ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:	
Randall Jason Hyatt d/b/a JACO	
Wildfork Pit Frisco City, Monroe County, Alabama NPDES Permit No. AL0079219	
Randall Jason Hyatt, Inc.	
Perdue Hill Pit Perdue Hill, Monroe County, Alabama NPDES Permit No. ALG850277	Consent Order No. XX-XXX-CWP

PREAMBLE

This Special Order by Consent ("Consent Order") is made and entered into by the Alabama Department of Environmental Management ("the Department") and Randall Jason Hyatt d/b/a JACO and Randall Jason Hyatt, Inc. ("the Permittee" or "the Operator") pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-17, as amended, the Alabama Water Pollution Control Act ("AWPCA"), Ala. Code §§ 22-22-1 to 22-22-14, as amended, and the regulations promulgated pursuant thereto.

STIPULATIONS

1. The Permittee Randall Jason Hyatt d/b/a JACO operates a construction sand and gravel mine known as Wildfork Pit. Wildfork Pit is located at 4318 North Butler Street, Frisco City, Monroe County, Alabama.

2. The Permittee Randall Jason Hyatt, Inc. operates a construction sand and gravel mine known as Perdue Hill Pit. Perdue Hill Pit is located on Alabama State Road 84, Perdue Hill, Monroe County, Alabama.

3. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 to 22-22A-17, as amended.

4. Pursuant to Ala. Code § 22-22A-4(n), as amended, 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 1388, as amended. In addition, the Department is authorized to administer and enforce the provisions of the AWPCA.

5. On October 26, 2022, the Department issued National Pollutant Discharge Elimination System ("NPDES") Permit Number AL0079219 ("Individual Permit") to JACO,[1] owned and operated by Randall Jason Hyatt, for Wildfork Pit establishing limitations on the discharge of pollutants from such point sources, designated therein as Outfall 001, Outfall 002, Outfall 003, Outfall 004, Outfall 005, Outfall 006, Outfall 007, and Outfall 008, from Wildfork Pit to Unnamed Tributaries to Big Escambia Creek, to Big Escambia Creek, and to Groundwater, waters of the State.

6. On January 2, 2025, the Department issued coverage under General NPDES Permit Number ALG850277 ("General Permit") to Randall Jason Hyatt, Inc. for Perdue Hill Pit establishing limitations on the discharge of pollutants from such point source, designated therein as Outfall 001, from the Perdue Hill Pit to an Unnamed Tributary to Randons Creek and to Groundwater, each a water of the State.

DEPARTMENT'S CONTENTIONS

Wildfork Pit

7. On March 6, 2025, the Department conducted an inspection of the Wildfork Pit.

8. On May 8, 2025, the Department issued a Notice of Violation ("NOV") to the Permittee for the Wildfork Pit.

9. On July 28, 2025, the Department received a response to the NOV. The response indicated that site reclamation was estimated to be completed by August 31, 2025.

10. Individual Permit Condition II.A.2.a. states that a Pollution Abatement and/or

[1] JACO, LLC was dissolved on December 21, 2007, according to the Alabama Secretary of State's website, and there is no existing business entity under the name "JACO." The permit application for NPDES Permit No. AL0079219 lists Randall Jason Hyatt as the owner and responsible official.

Prevention (PAP) Plan shall be prepared and certified by a registered Professional Engineer (PE), licensed to practice in the State of Alabama.

11. Individual Permit Condition II.A.2.b. states that the PAP Plan shall become a part of this Permit and all requirements of the PAP Plan shall become requirements of this Permit.

12. The Wildfork Pit PAP Plan requires that effective BMPs be installed and maintained as sediment control for haul roads. Additionally, all drainage is routed to a permitted treatment pond.

13. It was observed during inspections of Wildfork Pit on March 6, 2025, on March 11, 2025, and on February 4, 2026, that effective BMPs had not been installed and maintained as sediment control for haul roads and the drainage was not routed to a permitted outfall. This resulted in off-site sedimentation.

14. The PAP Plan includes detailed designs for stream crossings.

15. It was observed during an inspection of Wildfork Pit on March 6, 2025, that Stream Crossing #3 was not built or maintained according to the PAP Plan.

16. It was observed during the inspections on March 11, 2025, and February 4, 2026, that Stream Crossing #4 was not built or maintained according to the PAP Plan.

17. It was observed during an inspection on February 4, 2026, that Stream Crossing #1 was not built or maintained according to the PAP Plan.

18. The Wildfork Pit PAP Plan requires that discharge pipes associated with the permitted outfalls be installed as emergency outfalls.

19. It was observed during an inspection of Wildfork Pit on February 4, 2026, that a discharge pipe associated with Outfall 001 had not been installed.

20. It was observed during inspections of Wildfork Pit on March 11, 2025, and on February 4, 2026, that a discharge pipe associated with Outfall 003 had not been installed.

21. ADEM Admin Code r. 335-6-6-.12(l)1. requires the permittee to apply for a permit modification when an alteration would result in additional discharge points that would require coverage under an NPDES permit.

22. Permit Condition II.A.3.f. states "[a]ll surface drainage and storm water runoff which contains any pollutants or other wastes shall be discharged, if at all, from a point source identified on Page 1 of this Permit and described more fully in the Permittee's application."

23. It was observed during an inspection of Wildfork Pit on March 11, 2025, that two outfalls had been constructed at Wildfork Pit without applying for or obtaining a modification to the NPDES Permit. These two outfalls were actively discharging at the time of the inspection.

24. ADEM Admin Code r. 335-6-9-.06(1) states that no operator shall conduct his operation in such a manner as to place, or cause to be placed into a stream, soil, rock, trees, overburden or any other debris or material associated with mining operations.

25. It was observed during an inspection of Wildfork Pit on March 6, 2025, that sediment has been deposited in an unnamed tributary (UT) to Big Escambia Creek. The sedimentation was a result of erosion along the southern boundary of the disturbed area. The UT is located south of the southernmost disturbed area.

26. It was observed during inspections of Wildfork Pit on March 11, 2025, and on February 4, 2026, that sediment has been deposited into a UT to Big Escambia Creek. The sedimentation was a result of erosion of the outlet for Stream Crossing #4 and of erosion along the haul road associated with Stream Crossing #4.

27. It was observed during an inspection of Wildfork Pit on March 11, 2025, that sediment has been deposited in Big Escambia Creek. The sedimentation was a result of erosion caused by the discharge from two unpermitted outfalls.

28. It was observed during an inspection of Wildfork Pit on March 11, 2025, that sediment has been deposited in what appears to be a wetland between the disturbed area and Big Escambia Creek. The sedimentation was a result of erosion caused by the discharge from two unpermitted outfalls.

