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Stormwater Enforcement: Alabama Department of Environmental Management and Florence, Alabama Subdivision Developer Enter into Consent Order

Arkansas Environmental, Energy, and Water Law Blog

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The Alabama Department of Environmental Management (“ADEM”) and Cyprus Creek Manor, LLC (“Cyprus Creek”) entered into a January 17th Consent Order (“CO”) addressing alleged violations of the regulatory requirements related to stormwater discharges. See Consent Order 17-XXX-XXX.

Cyprus Creek is stated to be constructing a residential subdivision (i.e., “facility”) located in Florence, Alabama.

The facility is stated to have the potential to discharge or have discharged to Little Cyprus Creek (i.e., a water of the State) stormwater runoff from the facility alleged to potentially include sediment and other pollutants.

ADEM is stated to have observed and documented during an August 4, 2016 inspection that Cyprus Creek had not obtained National Pollution Discharge Elimination System (“NPDES”) coverage although:

. . .regulated disturbance activities and/or discharges had commenced and were continuing.

Cyprus Creek is stated to have submitted to ADEM on August 31, 2016 a Notice of Intent requesting registration of NPDES coverage ALR1000000.

ADEM is also stated to have observed and documented during the previously referenced inspection that:

. . .although NPDES construction activity had commenced and was continuing, the Operator had not properly implemented and maintained effective BMPs in violation of ADEM Admin. Code r. 335-6-12-.21(1).

Further, ADEM is alleged to have observed and documented significant accumulations of sediment resulting from discharges at the Facility offsite and in an unnamed tributary of Little Cypress Creek.

A Notice of Violation (“NOV”) was sent to Cypress Creek to August 29, 2016 identifying alleged deficiencies and a report was received in response on October 26, 2016.

The CO assesses a civil penalty of \$20,000.

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

