

LANCE R. LEFLEUR
DIRECTOR



BOB RILEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

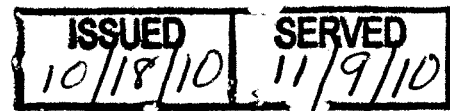
1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

October 28, 2010

CERTIFIED MAIL #91 7108 2133 3936 5739 3506

Thomas G. Howard
USS Real Estate
P.O. Box 599
Fairfield, AL 35064

RE: Corrected Administrative Order 11-006-WP
NPDES No. ALR160591
Trace Crossings
Jefferson County (073)



Dear Mr. Howard:

After a review of our records, it has come to our attention that the Administrative Order recently mailed to you contained a typographical error. The Order number on the first page was incorrectly noted as 11-005-WP. The correct number is 11-006-WP.

Please discard the incorrect page contained in your original copy of the Administration Order and replace it with the enclosed corrected page. We apologize for any inconvenience this error may have caused.

Pursuant to Paragraph A of the order, construction activity may resume at the facility provided that effective BMPs are implemented and maintained in accordance with the applicable requirements of ADEM Administrative Code R. 335-6-12-.21. The remaining requirements, deadlines, and compliance schedules of Administrative Order 11-006-WP remain in effect.

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)

Should you have any questions concerning this matter, please contact Dale Mapp at (334) 394-4399.

Sincerely,

A handwritten signature in black ink, appearing to read "Vernon H. Crockett". The signature is fluid and cursive, with a long horizontal line extending from the end.

Vernon H. Crockett, Chief
Stormwater Management Branch
Water Division

VHC File: EUO/12796

Enclosure

cc: Tom Johnston, ADEM
Valerie Jackson, ADEM
Cesar Zapata, USEPA Region 4
Tessa Maines, ADEM
Dale Mapp, ADEM

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

U.S.S. REAL ESTATE –
A DIVISION OF UNITED STATES STEEL CORPORATION
TRACE CROSSINGS, T19S, R3W, S28, 32 & 33,
T20S, R3W, S4 & 5
JEFFERSON COUNTY, ALABAMA
NPDES REGISTRATION NO. ALR160591

ORDER 11-006-WP

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. U.S.S. Real Estate – A Division of United States Steel Corporation (hereinafter "Operator") is an Alabama developer constructing the residential subdivision Trace Crossings (hereinafter "Facility") located at T19S, R3W, S28, 32 & 33, T20S, R3W, S4 & 5 on Stadium Trace Parkway, in Hoover, Jefferson County, Alabama. Sediment and other pollutants in stormwater runoff from the Facility have the potential to discharge and/or have discharged to Scout Creek, Wilborn Lake and Black Creek, each 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 Alabama Water Pollution Control Act, Ala. Code §§ 22-22-1 through 22-22-14 (2006 Rplc. Vol.).

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LANCE R. LEFLEUR
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Montgomery, Alabama 36130-1463
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OCT 18 2010

CERTIFIED MAIL # 91 7108 2133 3936 3653 1950
RETURN RECEIPT REQUESTED

THOMAS G. HOWARD
USS REAL ESTATE - A DIVISION OF US STEEL CORPORATION
P.O. BOX 599
FAIRFIELD, AL 35064

RE: Administrative Order
NPDES No. ALR160591

Dear Mr. Howard:

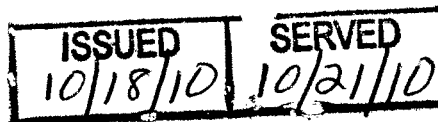
Please find enclosed an Administrative Order which requires you to take certain actions at the above referenced facility in regard to alleged violations of the Alabama Water Pollution Control Act, including cessation of all regulated activity except as needed to address the alleged violations. The Unilateral 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, 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 Tessa Maines at (334) 394-4312.

Sincerely,

Glenda L. Dean
Glenda L. Dean, Chief
Water Division



Enclosure

cc: Thomas L. Johnston, ADEM
Scott Hughes, ADEM
Chip Crockett, ADEM
Cesar Zapata, USEPA Region 4

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110 Vulcan Road
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Mobile-Coastal
4171 Commanders Drive
Mobile, AL 36615-1421
(251) 432-6533
(251) 432-6598 (FAX)

ADMINISTRATIVE ORDER CERTIFICATE OF SERVICE

I, Glenda L. Dean, do hereby certify that I have served the executed Administrative Order 11 - 005 - WP upon the person listed below by sending the same, postage paid, through the United States Mail, Certified Mail Receipt # 91 7108 2133 3936 3653 1950, with instructions to forward and return receipt, to:

Thomas G. Howard

General Manager

U.S.S. Real Estate - A Division of United States Steel Corporation

PO Box 599

Fairfield AL, 35064

Done this 18th day of OCTOBER, 2010.

