

2018-2019 ANNUAL REPORT
NPDES General Permit ALR040051

**APPENDIX D – ADEM AUDIT REPORT
and NOTICE OF VIOLATION (NOV)**

Notification of ADEM Audit (from ADEM dated 2-6-19) (received by City 2-11-19)

ADEM Audit Report (from ADEM dated 3-18-19) (received by City 3-25-19)

Notice of Violation (NOV) Letter (from ADEM dated 3-29-19) (received by City 4-3-19)

City NOV Response Letter (from City dated 4-25-19) (received by ADEM 5-1-19)

LANCE R. LEFLEUR
DIRECTOR



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

RECEIVED
KAY IVEY
GOVERNOR

FEB 11 2019

City of Jacksonville
Jacksonville, Alabama

February 6, 2019

Certified Mail 91 7108 2133 3936 3651 2904

Honorable Johnny L. Smith
Mayor, City of Jacksonville
320 Church Avenue SE
Jacksonville, Alabama 36265



Re: NPDES Permit No. ALR040051
City of Jacksonville's Phase II Municipal Separate Storm Sewer System (MS4) Audit
Calhoun County (015)

Dear Mayor Smith:

The Alabama Department of Environmental Management (ADEM) will conduct an audit of the City of Jacksonville's (City) Phase II MS4 on February 19, 2019. During this time ADEM representatives would like to discuss and review certain Storm Water Management Program elements of the City's MS4 program with City personnel. Also, ADEM representatives would like to observe the appropriate City personnel performing required MS4 inspections of construction sites and post-construction best management practices (BMPs), if applicable, in accordance with permit requirements.

A tentative agenda is below:

Tuesday, February 19, 2019

8:30 a.m. Initial Kick-Off Meeting

Records Review and Discussion of the following:

- Storm Water Management Plan
 - o Please have a copy available for review
- Education Activities
 - o Please have any brochures, media clippings, or other educational activities available for review
- Public Involvement and Participation
 - o Please have documentation of meetings and community events in which the City participates available for review
- Illicit Discharges
 - o Please have the past two (2) years of reported illicit discharges, inspections and corrective actions, if any, available for review
 - o Please have the City's Stormwater Phase II Ordinance, or other regulatory mechanism available for review
 - o Please have the City's standard operating procedure (SOP) for dry weather screening available for review
- Construction Stormwater Runoff Control

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
3664 Dauphin Street, Suite B
Mobile, AL 36608
(251) 304-1176
(251) 304-1189 (FAX)

- Please have a list of current construction sites within the City's MS4 boundary
- Please have the SOP for the following: site plan review, inspection of construction sites and corrective actions available for review
 - Provide examples of Construction site inspection sheets, construction site complaints received by the City, corrective actions, if any.
- Please have the most current Subdivision Regulations available for review
- Post-Construction Stormwater Management
 - Please have the SOP for post-construction site plan review, inspection of post-construction BMPs and maintenance records of post-construction BMPs available for review
 - Provide examples of inspections and maintenance records
- Pollution Prevention and Good Housekeeping
 - Please have the past two (2) years of training (i.e. spills, IDDE's, etc.) for City MS4 employees available for review
- Monitoring
 - Please have available the City's monitoring plan for 303(d) and/or TMDL streams, if applicable
 - Please have available the past two (2) years of monitoring data, if applicable
- Annual Report
 - Please have available the past two (2) years for review

Inspections to Follow Records Review

ADEM Representatives will be observing the appropriate City personnel performing MS4 inspections on the following:

- Construction Sites
- Post-Construction BMPs
- City Maintenance Shop
- Monitoring Sites (observe)

Records Review and Discussion continued, if applicable
Wrap-up and Debriefing

ADEM representatives will contact the City the week prior to the inspection to discuss details of the inspection and answer questions or concerns. However, if you should have any questions or concerns prior to this time, please contact Cammie Ashmore at cammie.ashmore@adem.alabama.gov or at (334) 271-7795.

