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Stormwater Enforcement: Alabama Department of Environmental Management and Fairhope, Alabama Salvage/Recycling Facility Enter into Consent Order

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The Alabama Department of Environmental Management (“ADEM”) and LA Recycling Services, LLC (“LA”) entered into a March 10th Consent Order (“CO”) addressing alleged violations related to a general stormwater permit and associated regulations. See Consent Order No. 19-XXX-CWP.

The CO provides that LA is the owner/Permittee of a salvage and recycling facility (“Facility”) in Fairhope, Alabama.

The facility is stated to discharge pollutants into an unnamed tributary to Waterhole Branch, a water of the state. A general National Pollution Discharge Elimination System (“NPDES”) permit with an expiration date of September 30, 2017 was issued to the Facility. Such permit addresses stormwater discharges.

The CO alleges certain violations of the permit and applicable regulations which include:

- Submission of an incomplete Notice of Intent (“NOI”) and failure to include renewal application fee
- Failure to include a Best Management Practices plan
- Discharges subsequent to the expiration of the NPDES permit on September 30, 2017
- Failure to submit to ADEM certain semi-annual discharge monitoring reports
- Failure to submit certain Annual Petroleum Certification forms
- Failure to adequately respond to an ADEM NOI
- Failure to implement certain Best Management Practices

LA is stated to have electronically submitted a complete NOI on January 9, 2019, with the required application fees and such permit was re-issued.

A civil penalty of \$15,000 is assessed.

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