



## REGION 4

ATLANTA, GA 30303

**ELECTRONIC MAIL**  
**CONFIRMATION OF EMAIL RECEIPT REQUESTED**

Stephen Farris  
Turkey Creek Sand and Gravel, Inc.  
347 County Road 24  
Winfield, Alabama 35594  
turkeycreeksandandgravel@gmail.com

Re: Notice of Violations and Opportunity to Show Cause for Stephen Farris's Company in Winfield, Alabama Pursuant to Section 309(a) of the Clean Water Act, 33 U.S.C. § 1319(a); Docket Number 309-2024-03

Dear Stephen Farris:

On November 1, 2023, the U.S. Environmental Protection Agency, Region 4 conducted an inspection of Turkey Creek Sand and Gravel Inc.'s mine (the Site) located at 347 County Road 24, near latitude 33.87777° N, longitude -87.77940° W, located in Winfield, Fayette County, Alabama. The purpose of the inspection was to evaluate Turkey Creek's compliance with Section 301(a) of the Clean Water Act (CWA), 33 U.S.C. § 1311(a).

During this inspection, it was discovered that there are approximately 0.61 acres of unauthorized discharges of dredged and/or fill material in a relatively permanent, unnamed tributary of Turkey Creek and adjacent wetlands. Turkey Creek is a relatively permanent tributary of the Sipsey River, a traditional navigable water. The discharge of dredged and/or fill material appears to have occurred during clearing and filling activities to construct a commercial and industrial sand and gravel mine. Two enclosures have been included with this letter to describe the Site (Exhibit A: Site Location, Exhibit B: Discharge Area).

The EPA has reason to believe that Turkey Creek Sand and Gravel, Inc. discharged dredged and/or fill material into waters of the United States while conducting clay and sand mining operations and related activities without authorization under Section 404 of the CWA, 33 U.S.C. § 1344. Specifically, the EPA believes Turkey Creek Sand and Gravel, Inc. is in violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a) for the following reasons:

1. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants by any person into waters of the United States except in compliance with a permit or exemption issued under, *inter alia*, Section 404 of the CWA, 33 U.S.C. § 1344.

2. Based on information obtained during the EPA's November 1, 2023 site visit, conversations held between Stephen Farris and the EPA, and desktop investigations, the EPA believes Turkey Creek Sand and Gravel, Inc. and/or those acting on their behalf discharged dredged and/or fill material into waters of the United States using earth-moving machinery without Corps authorization by means of a Department of the Army permit pursuant to Section 404 of the CWA, 33 U.S.C. § 1344. The unauthorized activities are associated with sand and gravel mining. To date, the unauthorized dredge and/or fill material remains in waters of the United States.
3. These unauthorized activities impacted approximately 0.61 acres of adjacent wetlands with a continuous surface connection to a relatively permanent tributary of Turkey Creek. Turkey Creek is a relatively permanent tributary of the Sipsy River, a traditional navigable water. The discharge of dredged and/or fill material appears to have occurred during clearing and filling activities to construct a commercial and industrial sand and gravel mine.
4. At no time during the discharge of dredged and/or fill material into waters of the United States did Turkey Creek Sand and Gravel, Inc. possess a permit under Section 404 of the CWA, 33 U.S.C. § 1344, authorizing the discharge of dredged and/or fill material.
5. Each discharge of pollutants into waters of the United States without the required permit issued under Section 404 of the CWA, 33 U.S.C. § 1344, is a violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).
6. Each day the discharged material remains in waters of the United States without the required permit under Section 404 of the CWA, 33 U.S.C. § 1344, constitutes a day of violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).
7. Therefore, Turkey Creek Sand and Gravel, Inc. is in violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a), for discharging pollutants into waters of the United States without a permit.

Such violations are subject to enforcement actions pursuant to Section 309 of the CWA, 33 U.S.C. § 1319, including the issuance of compliance orders, the assessment of administrative penalties, and/or the initiation of civil or criminal actions. Any continued work by Turkey Creek Sand and Gravel, Inc. that involves discharges of dredged and/or fill material into waters of the United States without authorization is done at risk of adding to the scope of the violations.

Within 14 calendar days of receiving of this letter, you must contact Blaine Preston of my staff at (404) 562-9473, or [preston.blaine@epa.gov](mailto:preston.blaine@epa.gov), to arrange a meeting to show cause why the EPA should not take formal civil enforcement action against Turkey Creek Sand and Gravel, Inc. for the violations, including the assessment of appropriate civil penalties and injunctive relief. In lieu of appearing in the EPA's offices for this meeting, a video or telephone conference may be scheduled.

You should be prepared to provide all relevant information with supporting documentation pertaining to the violations, including but not limited to any financial information which may reflect an inability to pay a penalty. You have the right to be represented by legal counsel. All information

submitted in response to or during the show cause meeting should be accompanied by the following certification that is signed by a duly authorized official:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Please be aware that the EPA may use information provided during the telephone or video conference in any potential enforcement proceeding related to this matter. Notwithstanding the scheduling of a show cause meeting, the EPA retains the right to bring further enforcement action under Section 309 of the CWA, 33 U.S.C. § 1319, for the violations cited herein or for any other violation of the CWA.

The EPA appreciates your prompt attention to this matter. If you have questions regarding this letter, please contact Blaine Preston at (404) 562-9473, or at [preston.blaine@epa.gov](mailto:preston.blaine@epa.gov). Legal inquiries should be directed to Tyler Sniff, Associate Regional Counsel, at 404-562-9499 or via email at [sniff.tyler@epa.gov](mailto:sniff.tyler@epa.gov).

Sincerely,

**JOE WYATT**

Digitally signed by JOE WYATT  
Date: 2024.04.16 09:02:14  
-05'00'

Joe Wyatt  
Acting Director  
Enforcement and Compliance Assurance Division

cc: Leslie Turney, U.S. Army Corps of Engineers, Mobile District  
[leslie.e.turney@usace.army.mil](mailto:leslie.e.turney@usace.army.mil)

William McClimans, Alabama Department of Environmental Management  
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