Sincerely,



Jeffery W. Kitchens, Chief
Stormwater Management Branch
Water Division

JWK/cga

CORS/48516

Cc: Mr. Mark W. Stephens; Planning, Development, & Stormwater Director (via email)

LANCE R. LEFLEUR
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March 18, 2019

Honorable Johnny L. Smith
Mayor, City of Jacksonville
320 Church Avenue SE
Jacksonville, Alabama 36265

**Re: NPDES Permit ALR040051
City of Jacksonville Phase II Municipal Separate Storm Sewer System (MS4) Audit
Calhoun County (015)**

Dear Mayor Smith:

On February 19, 2019, representatives of the Alabama Department of Environmental Management's Stormwater Management Branch conducted an audit of the City of Jacksonville's MS4 Phase II program for compliance with NPDES Permit ALR040051.

Please review the enclosed audit report for any comments or concerns noted. Should you have any questions about this audit report, please contact Cammie Ashmore by email at cammie.ashmore@adem.alabama.gov or by phone at (334) 271-7795.

Sincerely,

Jeffery W. Kitchens, Chief
Stormwater Management Branch
Water Division

JWK/cga

AUDITR/48516

Cc: Mr. Mark W. Stephens, Planning, Development, & Stormwater Director (via email)



Phase II MS4 Audit Report

Permittee: City of Jacksonville/ALR040051

Audit Representatives: Mr. Mark W. Stephens, City of Jacksonville
Mrs. Marla Smith, ADEM
Mrs. Cammie Ashmore, ADEM

Date of Audit: 2/19/2019

During the Audit, the Department provided the City a copy of the handout regarding the MS4 Entity Stormwater Collection Fee Submittal Information (ACT NO 2014 – 439 and Code of Alabama Title 11 Section 11 – 89C – 10).

1. **Does the Permittee have a copy of the most recent SWMPP and Annual Report available?** Yes, the City had a copy of the latest SWMPP (December 2016) and the 2017-2018 Annual Report. The latest SWMPP and Annual Report are also available on the City's website at the following location <http://www.jacksonville-al.org/stormwater-runoff-management/>.
2. **Does the Permittee implement a public education and outreach program about the impacts of discharges on waterbodies and the steps that the public can take to reduce pollutants in storm water runoff?**

A. Yes B. No C. Concerns Noted

Comments: The City's website has a page dedicated to stormwater that includes educational materials on different topics such as after the storm, erosion, illicit discharge, detection, and elimination (IDDE), solution to pollution, stormwater and the construction industry, SWMP, and urban runoff facts. There are brochures available at City Hall on Soil Erosion, IDDE, and about the Stormwater Management Program. There is also a bulletin board at City Hall with the stormwater contact information, information on stormwater and the construction industry, as well as protecting water quality from urban runoff.

The City advertises for "Take Pride in Jacksonville Day" where the City's citizens can drop off cardboard, aluminum cans, paper, electronics, paint, and chemicals such as pesticides. There is also a shredder available where sensitive paper documents can be shredded. Also, "Take Pride in Jacksonville Day" includes trash (litter) cleanup in designated areas within the City.

The City provides carts for garbage pickup and separate carts for the curbside recycling program where paper, plastic, and aluminum are collected. The City also has curbside pickup for other trash such as tree limbs, grass, shrubbery clippings, furniture, cardboard boxes, and items too large to place in a garbage cart.

The City installed a "No Dumping Allowed" sign within the MS4 area. The City also had 50 storm drain placards installed by the members of the Master Gardeners (volunteers). The City promoted Arbor Day and gave away seedlings.

3. **Does the Permittee have an ongoing program to detect and eliminate illicit discharges, and improper disposal, including spills, into the MS4?**

A. Yes B. No C. Concerns Noted

Comments: The City has 37 outfalls identified on a map located in the most recent Annual Report. At the time of the Audit, the City had investigated one potential illicit discharge based on a citizen complaint. The City's website has contact information regarding who to contact in the event of an illicit discharge as well as information regarding what is an illicit discharge and what is an illicit connection. This information is also

located in a brochure and on a bulletin board at City Hall. IDDE training was conducted for the Planning and Building Department and provided during the Street and Sanitation Department monthly safety meeting.

4. **Does the Permittee have a stormwater outfall map? Updated Annually?**

A. Yes B. No C. Concerns Noted

5. **Does the Permittee have an ordinance or other regulatory mechanism to prohibit non-storm water discharges into the MS4?**

A. Yes B. No C. Concerns Noted

Ordinance O-563-14 Article IV (Illicit Discharge and Connection Ordinance) in Chapter 12 (Floods) of the Code of Ordinances of the City of Jacksonville, Alabama.

