

LANCE R. LEFLEUR
DIRECTOR



ROBERT J. BENTLEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

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Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

May 20, 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Wilson Moore
Mitt Lary Partners, LLC
1120 Queen City Avenue
Tuscaloosa AL 35401

RE: Administrative Order 14-065-LD
NPDES No. ALR10AAQ7
Tuscaloosa County (125)
Bristol Park, Phase I

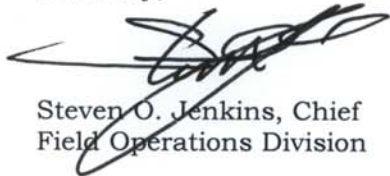
Dear Mr. Moore:

Please find enclosed an Administrative Order which requires you to immediately **stop work** on all construction, building, land disturbance and related activity, except as need to address the alleged violations of the Alabama Water Pollution Control Act. The Unilateral Order has been issued without the consent of the responsible parties. This order does not assess a civil penalty.

Pursuant to §§22-22A-(7)(c)1, Code of Alabama (1975), as amended, this Order may be appealed by filing a request for a hearing within 30 days after receiving notice of this Order. The request should be addressed to the Chair of the Environmental Management Commission and must comply with the requirements of ADEM Admin. Code r. 335-2-1-.04, copies of which may be obtained by submitting a written request to the attention of the ADEM-Office of General Counsel. Rule 335-2-1-.04 is also available online at the Department's website at <http://www.adem.state.al.us/alEnviroRegLaws/files/Div2Eff5-26-09.pdf>.

If you have questions regarding this matter, please contact Evan Roberts by email at elroberts@adem.state.al.us or by phone at (205) 942-6168.

Sincerely,



Steven O. Jenkins, Chief
Field Operations Division

SOJ/deh File: EUO/44120

Enclosure: Inspection Report
Photographs

cc: Thomas L. Johnston, ADEM
Valerie Jackson, ADEM
Scott Hughes, ADEM
Birmingham Office, ADEM

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
3664 Dauphin Street, Suite B
Mobile, AL 36608
(251) 304-1176
(251) 304-1189 (FAX)

ADMINISTRATIVE ORDER CERTIFICATE OF SERVICE

I, Steven O. Jenkins, do hereby certify that I have served the executed Administrative Order Number 14-065-LD upon the person listed below by sending the same, postage paid, through the United States Mail, Certified Mail Receipt #91 7199 9991 7030 3428 2359, with instructions to forward and return receipt, to:

**Mr. Wilson Moore
Mitt Lary Partners, LLC
1120 Queen City Avenue
Tuscaloosa, AL 35401**

Done this 20th day of May, 2014.

A handwritten signature in black ink, appearing to be 'S. O. Jenkins', written over a horizontal line.

Steven O. Jenkins, Chief
Field Operations Division
Alabama Dept. of Environmental Management

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF)

MITT LARY PARTNERS, LLC)
BRISTOL PARK, PHASE I)
NORTHPORT, T17N R6E S30)
TUSCALOOSA COUNTY, ALABAMA)
NPDES PERMIT ALR10AAQ7)

ORDER 14-065-LD

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-16 (2006 Rplc. Vol.), the Alabama Water Pollution Control Act (hereinafter "AWPCA"), Ala. Code §§ 22-22-1 to 22-22-14 (2006 Rplc. Vol.), the ADEM Administrative Code of Regulations (hereinafter "ADEM Admin. Code r.") promulgated pursuant thereto, and § 402 of the Federal Water Pollution Control Act, 33 U.S.C. § 1342 (2006), the Alabama Department of Environmental Management [hereinafter "Department"] makes the following FINDINGS:

1. Mitt Lary Partners, LLC (hereinafter "Operator"), is an Alabama corporation constructing the Bristol Park, Phase I development (hereinafter "Facility") located on Mitt Lary Road, Northport, Tuscaloosa County, Alabama. Sediment and other pollutants in stormwater runoff from the Facility have the potential to discharge and/or have discharged to unnamed tributaries to Carroll Creek, a water of the State.

2. The Department is a duly constituted department of the State of Alabama pursuant to §§ 22-22A-1 to 22-22A-16, Ala. Code (2006 Rplc. Vol.).