29. It was observed during an inspection of Wildfork Pit on February 4, 2026, that sediment has been deposited in what appears to be a wetland between the disturbed area and Big Escambia Creek. The sedimentation was a result of erosion of the disturbed area and erosion

of the haul road.

30. Individual Permit Condition II.A.3.e. requires the Permittee to prepare, submit to the Department for approval, and implement a Spill Prevention Control and Countermeasures (SPCC) Plan.

31. During the inspection on March 11, 2025, there was one tank on-site and it did not appear to be double walled, and it was not placed within a containment structure as required by the SPCC Plan. Additionally, there appeared to be contaminated soil near the storage tank.

Perdue Hill Pit

32. On May 21, 2025, the Department conducted an inspection of the Perdue Hill Pit.

33. On July 3, 2025, the Department issued a Warning Letter to the Permittee for the Perdue Hill Pit.

34. General Permit Condition IV.A.2.a. states that a PAP Plan shall be prepared and certified by a registered PE, licensed to practice in the State of Alabama.

35. General Permit Condition IV.A.2.b. states that the PAP Plan shall become a part of this Permit and all requirements of the PAP Plan shall become requirements of this Permit.

36. On August 14, 2025, the Department received an updated PAP Plan as part of the response to the Warning Letter. On September 10, 2025, the Department submitted a correction request for the PAP Plan. A revised PAP Plan dated October 14, 2025, was received on January 19, 2026. The Department has not accepted the latest PAP Plan that was submitted on January 19, 2026, as it does not match the conditions observed at the site.

37. All Perdue Hill Pit PAP Plans, received by the Department, state that mineral washing will not occur immediately upon startup of the pit and that the Perdue Hill Pit PAP plan will be updated before washing begins.

38. It was observed during inspections of Perdue Hill Pit on May 21, 2025, and on February 26, 2026, that mineral washing was occuring. The Department is not in receipt of a PAP Plan that addresses mineral washing and treatment of process water.

39. All PAP Plans received by the Department state that stormwater from the stockpile

and overburden areas will flow directly into the proposed pit. During the inspection on February 26, 2026, it was noted that the stormwater from the these areas did not flow into the excavated pit.

40. ADEM Admin Code r. 335-6-9-.03(2)(g) requires that plans for the construction of sediment basins meet minimum construction criteria found in the Guidelines in Appendix A.

41. ADEM Admin Code r. 335-6-9-.03 Appendix A Sedimentation Controls (4) includes minimum sediment basin design requirements.

42. It was observed during an inspection of Perdue Hill Pit on February 26, 2026, that none of the three sediment basins have been constructed to these minimum standards.

43. ADEM Admin Code r. 335-6-9 Appendix A Sedimentation Controls (3) require basins to be cleaned out when sediment accumulation approaches 60 percent of the design capacity.

44. It was observed during an inspection of Perdue Hill Pit on February 26, 2026, that a sediment basin appeared to have more than 60% of its capacity filled with sediment.

45. ADEM Admin Code r. 335-6-9-.07(1) states that all setbacks established under Alabama Law are incorporated by reference.

46. Code of Alabama, 1975, §§ 9-16-7(a)(3), as amended, states that surface mining operations shall be conducted in a manner as to leave a minimum 50-foot setback and that the operator shall immediately repair any damage to setback areas caused by the mining operation.

47. It was observed during an inspection of Perdue Hill Pit on February 26, 2026, that dam erosion had caused sediment to be deposited onto the 50-foot setback.

48. General Permit Condition IV.A.4. requires the Permittee to clearly display the name of the Permittee, entire NPDES permit number and facility or site name at the site entrance or other easily accessible location.

49. It was observed during an inspection of Perdue Hill Pit on February 26, 2026, that the sign information was incorrect or missing. The Permittee name and the NPDES Permit Number were incorrect. The facility name was missing.

50. General Permit Condition IV.A.3.d requires the Permittee to implement and maintain an SPCC Plan that is prepared and certified by a PE, registered in the State of Alabama, for all onsite petroleum product or other pollutant storage tanks or containers.

51. It was observed during an inspection of Perdue Hill Pit on May 21, 2025, and February 26, 2026, that a fuel tank for a pump was not a double walled tank nor was it within a secondary containment system.

52. It was observed during an inspection of Perdue Hill Pit on February 26, 2026, that two petroleum tanks were on-site that were not included in the Perdue Hill Pit SPCC Plan.

CIVIL PENALTY

53. Pursuant to Ala. Code § 22-22A-5(18)c., as amended, in determining the amount of any penalty, the Department must give consideration to the seriousness of the violations, including any irreparable harm to the environment and any threat to the health or safety of the public; the standard of care manifested by such person; the economic benefit that delayed compliance may have conferred upon such person; the nature, extent and degree of success of such person's efforts to minimize or mitigate the effects of such violation upon the environment; such person's history of previous violations; and the ability of such person to pay such penalty. Any civil penalty assessed pursuant to this authority shall not exceed $25,000.00 for each violation, provided however, that the total penalty assessed in an order issued by the Department shall not exceed $250,000.00. Each day that such violation continues shall constitute a separate violation. In arriving at this civil penalty, the Department has considered the following:

A. SERIOUSNESS OF THE VIOLATIONS AND BASE PENALTY: Violations of the Permits were noted. In arriving at the civil penalty, the Department considered the general nature of each violation, the violations' effect, if any, on the receiving waters, and any available evidence of irreparable harm to the environment or threat to the public. The Department has enhanced the penalty.

B. THE STANDARD OF CARE: In consideration of the standard of care manifested by the Permittee, the Department enhanced the penalty.

C. ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED: The Department has considered that delayed compliance may have conferred an economic benefit upon the Permittee and has enhanced the penalty.

D. EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATIONS UPON THE ENVIRONMENT: The unpermitted outfalls at the Wildfork Pit have been removed. The outslope of Stream Crossing #4 at Wildfork Pit has been graded to the slope specified in the Wildfork Pit PAP Plan Design Drawings.

E. HISTORY OF PREVIOUS VIOLATIONS: The Permittee has a history of previous violations. In consideration of such history of previous violations, the Department enhanced the penalty.

F. THE ABILITY TO PAY: The Permittee has not alleged an inability to pay the civil penalty.

G. The civil penalty is summarized in Attachment A.

H. This Special Order by Consent is a negotiated settlement and, therefore, the Department has compromised the amount of the penalty the Department believes is warranted in this matter in the spirit of cooperation and desire to resolve this matter amicably, without incurring unwarranted expense of litigation.