6. **Does the Permittee perform dry weather screening (visual inspections) of its outfalls?**

A. Yes B. No C. Concerns Noted

If so, how often are inspections performed? Dry weather screening inspections are performed on all outfalls at least once per five-year permit cycle with a minimum of 15% screened each year.

7. **Does the Permittee have a written standard operation procedure for detecting, tracing, and eliminating an illicit discharge?**

A. Yes B. No C. Concerns Noted

Comments: The City has procedures for tracing the source of a suspect illicit discharge and eliminating an illicit discharge. It is located in the SWMPP.

8. **Does the Permittee inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste?**

A. Yes B. No C. Concerns Noted

Comments: The City provides annual IDDE training to the employees in the Planning and Building Department as well as the Street and Sanitation Department. The City's website contains information about what is an illicit discharge and an illicit connection and provides contact information to report an illicit discharge. There are brochures located at City Hall regarding IDDE and how citizens can report illicit discharges.

9. **Does the Permittee implement and enforce a program to reduce pollutants in any storm water runoff to the regulated MS4 from qualifying construction sites?**

A. Yes B. No C. Concerns noted**

Comments:

It is the Department's understanding that the City did not implement Strategy No. 2 (page 18) of the SWMPP requiring qualifying construction sites to obtain an ADEM NPDES Construction General Permit (ALR1000000). The City's SWMPP also states in Strategy No. 3 (page 19) that the City will perform construction site inspections at a minimum of monthly or after a qualifying rain event. Based on information provided during the Audit, it is the Department's understanding that construction site inspections were not performed as outlined in the City's SWMPP. Additionally, by not implementing Strategy No.2 and 3, the

City was not enforcing their Stormwater Run-Off Management Regulations, which is Strategy No. 1 in the City's SWMPP.

10. **Does the Permittee have an ordinance or other regulatory mechanism to require erosion and sediment controls, sanctions to ensure compliance and provide all other authorities needed to implement the construction permit requirement?**

A. Yes B. No C. Concerns Noted

Ordinance O-546-13 Article III (Stormwater Run-off Management Ordinance) in Chapter 12 (Floods) of the Code of Ordinances of the City of Jacksonville, Alabama.

11. **Does the Permittee implement a training program for MS4 site inspection staff in the identification of appropriate construction best management practices?**

A. Yes B. No C. Concerns Noted

12. **Does the Permittee perform inspections on construction sites?**

A. Yes B. No C. Concerns Noted**

If so, how often are inspections performed? It is stated in the City's SWMPP that construction site inspections are to be performed at a minimum of monthly or after a qualifying rain event. However, based on information provided during the Audit, it is the Department's understanding that construction site inspections were not performed as outlined in the City's SWMPP.

**See Concerns noted in #9

13. **Does the Permittee have specific procedures for construction site plan review and approval?**

A. Yes B. No C. Concerns Noted

14. **Does the Permittee have a procedure to notify of ADEM of non-compliant construction sites discovered during periodic inspections?**

A. Yes B. No C. Concerns Noted**

**See Concerns noted in #9

15. **Is the Permittee relying on the Department for the setting of standards for appropriate erosion controls and sediment controls for qualifying construction sites and for enforcement of such controls?**

A. Yes B. No C. Concerns Noted

16. **Does the Permittee keep records of all inspections, site plan reviews and employee training?**

A. Yes B. No C. Concerns Noted

17. **Does the Permittee have a mechanism for citizen complaints regarding storm water runoff?**

A. Yes B. No C. Concerns Noted

Yes, there is contact information on the City's website, a bulletin board in City Hall, and in brochures available to the public.

18. **Does the Permittee implement post-construction stormwater management in New Development and Redevelopment?**

A. Yes B. No C. Concerns Noted

Comments: At the time of the Audit, the City had zero post-construction BMPs.

19. **Does the Permittee develop and implement strategies which include a combination of structural and/or nonstructural BMPs designed to ensure that the volume and velocity of pre-construction storm water runoff is not significantly exceeded?**

A. Yes B. No C. Concerns noted

Ordinance O-592-17 (Post Construction Stormwater Management) states that BMPs, both structural and non-structural which may include low impact development (LID) and green infrastructure (GI) practices, will ensure that the volume and velocity of pre-construction stormwater run-off is not exceeded for the life of the property's use to the maximum extent practicable (MEP). These BMPs shall be designed to function during a rainfall with intensity up to that of a 25 year storm event.