3. Pursuant to Ala. Code § 22-22A-4(n) (2006 Rplc. Vol.), the Department is the state agency responsible for the promulgation and enforcement of water pollution control regulations in accordance with the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 to 1387 (2006). In addition, the Department is authorized to administer and enforce the provisions of the AWPCA.

4. The following references and acronyms are used in this Administrative Order and, when used, shall have the meaning of the name or title referenced below.

| | |
|-------|---|
| BMPs | Best Management Practices |
| CBMPP | Construction Best Management Practices Plan |
| NOI | Notice of Intent |
| NOV | Notice of Violation |
| NPDES | National Pollutant Discharge Elimination System |
| QCP | ADEM-recognized Qualified Credentialed Professional |
| WL | Warning Letter |

5. Pursuant to ADEM Admin. Code rs. 335-6-12-.05(1) and 335-6-12-.11(1), the Operator is required to register for and obtain NPDES coverage prior to commencing and/or continuing regulated disturbance activities.

6. On July 23, 2013, the Operator submitted to the Department an NOI requesting NPDES coverage under NPDES General Permit ALR100000 (hereinafter "Permit") for regulated disturbance activities and discharges of treated stormwater from the Facility. The Department granted authorization ALR10AAQ7 to the Operator on July 24, 2013. The Permit will expire on March 31, 2016.

7. Pursuant to Part III. A. of the Permit, the Permittee shall design, install, and maintain effective erosion controls and sediment controls, appropriate for site conditions. Sediment control measures, erosion control measures, and other site management practices must be properly selected based on site-specific conditions, must meet or exceed the technical standards outlined in the Alabama Handbook and the site-specific CBMPP prepared in accordance with Part III. D of the Permit.

8. Pursuant to Part III. D. of the Permit, construction activity may not commence until a CBMPP has been prepared in a format acceptable to the Department and certified by a QCP as adequate to meet the requirements of the Permit. The Permittee shall properly implement and regularly maintain the controls, practices, devices, and measures specified in the CBMPP.

9. During inspections of the Facility on January 2, 2014, on February 14, 2014, and on April 4, 2014, the Department documented that the Operator had not properly implemented and maintained effective BMPs, although NPDES construction activity had commenced and was continuing, in violation of Part III. A. and D. of the Permit.

10. Pursuant of Part III. H. 3. of the Permit, the Permittee shall promptly take all reasonable steps to remove, to the maximum extent practical, pollutants deposited offsite or in any waterbody or stormwater conveyance structure.

11. During the inspections of the Facility on January 2, 2014, on February 14, 2014, and on April 4, 2014, accumulations of sediment and debris resulting from discharges at the Facility were observed and documented offsite, in violation of Part III. H. 3. of the Permit.

12. On January 3, 2014, a WL was sent to the Operator by the Department as a result of the January 2, 2014 inspection. The WL notified the Operator of deficiencies documented at the Facility and requested that the Operator submit to the Department, within ten days of receipt of the WL, a response showing the steps that were taken at the Facility to correct the noted deficiencies. The requested response was received by the Department on February 12, 2014.

13. On March 11, 2014, an NOV was sent to the Operator by the Department as a result of the February 14, 2014 inspection. The NOV notified the Operator of deficiencies documented at the Facility and required the Operator to submit to the Department, within ten days of receipt of the NOV, a response showing steps that were taken at the Facility to correct the noted deficiencies. The required response was received by the Department on March 20, 2014.

ORDER

Based on the foregoing FINDINGS and pursuant to Ala. Code §§ 22-22A-5(10), 22-22A-5(12), 22-22A-5(18), and 22-22-9(i) (2006 Rplc. Vol.), it is hereby ORDERED:

A. That the Operator shall **IMMEDIATELY CEASE** all construction, building, production, and related activity at the Facility other than BMP implementation/maintenance,

and sediment and debris removal/remediation. Construction and related activity other than BMP implementation/maintenance, and sediment and debris removal/remediation is not authorized to resume until approved in writing by the Department.

B. That the Operator shall take immediate action to prevent, to the maximum extent practicable, sediment and other pollutants in stormwater leaving the Facility and prevent noncompliant and/or unpermitted discharges of pollutants to waters of the State.

