

**LANCE R. LEFLEUR**  
DIRECTOR



**ROBERT J. BENTLEY**  
GOVERNOR

Alabama Department of Environmental Management  
[adem.alabama.gov](http://adem.alabama.gov)

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463  
Montgomery, Alabama 36130-1463  
(334) 271-7700 ■ FAX (334) 271-7950

February 18, 2014

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

PRESTON HUGHES  
2473 ESLAVA CREEK PARKWAY  
MOBILE, ALABAMA 36606

RE: Administrative Order 14-043-LD  
NPDES No. ALR10A263  
Mobile County (097)  
Smith WWTF Force Main to Mobile River Phase B

Dear Mr. Hughes:

Please find enclosed an Administrative Order which requires you to immediately **stop work** on all construction, building, land disturbance and related activity, except as needed 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 Molly Tatum, ADEM-Permits and Services Division. 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 **Tim Connole, Mobile Branch, by email at [TNC@adem.state.al.us](mailto:TNC@adem.state.al.us) or by phone at (251) 450-3400.**

Sincerely,



Steven O. Jenkins, Chief  
Field Operations Division

SOJ/tnc FILE:EAO/43028

Enclosure: Signed Original Unilateral Order

cc: Thomas L. Johnston, ADEM  
Valerie Jackson, ADEM  
Scott Hughes, ADEM  
Mobile Branch, 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**  
4171 Commanders Drive  
Mobile, AL 36615-1421  
(251) 432-6533  
(251) 432-6598 (FAX)

**ADMINISTRATIVE ORDER CERTIFICATE OF SERVICE**

I, Steven O. Jenkins, do hereby certify that I have served the executed Administrative Order Number 14-043-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 2045, with instructions to forward and return receipt, to:

**Preston Hughes  
2473 Eslava Creek Parkway  
Mobile, Alabama 36606**

Done this 18th day of February, 2014.



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



ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF )

HUGHES PLUMBING AND UTILITY CONTRACTORS INC ) ORDER 14-043-LD  
SMITH WWTF FORCE MAIN TO MOBILE RIVER PHASE B )  
MOBILE, T3S, R1W, S21, )  
MOBILE COUNTY, ALABAMA )  
NPDES REGISTRATION NO. ALR10A263 )

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") promulgated pursuant thereto, and § 402 of the Federal Water Pollution Control Act, 33 U.S.C. § 1342, the Alabama Department of Environmental Management (hereinafter "Department") makes the following FINDINGS:

1. Hughes Plumbing and Utility Contractors, Inc. (hereinafter "Operator") is an Alabama contractor constructing the Smith WWTF Force Main to Mobile River Phase B (hereinafter "Facility") located in T3S, R1W, S21, at the Cochrane/Africatown Bridge in Mobile, Mobile County, Alabama. Sediment and other pollutants in stormwater runoff from the Facility have the potential to discharge and/or have discharged to Mobile River, a water of the State.

2. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 to 22-22A-16 (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. 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 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
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
QCP	ADEM-recognized Qualified Credentialed Professional

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 November 8, 2012, the Operator submitted to the Department a 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 registration ALR10A263 to the Operator on November 13, 2012.

7. Pursuant to Part I. C. of the Permit, prohibited discharges associated with construction are discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate controls.

8. 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 For Erosion Control, Sediment Control, And Stormwater Management On Construction Sites And Urban Areas published by the Alabama Soil and Water Conservation Committee (hereinafter the "Alabama Handbook") and the site-specific CBMPP prepared in accordance with Part III. D.

9. During an inspection of the Facility on September 18, 2013, the Department documented that, although NPDES construction activity had commenced and was continuing, the Operator was discharging from dewatering of trenches and excavations without appropriate



controls and had not properly implemented and maintained effective BMPs in violation of Part I. C. and Part III. A. of the Permit.

10. On September 25, 2013, a NOV was sent to the Operator by the Department as a result of the September 18, 2013, 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 report showing steps that were taken at the Facility to correct the noted violations. The Department received the required report on October 31, 2013.

11. On January 30, 2014, the Department inspected the Facility and documented that the Operator was discharging from dewatering of trenches and excavations without appropriate controls and had not properly implemented and maintained effective BMPs in violation of Part I. C. and Part III. A. of the Permit.

#### **ORDER**

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

A. That the Operator shall **IMMEDIATELY CEASE** all operation of the NPDES construction site, and related activity at the Facility other than BMP implementation/maintenance, and sediment removal/remediation. Construction and related activity other than BMP implementation/maintenance, and sediment 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 days of the receipt of 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 days of the receipt 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 days of the receipt 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 CBMP plan, and ADEM Admin. Code chap. 335-6-12, and correct all deficiencies at the Facility and offsite conveyances.

F. That, within seven days of the completion of the activities required in 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 the Permit have been implemented, all deficiencies have been corrected, and full compliance with the requirements of the Permit have been achieved at the Facility, offsite conveyances, and affected State waters.

G. That this Administrative Order shall 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 additional civil penalties, criminal fines, or other appropriate sanctions or relief.