20. **Does the Permittee have an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects?**

A. Yes B. No C. Concerns noted

Ordinance O-592-17 (Post Construction Stormwater Management) of the Code of Ordinances of the City of Jacksonville, Alabama.

21. **Does the Permittee perform site plan review and approval to ensure post-construction BMPs are addressed?**

A. Yes B. No C. Concerns noted

22. **Does the Permittee ensure long-term operation and maintenance of BMPs?**

A. Yes B. No C. Concerns noted

Ordinance O-592-17 (Post Construction Stormwater Management) states that as part of the City's Application for Development Review, all qualifying sites shall include post-construction stormwater management as part of the BMP Plan. This includes procedures and strategies that address long-term operation and maintenance of the post-construction BMPs including at least once per year inspection, corrective actions to poorly functioning or inadequately maintained BMPs, and record keeping of maintenance activities, inspections, and corrective actions. The City will also perform inspections at least once per year in order to verify the records submitted and confirm that the BMPs are functioning as designed.

23. **Does the Permittee implement a program for pollution prevention/good housekeeping program?**

A. Yes B. No C. Concerns noted

The City has 30 municipal facilities that have the potential to discharge pollutants via stormwater runoff. The City also has inspection checklists/SOPs developed and performs inspections annually. The City also has a street sweeping program where all City streets are swept monthly. The City provides carts for garbage pickup and separate carts for the curbside recycling program where paper, plastic, and aluminum are collected. The City also has curbside pickup for other trash such as tree limbs, grass, shrubbery clippings, furniture, cardboard boxes, and items too large to place in a garbage cart.

As part of the Audit, the Department observed the Street Department Shop. Some potential stormwater issues identified include dirt pile not protected (i.e., covered or sediment barrier), trash cans allowed to collect water, tank outside of shop that didn't appear to have secondary containment, and materials in lay down yard not protected. These potential issues should be further investigated by the City and corrected as necessary.

24. **Does the Permittee implement a training program for employees designed to prevent and reduce storm pollution?**

A. Yes

B. No

C. Concerns Noted

The City provides annual training on the City's SWMPP, IDDE program, and urban runoff to the employees in the Planning and Building Department as well as the Street and Sanitation Department.

25. **Does the Permittee have an adequate Monitoring Plan?**

A. Yes

B. No

C. Not Applicable

Comments: At the time of the Audit, the City of Jacksonville is not required to monitor any streams.

LANCE R. LEFLEUR
DIRECTOR



KAY IVEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

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MAR 29 2019

Certified Mail 91 7108 2133 3935 0353 2530

Honorable Johnny L. Smith
Mayor, City of Jacksonville
320 Church Avenue SE
Jacksonville, Alabama 36265



Re: Notice of Violation (NOV) – Written Reply Requested
NPDES Permit ALR040051
City of Jacksonville Phase II Municipal Separate Storm Sewer System (MS4)
Calhoun County (015)

Dear Mayor Smith:

The Department has completed a comprehensive evaluation of the City of Jacksonville’s (hereinafter “the City”) MS4 Program in an effort to determine its compliance with applicable rules and provisions of the National Pollutant Discharge Elimination System (NPDES), ADEM Admin Code r. 335-6-6, and NPDES Permit No. ALR040051 (hereinafter “the Permit”). This evaluation is based on the February 19, 2019 Audit performed by the Department in conjunction with the review of the City’s May 31, 2018 Annual Report (reporting period April 1, 2017 to March 31, 2018) and the City’s December 2016 Stormwater Management Program Plan (SWMPP). Based on this review, the Department has determined that the City has violated conditions of the Permit, as described below.

