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Stormwater Enforcement: Alabama Department of Environmental Management and St. Clair Developer Enter Into Consent Order

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The Alabama Department of Environmental Management ("ADEM") and Beaver Creek Partners, LLC ("BC") entered into a November 6th Consent Order ("CO") addressing alleged violations of a Construction NPDES General Permit. See Consent Order 26-XXX-CLD.

The CO provides that BC is an Alabama developer constructing a residential development Twelve Oaks Homes ("Facility") in St. Clair County, Alabama.

Sediments and other pollutants in stormwater runoff from the Facility are stated to have the potential to discharge and/or have discharged to unnamed tributary to Beaver Creek. Beaver Creek is a water of the State.

The operator is stated to have submitted on April 21st to ADEM a Notice of Intent ("NOI") requesting NPDES coverage under NPDES General Permit ALR100000 for regulated disturbance activities and discharges of treated stormwater from the Facility. ADEM granted authorization on May 5th. The Permit is stated to have been terminated due to failure to pay the permit application fee.

ADEM during a June 24th inspection is stated to have documented that the operator had not registered for and obtained NPDES coverage prior to commencing regulated disturbance activities. Therefore, the operator is stated to have violated ADEM Admin. Code r. 335-6- 12-.11 by operating an NPDES construction site without having submitted a complete and correct required document to ADEM.

ADEM is stated to have observed during inspections of the Facility on April 30th and June 24th that the operator had not properly implemented and maintained effective Best Management Practices ("BMPs"), although NPDES construction activity had commenced and was continuing.

The referenced inspections are also stated to have documented significant accumulations of sediment resulting from discharges at the Facility.

BC neither admits nor denies ADEM's allegations.

The CO assesses a civil penalty of \$33,700.00.

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