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Stormwater Enforcement/Construction: Alabama Department of Environmental Management and Tuscaloosa County Commercial Development Operator Enter into Consent Order

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The Alabama Department of Environmental Management (“ADEM”) and Quiktrip Corporation (“Quiktrip”) entered into an October 6th Consent Order (“CO”) addressing alleged violations of an ADEM National Pollution Discharge Elimination System (“NPDES”) Construction Stormwater Permit. See Consent Order 21-XXX-CLD.

The CO provides that Quiktrip is an Oklahoma corporation constructing a commercial development (i.e., Quiktrip #7171)(“Facility”) in Coaling, Alabama.

The construction Facility is stated to have the potential to discharge to Cottondale Creek, a water of the State.

Quiktrip to stated to have submitted to ADEM a Notice of Intent requesting reauthorization of NPDES coverage under NPDES General Permit ALR100000 (“Permit”) for regulated disturbance activities and discharges of treated stormwater from the Facility. Such reauthorization was granted.

ADEM is stated to have conducted inspections of the Facility on July 27th and August 25th. Such inspections are stated to have resulted in the observation and documentation that Quiktrip had not properly implemented and maintained effective BMPs. Further, Paragraph 10 of the CO provides that Quiktrip shall promptly take all steps to remove, to the maximum extent practical, pollutants deposited offsite or in any waterbody or stormwater conveyance structure.

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

ADEM is stated to have sent a Notice of Violation to Quiktrip which included requiring the preparation of a report by QCP showing steps taken to correct the alleged violations. An extension was requested but the CO states that the required certification by QCP has not been received.

Quiktrip neither admits nor denies the allegations in the CO. However, it is stated in the CO that during the referenced inspections Tuscaloosa County experienced unusually high rain events for those months. It is also noted that:

. . . for the month of July, Tuscaloosa received 8.39 inches of rain (normal amount for July is 4.69") and for the month of August, Tuscaloosa received 7.66 inches of rain (normal amount for July is 4.80"). Additionally, during this time period, Tuscaloosa experienced unusually high rain fall from the after-effects of Hurricane Ida. As a result, the unusually high rain totals for these months presented unique challenges for the BMPs to perform as designed under these circumstances.

A civil penalty of \$36,100 is assessed.

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