

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

JAY ROAD LANDFILL
ESCAMBIA COUNTY, ALABAMA
PERMIT NO. 27-06

ORDER NO. 00-205-SW

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 to 22-22A-16, as amended, and the Solid Waste Disposal Act, Code of Alabama 1975, §§ 22-27-1 to 22-27-7, as amended, the Alabama Department of Environmental Management (hereinafter "ADEM" or "the Department") makes the following FINDINGS OF FACT:

1. On September 28, 1999, April 14, 1999, February 9, 2000, and June 20, 2000, Department personnel inspected the Jay Road Landfill for compliance with the ADEM Administrative Code. During the inspections the following violations were found:

a. ADEM Admin. Code Rs. 335-13-4-.21(1)(a) and 335-13-4-.22(1)(d) require the owner or operator of all permitted landfills to operate and use the disposal facility as stipulated on the permit, and in accordance with approved plans.

Due to the violations observed and cited herein, the Jay Road Landfill has not been operated in accordance with approved plans and permits.

b. ADEM Admin. Code R. 335-13-4-.23(1)(a) requires all waste shall be covered as follows:

A minimum of six inches of compacted earth or other alternative cover material that includes but is not limited to foams, geosynthetic or waste products, and is approved by the Department at the conclusion of each week's operation or as otherwise specified by the Department to control disease vectors, fires, odors, blown litter, and scavenging.

ISSUED 9/12/00	SERVED 9/13/00
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The City of Brewton has failed to cover the solid waste on a weekly basis as required by ADEM Admin. Code R. 335-13-4-.23(1)(a).

c. ADEM Admin. Code R. 335-13-4-.23(1)(c) requires all waste to be confined to as small an area as possible and placed on an appropriate slope not to exceed 4 to 1 (25%) or as approved by the Department. The slope on the south side of the working face of the Jay Road Landfill exceeded the 4 to 1 slope requirement. Waste observed to have been spread out over a large area.

d. ADEM Admin. Code R. 335-13-4-.23(2)(c) requires completed sites or portions of completed sites shall be properly closed as provided by ADEM regulation and facility approved plans.

Closed portions of the Jay Road Landfill had not been completely covered.

2. On March 3, 2000, and June 26, 2000 Notices of Violation (hereinafter "NOV(s)") were sent to the City of Brewton. On April 22, 1999 and October 19, 1998 Warning Letters were sent to the City of Brewton. As of the date of this Administrative Order there has been no abatement of the violations.

ORDER

Based on the foregoing FINDINGS OF FACT and pursuant to §§ 22-22A-1 to 22-22A-16, and 22-27-1 to 22-27-7 Code of Alabama 1975, as amended, it is hereby ORDERED:

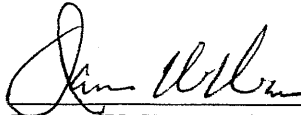
A. That within thirty (30) days from the receipt of notice of this Order, the City of Brewton shall pay to the Department a civil penalty in the amount of One Thousand Dollars (\$1,000.00).

B. That immediately upon receipt of written notice of this Order, and continuing thereafter, the Owner/Operator shall operate the landfill in accordance with ADEM Division 13 regulations.

C. That the issuance of this Order does not preclude the Department from seeking criminal fines or other appropriate sanctions or relief against the Operator for the violations cited herein.

D. That failure to comply with the provisions of this Order shall constitute cause for commencement of legal action by the Department against the Operator for recovery of additional civil penalties, criminal fines, or other appropriate sanctions or relief.

ORDERED and ISSUED this 12th day of September, 2000.



James W. Warr, Director
Alabama Department of
Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110-2059
(334) 271-7700

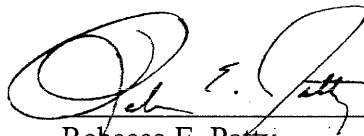
CERTIFICATE OF SERVICE

I, Rebecca E. Patty, hereby certify that I have served Administrative Order No. 00-205-SW upon the City of Brewton, Jay Road Landfill by sending the same, postage paid, through the United States Mail, as Certified Mail, with instructions to forward and return receipt requested to:

CERTIFIED MAIL NO. 7099 3400 0002 5744 2301

The Honorable Ted Jennings, Mayor
City of Brewton
P. O. Box 368
Brewton, Alabama 36427

DONE this 12th day of September, 2000.

A handwritten signature in black ink, appearing to read 'Rebecca E. Patty', is written over a horizontal line.

Rebecca E. Patty
Associate General Counsel