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Alabama Department of Environmental Management
adem.alabama.gov

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December 16, 2015

CERTIFIED MAIL

Paul Ward
City of Birmingham
501 6th Ave South
Birmingham AL 35205

Received 12/22/15
3:00 PM
PFW

RE: NOTICE OF VIOLATION – Need To Apply
Unpermitted FID# 55247.1
Facility/Site: Shades Creek Dredging
Jefferson County (073)

Dear Mr. Ward:

Attached please find a report prepared as a result of an inspection conducted at the above referenced facility on December 3, 2015.

A review of our records indicates that ADEM permit coverage for the facility has not been applied for and/or obtained as required by ADEM regulations.

The following deficiency(s) or violations noted during the inspection constitute(s) violation(s) of the Alabama Water Pollution Control Act Ala. Code, §§22-22-1 through 22-22-14 (2006 Rplc. Vol.), and ADEM Admin. Code chap. 335-6-12.

1. Appropriate, effective Best Management Practices (BMPs) for the control of pollutants in stormwater run-off have not been fully implemented and regularly maintained to the maximum extent practicable resulting in the potential for uncontrolled discharges of sediment and other pollutants to a water of the State of Alabama.
2. A water of the State of Alabama was dredged and the material placed on the stream bank without the implementation of effective BMPs resulting in the potential for discharges of sediment and other pollutants to State waters.

Please be advised that effective erosion control measures, sediment control measures, and other site pollution management practices are required to be designed, implemented, and continually maintained consistent with the *Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas* (http://swcc.alabama.gov/pages/erosion_control.aspx) to prevent/minimize pollution discharges to the maximum extent practicable.

Not later than ten (10) days from the receipt of this letter, the owner/operator is required to submit the following to the ADEM's Field Operations Division, Attn: Josh Therrien at Birmingham Branch, 110 Vulcan Road, Birmingham, AL 35209:

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)

1. A written report, prepared and certified by a QCP meeting the requirements of ADEM Admin. Code r. 335-6-12-.02(r), describing the steps taken to correct the violations noted above. The report shall include supporting documentation such as photographs of completed/repaired/enhanced BMPs, and any other data necessary to support the QCP's certification.

In addition, Not later than ten (10) days, the owner/operator is required to submit a complete and correct NOI. The NOI, including the appropriate permit fees, should be submitted to ADEM's Field Operations Division, Attn: Josh Therrien at Birmingham Branch, 110 Vulcan Road, Birmingham, AL 35209. As an alternative, the NOI may be submitted electronically via the e-NOI system for the NPDES Construction General Permit on the ADEM website at <https://app.adem.alabama.gov/eNOI/>. Please call the Construction Stormwater Permitting Program at (334) 271-7823 or email cswmail@adem.state.al.us should you have questions regarding the construction stormwater permitting process.

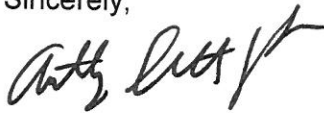
During the inspection it was observed that disturbance activities conducted at the site relative to potential wetland and/or stream impacts may be regulated by the US Army Corps of Engineers. By copy of this letter, the Mobile District Army Corps of Engineers is being advised of this observation.

Failure to submit the document(s) required by this notice is a violation of Water Pollution Control Act, Ala. Code, §22-22-9(e) (2006 Rplc. Vol.) for which civil penalties or criminal fines may be imposed. Please be advised that all requirements of ADEM Admin. Code ch. 335-6-12, are in effect related to this site.

The determination to pursue further enforcement action will be dependent on the timeliness and content of your response to this letter, including but not limited to documentation of site corrective actions implemented.

If you have any questions concerning this matter, please contact **Josh Therrien** by email at jtherrien@adem.state.al.us or by phone at (205) 942-6168.

Sincerely,



Anthony Scott Hughes, Chief
Field Operations Division

ASH/jpt

File: ENOV/XXX

Enclosure: Inspection Report
Photographs

cc: Mobile District, US Army Corps of Engineers

City of Birmingham Shades Creek Dredging

12/3/2015
Jefferson County
FID55247.1
Joshua Therrien

Site Overview



Site Overview



Heavy Equipment



Heavy Equipment



Tracking into Creek



Disturbed Creek Banks



Disturbed Creek Banks



Disturbed Creek Banks





Alabama Department of Environmental Management
NPDES INSPECTION REPORT

Company/Operator/Permittee: City of Birmingham		FID 55247	Phone Number: (205) 718-3800	
Mailing Address: 501 6 th Ave South	City Birmingham	State AL	Zip Code 35205	
Responsible Official/Operator Name: Paul Ward				

Facility Name: Shades Creek Dredging	NPDES Permit #: FID55247.1	Permit Effect Date: Unpermitted	Inspection Entry Date & Time: 12/3/2015 1:40 PM	County: Jefferson
Activity Description Dredging	NMS Inspection #: 51478	Permit Expire Date: Unpermitted	Inspection Exit Date & Time: 12/3/2015 2:10 PM	Report Complete Date: 12/9/2015
Inspection Type: (X) CEI () CSI () PAI Routine () Complaint (X) Photos Taken (X) Samples Collected ()				

Township, Range, Section: T17S R2W S26
Physical Address/Location Description (include nearest city): Elder Road, Birmingham, AL

Entrance Latitude & Longitude: 33.521030, -86.716910
Discharge Point(s) Latitude & Longitude: 33.521030, -86.716910
Receiving Water(s): Shades Creek
Weather Conditions: Sunny

<p>Summary:</p> <p>Inspection was conducted in response to a complaint of heavy equipment working in Shades Creek. At the time of the inspection, site was not permitted and appeared to be an acre in size. There was tracking into Shades Creek and heavy equipment parked on the bank of Shades Creek. The creek banks had been disturbed and BMPs had not been implemented to prevent on-site erosion or off-site sedimentation.</p>
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Name(s) of On-site Representative(s) and Phone Numbers: No representatives were on-site at the time of the inspection.		
Name of Inspector: Josh Therrien	Signature of Inspector: 	Date: 12-9-15
Name of Reviewing Supervisor: Derick Houston	Signature of Reviewing Supervisor: 	Date: 12/9/2015

FOD Office: Birmingham

NPDES CONSTRUCTION STORMWATER INSPECTION REPORT

FACILITY NAME: Shades Creek Dredging	NPDES PERMIT #: FID55247
I. PERMIT VERIFICATION	
a. Did the facility have a current registration at the time of inspection?	No
b. Did the disturbed acreage appear to be consistent with facility registration?	No
c. Were any unpermitted areas or activities observed at the time of inspection?	Yes
At the time of the inspection, site was not permitted and appeared to be an acre in size.	
II. FACILITY RECORDS	
Was an on-site records review conducted at the time of inspection?	No
No representatives were on-site at the time of the 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?	No
2. Was a rain gauge observed on-site?	No
3. Were BMPs properly implemented and maintained?	No
BMPs were not implemented to protect stream banks.	
4. Was on-site sediment accumulation and/or on-site erosion, with potential water quality concerns, observed at the time of inspection?	No
5. Was off-site sediment accumulation and/or off-site erosion, with potential water quality concerns, observed at the time of inspection?	No
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?	No
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?	No
2. Was the facility discharging at the time of inspection?	No
3. Was a discharge sample obtained? If yes, sample results are provided below.	No
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