54. The Department neither admits nor denies the Permittee's contentions, which are set forth below. The Department has agreed to the terms of this Consent Order in an effort to resolve the violations cited herein without unwarranted expenditure of State resources in further prosecuting the alleged violations. The Department has determined that the terms contemplated in this Consent Order are in the best interests of the citizens of Alabama.

PERMITTEE'S CONTENTIONS

55. The Permittee neither admits nor denies the Department's contentions. The Permittee consents to abide by the terms of this Consent Order.

Wildfork Pit

56. The Permittee has operated the Wildfork Pit since 2011, when the Permittee took over operations from the prior operator. Throughout the course of its operations at the Wildfork Pit, the Permittee has engaged a third-party consulting company, Tensaw Engineering (now operating as Southern Engineering Solutions, Inc.), for environmental compliance and permitting assistance. Mining operations at the Wildfork Pit ceased in May 2024.

57. As noted by the Department, the Permittee took efforts to mitigate and minimize any effects of the alleged violations, and did so in a timely manner.

58. Following the Department's March 2025 inspections and issuance of the NOV on May 8, 2025, the Permittee quickly implemented measures to address the noted items. The Permittee described these efforts in the detailed NOV response submitted to the Department on July 28, 2025. As noted in the response, the Wildfork Pit was under reclamation during spring and summer of 2025, and there had been multiple extreme rainfall events causing delays with reclamation activities. In addition, there were extended periods with little to no rainfall. Although these conditions made site stabilization challenging, the Permittee continued to work diligently to complete reclamation.

59. The haul road described by the Department in Paragraph 13 is an extended main thoroughfare that has been in place for decades (many years prior to the start of Permittee's operations). It serves for use by multiple operations at the property, including a large logging operation. Nevertheless, the Permittee has addressed this item to the extent feasible, and the Department has been notified of such.

60. The Permittee has had a PAP Plan and an SPCC Plan in place for the Wildfork Pit since the Permittee's operations began. Site conditions at the Wildfork Pit have constantly evolved due to the general nature of mining and reclamation activities, and the Permittee has made efforts to conduct its operations in such a manner that impacts on water quality are minimized.

61. Regarding the tank identified by the Department in Paragraph 31, the Permittee disputes that there was a failure to properly implement the SPCC Plan. Again, mining had ceased

nearly a year prior, and the site was in the final reclamation stage. At the time of the Department's March 11, 2025 inspection, the tank had been emptied (was in "no fill status"), the Permittee had removed the containment berm, and the Permittee had made arrangements to have the tank removed (by crane). Although the Permittee is no longer operating at Wildfork, for its ongoing mining operations, the Permittee has implemented the use of modern, double-walled tanks with built-in secondary containment as an enhanced compliance measure.

62. The Permittee disputes that it received any economic benefit from delayed compliance. As noted in the NOV response, the Permittee had spent approximately $282,750 on best management practices and other compliance efforts at the Wildfork Pit, and the Permittee has continued to expend necessary resources on its compliance efforts at the Wildfork Pit.

63. The Permittee completed final reclamation (grading and re-vegetation), passed an official reclamation site inspection by registered forester, and obtained a bond release from the Alabama Department of Workforce in February 2026.

64. In April 2026, the Permittee submitted to the Department a request for termination of the NPDES Permit for the Wildfork Pit. Since that time, the Permittee has continued to work on site maintenance, including implementation of best management practices. As of July 2026, the Permittee notified the Department that the items identified in the Department's February 4, 2026 inspection report had been addressed.

Perdue Hill Pit

65. The Perdue Hill Pit is a new mining operation. The Department conducted a greenfield inspection of the Perdue Hill Pit on December 20, 2024, and issued the first NPDES Permit for the operation on January 2, 2025.

66. The Permittee has engaged a third-party consulting company, Tensaw Engineering, for environmental permitting and compliance assistance in relation to the Perdue Hill Pit operation.

67. The Permittee took efforts to mitigate and minimize any effects of the alleged violations and did so in a timely manner. Following receipt of the May 21, 2025 Inspection

Report/July 3, 2025 Warning Letter, the Permittee worked with its third-party consultant to ensure the PAP Plan and SPCC Plans were appropriately implemented and/or revised as necessary. While the Permittee and the Department have been in communication regarding the PAP Plan particulars, and as site conditions at the Purdue Hill Pit evolve during the course of mining and reclamation activities, the Permittee has been and will continue to make efforts to conduct its operations in such a manner that impacts on water quality are avoided or minimized to the extent feasible. For example, the Permittee has implemented the use of modern, double-walled tanks with built-in secondary containment as an enhanced compliance measure.

68. Regarding the Department's allegations in Paragraph 36, the PAP Plan submitted to the Department on January 19, 2026 is consistent with other PAP Plans that have been accepted by the Department for similar operations. The Permittee has been working with its consultant to revise the PAP Plan based upon its understanding of what the Department is requiring for acceptance.

69. As of July 2026, the Permittee notified the Department that the items identified in the Department's February 26, 2026 inspection report had been addressed.

ORDER

THEREFORE, the Permittee, along with the Department, desires to resolve and settle the compliance issues cited above. The Department has carefully considered the facts available to it and has considered the penalty factors enumerated in Ala. Code § 22-22A-5(18)c., as amended, as well as the need for timely and effective enforcement, and the Department believes that the following conditions are appropriate to address the violations alleged herein. Therefore, the Department and the Permittee (collectively "Parties") agree to enter into this CONSENT ORDER with the following terms and conditions.

A. The Permittee shall pay to the Department a civil penalty in the amount of $82,250 in settlement of the violations alleged herein. Half of the civil penalty shall be paid within **forty-five (45) days** from issuance of this Consent Order, and the remainder shall be paid within **105**

days from issuance of this Consent Order. Failure to pay the civil penalty as prescribed may result in the Department's filing a civil action in the Circuit Court of Montgomery to recover the civil penalty.

B. All penalties due pursuant to this Consent Order shall be made payable to the Alabama Department of Environmental Management by certified or cashier's check and shall be remitted to:

Office of General Counsel
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, Alabama 36130-1463

C. The Permittee shall prepare and submit to the Department separate Engineering Reports for the Wildfork Pit and the Perdue Hill Pit that: (summarize the changes and actions previously implemented and, if any, outstanding changes and actions necessary to achieve compliance with the Permits, state and federal regulations and to mitigate any effects the violations have had on the environment. At a minimum, the Permittee's Engineering Reports shall summarize any previously implemented and outstanding changes in maintenance and operating procedures, modification of existing operations, and new or additional treatment facilities and BMPs. For any outstanding corrective actions, the Engineering Reports shall include a Compliance Plan with a schedule for implementation. The Engineering Reports shall be prepared by a professional engineer licensed to practice in the State of Alabama. The Engineering Reports shall be submitted so that they are received by the Department no later than **forty-five (45) days** after issuance of this Consent Order. If the Department determines through its review of the submitted Engineering Report(s) that the submittal is not sufficient to accomplish compliance with the Permit and/or state regulations or is not sufficient to feasibly mitigate the effects of the violations on the environment, then the Permittee shall modify the Engineering Report(s) accordingly. The Permittee agrees to submit modifications to the Engineering Report(s), if required, so that they are received by the Department no later than **thirty (30) days** after receipt of the Department's comments.