C. That within five (5) days of receipt of notice this Administrative Order, the Operator shall have a QCP perform a comprehensive inspection of the Facility, offsite conveyances, and affected State waters.

D. That within ten (10) days of receipt of notice of this Administrative Order, the Operator shall submit to the Department the results of the QCP comprehensive inspection and a plan to return the Facility, offsite conveyances, and affected State waters to compliance with ADEM Admin. Code chap. 335-6-12.

E. That within thirty (30) days of receipt of notice of this Administrative Order, the Operator shall fully implement effective BMPs, designed by a QCP, that meet or exceed the technical standards outlined in the Alabama Handbook, the site CBMPP plan, and ADEM Admin. Code chap. 335-6-12, and correct all deficiencies at the Facility and offsite conveyances, including sediment and debris removal or remediation.

F. That within seven (7) days of the completion of the activities in paragraph E above, the Operator shall submit to the Department 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 ADEM Admin. Code chap. 335-6-12 have been implemented, all deficiencies have been corrected, and full compliance with the requirements of ADEM Admin Code chap. 335-6-12 has been achieved at the Facility, offsite conveyances, and affected State waters.

G. That this Administrative Order does not affect the Operator's obligation to comply with any Federal, State, or local laws or regulations.

H. That should any provision of this Administrative Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with federal or State law and, therefore, unenforceable, the remaining provisions herein shall remain in full force and effect.

I. That except as otherwise set forth herein, this Administrative Order is not and shall not be interpreted to be a permit or modification of an existing permit under federal, State or local law, and shall not be construed to waive or relieve the Operator of the Operator's obligations to comply in the future with any permit coverage.

J. That the issuance of this Administrative Order does not preclude the Department from seeking civil penalties, criminal fines or other appropriate sanctions or relief against the Operator for the violations cited herein.

K. That failure to comply with the provisions of this Administrative Order shall constitute cause for commencement of legal action by the Department against the Operator for recovery of civil penalties, criminal fines, or other appropriate sanctions or relief.

ORDERED and ISSUED this 20th day of May, 2014.

Lance R. LeFleur

Lance R. LeFleur, Director
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110-2059
(334) 271-7700



Alabama Department of Environmental Management
NPDES INSPECTION REPORT

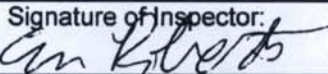
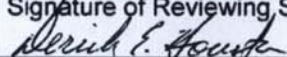
| | | | | | |
|--|--|---------------------|--|--------------------------------|--------------------|
| Company/Operator/Permittee: Mitt Lary Partners, LLC | | FID 50626 | | Phone Number: (205)349-6519 | |
| Mailing Address: 1120 Queen City Avenue | | City: Tuscaloosa | | State: AL | Zip Code: 35401 |
| Responsible Official/Operator Name: Wilson Moore | | | | | |

| | | | | |
|---|------------------------------|-----------------------------------|---|------------------------------------|
| Facility Name: Bristol Park, Phase I | NPDES Permit #: ALR10AAQ7 | Permit Effect Date: 07/24/2013 | Inspection Entry Date & Time: 4/4/2014 1:46 PM | County: Tuscaloosa |
| Activity Description: Residential Subdivision Development | NMS Inspection #: 44689 | Permit Expire Date: 03/31/2016 | Inspection Exit Date & Time: 4/4/2014 3:07 PM | Report Complete Date: 4/23/2014 |
| Inspection Type: (X) CEI () CSI () PAI Routine (X) Complaint () Photos Taken (X) Samples Collected () | | | | |

| |
|---|
| Township, Range, Section: T20S, R10W, S22 |
| Physical Address/Location Description (include nearest city): Mitt Lary Road, Northport, AL |

| |
|--|
| Entrance Latitude & Longitude: 33.30182, -87.57430 |
| Discharge Point(s) Latitude & Longitude: 33.30242, -87.57277; 33.30219, -87.57927, 33.30223, -87.57576 |
| Receiving Water(s): UT Carroll Creek |
| Weather Conditions: Intermittent rain, cool |

| |
|--|
| Summary: Silt fence was not cleaned out. BMPs implemented were not adequate to contain sedimentation on site. Off-site sedimentation was observed beyond east and west edges of the site. Off-site sedimentation observed during previous inspections had not been removed. |
|--|

| | | |
|---|---|--------------------|
| Name(s) of On-site Representative(s) and Phone Numbers: None | | |
| Name of Inspector: Evan Roberts | Signature of Inspector:  | Date: 4/23/2014 |
| Name of Reviewing Supervisor: Derick Houston | Signature of Reviewing Supervisor:  | Date: 4/23/2014 |

| |
|------------------------|
| FOD Office: Birmingham |
|------------------------|

