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Construction Stormwater Enforcement: Alabama Department of Environmental Management and Huntsville Construction Project Operator Enter into Agreed Order

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The Alabama Department of Environmental Management (“ADEM”) and SW Madison AL, LLC (“SW”) entered into a September 24th Consent Order (“CO”) addressing alleged violations of an Alabama General Stormwater Permit. See Consent Order 25-XXX-CLD.

The CO provides that SW is constructing a one-story oil change building along with the mass grading of the remainder of the site in Huntsville, Alabama.

The construction is stated to include utilities, driveways, parking, and stormwater infrastructure and will be known as SW Madison – Commercial.

Sediment and other pollutants in stormwater runoff from the facility have the potential to discharge and/or have discharged to a UT to Knox Creek, a water of the State.

SW is stated to have submitted to ADEM a Notice of Intent (“NOI”) on July 31, 2024, requesting National Pollutant Discharge Elimination System (“NPDES”) coverage under NPDES General Permit for regulated disturbance activities and discharges of treated stormwater from the facility.

ADEM is stated to have conducted an inspection of the facility on June 16. The inspection is stated to have identified the following violations of the NPDES Permit:

- Failure to properly implement and maintain effective BMPs.
- Significant accumulations of sediment resulting from discharges at the facility.
- Prohibited discharge from the facility due to the pumping of turbid water offsite during dewatering activities into a UT to Knox Creek.

ADEM is stated to have sent a Notice of Violation to SW as a result of the June 16th inspection. In response to the Notice of Violation, SW prepared a report by a QCP showing steps taken at the facility to correct the violations.

SW neither admits nor denies ADEM’s contentions.

The CO assesses a civil penalty of \$16,000.00.

A copy of the CO can be downloaded [here](#).