ORDERED and ISSUED this 18<sup>th</sup> day of February, 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


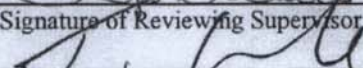
Company/Operator/Permittee: Hughes Plumbing and Utility Contractors, Inc		Phone Number: (251) 476-5002	
Mailing Address: 2473 Eslava Creek Parkway	City Mobile	State AL	Zip Code 36606
Responsible Official/Operator Name: Preston Hughes			

Facility Name: Smith WWTF Force Main to Mobile River - Phase B	NPDES Permit #: ALR10A263	Permit Effect Date: 11/13/2012	Inspection Entry Date & Time: 1/30/2014 9:30 AM	County: Mobile
Activity Description Utility Construction	NMS Inspection #: 43914	Permit Expire Date: 03/31/2016	Inspection Exit Date & Time: 1/30/2014 10:40 AM	Report Complete Date: 1/30/2014
Inspection Type: (X) CEI ( ) CSI ( ) PAI    Routine (X)    Complaint ( )    Photos Taken (X)    Samples Collected ( )				

Township, Range, Section: T3S R1W S21
Physical Address/Location Description (include nearest city): Directions to the site: I-165 North to Bay Bridge/US 90 and east to the Mobile River. Located on the west side of the Mobile River, under the Cochrane/Africatown Bridge.
Brief Description of Construction/Land disturbance activity: Sanitary Sewer Force Main installation

Entrance Latitude & Longitude: 30.7340, 88.0467
Discharge Point(s) Latitude & Longitude: 33.7338, 88.0439
Receiving Water(s): Mobile River, Threemile Creek
Weather Conditions: Clear, cold, ice covered ground

Summary: Facility active at time of inspection
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Name(s) of On-site Representative(s) and Phone Numbers: None		
Name of Inspector: Philip S. Woods	Signature of Inspector: 	Date: 2/3/2014
Name of Reviewing Supervisor: Timothy N. Connoles	Signature of Reviewing Supervisor: 	Date: 2/3/14

FOD Office: Mobile
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## NPDES CONSTRUCTION STORMWATER INSPECTION REPORT

FACILITY NAME: Smith WWTF Force Main to Mobile River - Phase B	NPDES PERMIT #: ALR10A263
<b>I. PERMIT VERIFICATION</b>	
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
<b>II. Was an on-site records review conducted at the time of inspection?</b>	
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	
<b>III. FACILITY SITE CONDITIONS</b>	
1. Was the facility ID properly displayed?	NO
Facility ID should include the following: 'ADEM Registration' followed by the ADEM NPDES registration number, and the facility or site name.	
2. Was a rain gauge observed on-site?	NO
3. Were BMPs properly implemented and maintained?	NO
Silt fence did not appear to be properly implemented or maintained. Silt fence observed in areas of concentrated flow. Stockpiles of material did not appear to be properly stabilized.	
4. Was on-site sediment accumulation and/or on-site erosion, with potential water quality concerns, observed at the time of inspection?	YES
Erosion rills and gullies observed on-site.	
5. Was off-site sediment accumulation and/or off-site erosion, with potential water quality concerns, observed at the time of inspection?	YES
Sediment observed leaving the site and entering the Mobile River.	
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
<b>IV. FACILITY DISCHARGES</b>	
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
Conditions not safe to obtain a discharge sample – steep bank, frozen ground.	
<b>V. RECEIVING WATERS</b>	
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?	YES
b. Was there a substantial visual turbidity contrast observed in the receiving water(s) as a result of facility discharge(s)?	YES
c. Were instream turbidity samples obtained at the time of inspection? If yes, sample results are provided below.	NO
Conditions not safe to obtain an instream sample – steep bank, frozen ground.	



Smith WWTF Force Main  
Hughes Plumbing  
ALR10A263

Photos by  
Philip S. Woods  
1/30/2014



## Sediment Migration from Unprotected Borrow Pile



## Active Pumping





## Pumping Effluent



Visible Contrast in Mobile River at Outfall





## Effluent Overflowing Containment



Visible Contrast in Mobile River at Outfall





## Visible Contrast in Mobile River at Outfall



Visible Contrast in Mobile River at Outfall





## Sediment Accumulation in Mobile River



**From:** [US\\_Postal\\_Service@usps.com](mailto:US_Postal_Service@usps.com)  
**To:** [Jackson, Valerie](#)  
**Subject:** USPS Shipment Info for 9171999991703034282045  
**Date:** Friday, February 21, 2014 4:34:49 PM

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This is a post-only message. Please do not respond.

Valerie Jackson has requested that you receive a Track & Confirm update, as shown below.

Track & Confirm e-mail update information provided by the U.S. Postal Service.

Label Number: 9171999991703034282045

Service Type: Certified Mail™

Shipment Activity	Location	Date & Time
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Delivered	MOBILE, AL 36606	February 21, 2014 12:47 pm
Processed at USPS Origin Sort Facility	MOBILE, AL 36619	February 21, 2014 5:23 am
Processed at USPS Origin Sort Facility	MOBILE, AL 36619	February 20, 2014 3:31 pm
Electronic Shipping Info Received		February 19, 2014
Processed at USPS Origin Sort Facility	MONTGOMERY, AL 36119	February 19, 2014 8:44 pm
Accepted at USPS Origin Sort Facility	MONTGOMERY, AL 36104	February 19, 2014 7:29 pm

Reminder: Track & Confirm by email

Date of email request: February 20, 2014

Future activity will continue to be emailed for up to 2 weeks from the Date of Request shown above. If you need to initiate the Track & Confirm by email process again at the end of the 2 weeks, please do so at the USPS Track & Confirm web site at <http://www.usps.com/shipping/trackandconfirm.htm>