D. The Permittee shall submit a revised PAP Plan (including SPCC Plan) for the Perdue Hill Pit that matches site characteristics as discussed and understood by the parties on September 18, 2026, within **seventy-five (75) days** after issuance of this Consent Order.

E. The Permittee shall complete the corrective actions provided in the Engineering Reports no later than **270 days** after the issuance of this Consent Order.

F. The Permittee shall prepare and submit to the Department a detailed Progress Report describing the Permittee's progress towards achieving compliance with items presented in the Engineering Reports within **thirty (30) days** of any request(s) for a progress report by the Department which occurs prior to **270 days** from issuance of this Consent Order.

G. The Permittee shall fully comply with the Permits and this Consent Order within **270 days** from issuance of this Consent Order.

H. The Permittee shall comply with all other terms, conditions, and limitations of the Permits immediately upon issuance of this Consent Order.

I. The Permittee shall submit a certification to the Department, signed by a professional engineer licensed to practice in the State of Alabama, indicating whether the Permittee is in compliance with all requirements of this Consent Order. The Permittee shall submit such certification so that it is received by the Department no later than **300 days** after the issuance of this order.

J. Should violations continue to occur **270 days** after the issuance of this Consent Order, then the Department may issue an additional order or file suit against the Permittee in the Circuit Court of Montgomery County or other court of competent jurisdiction to enforce compliance of this Consent Order.

K. This Consent Order shall apply to and be binding upon both Parties, their directors, officers, and all persons or entities acting under or for them. Each signatory to this Consent Order certifies that he or she is fully authorized by the Party he or she represents to enter into the terms and conditions of this Consent Order, to execute the Consent Order on behalf of the Party represented, and to legally bind such Party.

L. Subject to the terms of these presents and subject to the provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the violations which are cited in this Consent Order.

M. The Permittee is not relieved from any liability if the Permittee fails to comply with any provision of this Consent Order.

N. For purposes of this Consent Order only, the Department may properly bring an action to compel compliance with the terms and conditions contained herein in the Circuit Court of Montgomery County. In any action brought by the Department to compel compliance with the terms of the Agreement, the Permittee shall be limited to the defenses of *Force Majeure,* compliance with this Agreement and physical impossibility. A Force Majeure is defined as any event arising from causes that are not foreseeable and are beyond the reasonable control of the Permittee, including its contractors and consultants, which could not be overcome by due diligence (i.e. causes which could have been overcome or avoided by the exercise of due diligence will not be considered to have been beyond the reasonable control of the Permittee) and which delays or prevents performance by a date required by the Consent Order. Events such as unanticipated or increased costs of performance, changed economic circumstances, normal precipitation events, or failure to obtain Federal, State, or local permits shall not constitute *Force Majeure.* Any request for a modification of a deadline shall be accompanied by the reasons (including documentation) for each extension and the proposed extension time. The Permittee shall submit this information so that it is received by the Department a minimum of ten working days prior to the original anticipated completion date. If the Department, after review of the extension request, finds that work was delayed because of the conditions beyond the control and without the fault of the Permittee, the Department may extend the time as justified by the circumstances. The Department may also grant any other additional time extension as justified by the circumstances, but it is not obligated to do so.

O. 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 Facility which would constitute possible violations not addressed in this Consent Order, then such future violations may be addressed on other orders as may be issued by the Director, by litigation initiated by the Department, or by such other enforcement action as may be appropriate. The Permittee shall not object to such future orders, litigation, or enforcement action based on the issuance of this Consent Order if such future orders, or other enforcement action addresses new matters not raised in this Consent Order.

P. This Consent Order shall be considered final and effective immediately upon signature of all Parties. This Consent Order shall not be appealable, and the Permittee does hereby waive any hearing on the terms and conditions of same.

Q. This Consent Order shall not affect the Permittee's obligation to comply with any Federal, State, or local laws or regulations.

R. Final approval and entry into this Consent Order are subject to the requirements that the Department provide notice of proposed orders to the public, and that the public have at least thirty days within which to comment on the proposed Consent Order.

S. Should any provision of this Consent 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 hereof shall remain in full force and effect.

T. Any modification of this Consent Order shall be signed to in writing and signed by both Parties.

U. Except as otherwise set forth herein, this Consent 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 Permittee of its obligations to comply in the future with any permit.

Executed in duplicate, with each part being an original

Randall Jason Hyatt

Randall Jason Hyatt
(Signature of Authorized Representative)

President
(Printed Title)

Date Signed 9/29/24

ALABAMA DEPARTMENT OF
ENVRIONMENTAL MANAGEMENT

Edward F. Poolos
Director

Date Executed & Issued

Attachment A
Randall Jason Hyatt
Wildfork Pit
Frisco City, Monroe County, Alabama
AL0079219
Perdue Hill Pit
Perdue Hill, Monroe County, Alabama
ALG850277

Penalty Calculation[2]

Violation*	Number of Violations*	(A) Seriousness of Violation*	(B) Standard of Care*	(C) History of Previous Violations*
Failure to install and maintain BMPs	2	$7,500	$2,500	$2,500
Failure to install and maintain steam crossing according to PAP Plan	1	$3,750	$1,250	$0
Failure to properly construct outfalls according to PAP Plan	2	$7,500	$2,500	$0
Unpermitted discharges	2	$3,750	$1,250	$1,250
Placing sediment and/or material into Waters of the State	4	$7,500	$2,500	$2,500
Failure to properly implement SPCC Plan	3	$11,250	$3,750	$0
Failure to submit PAP Plan that matches site characteristics	1	$1,500	$500	$0
Failure to construct and maintain sediment basins according to PAP Plan and ADEM Regulations	3	$9,000	$3,000	$0
Failure to maintain 50-foot setback	1	$3,000	$1,000	$0
Failure to provide proper facility identification	1	$200	50	$0
		$54,950 Total (A)	$18,300 Total (B)	$6,250 Total (C)

Base Penalty Total [Total(A) + Total(B) + Total(C)]	$79,500
Mitigating Factors (-)	$0
Economic Benefit (+)	$38,000
Ability to Pay (-)	$0
Other Factors (+/-)	$0
INITIAL PENALTY	$117,500

Additional Adjustments due to negotiations, receipt of additional information, or public comment

Mitigating Factors (-)	
Economic Benefit (+)	
Ability to Pay (-)	
Other Factors (+/-)	-$35,250
Total Adjustments (+/-)	-$35,250

Total Adjustments (+/-)	-$35,250
FINAL PENALTY	$82,250

[2] See the "Department's Contentions" of the Consent Order for a detailed description of each violation and the penalty factors.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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1. The Permittee Randall Jason Hyatt d/b/a JACO operates a construction sand and gravel mine known as Wildfork Pit. Wildfork Pit is located at 4318 North Butler Street, Frisco City, Monroe County, Alabama.