1. Part III.A.4. of the Permit states that activities outlined by the SWMPP are conditions of the permit. Part III.B.3.a. of the Permit requires that the City implement and enforce a program to include, as required by Part III.B.3.a.ii., an ordinance or other regulatory mechanism to require erosion and sediment controls. The City’s SWMPP states that the City will implement and enforce the Stormwater Run-Off Management Ordinance (Strategy No. 1). The Stormwater Run-Off Management Ordinance states that prior to approval by the planning commission for sites one acre and above that the developer shall furnish proof of obtaining an ADEM stormwater discharge permit and shall be responsible for maintaining said stormwater best management practices until the completion of the project. Based on the information provided during the Audit, it is the Department’s understanding that the City’s Stormwater Run-Off Management Ordinance was not enforced as not all qualifying construction sites obtained an ADEM stormwater discharge permit. Based on the above, the City violated Parts III.A.4. and III.B.3.a. of the Permit.

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
3664 Dauphin Street, Suite B
Mobile, AL 36608
(251) 304-1176
(251) 304-1189 (FAX)

2. Part III.A.4. of the Permit states that activities outlined by the SWMPP are conditions of the Permit. Part III.B.3.a.iv. of the Permit requires that the frequency and prioritization of inspection activities be documented in the SWMPP and must include a minimum inspection frequency of once each month for priority construction sites. The City's SWMPP states that construction site inspections will be performed at a minimum on a monthly basis or after a qualifying rain event (Strategy No. 3). Based on the information provided during the Audit, it is the Department's understanding that construction site inspections were not performed as outlined in the City's SWMPP. Based on the above, the City violated Parts III.A.4. and III.B.3.a.iv. of the Permit.

3. Part III.A.4. of the Permit states that activities outlined by the SWMPP are conditions of the Permit. Part III.B.3.a.v. of the Permit requires that the SWMPP outline procedures to notify ADEM of construction sites that do not have a NPDES permit or ineffective BMPs that are discovered during the periodic inspections. The City's SWMPP states that the City will enforce the requirement for qualifying sites to obtain an ADEM NPDES Construction General Permit (Strategy No. 2). Based on the information provided during the Audit, it is the Department's understanding that ADEM was not notified for those qualifying construction sites that didn't obtain an ADEM NPDES Construction General Permit. Based on the above, the City violated Parts III.A.4. and III.B.3.a.v. of the Permit.

This Notice of Violation is made pursuant to Ala. Code § 22-22-9(e) (2006 Rplc. Vol.). Not later than 30 days from the receipt of this letter, the City of Jacksonville is required to provide the Department a written report documenting an explanation of the violations noted above. The report should also include the steps taken or to be taken to correct the violations noted above. In addition, please submit a report that includes all available information regarding capital investments, one-time nondepreciable 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 that 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(2).

Such submittals shall be mailed or delivered to Mrs. Cammie Ashmore at the Montgomery address listed below and should arrive at the Department by the required submittal date. Failure to submit the documentation required by this notice is a violation of the Water Pollution Control Act, Ala. Code, §22-22-9(c) (2006 Rplc. Vol.) for which civil penalties or criminal fines may be imposed.

Alabama Department of Environmental Management
Water Division
Stormwater Management Branch
c/o Cammie Ashmore
Post Office Box 301463
Montgomery, AL 36110-1463

Please be aware that due to the serious nature of these violations, the Department is considering additional enforcement to include possible civil penalties.

City of Jacksonville Phase II MS4 NOV
ALR040051

If you should have any questions or concerns in regard to this matter, please contact Cammie Ashmore at cammie.ashmore@adem.alabama.gov or at (334) 271-7795.

Sincerely,

A handwritten signature in black ink that reads "Glenda L. Dean". The signature is written in a cursive, slightly slanted style.

Glenda L. Dean, Chief
Water Division

GLD/cga

ENOV/48516

MAYOR

Johnny L. Smith

CITY CLERK

Antonia Rispoli Fanning

CITY ATTORNEY

Richard Rhea



CITY COUNCIL

Sandra Fox Sudduth - **President**

Jerry Parris - **President Pro-Tempore**

Jimmy L. Harrell, Jr.

