

**ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT**

**IN THE MATTER OF:**

**MID-STATE SOCCER LEAGUE FOUNDATION, INC.**

**SHELBY COUNTY, ALABAMA**

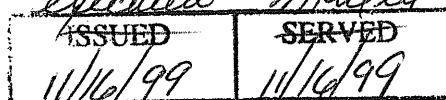
**CONSENT ORDER NO. 00-026-CMNPS**

**FINDINGS**

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama (1975), §§ 22-22A-1 through 22-22A-16, as amended, the Alabama Water Pollution Control Act, Code of Alabama (1975), §§ 22-22-1 through 22-22-14, as amended, the ADEM Administrative Code of Regulations ("ADEM Admin. Code R.") promulgated pursuant thereto, and the National Pollutant Discharge Elimination system administered by the Alabama Department of Environmental Management (hereinafter "the Department") and approved by the Administrator of the U.S. Environmental Protection Agency pursuant to the Federal Water Pollution Control Act § 402, 33 U.S.C. § 1342, and without the adjudication of any issues of fact or law and upon the consent of the parties concerned hereto, the Department makes the following FINDINGS:

1. Mid-State Soccer League, Foundation, Inc. (hereinafter, " the Permittee") operates a construction site for soccer fields located on Shelby County Road 41 and US Hwy 280 in Shelby County, Alabama.

2. The Alabama Department of Environmental Management is a duly constituted department of the State of Alabama pursuant to Code of Alabama (1975), §§ 22-22A-1 through 22-22A-16, as amended.



3. Pursuant to Code of Alabama (1975), § 22-22A-4(n), as amended, the Department is the state water pollution control agency for the purposes of the federal Clean Water Act, 33 U.S.C. §§ 1251 through 1387. In addition, the Department is authorized to administer and enforce the provisions of the Alabama Water Pollution Control Act, Code of Alabama (1975), §§ 22-22-1 through 22-22-14, as amended.

4. On 28 April 1998, the Permittee received Authorization # ALR102297 to conduct its construction activities pursuant to NPDES General Permit # ALG610000 which regulates stormwater runoff from construction, excavation, land clearing, other land disturbance activities, and associated areas.

5. Part II, B., 2., a., of NPDES General Permit ALG610000 requires the Permittee to prepare and implement a comprehensive Best Management Practices (BMP) plan which will prevent/minimize the discharge of all sources of pollution (i.e. sediment, trash, garbage, debris, oil & grease, chemicals, materials, etc.) to State waters in storm water runoff.

6. An inspection by Department personnel on 1 July 1996 revealed that approximately 30 acres of disturbed ground, including a barren and excavated hillside had inadequate erosion and/or sediment control measures. A warning letter citing these violations was sent to the Permittee on July 2, 1996.

7. An inspection by Department personnel on 26 February 1998 revealed that the BMPs which had been implemented were of no value to the overall control of erosion and sedimentation at the facility, as, among other things, silt fences were improperly installed and maintained. A warning letter citing these violations was sent to the Permittee on 13 March 1998.

8. An inspection on 1 September 1998 revealed that BMPs were still not adequately maintained and were not controlling erosion and sedimentation at the facility. A field warning citation was issued to the Permittee at the end of the inspection.

9. Inspections of the site on 15 December 1998, 25 February 1999, and 26 February 1999 revealed that BMPs were still not adequately maintained and were not controlling erosion and sedimentation at the facility. A Notice of Violation was issued to the Permittee on 8 March 1998.

10. The above noted inspections also revealed discharges into the North Fork Yellowleaf Creek and the unnamed tributary of the North Fork of Yellowleaf Creek, both located in Hydrologic Unit 03150107-030. The Permittee's authorization does not allow discharges into these waters or this HUC, and, therefore, those discharges are not permitted.

11. Part II, E, 1., a., states that it is the Permittee's responsibility to comply with all conditions of the permit (ALG610000), and that any violations of the permit is a violation of the Alabama Water Pollution Control Act and the Federal Water Pollution Act.

12. As noted above, the Permittee did not meet his responsibility of complying with all conditions of the permit.

13. The Permittee neither admits nor denies the allegations herein, but in a continuing effort to cooperate with the Department and to comply with the provisions of the Alabama Water Pollution Control Act, the Permittee has agreed to the terms of this Consent Order.

14. The Department has agreed to the terms of this Consent Order in order to resolve the violations alleged in this Order, and the Department has determined that the terms contemplated in this Consent Order are in the best interests of the citizens of Alabama.

