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Wastewater Enforcement: Alabama Department of Environmental Management and Jefferson County Coal Preparation Plant Enter into Consent Order

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The Alabama Department of Environmental Management (“ADEM”) and Crimson Oak Grove Resources, LLC (“Crimson”) entered into a February 13th Consent Order (“CO”) addressing alleged violations of the clean water act national pollutant discharge elimination system (“NPDES”) permit. See Consent Order no. XX-XXX-CWP.

The CO provides that Crimson operates a coal preparation plant, lime slaker, and a sewage treatment facility (“facility”) in Jefferson County, Alabama.

The facility holds a Clean Water Act NPDES permit.

Discharge Monitoring Reports (“DMRs”) submitted by Crimson to ADEM between July 2022 and March 2024 were stated to indicate 68 instances where the limitations specified in the NPDES permit were exceeded. These included:

- 20 exceedances for total recoverable Salinium
- 33 exceedances of total Ammonia Nitrogen
- 1 exceedance for Carbonaceous bio-chemical oxygen demand
- 1 exceedance for CBOD percent removal
- 4 exceedances for E-coli
- 3 exceedances of percent removal of suspended solids
- 4 exceedances of trivalent dissolved arsenic
- 2 exceedances for iron

Crimson is also stated to have failed to submit certain non-compliance notification forms 11 times between September 2022 and June 2024, in violation of the NPDES permit.

Crimson neither admits nor denies ADEMs contentions.

A civil penalty of \$50,000 is assessed.

The CO also requires that Crimson’s preparents admit to ADEM an Engineering Report that: (1. Identifies the potential causes of non-compliance. 2. Summarizes an investigation of the changes and the actions necessary to achieve compliance with the NPDES permit, state and federal regulations and to mitigate any

lasting effects the violations have had on the environment.) The Engineering Report is required to be submitted now later than 45 days after the issuance of the CO. Additional requirements include completion of corrective actions provided in the Engineering Report.

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