ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:

WCA of Alabama, L.L.C. Trafford, Blount County, Alabama Solid Waste Disposal Permit No.05-08	)))))	Order No. 16-XXX-CSW

PREAMBLE

This Special Order by Consent is made and entered into by the Alabama Department of Environmental Management (hereinafter "the Department") and WCA of Alabama, L.L.C. (hereinafter "Permittee") pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-16, as amended, and the Solid Wastes and Recyclable Materials Management Act (hereinafter "SWRMMA"), Ala. Code §§ 22-27-1 to 22-27-18, as amended.

STIPULATIONS

1. WCA of Alabama, L.L.C. (hereinafter "Permittee") operates a construction/demolition landfill in Trafford, Blount County, Alabama, which is the subject of this Consent Order.

2. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 to 22-22A-16, as amended.

3. Pursuant to Ala. Code § 22-22A-4(n), as amended and Ala. Code § 22-27-9(a), as amended, the Department is the state agency authorized to administer and enforce the provisions of the SWRMMA, Ala. Code §§ 22-27-1 to 22-27-18, as amended.

4. On March 13, 2013, the Department issued a renewal Solid Waste Disposal Permit number 05-08 to the Permittee for the operation of a construction/demolition landfill (hereinafter "landfill") located on 1130 County Line Road, Trafford, Blount County, Alabama.

5. Based on information received from the Permittee on or about June 11, 2015, and a review of records, the Department determined that the Permittee violated the requirements of ADEM Admin. Code r. 335-13-4-.23(d) in the following manner:

a. The Permittee disposed of solid waste outside the permitted disposal area in a utility easement.

b. The Permittee began disposal in disposal cells I.2 and I.3 prior to completing a cell certification and receiving authorization from the Department.

6. On June 19, 2015, the Department issued a Notice of Violation (hereinafter "NOV") for the violations listed above.

7. On July 27, 2015, the Department received a response from the Permittee to the June 19, 2015, NOV.

8. Pursuant to Ala. Code § 22-22A-5(18)c., as amended, in determining the amount of any penalty, the Department must give consideration to the seriousness of the violation, including any irreparable harm to the environment and any threat to the health or safety of the public; the standard of care manifested by the Permittee; the economic benefit which delayed compliance may confer upon the Permittee; the nature, extent and degree of success of the Permittee's efforts to minimize or mitigate the effects of such violation upon the environment; the Permittee's history of previous violations; and the ability of the Permittee to pay such penalty. Any civil penalty assessed pursuant to this authority shall not exceed $25,000.00 for each violation, provided however, that the total penalty assessed in an order issued by the Department shall not exceed $250,000.00. Each day such violation continues shall constitute a separate violation. In arriving at this civil penalty, the Department has considered the following:

A. SERIOUSNESS OF THE VIOLATION: The Permittee failed to comply with certain provisions of ADEM Admin. Code div. 335-13 regarding landfill operations. The

Department is unaware of any irreparable harm to the environment, or any immediate threat to human health or the safety of the public as a result of this violation.

B. THE STANDARD OF CARE: The Permittee failed to comply with certain solid waste disposal requirements.

C. ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED: The Department has been unable to ascertain if the Permittee has realized a significant economic benefit as a result of the violations noted.

D. EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON THE ENVIRONMENT: The Department is unaware of any efforts employed by the Permittee to mitigate potential effects upon the environment that may have been created as a result of the violation listed.

E. HISTORY OF PREVIOUS VIOLATIONS: The Permittee does not have a history of similar violations.

F. THE ABILITY TO PAY: The Permittee has not alleged an inability to pay the civil penalty.

G. OTHER FACTORS: It should be noted that this Consent Order is a negotiated settlement and, therefore, the Department has determined the amount of the penalty it believes is warranted in this matter in the spirit of cooperation and the desire to resolve this matter amicably, without incurring the unwarranted expense of litigation.

9. The Department neither admits nor denies Permittee's contentions, which are set forth below. The Department has agreed to the terms of this Consent Order in an effort to resolve the alleged violations cited herein without the unwarranted expenditure of State resources in further prosecuting the above violations. The Department has determined that the terms contemplated in this Consent Order are in the best interests of the citizens of Alabama.

PERMITTEE'S CONTENTIONS

10. The Permittee neither admits nor denies the Department's contentions. The Permittee consents to abide by the terms of this Consent Order and to pay the civil penalty assessed herein.