Glenda L. Dean

Glenda L. Dean, Chief

Water Division

Alabama Department of Environmental Management

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

U.S.S. REAL ESTATE –
A DIVISION OF UNITED STATES STEEL CORPORATION
TRACE CROSSINGS, T19S, R3W, S28, 32 & 33,
T20S, R3W, S4 & 5
JEFFERSON COUNTY, ALABAMA
NPDES REGISTRATION NO. ALR160591

ORDER 11-005-WP

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. U.S.S. Real Estate – A Division of United States Steel Corporation (hereinafter “Operator”) is an Alabama developer constructing the residential subdivision Trace Crossings (hereinafter “Facility”) located at T19S, R3W, S28, 32 & 33, T20S, R3W, S4 & 5 on Stadium Trace Parkway, in Hoover, Jefferson County, Alabama. Sediment and other pollutants in stormwater runoff from the Facility have the potential to discharge and/or have discharged to Scout Creek, Wilborn Lake and Black Creek, each 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 Alabama Water Pollution Control Act, Ala. Code §§ 22-22-1 through 22-22-14 (2006 Rplc. Vol.).

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
NOR	Notice of Registration
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
QCP	ADEM-recognized Qualified Credentialed Professional

5. On March 5, 2010, the Operator submitted to the Department an NOR requesting coverage under ADEM Admin. Code chap. 335-6-12 for regulated disturbance activities and discharges of treated stormwater from the Facility. The Department issued re-registration of ALR160591 to the Operator on March 19, 2010. Registration ALR160591 will expire on February 27, 2011.

6. ADEM Admin. Code r. 335-6-12-.21(1) provides that “commencement and/or continuation of NPDES construction activity is prohibited after March 1, 2003, or the effective date of this chapter, whichever date occurs later, unless effective BMPs are implemented and maintained in accordance with a CBMPP prepared/certified by a QCP as adequate to meet the requirements of this chapter and applicable requirements of ADEM Administrative Code division 335-6.” The CBMPP and any BMPs shall meet or exceed the technical standards of ADEM Admin. Code chap. 335-6-12, and 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”).

7. The Department inspected the Facility on October 15, 2009 and May 13, 2010, and documented that the Operator had not properly implemented and maintained effective BMPs, resulting in potential discharges of sediment and other pollutants in stormwater runoff to Scout Creek, Wilborn Lake and Black Creek, in violation of ADEM Admin. Code r. 335-6-12-.21(1).

8. ADEM Admin. Code r. 335-6-12-.35(10) requires operators to promptly take all reasonable steps to determine the nature and impact of non-complying discharges, and to remove, to the maximum extent practical, pollutants deposited offsite or in any waterbody.

9. During the October 15, 2009 and May 13, 2010 inspections, accumulations of sediment resulting from discharges at the Facility were observed by the Department offsite and in Scout Creek in violation of ADEM Admin. Code r. 335-6-12-.35(10).

10. On January 5, 2010, a NOV was sent to the Operator by the Department as a result of the October 15, 2009 inspection. The NOV notified the Operator of deficiencies documented at the Facility, and required the Operator to submit to the Department a copy of the CBMPP, copies of all site inspection reports from 180 days prior to the NOV to the date of the NOV, and a report prepared by a QCP that details what actions the Operator took to correct the violations. These documents were required to be submitted within thirty days of receipt of the NOV. The Department received the required report on February 4, 2010.

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 CONSTRUCTION, BUILDING, PRODUCTION, 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 the Operator shall have a QCP perform a comprehensive inspection of the Facility, offsite conveyances, and affected State waters.

D. That the Operator shall implement a CBMPP, prepared/certified by a QCP, detailing effective BMPs that will be implemented and continually maintained to prevent/minimize the discharge of all sources of pollutants, including but not limited to, sediment, construction waste, oil & grease, chemicals, and other pollutants. The CBMPP and any BMPs shall meet or exceed the technical standards outlined in ADEM Admin. Code chap. 335-6-12 and Alabama Handbook.

E. That the Operator shall remove / remediate, to the maximum extent practicable, all sediment and other pollutants deposited offsite, in any waterbody, or stormwater conveyance structure.

F. That 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, all offsite sediment / pollutants have been removed / remediated, 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 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 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 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 within thirty days from receipt by the Operator 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 18th day of October, 2010.

Marilyn Elliott

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

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