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

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The Alabama Department of Environmental Management (“ADEM”) and a commercial development operator known as Bassett Furniture Industries (“Bassett”) entered into a June 21st Consent Order (“CO”) addressing alleged violations of the Alabama Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) Construction Stormwater Regulations. See Consent Order 23-XXX-CLD.

The CO provides that Bassett is constructing a commercial development (“Facility”) in Winston County, Alabama.

Documented instances of sediment and other pollutants in stormwater runoff from the Bassett Facility are stated to have the potential to discharge and/or have discharged to an unknown tributary to Mineral Springs Branch. Mineral Springs Branch is described as a water of the state.

ADEM is stated to have conducted an inspection of the Facility on February 15th. Such inspection is stated to have determined that Bassett had not registered for and obtained NPDES coverage although regulated disturbance activities and/or discharges had commenced and were continuing.

The inspection is also stated to have indicated that Bassett had not properly implemented and maintained effective Best Management Practices (“BMPs”). Further, ADEM is stated to have observed that significant accumulations of sediment resulting from discharges at the Facility were observed and documented offsite.

The CO assesses a civil penalty of \$19,600. Further, Bassett is required to take immediate action to prevent, to the maximum extent practicable, sediment and other pollutants in stormwater leaving the Facility and prevent noncompliance and/or unpermitted discharges of pollutants to waters of the state.

Bassett is also required within specified timeframes to undertake:

- A comprehensive inspection of the Facility, offset conveyances, and affected State waters.
- Submit to ADEM a CBMPP, prepared/certified by a QCP, detailing effective BMPs that meet or exceed the technical standards outlined in the cited ADEM Administrative Code chapter.
- Submit to ADEM a detailed plan for the removal and/or remediation of sediment and other pollutants deposited offsite and/or in State waters.

- Implement effective BMPs that meet or exceed the technical standards outlined in the Alabama Handbook, the site CBMPP plan, and cited ADEM Administrative Code chapter.
- 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 cited ADEM Administrative Code chapter have been implemented, deficiencies corrected and full compliance of the requirements of ADEM Administrative Code Chapter 335-6-12 has been achieved.

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