2. The Permittee Randall Jason Hyatt, Inc. operates a construction sand and gravel mine known as Perdue Hill Pit. Perdue Hill Pit is located on Alabama State Road 84, Perdue Hill, Monroe County, Alabama.

3. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 to 22-22A-17, as amended.

4. Pursuant to Ala. Code § 22-22A-4(n), as amended, 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 1388, as amended. In addition, the Department is authorized to administer and enforce the provisions of the AWPCA.

5. On October 26, 2022, the Department issued National Pollutant Discharge Elimination System ("NPDES") Permit Number AL0079219 ("Individual Permit") to JACO,[1] owned and operated by Randall Jason Hyatt, for Wildfork Pit establishing limitations on the discharge of pollutants from such point sources, designated therein as Outfall 001, Outfall 002, Outfall 003, Outfall 004, Outfall 005, Outfall 006, Outfall 007, and Outfall 008, from Wildfork Pit to Unnamed Tributaries to Big Escambia Creek, to Big Escambia Creek, and to Groundwater, waters of the State.

6. On January 2, 2025, the Department issued coverage under General NPDES Permit Number ALG850277 ("General Permit") to Randall Jason Hyatt, Inc. for Perdue Hill Pit establishing limitations on the discharge of pollutants from such point source, designated therein as Outfall 001; from the Perdue Hill Pit to an Unnamed Tributary to Randons Creek and to Groundwater, each a water of the State.

DEPARTMENT'S CONTENTIONS

Wildfork Pit

7. On March 6, 2025, the Department conducted an inspection of the Wildfork Pit.

8. On May 8, 2025, the Department issued a Notice of Violation ("NOV") to the Permittee for the Wildfork Pit.

9. On July 28, 2025, the Department received a response to the NOV. The response indicated that site reclamation was estimated to be completed by August 31, 2025.

10. Individual Permit Condition II.A.2.a. states that a Pollution Abatement and/or

[1] JACO, LLC was dissolved on December 21, 2007, according to the Alabama Secretary of State's website, and there is no existing business entity under the name "JACO." The permit application for NPDES Permit No. AL0079219 lists Randall Jason Hyatt as the owner and responsible official.

Prevention (PAP) Plan shall be prepared and certified by a registered Professional Engineer (PE); licensed to practice in the State of Alabama.

11. Individual Permit Condition II.A.2.b. states that the PAP Plan shall become a part of this Permit and all requirements of the PAP Plan shall become requirements of this Permit.

12. The Wildfork Pit PAP Plan requires that effective BMPs be installed and maintained as sediment control for haul roads. Additionally, all drainage is routed to a permitted treatment pond.

13. It was observed during inspections of Wildfork Pit on March 6, 2025, on March 11, 2025, and on February 4, 2026, that effective BMPs had not been installed and maintained as sediment control for haul roads and the drainage was not routed to a permitted outfall. This resulted in off-site sedimentation.

14. The PAP Plan includes detailed designs for stream crossings.

15. It was observed during an inspection of Wildfork Pit on March 6, 2025, that Stream Crossing #3 was not built or maintained according to the PAP Plan.

16. It was observed during the inspections on March 11, 2025, and February 4, 2026, that Stream Crossing #4 was not built or maintained according to the PAP Plan.

17. It was observed during an inspection on February 4, 2026, that Stream Crossing #1 was not built or maintained according to the PAP Plan.

18. The Wildfork Pit PAP Plan requires that discharge pipes associated with the permitted outfalls be installed as emergency outfalls.

19. It was observed during an inspection of Wildfork Pit on February 4, 2026, that a discharge pipe associated with Outfall 001 had not been installed.

20. It was observed during inspections of Wildfork Pit on March 11, 2025, and on February 4, 2026, that a discharge pipe associated with Outfall 003 had not been installed.

21. ADEM Admin Code r. 335-6-6-.12(l)1. requires the permittee to apply for a permit modification when an alteration would result in additional discharge points that would require coverage under an NPDES permit.

22. Permit Condition II.A.3.f. states "[a]ll surface drainage and storm water runoff which contains any pollutants or other wastes shall be discharged, if at all, from a point source identified on Page 1 of this Permit and described more fully in the Permittee's application."

23. It was observed during an inspection of Wildfork Pit on March 11, 2025, that two outfalls had been constructed at Wildfork Pit without applying for or obtaining a modification to the NPDES Permit. These two outfalls were actively discharging at the time of the inspection.

24. ADEM Admin Code r. 335-6-9-.06(1) states that no operator shall conduct his operation in such a manner as to place, or cause to be placed into a stream, soil, rock, trees, overburden or any other debris or material associated with mining operations.

25. It was observed during an inspection of Wildfork Pit on March 6, 2025, that sediment has been deposited in an unnamed tributary (UT) to Big Escambia Creek. The sedimentation was a result of erosion along the southern boundary of the disturbed area. The UT is located south of the southernmost disturbed area.

26. It was observed during inspections of Wildfork Pit on March 11, 2025, and on February 4, 2026, that sediment has been deposited into a UT to Big Escambia Creek. The sedimentation was a result of erosion of the outlet for Stream Crossing #4 and of erosion along the haul road associated with Stream Crossing #4.

27. It was observed during an inspection of Wildfork Pit on March 11, 2025, that sediment has been deposited in Big Escambia Creek. The sedimentation was a result of erosion caused by the discharge from two unpermitted outfalls.

28. It was observed during an inspection of Wildfork Pit on March 11, 2025, that sediment has been deposited in what appears to be a wetland between the disturbed area and Big Escambia Creek. The sedimentation was a result of erosion caused by the discharge from two unpermitted outfalls.

29. It was observed during an inspection of Wildfork Pit on February 4, 2026, that sediment has been deposited in what appears to be a wetland between the disturbed area and Big Escambia Creek. The sedimentation was a result of erosion of the disturbed area and erosion

of the haul road.

30. Individual Permit Condition II.A.3.e. requires the Permittee to prepare, submit to the Department for approval, and implement a Spill Prevention Control and Countermeasures (SPCC) Plan.