Tony Taylor

Coty Galloway

CITY OF JACKSONVILLE

April 25, 2019

Alabama Department of Environmental Management
Water Division
Glenda L. Dean, Chief
P.O. Box 301463
Montgomery, Alabama 36110-1463

Re: Written Reply
Notice of Violation (NOV)
NPDES Permit No. ALR040051
City of Jacksonville Phase II Municipal Separate Storm Sewer System (MS4)
Calhoun County (015)

Dear Ms. Dean:

The ADEM conducted an audit of the City of Jacksonville's MS4 Phase II program for compliance with NPDES Permit No. ALR040051 on February 19, 2019. The ADEM sent the City a Phase II MS4 Audit Report dated March 18, 2019 (received March 25, 2019). As a result of the audit report, the ADEM sent the City a NOV dated March 29, 2019 (received April 3, 2019). The following are the violations noted in the NOV along with the City's responses:

1. *Part III.A.4. of the Permit states that activities outlined by the SWMPP are conditions of the permit. Part III.B.3.a. of the Permit requires that the City implement and enforce a program to include, as required by Part III.B.3.a.ii., an ordinance or other regulatory mechanism to require erosion and sediment controls. The City's SWMPP states that the City will implement and enforce the Stormwater Run-Off Management Ordinance (Strategy No. 1). The Stormwater Run-Off Management Ordinance states that prior to approval by the planning commission for sites one acre and above that the developer shall furnish proof of obtaining an ADEM stormwater discharge permit and shall be responsible for maintaining said stormwater best management practices until the completion of the project. Based on the information provided during the Audit, it is the Department's understanding that the City's Stormwater Run-Off Management Ordinance was not enforced as not all qualifying construction sites obtained an ADEM stormwater discharge permit. Based on the above, the City violated Parts III.A.4. and III.B.3.a. of the Permit.*

City's Response: In the past and present, the City has required construction sites one acre or greater to obtain an ADEM NPDES Construction General Permit as required in the SWMPP and to provide proof of the permit. Prior to the audit on February 19, 2019 the City was only requiring that construction sites less than one acre had to sign the enclosed form titled "ADEM NPDES Construction General Permit Acknowledgement". By signing this form, the applicant was acknowledging that the City informed them that their construction site may be subject to an ADEM NPDES Construction General Permit and it was their responsibility to comply. However, since the audit on February 19, 2019 the "ADEM NPDES Construction General Permit Acknowledgement" form is no longer being used and the City has been and will continue to enforce the requirement that all qualifying construction sites shall obtain an ADEM NPDES Construction General Permit as required in the SWMPP. The proof of obtaining the permit or the proof of submission for the permit shall be furnished to the Planning and Building Department prior to applying for and receiving a City Building Permit.

2. Part III.A.4. of the Permit states that activities outlined by the SWMPP are conditions of the Permit. Part III.B.a.iv. of the Permit requires that the frequency and prioritization of inspection activities be documented in the SWMPP and must include a minimum inspection frequency of once each month for priority construction sites. The City's SWMPP states that construction site inspections will be performed at a minimum on a monthly basis or after a qualifying rain event (Strategy No. 3). Based on the information provided during the Audit, it is the Department's understanding that construction site inspections were not performed as outlined in the City's SWMPP. Based on the above, the City violated Parts III.A.4. and III.B.a.iv. of the Permit.

City's Response: Prior to the audit on February 19, 2019 the City did fail to perform some of the monthly inspections as required in the SWMPP. The reasons for not performing the inspections include conflicts with scheduling, other job duties, weather conditions, and simple failure to perform the inspections. However, since the audit on February 19, 2019 the City has been and will continue to perform the construction site inspections at a minimum on a monthly basis or after a qualifying rain event as stated in the SWMPP.

3. Part III.A.4. of the Permit states that activities outlined by the SWMPP are conditions of the Permit. Part III.B.3.a.v. of the Permit requires that the SWMPP outline procedures to notify ADEM of construction sites that do not have a NPDES permit or ineffective BMPs that are discovered during the periodic inspections. The City's SWMPP states that the City will enforce the requirement for qualifying sites to obtain an ADEM NPDES Construction General Permit (Strategy No. 2). Based on the information provided during the Audit, it is the Department's understanding that ADEM was not notified for those qualifying construction sites that didn't

obtain an ADEM NPDES Construction General Permit. Based on the above, the City violated Parts III.A.4. and III.B.3.a.v. of the Permit.

City's Response: Prior to the audit on February 19, 2019 the ADEM was not notified when a qualifying site did not obtain an ADEM NPDES Construction General Permit. It was the City's internal policy not to get ADEM involved, unless absolutely necessary. However, since the audit on February 19, 2019 the City understands its responsibility to notify the ADEM. The City will notify the ADEM if a qualifying site does not obtain an ADEM NPDES Construction General Permit, or has ineffective BMPs and fails to initiate compliance with the City's enforcement actions as stated in the SWMPP.

