Stormwater Enforcement: Alabama Department of Environmental Management and a Chilton County Racetrack Enter into Consent Order

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The Alabama Department of Environmental Management ("ADEM") and Buckshot Speedway, LLC, ("Buckshot") entered into an August 11th Consent Order ("CO") addressing alleged violations of the ADEM Administrative Code encompassing stormwater discharges.

Buckshot is described as constructing a commercial development ("Facility") in Chilton County, Alabama.

An ADEM inspection on August 12, 2022, is stated to have determined that Buckshot had not registered for and obtained National Pollutant Discharge Elimination System ("NPDES") coverage addressing regulated disturbance activities and/or discharges. This is stated to violate ADEM Administrative Code rs.335-6-12-.05 (1) and 335-6-12-.11(1).

Buckshot submitted to ADEM a Notice of Intent on August 18, 2022, requesting NPDES coverage under the NPDES General Permit ALR 100000 for regulated disturbance activities and discharges of treated stormwater from the Facility. ADEM granted such authorization on October 28, 2022.

The referenced permit requires Buckshot to undertake certain activities to address stormwater discharges.

An inspection of the Facility on August 12, 2022, and March 17th by ADEM is stated to have documented that Buckshot had not properly implemented and maintained effective Best Management Practices, even though NPDES construction activity had commenced and was in violation of certain parts of the permit. Further, significant accumulations of sediment resulting from discharges at the Facility are stated to have been observed and documented by ADEM moving offsite and into Little Mulberry Creek.

Buckshot neither admits nor denies ADEM's allegations.

A civil penalty of $20,000 is assessed. Further, Buckshot is required to take immediate action to prevent to the maximum extent practicable, sediment and other pollutants in stormwater leaving the Facility and prevent unpermitted discharges of pollutants to waters of the state. Additional activities are required pursuant to a schedule addressing alleged stormwater-related deficiencies.

A copy of the CO can be downloaded here.