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## Solid Waste Enforcement: Alabama Department of Environmental Management and Geneva County Commission Enter into Special Order by Consent Addressing Construction/Demolition Landfill

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The Alabama Department of Environmental Management (“ADEM”) and Geneva County Commission (“Commission”) entered into a Special Order by Consent (“Order”) addressing an alleged violation of certain Alabama regulations involving landfills and associated permit requirements. See Order No. 18-XXX-CSW.

Commission is stated to operate a construction/demolition landfill (“Landfill”) in Geneva County, Alabama.

ADEM is stated to have issued a renewal Solid Waste Disposal permit to Commission for the operation of the construction/demolition Landfill on January 14, 2014.

ADEM is stated to have determined, based on information received from Geneva and a review of the facility records, that:

. . . the Permittee had begun disposal in Cell 9 prior to completing a cell certification and receiving authorization to commence disposal from the Department in violation of the requirements of ADEM Admin. Code r. 335-13-4-.23(1)(d), which states that the facility shall be operated in accordance with approved plans and permits.

Section I.E.12 of the facility’s Solid Waste Permit is referenced as stating that the landfill may not commence disposal of waste in any new cell or phase until the Permittee has submitted to ADEM a letter signed by the Permittee and a Professional Engineer stating the facility has been constructed in compliance with the permit.

ADEM is required to inspect the constructed cells or phases before the owner or operator can commence waste disposal, unless the Permittee is notified that the agency will waive the inspection.

ADEM personnel are stated to have conducted an inspection of the facility on February 7, 2018. This inspection allegedly documented that waste was being disposed of in the uncertified cell. A review of

facility volume records is stated to have indicated approximately 250 tons of waste were disposed in the uncertified cell.

ADEM received a cell certification letter on February 14, 2018, signed by Commission and a Professional Engineer stating that Cell 9 had been constructed in compliance with the permit. As a result, on February 15, 2018, ADEM is stated to have issued authorization for the landfill to commence disposal in Cell 9.

Commission is stated to neither admit nor deny ADEM's contention.

A civil penalty of \$3,500 is assessed.

A copy of the Order can be found [here](#).