Solid Waste Enforcement: Alabama Department of Environmental Management and Perry County Landfill Enter into Consent Order

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The Alabama Department of Environmental Management ("ADEM") and Perry County Associates, LLC ("PCA") entered into a November 9th Consent Order ("CO") addressing alleged violations of the ADEM Administrative Code solid waste provisions. See CO No. 22-XXX-CSW.

The CO provides that PCA operates a municipal solid waste landfill ("Arrowhead Landfill") in Perry County, Alabama.

Arrowhead Landfill operates pursuant to a solid waste permit.

ADEM personnel are stated to have conducted a site visit at the Arrowhead Landfill on March 1 and 2 to determine compliance with Division 13 of the ADEM Administrative Code. Violations allegedly identified during the site visit are stated to include:

- Failure to provide six inches of compacted earth or alternative cover material to be added to the conclusion of each day's operation
- Failure to follow requirement to always be confined to as small of an area as possible, within a single working face
- Failure to re-apply cover to comply with minimum cover requirements In the event that erosion develops on previously covered disposal areas, or when covered waste otherwise becomes exposed
- Failure to comply with the requirement that the landfill be operated as stipulated in its permit and Arrowhead Landfill states that the facility should be operated and maintained to minimize the possibility of any unplanned sudden or non-sudden release of contaminants (including leachate) to air, soil, groundwater, or surface water
- Failure that the landfill should be operated as stipulated in the permit and the Arrowhead Landfill permit states that the ASR should not be used on exterior landfill slopes

ADEM personnel are stated to have conducted a site visit on March 21st as a follow-up to the previous site visits. The violations allegedly identified include:

- Minimum of six inches of compacted earth or alternative daily cover material approved by ADEM be added to the conclusion of each day's operation
- Always be confined to as small of area as possible within a single working face
- Waste be thoroughly compacted before daily cover is applied

- In the event that erosion develops on previously covered disposal areas, or when covered waste otherwise becomes exposed, cover must be re-applied to comply with minimum cover requirements
- The landfill should be operated as stipulated in the permit and the Arrowhead Landfill permit states the facility shall be operated and maintained to minimize the possibility of any unplanned sudden or non-sudden release of contaminants (including leachate) to air, soil, groundwater or surface water)
- The landfill should be operated as stipulated in the permit and the Arrowhead Landfill permit states that ASR should not be used on exterior landfill slopes

ADEM personnel conducted an inspection at the Arrowhead Landfill on March 25th. Alleged violations identified included:

- Minimum of six inches of compacted earth or alternative daily cover material approved by ADEM be added to the conclusion of each day's operation
- In the event that erosion develops on previously covered disposal areas, or when covered waste otherwise becomes exposed, cover must be re-applied to comply with minimum cover requirements
- The landfill should be operated as stipulated in the permit and the Arrowhead Landfill permit states the facility shall be operated and maintained to minimize the possibility of any unplanned sudden or non-sudden release of contaminants (including leachate) to air, soil, groundwater or surface water

ADEM received a response to a March 23rd violation which documented remedial actions that had been performed for the landfill to address the alleged violations.

ADEM personnel are stated to have conducted a site visit at the landfill on April 11th. The site visit documented that the previously referenced violations had been addressed. No additional issues were stated to have been noted during the visit.

An additional June 30th inspection also determined that no issues were identified.

PCA neither admits nor denies ADEM's contentions. However, it does state that no disease vectors were observed by ADEM personnel during the March 25th inspections and no odors we detected beyond the immediate area of the working face. Violations alleged in the previous Notice of Violations were addressed and it states that during the May 9th site visit ADEM personnel noted that the entire waste mass had been covered with earth at the conclusion of the previous week's operation and that:

- There were no areas of uncovered waste
- The working face was appropriately sized for the time of day
- Facility personnel were actively covering portions of the working face with ASR while waste disposal was taking place
- Tarps has been placed near the working face for end of day cover if needed

PCA also referenced the following unique circumstances that occurred immediately prior to the alleged violations noted in the Notice of Violations which include:

- Equipment failures that prevented proper placement of daily and weekly cover
- Unusual and intense storms in March that caused some cover soil erosion in isolated areas, and
- New Cell 7 construction that required the relocation and construction of a new access road which disturbed some previously covered interior cell slopes.

Further, PCA states that despite the confluence of what it describes as unique circumstances, all alleged issues in the Notice of Violation were resolved within 48 hours of its receipt and 24 days of ADEM's initial March 1 inspection. It also committed to ADEM that it would have, and has now acquired, redundant equipment such that the potential for the reoccurrence of circumstances that led to the Notice of Violation have been greatly reduced or eliminated. In addition, PCA states it has no history of similar violations at the site.

A civil penalty of $30,600 is assessed.

A copy of the CO can be downloaded here.