## **ORDER**

Based upon the foregoing FINDINGS and pursuant to Code of Alabama (1975), §§ 22-22A-5(10), 22-22A-5(12), 22-22A-5(18), and 22-22-9(I), and with the consent of the Permittee, the Department ORDERS and the Permittee AGREES:

A. That, immediately upon execution of this Consent Order, the Permittee shall implement temporary Best Management Practices (BMP's) adequate to prevent sediment in storm water from leaving the construction site. Said BMP's shall also be adequate for the control of other pollutants in storm water runoff discharging into waters of the State of Alabama. Further, these BMP's shall conform to the EPA document entitled *Storm Water Management for Construction Activities*.

B. That, immediately and continuing thereafter, the Permittee shall comply with all other terms, conditions, and limitations of NPDES General Permit # ALG610000. This shall include a permit modification request submitted within seven (7) days of execution of this Consent Order. This request shall address the names of the facility's receiving streams and the Hydrologic Unit(s) in which all the facility's construction/land disturbance is occurring, as outlined in paragraph 10.

C. That, not later than fourteen (14) days after execution of this Consent Order, the Permittee shall submit to the Department a plan describing the implementation of permanent structural and non-structural BMP's that are adequate to prevent or minimize sediment and other pollutants in storm water runoff from discharging into waters of the State. This plan, at a minimum, must meet the standards found in the EPA document entitled *Storm Water Management for Construction Activities*. If this plan is not sufficient to accomplish the aforementioned tasks, it shall be modified immediately by the Permittee so that it does accomplish those tasks.

D. That, not later than thirty (30) days after execution of this Consent Order, the Permittee shall submit to the Department certification from a qualified, credentialed professional that the BMP plan has been fully implemented and is effective in controlling, minimizing or reducing sediments from entering storm water runoff from the construction site.

E. That, commencing immediately upon execution of this Consent Order and continuing thereafter until the Department has released the Permittee from this requirement, the Permittee shall conduct the monthly inspections required by Part I.B. of NPDES General Permit #ALG610000. These inspections shall be conducted by a qualified, credentialed professional. Further, the inspection results shall be provided to the Department in inspection reports which shall be certified by the qualified, credentialed professional for accuracy and shall be submitted to the Department by the 28<sup>th</sup> day of the month following the month in which the inspection is conducted. The Department shall release the Permittee from the requirements of this paragraph regarding the monthly submittal of the inspection reports upon the submission of a written request for such if the Permittee is in compliance with the requirements of NPDES General Permit #ALG610000 and this Consent Order for 12 consecutive months. Said request shall include copies of all data or other reports necessary to show compliance for the appropriate time period. Said release, if granted, shall not relieve the Permittee from any inspection or any other requirements imposed by NPDES General Permit #ALG610000. The Department may also release the Permittee from the requirements of this paragraph at any time if the Permittee requests termination of its permit on appropriate Department forms, and said termination is granted by the Department . This will require the site to be completely developed with discharge of pollutants to waters of the State minimized.

F. That, not later than thirty (30) days after execution of this Consent Order, the Permittee shall pay to the Department a civil penalty of Five Hundred dollars (\$500.00) for the violations cited herein.

G. That, subject to the terms of these presents and subject to provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the violations that are alleged in this Order.

H. That the Permittee is not relieved from any liability if it fails to comply with any provision of this Consent Order.

I. That, for purposes of this Consent Order only, the Permittee agrees that the Department may properly bring an action to compel compliance with the terms and conditions contained herein in a court of competent jurisdiction, including, but not limited to, Montgomery County Circuit Court. The Permittee also agrees that, in any action brought by the Department to compel compliance with the terms of this agreement, the Permittee shall be limited to the defenses of Force Majeure, compliance with this Agreement, and physical impossibility.

J. That the sole purpose of this Consent Order is to resolve and dispose of all allegations and contentions stated herein concerning the factual circumstances referenced herein. Should additional facts and circumstances be discovered in the future concerning the Permittee which would constitute possible violations not addressed in this Consent Order, then such violations may be addressed in Orders as may be issued by the Director, litigation initiated by the Department, or such other enforcement action as may be appropriate, and the Permittee shall not object to such future orders, litigation or enforcement action based on the issuance of this Order if further Orders, litigation or other enforcement action address matters not raised in this Order.

K. That, by agreement of the parties, this Consent Order shall be considered final and effective immediately upon signature of all parties. This Consent Order shall not be appealable, and the parties do hereby waive any hearing on the terms and conditions of same.

MID-STATE SOCCER LEAGUE<sup>Foundation</sup> INC.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

By: Culian H. Ingram, Jr.  
Its: ✓ PRESIDENT

DATE: 11-4-99

Maury Elliott  
for James W. Warr, Director

DATE: 11-16-99