Solid Waste Enforcement: Alabama Department of Environmental Management Proposed Order Addressing Montgomery Waste Disposal Service

Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

04/17/2023

The Alabama Department of Environmental Management ("ADEM") issued a proposed Order to Yellow Dumpster LLC ("Yellow Dumpster").

The Order provides that Yellow Dumpster is a waste disposal service located in Montgomery, Alabama (the "Site").

ADEM is stated to have responded to a complaint on December 16, 2022, and inspected the Site, noting the following:

1. The presence of an unpermitted solid waste disposal area.
2. Yellow Dumpster was operating as a business on the Site at the time of the inspection.
3. According to Montgomery County property tax records, Ms. Sanders was verified to be the Site's owner at the time of the inspection.
4. Approximately four hundred cubic yards of regulated solid waste materials, including construction/demolition waste, household waste, and scrap tire material, had been openly dumped on the Site without having a department-issued solid waste disposal facility permit.
5. Yellow Dumpster is responsible for the placement of the aforementioned regulated solid waste on the Site, which appears to have resulted in the creation of an unauthorized dump ("UAD").

ADEM is stated to have conducted a follow-up inspection on February 8th and found that a UAD was still present. The estimated regulated waste volume is stated to have remained the same but approximately 150 cubic yards of regulated solid waste materials had been placed in roll-off dumpsters.

The Order provides that not later than 45 days of its issuance that Yellow Dumpster shall pay to ADEM a civil penalty in the amount of $15,500 for the alleged violations. Further, Yellow Dumpster is required to cease and desist from creating, operating, or contributing to any UAD and within 30 days of issuance of the Order submit a Site Closure Plan to ADEM in accordance with ADEM Admin. Code r.335-13-1-.13(2)(b)(1).

The Order further provides that Yellow Dumpster convey to ADEM certain information that is intended to provide proof that all closure actions have been completed.

A copy of the proposed Order can be downloaded here.