It should be noted that the above violations were not due to the City avoiding or delaying capital investments, nondepreciable expenditures, or recurring annual costs. It is the City of Jacksonville's intent to provide adequate funding, equipment, and personnel to implement, maintain, and enforce our Stormwater Management Program Plan (SWMPP).

In closing, the City of Jacksonville is committed to obtaining full compliance with the SWMPP and the NPDES Permit No. ALR040051. The City recognizes the serious nature of these violations and will strive to achieve full compliance.

If you have any questions or concerns regarding these matters, please contact Mark W. Stephens (Planning, Development & Stormwater Director) at (256) 782-3842 or at mstephens@jacksonville-al.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Johnny L. Smith". The signature is written in a cursive style with a large, stylized "S" at the end.

Johnny L. Smith, Mayor
City of Jacksonville

Enclosure: ADEM NPDES Construction General Permit Acknowledgement form



ADEM NPDES Construction General Permit Acknowledgement

In order for the City of Jacksonville to comply with the Alabama Department of Environmental Management (ADEM) National Pollutant Discharge Elimination System (NPDES) Permit ALR040051 for stormwater discharges from regulated Small Municipal Separate Storm Sewer Systems (MS4), the City of Jacksonville was required to adopt a Stormwater Management Program (SWMP). One control measure of the program is "Construction Site Stormwater Run-off Control", which requires qualifying sites to obtain an ADEM NPDES Construction General Permit. As part of this control measure, the City shall perform construction site inspections, review best management practices plans, provide notification to ADEM of non-compliant construction sites, and provide a reporting and tracking system for complaints regarding erosion and sedimentation from construction sites, impaired waterways and violations of ordinances related to stormwater pollution.

Mark W. Stephens, BSCE, CPESC
Planning, Development &
Stormwater Director

By signing this document below, I _____ hereby acknowledge that the City of Jacksonville has informed me that discharges from construction activity located at _____ may be subject to an ADEM NPDES Construction General Permit (ALR100000) because the total land disturbance: A) is one acre or greater. B) is less than one acre but the site is part of a common plan of development or sale.

Signature

Date

REV 1/15

7016 0600 0001 0782 3193

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Certified Mail Restricted Delivery \$ 3.50

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage \$ 1.15

Total Postage and Fees \$ 7.45

Sent To Alabama Department of Environmental Management
Water Division
Stormwater Management Branch
Attn: Mrs. Cammie Ashmore
P.O. Box 301463
Montgomery, Alabama 36110-1463

Postmark Here **APR 26 2013**

PS Form 3800, April 2012

P	
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<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <u>Debra Hickey</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Debra Hickey</u> C. Date of Delivery _____</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Alabama Department of Environmental Management Water Division Stormwater Management Branch Attn: Mrs. Cammie Ashmore P.O. Box 301463 Montgomery, Alabama 36110-1463</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Restricted Delivery</p> <p><input type="checkbox"/> Mail Restricted Delivery (10)</p>
<p>2. Article Number (Transfer from service label)</p> <p style="text-align: center;">7016 0600 0001 0782 3193</p>	<p>9590 9402 4186 8121 1418 81</p>
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt</p>	

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Tracking Number: 70160600000107823193

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Expected Delivery on

WEDNESDAY

1 MAY 2019 ⓘ

by **8:00pm** ⓘ

 **Delivered**

May 1, 2019 at 8:58 am
Delivered
MONTGOMERY, AL 36130

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Tracking History



May 1, 2019, 8:58 am

Delivered
MONTGOMERY, AL 36130

Your item was delivered at 8:58 am on May 1, 2019 in MONTGOMERY, AL 36130.

May 1, 2019, 5:26 am

Arrived at Unit
MONTGOMERY, AL 36119

April 30, 2019, 7:39 pm

Departed USPS Regional Facility
MONTGOMERY AL DISTRIBUTION CENTER

April 30, 2019, 12:51 pm

Arrived at USPS Regional Facility
MONTGOMERY AL DISTRIBUTION CENTER

April 30, 2019

In Transit to Next Facility

April 29, 2019, 10:24 pm

Arrived at USPS Regional Facility
BIRMINGHAM AL DISTRIBUTION CENTER ANNEX

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