



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

January 28, 2021

CERTIFIED MAIL # 9489 0090 0027 6203 9858 05
RETURN RECEIPT REQUESTED

Jon Kyle Ingle
President
Compliance Associates, Inc.
PO Box 2705
Jasper, AL 35502

RE: Notice of Violation and Proposed Permit Termination
NPDES Permit No. AL0074438
Addison Rail Siding
Walker County (127)

Dear Mr. Ingle:

The Department has completed a comprehensive evaluation of **Addison Rail Siding** in an effort to determine its compliance with applicable rules and provisions of the National Pollutant Discharge Elimination System (NPDES), ADEM Admin Code div. 335-6, and NPDES Permit No. **AL0074438**. This evaluation is based on all available inspection and sampling data, discharge monitoring reports (DMRs), and other self-reported compliance information. The Department observed the following violations:

Permit Condition I.D.1.a. requires monitoring results be summarized for each monitoring period on a DMR form approved by the Department and submitted so that the DMR is received by the Department no later than the 28th day of the month following the reporting period specified in the Permit. To date, the Department has not received the DMRs for Outfall 001 for January 2018 through September of 2020.

Permit Condition I.E.3.a requires that Compliance Associates, Inc. inform the Director of any change in its mailing address or telephone number. The Department made multiple unsuccessful attempts to contact you based on the information provided in the Permit application; however, the phone number provided by Compliances Associates, Inc. has been disconnected. The Department's records indicates that no updated contact information for Compliance Associates, Inc. has been supplied.

Permit Condition II.A.2.f. requires that all surface drainage or storm water runoff which originates within or enters the site's premises and which contains any pollutants or other wastes shall be discharged, if at all, from a point source identified in the permit. During an inspection on February 25, 2019, the Department observed that the drainage from the disturbed areas was not properly routed through the permitted outfall resulting in sediment leaving the site.

Permit Condition II.A.2.a. states that unless otherwise authorized in writing by the Director, Compliance Associates, Inc. shall provide a means of subsurface withdrawal for any discharge from each outfall addressed by the Permit. During the February 2019 inspection, the Department observed that the discharge structure at Outfall 001 did not have subsurface withdrawal, in violation of Permit Condition II.A.2.a.

Permit Condition II.A.4. requires that Compliance Associates, Inc. clearly display its name, entire NPDES permit number, facility or site name, and other descriptive information deemed appropriate by Compliance Associates, Inc. at an easily accessible location(s) to adequately identify the site. During the February 2019 inspection, the Department noted that a facility identification sign was not posted.

Also during the inspection, the Department observed instances of poor housekeeping on site. Specifically, it was noted that there was rusting scrap discarded around the site as well as coal and coal fines covering the site's grounds. One portion of the site has a rusty barrier with a large amount of coal built up with the potential to flow offsite. Such a discharge would be in violation of Permit Condition II.A.2.f.



A Warning Letter addressing effluent limitation violations, late DMR submittals, the failure to conduct discharge sampling, and the lack of a facility ID and subsurface withdrawal was issued by the Department on June 15, 2017. The Department received a late response from McGehee Engineering Corp. on behalf of Compliance Associates, Inc. on November 15, 2017. The response outlined a reclamation plan that included the removal of coal remnants from the site and noted that monitoring and reporting would commence and continue in accordance with the NPDES Permit. During the February 2019 inspection, the Department observed that the actions provided in the response to the Warning Letter had not been taken.

A Notice of Violation, addressing similar violations as stated above, was issued on April 2, 2019. As of the date of this letter, the Department has yet to receive a response from Compliance Associates, Inc. On an inspection on July 2, 2020, it was noted that no changes or improvements had occurred onsite as a result of the Notice of Violation.

Permit Condition Part II.C.2.a.(1). states that the NPDES Permit may be terminated during its term for violating any terms or conditions of the Permit.

Compliance Associates, Inc. is required to immediately resume the monitoring and reporting requirements in accordance with Permit Condition I.A of the Permit. All missing DMR data or applicable NODI code for January 2018 through September 2020 must be entered into the Department's Electronic Environmental (E2) Reporting System. Compliance Associates, Inc. is also required to submit to the Department a written engineering report, certified and prepared by an engineer registered and authorized to practice in Alabama, describing the steps that will be taken to correct these violations. **The engineering report and DMR submittals must be submitted to the Department such that they are received within 30 days from the date of this notice.** If the submitted engineering report includes modifications to designs or statements contained in the original PAP Plan, then an updated PAP Plan must also be submitted to the Department. Unless waived in writing by the Department, the written report must include all available information regarding capital investments, one-time non-depreciable expenditures, and avoided annual recurring costs resulting from delayed compliance. Examples of costs that may have been avoided or delayed include, but are not limited to: monitoring and reporting costs, permitting costs, design costs, capital improvement or repair costs, and operating and maintenance expenses. The information that is provided should be related only to those portions of the costs which would be required for compliance. Please note all information submitted in response to this notice of violation will become a part of the public record, unless there is a satisfactory showing of confidentiality pursuant to ADEM Admin. Code r. 335-1-1-.06(02). This submittal must be mailed or delivered to David Hearn at the Montgomery address listed above and must arrive at the Department's Montgomery Office by the required submittal date. Failure to submit the document required by this notice is a violation of Ala. Code §22-22-9(c) (2006 Rplc. Vol.) and ADEM Admin. Code r. 335-6-6-.12(h) for which civil penalties or criminal fines may be imposed.

If the information noted above is not submitted by the abovementioned deadline or an alternative date acceptable to the Department, the Department will pursue actions necessary to terminate the Permit based on continued noncompliance. In addition, due to the nature of these violations, the Department is considering the imposition of additional enforcement, possibly to include the issuance of an administrative order with a civil penalty.

The Department encourages you to voluntarily consider pollution prevention strategies to resolve these present and prevent potential future violations.

If you have questions regarding this matter, please contact David Hearn by email at david.hearn@adem.alabama.gov or by phone at (334) 274-4231.

Sincerely,



Jeffery W. Kitchens, Chief
Water Division

JWK/dnh

File: CORS/17929

cc: David Hearn, ADEM