA's Special Called Meeting in September. In addition to the JCDH employees, SWMA currently uses 2 employees. One is on loan from the City of Trussville. The other is a part time employee employed by SWMA who assists JCDH and works on the computer systems maintained at SWMA. This arrangement has worked well over the past year, and SWMA believes it will continue.

Accordingly, in response to the MS4 308 Review Report, the Member Cities submit the attached joint response which globally addresses EPA's report and details the future work which we believe can be accomplished to comply with what we now understand EPA requires. Please note due to ADEM's failure to review and respond to SWMA's annual reports each year SWMA was lead to believe we were compliant. The Member Cities respectfully do not admit any deficiencies in their compliance with the Permit, and it is important for EPA to understand that the Member Cities have always believed the programs we conducted complied with the Permit requirements to the maximum extent practicable.


The Member Cities have indicated a timeline for certain programs to be adopted, and we hope these timelines will be satisfactory with EPA. Some of the timelines are extended, but are necessary to allow for public review, comment and, where necessary, adoption by the Member City councils. Please recognize, however, that SWMA and its Member Cities have in the past, and continue to face great challenges, including certain state law restrictions and business groups who may disagree with the scope of the Permit requirements, all of which is evidenced by the two recent Birmingham News articles which are enclosed.

Despite these challenges, SWMA and JCDH will work together to efficiently develop programs necessary to comply with the Permit. We request, though, EPA's continued clarification and assistance so that the Member Cities can comply with the Permit in a fiscally responsible way, seeking to meet the Permit requirements to the maximum extent practicable. The Member Cities appreciate the input from EPA and remain committed to achieving compliance with the Permit.

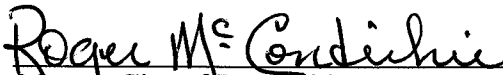
Thank you for your cooperation in this matter.



Mayor, City of Adamsville



Mayor, City of Brighton



Mayor, City of Brookside



Mayor, City of Center Point



Mayor, City of Clay



Mayor, City of Fairfield




Mayor, City of Gardendale



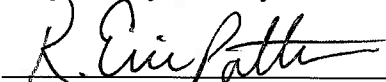
Mayor, City of Homewood



Mayor, City of Hueytown



Mayor, City of Irondale



Mayor, City of Leeds



Mayor, City of Lipcomb

Am Hodges Hoff

Mayor, City of Maytown

Randy P. Gehr

Mayor, City of Mountain Brook

John W. Davis

Mayor, City of Pinson

Lois B. Irick

Mayor, City of Tarrant

Robert C. Zucchi

Mayor, City of Vestavia Hills

Mayor, City of Midfield

David J. Kelly

Mayor, City of Mulga

Dennis M. Clay

Mayor, City of Pleasant Grove

Elizabeth M. Miller

Mayor, City of Trussville