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Stormwater Enforcement: Alabama Department of Environmental Management and Baldwin County Residential Developer Enter Into Order

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The Alabama Department of Environmental Management (“ADEM”) and Wilkes Construction Company, Inc. (“WCC”) entered into a November 7th Order addressing alleged violations of a Stormwater Construction Clean Water Act General Permit. See Order 26-XXX-CLD.

The Order provides that WCC is constructing a residential development in Baldwin County, Alabama.

The residential development is denominated Preserve Moccasin Bayou (“Development”).

The Development is stated to have sediment and other pollutants in stormwater runoff that have the potential to discharge and/or have discharged to Moccasin Bayou, a water of the State.

ADEM is stated to have observed and documented during an inspection of the Development that, although NPDES construction activity had commenced and was continuing, that the Operator had not properly implemented and maintained BMPs in violation of the Permit. The Operator is stated to have caused and contributed to a substantial visible contrast with the natural appearance of the receiving water in violation of the Permit. In addition, during the inspection ADEM observed and documented pollutions deposited offsite in violation of the Permit.

WCC neither admits nor denies ADEM’s contentions. Further, in response WCC is stated to have taken corrective actions to address the alleged deficiencies. In addition, WCC’s Qualified Credentialed Professional is stated to have been certified to the Department that all alleged deficiencies had been repaired/fixed or enhanced.

ADEM’s inspection is stated to have followed WCC’s submittal of a Noncompliance Notification Report on August 11, 2025, during a prolonged period of heavy rainfall at the Development. Subsequent to issuance of Administrative Order on August 14th WCC is stated to have complied with the same, implemented corrective actions, and its Qualified Credentialed Professional certified, to ADEM’s satisfaction, that required steps had been taken to remedy and correct the violations noted in the Administrative Order. Further, at the present time, WCC’s activity on the site continued to be governed by the CBMPP approved by ADEM.

The Order requires that WCC take certain actions to prevent, to the maximum extent practicable, sediment and other pollutants in stormwater leaving the Development and prevent noncompliant and/or unpermitted discharges of pollutants to waters of the State. Other actions are required to be undertaken.

A civil penalty of \$78,000.00 is assessed.

A copy of the Order can be found [here](#).