31. During the inspection on March 11, 2025, there was one tank on-site and it did not appear to be double walled, and it was not placed within a containment structure as required by the SPCC Plan. Additionally, there appeared to be contaminated soil near the storage tank.

Perdue Hill Pit

32. On May 21, 2025, the Department conducted an inspection of the Perdue Hill Pit.

33. On July 3, 2025, the Department issued a Warning Letter to the Permittee for the Perdue Hill Pit.

34. General Permit Condition IV.A.2.a. states that a PAP Plan shall be prepared and certified by a registered PE, licensed to practice in the State of Alabama.

35. General Permit Condition IV.A.2.b. states that the PAP Plan shall become a part of this Permit and all requirements of the PAP Plan shall become requirements of this Permit.

36. On August 14, 2025, the Department received an updated PAP Plan as part of the response to the Warning Letter. On September 10, 2025, the Department submitted a correction request for the PAP Plan. A revised PAP Plan dated October 14, 2025, was received on January 19, 2026. The Department has not accepted the latest PAP Plan that was submitted on January 19, 2026, as it does not match the conditions observed at the site.

37. All Perdue Hill Pit PAP Plans, received by the Department, state that mineral washing will not occur immediately upon startup of the pit and that the Perdue Hill Pit PAP plan will be updated before washing begins.

38. It was observed during inspections of Perdue Hill Pit on May 21, 2025, and on February 26, 2026, that mineral washing was occuring. The Department is not in receipt of a PAP Plan that addresses mineral washing and treatment of process water.

39. All PAP Plans received by the Department state that stormwater from the stockpile

and overburden areas will flow directly into the proposed pit. During the inspection on February 26, 2026, it was noted that the stormwater from the these areas did not flow into the excavated pit.

40. ADEM Admin Code r. 335-6-9-.03(2)(g) requires that plans for the construction of sediment basins meet minimum construction criteria found in the Guidelines in Appendix A.

41. ADEM Admin Code r. 335-6-9-.03 Appendix A Sedimentation Controls (4) includes minimum sediment basin design requirements.

42. It was observed during an inspection of Perdue Hill Pit on February 26, 2026, that none of the three sediment basins have been constructed to these minimum standards.

43. ADEM Admin Code r. 335-6-9 Appendix A Sedimentation Controls (3) require basins to be cleaned out when sediment accumulation approaches 60 percent of the design capacity.

44. It was observed during an inspection of Perdue Hill Pit on February 26, 2026, that a sediment basin appeared to have more than 60% of its capacity filled with sediment.

45. ADEM Admin Code r. 335-6-9-.07(1) states that all setbacks established under Alabama Law are incorporated by reference.

46. Code of Alabama, 1975, §§ 9-16-7(a)(3), as amended, states that surface mining operations shall be conducted in a manner as to leave a minimum 50-foot setback and that the operator shall immediately repair any damage to setback areas caused by the mining operation.

47. It was observed during an inspection of Perdue Hill Pit on February 26, 2026, that dam erosion had caused sediment to be deposited onto the 50-foot setback.

48. General Permit Condition IV.A.4. requires the Permittee to clearly display the name of the Permittee, entire NPDES permit number and facility or site name at the site entrance or other easily accessible location.

49. It was observed during an inspection of Perdue Hill Pit on February 26, 2026, that the sign information was incorrect or missing. The Permittee name and the NPDES Permit Number were incorrect. The facility name was missing.

50. General Permit Condition IV.A.3.d requires the Permittee to implement and maintain an SPCC Plan that is prepared and certified by a PE, registered in the State of Alabama, for all onsite petroleum product or other pollutant storage tanks or containers.

51. It was observed during an inspection of Perdue Hill Pit on May 21, 2025, and February 26, 2026, that a fuel tank for a pump was not a double walled tank nor was it within a secondary containment system.

52. It was observed during an inspection of Perdue Hill Pit on February 26, 2026, that two petroleum tanks were on-site that were not included in the Perdue Hill Pit SPCC Plan.

CIVIL PENALTY

53. Pursuant to Ala. Code § 22-22A-5(18)c., as amended, in determining the amount of any penalty, the Department must give consideration to the seriousness of the violations, including any irreparable harm to the environment and any threat to the health or safety of the public; the standard of care manifested by such person; the economic benefit that delayed compliance may have conferred upon such person; the nature, extent and degree of success of such person's efforts to minimize or mitigate the effects of such violation upon the environment; such person's history of previous violations; and the ability of such person to pay such penalty. Any civil penalty assessed pursuant to this authority shall not exceed $25,000.00 for each violation, provided however, that the total penalty assessed in an order issued by the Department shall not exceed $250,000.00. Each day that such violation continues shall constitute a separate violation. In arriving at this civil penalty, the Department has considered the following:

A. SERIOUSNESS OF THE VIOLATIONS AND BASE PENALTY: Violations of the Permits were noted. In arriving at the civil penalty, the Department considered the general nature of each violation, the violations' effect, if any, on the receiving waters, and any available evidence of irreparable harm to the environment or threat to the public. The Department has enhanced the penalty.

B. THE STANDARD OF CARE: In consideration of the standard of care manifested by the Permittee, the Department enhanced the penalty.

C. ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED: The Department has considered that delayed compliance may have conferred an economic benefit upon the Permittee and has enhanced the penalty.

D. EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATIONS UPON THE ENVIRONMENT: The unpermitted outfalls at the Wildfork Pit have been removed. The outslope of Stream Crossing #4 at Wildfork Pit has been graded to the slope specified in the Wildfork Pit PAP Plan Design Drawings.

E. HISTORY OF PREVIOUS VIOLATIONS: The Permittee has a history of previous violations. In consideration of such history of previous violations, the Department enhanced the penalty.

F. THE ABILITY TO PAY: The Permittee has not alleged an inability to pay the civil penalty.

G. The civil penalty is summarized in Attachment A.

H. This Special Order by Consent is a negotiated settlement and, therefore, the Department has compromised the amount of the penalty the Department believes is warranted in this matter in the spirit of cooperation and desire to resolve this matter amicably, without incurring unwarranted expense of litigation.

54. The Department neither admits nor denies the Permittee's contentions, which are set forth below. The Department has agreed to the terms of this Consent Order in an effort to resolve the violations cited herein without unwarranted expenditure of State resources in further prosecuting the alleged violations. The Department has determined that the terms contemplated in this Consent Order are in the best interests of the citizens of Alabama.

PERMITTEE'S CONTENTIONS

55. The Permittee neither admits nor denies the Department's contentions. The Permittee consents to abide by the terms of this Consent Order.

