

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF)
)
)

HENRY COUNTY COMMISSION)
(Construction/Demolition Landfill))

Abbeville, Henry County, Alabama)
_____)

ORDER NO. 96-128-SW

FINDINGS OF FACT

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 "the Department") makes the following FINDINGS OF FACT:

1. On April 30, 1987, the Henry County Commission was issued permit No. 34-01R by the Department to construct and operate a sanitary landfill in accordance with ADEM Admin. Code 335-13. The sanitary landfill was downgraded to a construction/demolition landfill in 1994.

2. On August 29, 1995 and March 15, 1996 personnel from the Department's solid waste branch inspected the C/D landfill operated by the Henry County Commission (hereinafter "landfill") and discovered several problems with the operation of the landfill.

3. ADEM Admin. Code R. 335-13-4-.21(3) states that any waste that is accepted at a facility (landfill) must be controlled so as to allow only wastes that are stipulated in the permittee's permit or that are otherwise approved by the Department.

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4. The August 1995 inspection revealed that the landfill was accepting waste that was not approved in the Commission's permit. Wastes such as food waste, car batteries, pesticide and herbicide containers and paint were all noted as being disposed at the landfill.

5. ADEM Admin. Code R. 335-13-4-.23(1)(a) reads as follows:

(1) All waste shall be covered as follows:

(a) 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 shall be added 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.

6. From a review of the landfill site, the Department's inspector determined that the waste was not being covered on a weekly basis during both the August 1995 inspection and the March 15, 1996 inspection.

7. ADEM Admin. Code R. 335-13-4-.23(2) requires that all waste for landfills be compacted on a daily basis pursuant to certain specifications.

8. During the August 1995 inspection, it was discovered that the landfill was not being compacted on a daily basis as required by the aforementioned Departmental regulation.

9. ADEM Admin. Code R. 335-13-4-.23(12) reads as follows:

Adequate personnel shall be provided to insure continued and smooth operation of the site. The facility personnel and landfill supervisor must be trained in landfill techniques.

10. During the August 1995 inspection, an operator or caretaker was not at the landfill. Moreover, the Commission's protocol of allowing individuals to visit the site and deposit waste without inspection of the contents of the waste is not consistent with the aforementioned regulation or the landfill's permit. To allow uninspected deposition of wastes results in unapproved wastes being deposited into the landfill.

11. ADEM Admin. Code R. 335-13-4-.23(14)(b) states that operators of landfills are expected to have the necessary equipment at the landfill site so that the landfill can be properly maintained to meet the requirements of ADEM Admin. Code 335-13.

12. During both the August 1995 inspection and the March 1996 inspection of the landfill, Department personnel discovered that the site was not being adequately maintained and that the equipment necessary to properly maintain the site was not at the site during the August 1995 inspection.

13. ADEM Admin. Code R. 335-13-4-.21(6) states that the facility (landfill) "shall be identified with a sufficient number of permanent markers which are at least visible from one marker to the next."

14. During the March 15, 1996 inspection, Department personnel discovered that the facility (landfill) boundary is not properly marked as required by the aforementioned rule.

15. ADEM Admin. Code R. 335-13-4-.23(3) states that "all [landfill] waste shall be confined to as small an area as possible and placed onto an appropriate slope of 4 to 1 (25%) or as approved by the Department."

16. The Department's inspector observed during the March 15, 1996 inspection that waste had been spread over an entire trench at the landfill resulting in an extremely large area being exposed. This further demonstrated that the waste was not being covered weekly as required by ADEM Admin. Code R. 335-13-4-.23(1)(a).

17. On September 15, 1995 a Notice of Violation (hereinafter "NOV") was sent to the Henry County Commission for the violations noted during the August 29, 1995 inspection at the landfill site. As of today's date, no response to the NOV has been received by the Department. Also, another NOV was sent to Henry County Commission for the violations that were discovered during the March 15, 1996 inspection at the landfill site.

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 upon receipt of this Order, Henry County Commission shall hereafter respond to Departmental letters within the time specified within the letters.

B. That immediately upon receipt of this Order, Henry County Commission shall cease disposing wastes that are not approved in its permit.

C. That immediately upon receipt of this Order, Henry County Commission shall begin (and continue in the future) covering all wastes with a minimum of six (6) inches of compacted earth at the conclusion of each week's operation pursuant to ADEM Admin. Code R. 335-13-4-.23(1)(a).

D. That immediately upon receipt of this Order, Henry County Commission shall take steps to ensure that all wastes are thoroughly compacted daily with adequate landfill equipment pursuant to ADEM Admin. Code R. 335-13-4-.23(2).

E. That immediately upon receipt of this Order, Henry County Commission shall ensure that adequate personnel is on site at the landfill to maintain the continued and smooth operation of the site in accordance with the requirements of ADEM Admin. Code R. 335-13-4-.23(12).

F. That immediately upon receipt of this Order, Henry County Commission shall allocate sufficient equipment to the landfill site so that the site can be properly maintained to meet the requirements of ADEM Admin. Code 335-13.

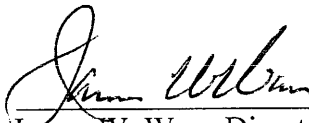
G. That immediately upon receipt of this Order, Henry County Commission shall take steps to come into compliance with ADEM Admin. Code R. 335-13-4-.21(6) by properly marking (with permanent markers) the boundaries of the landfill. Each marker shall be visible from one marker to the next.

H. That immediately upon receipt of this Order, Henry County Commission will begin confining all wastes to as small an area as possible and place the waste onto an appropriate slope of 4 to 1 (25%) consistent with ADEM Admin. Code R. 335-14-.23(3).

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

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

ORDERED and ISSUED this 13th day of August, 1996.



James W. Warr, Director
Alabama Department of
Environmental Management
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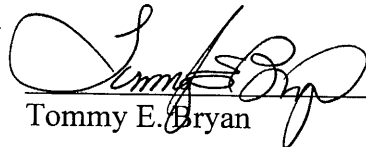
CERTIFICATE OF SERVICE

I, Tommy E. Bryan, hereby certify that I have served Administrative Order No. 96-128-SW upon the Henry County Commission 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. P 841 389 326

The Honorable Lamar Turner
Chairman, Henry County Commission
Post Office Box 457
Abbeville, Alabama 36310

DONE this **15th** day of August, 1996.


Tommy E. Bryan