

Stormwater Enforcement: Alabama Department of Environmental Management and Jefferson County, Alabama Commercial Developer Enter into Consent Order



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The Alabama Department of Environmental Management (“ADEM”) and Warrior Tractor & Equipment Company, Inc. (Graysville Dealership)(“WTEC”) entered into a March 15th Consent Order (“CO”) addressing alleged violations of a National Pollution Discharge Elimination System (“NPDES”) General Permit ALR 100000 addressing stormwater discharges. See Consent Order 17-XXX-CLD.

The CO provides that WTEC is constructing a commercial development (“facility”) located in Jefferson County, Alabama.

WTEC is stated to have submitted to ADEM a Notice of Intent requesting NPDES coverage under NPDES General Permit ALR 100000 for regulated disturbance activities and discharges of treated stormwater from the facility.

ADEM subsequently granted authorization to the facility.

ADEM is stated to have inspected the facility on January 3, 2017. The agency allegedly observed and documented that WTEC had not properly implemented and maintained effective BMPs. As a result, violations of the NPDES permit are alleged.

The Consent Order also references sections of the permit requiring that WTEC “promptly take all reasonable steps to remove, to the maximum extent practicable, pollutants deposited offsite or in any waterbody or stormwater conveyance structure.”

The January 3rd inspection allegedly observed significant accumulations of sediment off-site and in an UT to Prudes Creek resulting from discharges at the facility.

A Notice of Violation was stated to have been sent to WTEC in regards to the January 3rd inspection providing notification of deficiencies. WTEC was also requested to submit to ADEM a response showing steps that were taken at the facility to correct the deficiencies. A response had not been received as of February 15th.

WTEC neither admits nor denies ADEM’s allegations.

WTEC agrees to a civil penalty of \$16,000.

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