Wildfork Pit

56. The Permittee has operated the Wildfork Pit since 2011, when the Permittee took over operations from the prior operator. Throughout the course of its operations at the Wildfork Pit, the Permittee has engaged a third-party consulting company, Tensaw Engineering (now operating as Southern Engineering Solutions, Inc.), for environmental compliance and permitting assistance. Mining operations at the Wildfork Pit ceased in May 2024.

57. As noted by the Department, the Permittee took efforts to mitigate and minimize any effects of the alleged violations, and did so in a timely manner.

58. Following the Department's March 2025 inspections and issuance of the NOV on May 8, 2025, the Permittee quickly implemented measures to address the noted items. The Permittee described these efforts in the detailed NOV response submitted to the Department on July 28, 2025. As noted in the response, the Wildfork Pit was under reclamation during spring and summer of 2025, and there had been multiple extreme rainfall events causing delays with reclamation activities. In addition, there were extended periods with little to no rainfall. Although these conditions made site stabilization challenging, the Permittee continued to work diligently to complete reclamation.

59. The haul road described by the Department in Paragraph 13 is an extended main thoroughfare that has been in place for decades (many years prior to the start of Permittee's operations). It serves for use by multiple operations at the property, including a large logging operation. Nevertheless, the Permittee has addressed this item to the extent feasible, and the Department has been notified of such.

60. The Permittee has had a PAP Plan and an SPCC Plan in place for the Wildfork Pit since the Permittee's operations began. Site conditions at the Wildfork Pit have constantly evolved due to the general nature of mining and reclamation activities, and the Permittee has made efforts to conduct its operations in such a manner that impacts on water quality are minimized.

61. Regarding the tank identified by the Department in Paragraph 31, the Permittee disputes that there was a failure to properly implement the SPCC Plan. Again, mining had ceased

nearly a year prior, and the site was in the final reclamation stage. At the time of the Department's March 11, 2025 inspection, the tank had been emptied (was in "no fill status"), the Permittee had removed the containment berm, and the Permittee had made arrangements to have the tank removed (by crane). Although the Permittee is no longer operating at Wildfork, for its ongoing mining operations, the Permittee has implemented the use of modern, double-walled tanks with built-in secondary containment as an enhanced compliance measure.

62. The Permittee disputes that it received any economic benefit from delayed compliance. As noted in the NOV response, the Permittee had spent approximately $282,750 on best management practices and other compliance efforts at the Wildfork Pit, and the Permittee has continued to expend necessary resources on its compliance efforts at the Wildfork Pit.

63. The Permittee completed final reclamation (grading and re-vegetation), passed an official reclamation site inspection by registered forester, and obtained a bond release from the Alabama Department of Workforce in February 2026.

64. In April 2026, the Permittee submitted to the Department a request for termination of the NPDES Permit for the Wildfork Pit. Since that time, the Permittee has continued to work on site maintenance, including implementation of best management practices. As of July 2026, the Permittee notified the Department that the items identified in the Department's February 4, 2026 inspection report had been addressed.

Perdue Hill Pit

65. The Perdue Hill Pit is a new mining operation. The Department conducted a greenfield inspection of the Perdue Hill Pit on December 20, 2024, and issued the first NPDES Permit for the operation on January 2, 2025.

66. The Permittee has engaged a third-party consulting company, Tensaw Engineering, for environmental permitting and compliance assistance in relation to the Perdue Hill Pit operation.

67. The Permittee took efforts to mitigate and minimize any effects of the alleged violations and did so in a timely manner. Following receipt of the May 21, 2025 Inspection

Report/July 3, 2025 Warning Letter, the Permittee worked with its third-party consultant to ensure the PAP Plan and SPCC Plans were appropriately implemented and/or revised as necessary. While the Permittee and the Department have been in communication regarding the PAP Plan particulars, and as site conditions at the Purdue Hill Pit evolve during the course of mining and reclamation activities, the Permittee has been and will continue to make efforts to conduct its operations in such a manner that impacts on water quality are avoided or minimized to the extent feasible. For example, the Permittee has implemented the use of modern, double-walled tanks with built-in secondary containment as an enhanced compliance measure.

68. Regarding the Department's allegations in Paragraph 36, the PAP Plan submitted to the Department on January 19, 2026 is consistent with other PAP Plans that have been accepted by the Department for similar operations. The Permittee has been working with its consultant to revise the PAP Plan based upon its understanding of what the Department is requiring for acceptance.

69. As of July 2026, the Permittee notified the Department that the items identified in the Department's February 26, 2026 inspection report had been addressed.

ORDER

THEREFORE, the Permittee, along with the Department, desires to resolve and settle the compliance issues cited above. The Department has carefully considered the facts available to it and has considered the penalty factors enumerated in Ala. Code § 22-22A-5(18)c., as amended, as well as the need for timely and effective enforcement, and the Department believes that the following conditions are appropriate to address the violations alleged herein. Therefore, the Department and the Permittee (collectively "Parties") agree to enter into this CONSENT ORDER with the following terms and conditions.

A. The Permittee shall pay to the Department a civil penalty in the amount of $82,250 in settlement of the violations alleged herein. Half of the civil penalty shall be paid within **forty-five (45) days** from issuance of this Consent Order, and the remainder shall be paid within **105**

days from issuance of this Consent Order. Failure to pay the civil penalty as prescribed may result in the Department's filing a civil action in the Circuit Court of Montgomery to recover the civil penalty.

B. All penalties due pursuant to this Consent Order shall be made payable to the Alabama Department of Environmental Management by certified or cashier's check and shall be remitted to:

Office of General Counsel
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, Alabama 36130-1463

C. The Permittee shall prepare and submit to the Department separate Engineering Reports for the Wildfork Pit and the Perdue Hill Pit that: (summarize the changes and actions previously implemented and, if any, outstanding changes and actions necessary to achieve compliance with the Permits, state and federal regulations and to mitigate any effects the violations have had on the environment. At a minimum, the Permittee's Engineering Reports shall summarize any previously implemented and outstanding changes in maintenance and operating procedures, modification of existing operations, and new or additional treatment facilities and BMPs. For any outstanding corrective actions, the Engineering Reports shall include a Compliance Plan with a schedule for implementation. The Engineering Reports shall be prepared by a professional engineer licensed to practice in the State of Alabama. The Engineering Reports shall be submitted so that they are received by the Department no later than **forty-five (45) days** after issuance of this Consent Order. If the Department determines through its review of the submitted Engineering Report(s) that the submittal is not sufficient to accomplish compliance with the Permit and/or state regulations or is not sufficient to feasibly mitigate the effects of the violations on the environment, then the Permittee shall modify the Engineering Report(s) accordingly. The Permittee agrees to submit modifications to the Engineering Report(s), if required, so that they are received by the Department no later than **thirty (30) days** after receipt of the Department's comments.

