



Non-Compliance Letter

February 24, 2017

Iron City USA
Whitney Brookes
9924 USA Drive
Birmingham, AL 35215

RE: Iron City USA
9924 USA Drive
Birmingham, AL 35215

You are hereby notified that on February 23, 2017, City of Birmingham Stormwater Management staff observed staining on asphalt near above ground storage tank containment area and sheen present in puddle near shop area. In addition, it was noted the facility had no Stormwater Pollution Prevention Plan (SWPPP) available for review at time of inspection. Therefore, it was evident that best management practices (BMPs) were not being used to the maximum extent practicable (MEP) to prevent discharges from this site as required by state and federal stormwater regulations.

The City of Birmingham is required under its National Pollutant Discharge Elimination System (NPDES) MS4 Phase I General Permit, issued by the Alabama Department of Environmental Management (ADEM), "to control the contribution of pollutants to the MS4 by stormwater discharges associated with industrial activity and the quality of stormwater discharged from sites of industrial activity". Discharging wastewater into the City's storm sewer system without proper authorization and proper control of pollutants is a violation of Ordinance 14-198, the City of Birmingham Stormwater Protection Ordinance (A copy of the ordinance is enclosed). Chapter 3, §300 prohibits the discharge of pollutant or waters containing any pollutants other than storm water unless authorized by ADEM or otherwise in compliance with the City's Stormwater Protection Ordinance. Furthermore, direct discharge to the City's MS4 is prohibited until either proof of a NPDES Notice of Intent (NOI) or NPDES Permit has first been obtained and/or approved by the City official (Ordinance No. 14-198, Chapter 5, §503). The ordinance also requires that best management practices be used to reduce pollutant discharges to the maximum extent practicable (Chapter 7, §700(c)).

As Ordinance No. 14-198 is a newly adopted ordinance, you may not be aware of its requirements. This letter is to inform you of those requirements and of your obligation to correct the issues noted at the February 23rd inspection of the above-referenced property. Please provide a written corrective action plan, which may be written in the form of a SWPPP and include your intended actions (describing how you will prevent and maintain non-stormwater material from leaving your property and entering the MS4) to comply with Ordinance No. 14-198 for City approval to this office at: Stormwater Management



Division, ATTN: Angela Moss, 710 North 20th Street, City Hall, 2nd Floor, Birmingham, AL 35203 within thirty (30) business days of the date of receipt of this letter.

This is not a stop work order, however if you do not respond within the allotted time, it may be necessary to issue a formal warning notice to begin an enforcement process.

Should you have any questions, please feel free to contact me at (205) 297-8300.

Sincerely yours,

Angela D. Moss, Water Pollution Control Technician
City of Birmingham
Department of Planning, Engineering, and Permits

Enclosure: (1)

Cc: Julie Barnard, Assistant City Attorney

SAMPLE