ORDER

THEREFORE, without admitting that it has violated any statutes or regulations, the Permittee, along with the Department, desires to resolve and settle the alleged violations cited above. The Department has carefully considered the facts available to it and has considered the six penalty factors enumerated in Ala. Code § 22-22A-5(18), as amended, as well as the need for timely and effective enforcement; the Department believes that the following conditions are appropriate to address the violations alleged herein. Therefore, the Department and the Permittee agree to enter into this Consent Order with the following terms and conditions:

A. That, no later than March 1, 2016, the Permittee shall pay to the Department a civil penalty in the amount of $20,000.00 for the violations cited herein. Said penalty shall be made payable to the Alabama Department of Environmental Management by certified check or cashier's check and shall be remitted to:

Office of General Counsel
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, Alabama 36130-1463

All checks shall reference the Permittee's name and address and the ADEM Administrative Order number of this action.

B. That, WCA of Alabama, L.L.C. shall submit an abatement plan within thirty (30) days of the effective date of this Order, in accordance with ADEM Admin. Code div. 13 regulations, to the Department for review and approval. The abatement plan should include a schedule for the completion of corrective measures and include interim milestones.

C. That, upon effective date of this Order and continuing each and every day after, the Permittee shall comply with all applicable provisions of ADEM Admin Code div. 335-13, and Solid Waste Disposal Permit Number 05-08.

D. The parties agree that this Consent Order shall apply to and be binding upon both parties, their directors, officers, and all persons or entities acting under or for them. Each signatory to this Consent Order certifies that he or she is fully authorized by the party he or she represents to enter into the terms and conditions of this Consent Order, to execute the Consent Order on behalf of the party represented, and to legally bind such party.

E. The parties agree that, subject to the terms of these provisions and subject to provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the violations which are cited in this Consent Order.

F. The Permittee agrees that it is not relieved from any liability if it fails to comply with any provision of this Consent Order.

G. For purposes of this Consent Order only, the Permittee agrees that the Department may properly bring an action to compel compliance with the terms and conditions contained herein in the Circuit Court of Montgomery County.

H. The parties agree that the sole purpose of this Consent Order is to resolve and dispose of all allegations and contentions stated herein concerning the factual circumstances referenced herein. Should additional facts and circumstances be discovered in the future which would constitute possible

violations not addressed in this Consent Order, then such future violations may be addressed in Orders as may be issued by the Director, litigation initiated by the Department, or such other enforcement action as may be appropriate; the Permittee shall not object to such future orders, litigation, or enforcement action based on the issuance of this Consent Order if future orders, litigation, or other enforcement action address new matters not raised in this Consent Order.

I. The parties agree that this Consent Order shall be considered final and effective immediately upon signature of all parties. This Consent Order shall not be appealable, and the Permittee does hereby waive any hearing on the terms and conditions of this Consent Order.

J. The parties agree that this Consent Order shall not affect the Permittee's obligation to comply with any Federal, State, or local laws or regulations.

K. The parties agree that final approval and entry into this Consent Order are subject to the requirements that the Department give notice of proposed Orders to the public, and that the public have at least thirty days within which to comment on the Order.

L. The parties agree that, should any provision of this Consent Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with Federal or State law and therefore unenforceable, the remaining provisions hereof shall remain in full force and effect.

M. The parties agree that any modifications of this Consent Order must be agreed to in writing signed by both parties.

N. The parties agree that, except as otherwise set forth herein, this Consent Order is not and shall not be interpreted to be a permit or modification of an existing permit under Federal, State or local law, and shall not be construed to waive or relieve the Permittee of its obligations to comply in the future with any permit.

Executed in duplicate, with each part being an original.

WCA OF ALABAMA, LLC

(Signature of Authorized Representative)

Bob Shirey

(Printed Name)

Region VP.

(Printed Title)

12/18/15

(Date Signed)

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

Lance R. LeFleur
Director

(Date Signed)

Attachment A
Penalty Synopsis
WCA of Alabama, LLC Blount Landfill

Trafford, Blount County

Solid Waste Disposal Permit No. 05-08

Violation*	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violations*	
Failure to operate in accordance with approved plans and permit (Disposal outside of permitted area).	1	$12,500	$2,500		
Failure to operate in accordance with approved plans and permit (Disposal prior to certifying cell construction and receiving authorization).	1	$3,500	$1,500		
					Total of Three Factors
TOTAL PER FACTOR		$16,000	$4,000		$20,000

Adjustments to Amount of Initial Penalty	
Mitigating Factors (-)	$0
Ability to Pay (-)	$0
Other Factors (+/-)	$0
Total Adjustments (+/-) *Enter at Right*	$0

Economic Benefit (+)	$0
Amount of Initial Penalty	$20,000
Total Adjustments (+/-)	$0
FINAL PENALTY	$20,000

Footnotes * *See the "Department's Contentions" portion of the Order for a detailed description of each violation and the penalty factors.*