

Water Enforcement: Alabama Department of Environmental Management and Fayette County Sand & Gravel Mining Facility Enter into Consent Order



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The Alabama Department of Environmental Management (“ADEM”) and West Alabama Sand and Gravel, Inc. (“West Alabama”) entered into a December 7th Consent Order (“CO”) addressing alleged violations of regulations addressing water/stormwater discharges. See CO No. XX-XXX-CWP.

The CO provides that West Alabama operates a sand and gravel mining facility (“Facility”) in Fayette County, Alabama.

An inspection is stated to have been conducted on February 10th. Such inspection is stated to have indicated four locations where surface drainage was not routed through a permitted outfall resulting in untreated discharges to an unnamed tributary to Sipsey River and a neighboring property. Such alleged failure to route all discharges through a certified outfall identified in West Alabama’s Notice of Intent is stated to be a violation of its discharge permit.

ADEM is stated to have also observed offsite sedimentation which was being deposited on a neighboring property and instream sedimentation in an unnamed tributary to Sipsey River. This is stated to have constituted a failure to conduct operations in a manner to minimize their impact on water quality and placing material associated with mining operations into a stream, constituting a violation of the ADEM Administrative Code.

The Pollution Abatement and/or Prevention Plan is also stated to have not matched site conditions.

West Alabama neither admits nor denies ADEM’s contentions.

A civil penalty of \$21,375 is assessed.

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