



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Stormwater Enforcement/Construction: Alabama Department of Environmental Management and Leeds Developer Enter into Consent Order

06/08/2023

The Alabama Department of Environmental Management (“ADEM”) and SDH Alabama, LLC (“SDH”) entered into a May 17th Consent Order (“CO”) addressing alleged violations of a Clean Water Act Construction National Pollution Discharge Elimination System General Permit (“General Permit”). See Consent Order 23-XXX-CLD.

The CO provides that SDH is an Alabama developer constructing residential development Clairmont Phase VI (“Facility”) in Leeds, Alabama.

Sediment and other pollutants in stormwater runoff from the Facility are stated to have the potential to discharge and/or have discharged to an unnamed tributary to the Little Cahaba River. The river is described as a water of the State.

The CO states that on June 22, 2022, a Notice of Intent modification was submitted to ADEM requesting the transfer of the General Permit to SDH (described as the Operator). ADEM granted the transfer on June 22, 2022.

ADEM is stated to have conducted an inspection of the Facility on September 16, 2022, and allegedly identified the following:

- Failure to properly implement and maintain effective Best Management Practices (“BMPs”)
- Significant accumulations of sediment resulting from discharges from the Facility offsite and into a UT to Little Cahaba River

ADEM conducted an additional inspection on December 2, 2022, and allegedly identified the following:

- Failure to properly implement and maintain effective BMPs
- Significant accumulations of sediment resulting from discharges at the Facility were observed offsite

SDH neither admits nor denies ADEM’s allegations. Further, SDH states:

- The potential to discharge and/or have discharged referenced in the CO is more properly described as discharged to an unnamed tributary, to a pond, to an unnamed tributary, and ultimately to the Little Cahaba River.
- There was a negligible economic benefit to SDH

- While ADEM may be unaware of such efforts, SDH has sought to comply with the applicable state and federal laws and regulations and has been in communications with some owners and/or occupants of the adjacent and nearby property.

A civil penalty of \$28,500 is assessed.

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