NPDES CONSTRUCTION STORMWATER INSPECTION REPORT

| | |
|---|---------------------------|
| FACILITY NAME: Bristol Park, Phase I | NPDES PERMIT #: ALR10AAQ7 |
| I. PERMIT VERIFICATION | |
| a. Did the facility have a current registration at the time of inspection? | Yes |
| b. Did the disturbed acreage appear to be consistent with facility registration? | Yes |
| c. Were any unpermitted areas or activities observed at the time of inspection? | No |
| II. FACILITY RECORDS | |
| Was an on-site records review conducted at the time of inspection? | No |
| No one was available on-site for records review at time of inspection. | |
| If yes, were the following records available for review? | |
| a. CBMPP | |
| b. SPCC | |
| c. Copy of Application | |
| d. Inspection Reports | |
| e. Sample Records | |
| f. Rainfall Records | |
| III. FACILITY SITE CONDITIONS | |
| 1. Was the facility ID properly displayed? | Yes |
| 2. Was a rain gauge observed on-site? | Yes |
| 3. Were BMPs properly implemented and maintained? | No |
| Silt fence was not cleaned out. BMPs implemented were not adequate to contain sedimentation on site. | |
| 4. Was on-site sediment accumulation and/or on-site erosion, with potential water quality concerns, observed at the time of inspection? | Yes |
| On-site erosion gullies were observed. On-site sedimentation was observed inside silt fence. | |
| 5. Was off-site sediment accumulation and/or off-site erosion, with potential water quality concerns, observed at the time of inspection? | Yes |
| Off-site sedimentation was observed beyond east and west edges of the site. Off-site sedimentation observed during previous inspections had not been removed. | |
| 6. Were general housekeeping and solid wastes properly managed at the time of inspection? | Yes |
| 7. Were fuels and/or chemicals properly managed at the time of inspection? | Yes |
| 8. Was the facility exit(s) constructed and maintained to prevent off-site vehicle tracking? | Yes |
| 9. Was gray/process water (e.g. portable toilet, concrete truck washout) properly managed at the time of inspection? | Yes |
| IV. FACILITY DISCHARGES | |
| 1. Did all discharges appear to be properly permitted? | Yes |
| 2. Was the facility discharging at the time of inspection? | Yes |
| 3. Was a discharge sample obtained? If yes, sample results are provided below. | No |
| Site was discharging to south but not towards receiving waters to east and west. | |
| V. RECEIVING WATERS | |
| Was the receiving water(s) evaluated at the time of inspection? | Yes |
| If yes, | |
| a. Was sediment accumulation in State water(s), as a result of facility activities, observed? | No |
| b. Was there a substantial visual turbidity contrast observed in the receiving water(s) as a result of facility discharge(s)? | No |
| c. Were instream turbidity samples obtained at the time of inspection? If yes, sample results are provided below. | No |

**Mitt Lary Partners, LLC
Bristol Park, Phase I
ALR10AAQ7**

Tuscaloosa County

Evan Roberts

April 4, 2014

View toward north, near west side of site.



View along south edge of site.



3

View along west edge of site.



4

On-site sedimentation and on-site erosion.



5

Off-site sedimentation.



6

Silt fence was not cleaned out.



7

Off-site sedimentation.



8

Downgradient of previous. Off-site sedimentation.



9

South edge of site. Sediment trap. Culvert from stormwater inlets.



10

Discharge point on south side of site.



11

East side of site.



12

Off-site sedimentation.



13

Off-site sedimentation.



14



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| May 21, 2014 , 11:11 pm | Processed through USPS Sort Facility | BIRMINGHAM, AL 35222 |
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| May 20, 2014 , 8:45 pm | Accepted at USPS Origin Sort Facility | MONTGOMERY, AL 36104 |

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