D. The Permittee shall submit a revised PAP Plan (including SPCC Plan) for the Perdue Hill Pit that matches site characteristics as discussed and understood by the parties on September 18, 2026, within **seventy-five (75) days** after issuance of this Consent Order.

E. The Permittee shall complete the corrective actions provided in the Engineering Reports no later than **270 days** after the issuance of this Consent Order.

F. The Permittee shall prepare and submit to the Department a detailed Progress Report describing the Permittee's progress towards achieving compliance with items presented in the Engineering Reports within **thirty (30) days** of any request(s) for a progress report by the Department which occurs prior to **270 days** from issuance of this Consent Order.

G. The Permittee shall fully comply with the Permits and this Consent Order within **270 days** from issuance of this Consent Order.

H. The Permittee shall comply with all other terms, conditions, and limitations of the Permits immediately upon issuance of this Consent Order.

I. The Permittee shall submit a certification to the Department, signed by a professional engineer licensed to practice in the State of Alabama, indicating whether the Permittee is in compliance with all requirements of this Consent Order. The Permittee shall submit such certification so that it is received by the Department no later than **300 days** after the issuance of this order.

J. Should violations continue to occur **270 days** after the issuance of this Consent Order, then the Department may issue an additional order or file suit against the Permittee in the Circuit Court of Montgomery County or other court of competent jurisdiction to enforce compliance of this Consent Order.

K. This Consent Order shall apply to and be binding upon both Parties, their directors, officers, and all persons or entities acting under or for them. Each signatory to this Consent Order certifies that he or she is fully authorized by the Party he or she represents to enter into the terms and conditions of this Consent Order, to execute the Consent Order on behalf of the Party represented, and to legally bind such Party.

L. Subject to the terms of these presents and subject to the provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the violations which are cited in this Consent Order.

M. The Permittee is not relieved from any liability if the Permittee fails to comply with any provision of this Consent Order.

N. For purposes of this Consent Order only, the Department may properly bring an action to compel compliance with the terms and conditions contained herein in the Circuit Court of Montgomery County. In any action brought by the Department to compel compliance with the terms of the Agreement, the Permittee shall be limited to the defenses of *Force Majeure,* compliance with this Agreement and physical impossibility. A Force Majeure is defined as any event arising from causes that are not foreseeable and are beyond the reasonable control of the Permittee, including its contractors and consultants, which could not be overcome by due diligence (i.e. causes which could have been overcome or avoided by the exercise of due diligence will not be considered to have been beyond the reasonable control of the Permittee) and which delays or prevents performance by a date required by the Consent Order. Events such as unanticipated or increased costs of performance, changed economic circumstances, normal precipitation events, or failure to obtain Federal, State, or local permits shall not constitute *Force Majeure.* Any request for a modification of a deadline shall be accompanied by the reasons (including documentation) for each extension and the proposed extension time. The Permittee shall submit this information so that it is received by the Department a minimum of ten working days prior to the original anticipated completion date. If the Department, after review of the extension request, finds that work was delayed because of the conditions beyond the control and without the fault of the Permittee, the Department may extend the time as justified by the circumstances. The Department may also grant any other additional time extension as justified by the circumstances, but it is not obligated to do so.

O. 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 Facility which would constitute possible violations not addressed in this Consent Order, then such future violations may be addressed on other orders as may be issued by the Director, by litigation initiated by the Department, or by such other enforcement action as may be appropriate. The Permittee shall not object to such future orders, litigation, or enforcement action based on the issuance of this Consent Order if such future orders, or other enforcement action addresses new matters not raised in this Consent Order.

P. This Consent Order shall be considered final and effective immediately upon signature of all Parties. This Consent Order shall not be appealable, and the Permittee does hereby waive any hearing on the terms and conditions of same.

Q. This Consent Order shall not affect the Permittee's obligation to comply with any Federal, State, or local laws or regulations.

R. Final approval and entry into this Consent Order are subject to the requirements that the Department provide notice of proposed orders to the public, and that the public have at least thirty days within which to comment on the proposed Consent Order.

S. Should any provision of this Consent 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 hereof shall remain in full force and effect.

T. Any modification of this Consent Order shall be signed to in writing and signed by both Parties.

U. Except as otherwise set forth herein, this Consent 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 Permittee of its obligations to comply in the future with any permit.

Executed in duplicate, with each part being an original

Randall Jason Hyatt

Randall Jason Hyatt
(Signature of Authorized Representative)

President
(Printed Title)

Date Signed 9/29/24

ALABAMA DEPARTMENT OF
ENVRIONMENTAL MANAGEMENT

Edward F. Poolos
Director

Date Executed & Issued

Attachment A
Randall Jason Hyatt
Wildfork Pit
Frisco City, Monroe County, Alabama
AL0079219
Perdue Hill Pit
Perdue Hill, Monroe County, Alabama
ALG850277

Penalty Calculation[2]

Violation*	Number of Violations*	(A) Seriousness of Violation*	(B) Standard of Care*	(C) History of Previous Violations*
Failure to install and maintain BMPs	2	$7,500	$2,500	$2,500
Failure to install and maintain steam crossing according to PAP Plan	1	$3,750	$1,250	$0
Failure to properly construct outfalls according to PAP Plan	2	$7,500	$2,500	$0
Unpermitted discharges	2	$3,750	$1,250	$1,250
Placing sediment and/or material into Waters of the State	4	$7,500	$2,500	$2,500
Failure to properly implement SPCC Plan	3	$11,250	$3,750	$0
Failure to submit PAP Plan that matches site characteristics	1	$1,500	$500	$0
Failure to construct and maintain sediment basins according to PAP Plan and ADEM Regulations	3	$9,000	$3,000	$0
Failure to maintain 50-foot setback	1	$3,000	$1,000	$0
Failure to provide proper facility identification	1	$200	50	$0
		$54,950 Total (A)	$18,300 Total (B)	$6,250 Total (C)

Base Penalty Total [Total(A) + Total(B) + Total(C)]	$79,500
Mitigating Factors (-)	$0
Economic Benefit (+)	$38,000
Ability to Pay (-)	$0
Other Factors (+/-)	$0
INITIAL PENALTY	$117,500
Total Adjustments (+/-)	$35,250
FINAL PENALTY	$82,250

Additional Adjustments due to negotiations, receipt of additional information, or public comment

Mitigating Factors (-)	
Economic Benefit (+)	
Ability to Pay (-)	
Other Factors (+/-)	-$35,250
Total Adjustments (+/-)	-$35,250

[2] See the "Department's Contentions" of the Consent Order for a detailed description of each violation and the penalty factors.