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Stormwater Enforcement: Alabama Department of Environmental Management and Developer of Baldwin County, Alabama, Facility Enter into Special Order by Consent

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The Alabama Department of Environmental Management ("ADEM") and Hill Brothers Construction ("HBC") entered into a January 29th Special Order by Consent ("Order") regarding alleged violations of a National Pollution Discharge Elimination System ("NPDES") General Stormwater Permit. See Order 19-XXX-CLD.

The Order provides that HBC is an Alabama developer constructing a residential development ("Facility") in Baldwin County, Alabama.

HBC is stated to be an Operator and that sediment and other pollutants in stormwater runoff from the Facility have the potential to discharge and/or have discharged to Point Clear Creek. Point Clear Creek is stated to be a water of the State.

HBC is stated to have submitted to ADEM a Notice of Intent ("NOI") on April 8, 2016. The NOI requested NPDES coverage under General Permit ALR10000 ("Permit"). Such Permit is applicable to regulated disturbance activities and discharges of treated stormwater from the Facility.

ADEM granted registration to HBC on April 29, 2016.

ADEM is stated to have inspected the Facility on November 1, 2018. The agency is stated to have determined that although NPDES construction activity had commenced (and was continuing), HBC had not properly implemented and maintained effective Best Management Practices ("BMPs") in violation of the Permit. Further, ADEM is stated to have observed and documented that HBC had contributed to an increase of more than 50 NTUs in turbidity and caused a substantial visible contrast of the natural appearance of the receiving water in violation of the Permit.

An inspection is stated to have occurred on December 20, 2018. ADEM is stated to have observed and documented that, although NPDES construction had commenced and was continuing, the company had not properly implemented and maintained effective BMPs in violation of the Permit. Further, the Order states that the agency observed and documented that HBC had contributed to an increase of more than 50 NTUs in turbidity and caused a substantial visual contrast to the natural appearance of the receiving water in violation of the Permit.

The Order requires within certain timeframes that HBC:

- Address sediment and other pollutants in stormwater leaving the Facility and prevent noncompliant and/or unpermitted discharges of pollutants to waters of the State
- Have a QCP perform a comprehensive inspection of the Facility, offsite conveyances, and affected State waters
- Fully implement BMPs designed by a QCP that meet or exceed the technical standards outlined in the Alabama Handbook, the site CBMPP plan, and Permit, and correct all deficiencies
- Submit to ADEM a certification signed by the QCP that effective BMPs that meet or exceed the technical standards outlined in the Alabama Handbook, the site CBMPP plan, and Permit have been implemented, all deficiencies have been correct, and full compliance with the Permit has been achieved at the Facility, offsite conveyances, and affected State waters.

A civil penalty of \$16,000 is assessed.

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