

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:)	
)	Order No. 23-XXX-CSW
City of Birmingham)	
Eastern Area Landfill)	
501 6 th Avenue South)	
Birmingham, Jefferson County, Alabama)	
Solid Waste Disposal Permit No. 37-12)	

PREAMBLE

This Special Order by Consent is made and entered into by the Alabama Department of Environmental Management (hereinafter “the Department”) and the City of Birmingham (hereinafter “Permittee”) pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-17, 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. The Permittee operates a municipal solid waste landfill, known as the Eastern Area Landfill (hereinafter “landfill”) in Birmingham, Jefferson 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-17, 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.

DEPARTMENT’S CONTENTIONS

4. On August 30, 2017, the Department issued renewal Solid Waste Disposal Permit Number 37-12 to the Permittee for the operation of the landfill located at 501 6th Avenue South, Birmingham, Jefferson County, Alabama.

5. On May 9, 2022, Department personnel conducted an inspection at the Permittee's landfill to determine compliance with Division 13 of the ADEM Administrative Code. During the inspection, Department personnel documented the following violations:

A. ADEM Admin. Code r. 335-13-4-.21(1)(a) states that the landfill shall be operated as stipulated in the permit. Section I.F. of Solid Waste Permit No. 37-12 requires that the facility be maintained to minimize the possibility of an unplanned sudden release of contaminants (including leachate) to the air, soil, groundwater, or surface water, which could threaten human health or the environment. During the inspection, a leachate seep was observed at the toe of the north slope of the municipal solid waste (MSW) cell. The leachate seep had traveled from the north slope to the drainage ditch below the slope and was noted in the north sediment basin.

B. ADEM Admin. Code r. 335-13-4-.22(2)(b) and Section III.X. of the facility permit require that litter be controlled within the permitted facility. Blown litter was noted on the landfill slopes and on the top of the landfill. In addition, litter was observed in the drainage ditch leading to the north sediment basin.

C. ADEM Admin. Code r. 335-13-4-.22(1)(a)1. and Section III.H of the facility permit state that all waste be covered with a minimum of six inches of compacted earth or alternative cover material at the conclusion of each day's operation. The inspection was conducted early on a Monday morning. Based on the size of the working face and amount of uncovered waste noted at the time of the inspection, it was apparent that the landfill did not adequately cover the waste mass at the end of the previous working day.

6. On May 17, 2022, the Department received a post-inspection response to the May 9, 2022, inspection with pictures documenting progress made to cover the landfill slopes and address the leachate seep.

7. On June 1, 2022, the Department issued a Notice of Violation (NOV) to the Permittee addressing the violations noted above.

8. On June 10, 2022, the Department received a response to the NOV indicating that the violations had been resolved.

9. On June 23, 2022, Department personnel conducted a site visit at the Permittee's landfill as a follow-up to the NOV and as a result of numerous complaints received. During the site visit, Department personnel documented the following violations:

A. ADEM Admin. Code r. 335-13-4-.22(1)(a)1. and Section III.H of the facility permit state that all waste shall be covered with a minimum of six inches of compacted earth or alternative cover at the conclusion of each day's operation. Extensive flagging waste was noted in various areas throughout the landfill during the site visit, indicating that the minimum amount of cover material (six inches) had not been appropriately applied during previous cover operations.

B. ADEM Admin. Code r. 335-13-4-.21(1)(a) states that the landfill shall be operated as stipulated in the permit. Section I.F. of the permit requires that the facility be maintained to minimize the possibility of an unplanned sudden release of contaminants (including leachate) to the air, soil, groundwater, or surface water, which could threaten human health or the environment. During the site visit, a leachate seep was observed at the toe of the north slope of the MSW cell. The leachate seep had traveled from the north slope to the drainage ditch below the slope.

10. On August 1, 2022, the Department sent correspondence to the Permittee addressing the repeat nature of the violations noted during the June 23, 2022, site visit.

11. On August 22, 2022, Department personnel conducted a site visit during the early morning hours at the Permittee's landfill as a result of numerous complaints received. During the site visit, Department personnel documented the following violations:

A. ADEM Admin. Code r. 335-13-4-.22(1)(a)1. and Section III.H of the facility permit state that all waste shall be covered with a minimum of six inches of compacted earth or alternative cover at the conclusion of each day's operation. It was apparent, by the amount of uncovered waste noted that the active face had not been covered at the end of the previous day's operation. In addition, flagging waste was noted in various areas throughout the landfill, indicating that the minimum amount of cover material (six inches) had not been appropriately applied during previous cover operations.

B. ADEM Admin. Code r. 335-13-4-.21(1)(a) states that the landfill shall be operated as stipulated in the permit. Section I.F. of the facility permit states that 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. Accumulated leachate was mixed with stormwater in the stormwater drainage ditch on the northwest slope. A seep with the appearance of leachate was also noted in the same area.

12. On October 18, 2022, Department personnel conducted a site visit during the early morning hours at the Permittee's landfill due to a complaint received. During the site visit, Department personnel documented the following violations:

A. ADEM Admin. Code r. 335-13-4-.22(1)(a)1. and Section III.H of the facility permit state that all waste shall be covered with a minimum of six inches of compacted earth or alternative cover at the conclusion of each day's operation. It was apparent, by the amount of uncovered waste noted, that the active face had not been covered at the end of the previous day's operation. Exposed waste was observed along the northwest slope of the active cell and extending down to the toe of the slope. In addition, there was an excessive amount of flagging waste in the rear areas of the working face, indicating that the minimum amount of cover material (six inches) had not been appropriately applied during previous cover operations.

B. ADEM Admin. Code r. 335-13-4-.17(3) and Section VII. of the facility permit require the owners or operators of all facilities to design, construct, and maintain on-site drainage structures to carry incident precipitation from the disposal site. During the site visit, the flow of storm water in the drainage ditch at the toe of the west slope was blocked by an access road. In addition, standing water, which was in contact with waste, was noted within the working face, indicating that drainage structures were not adequately carrying precipitation away from the disposal site.

13. On January 19, 2023, Department personnel conducted a site visit during the early morning hours at the Permittee's landfill due to a complaint received. During the site visit, Department personnel documented the following violations:

A. ADEM Admin. Code r. 335-13-4-.22(1)(a)1. and Section III.H of the facility permit require that all waste be covered with a minimum of six inches of compacted earth or

alternative cover material at the conclusion of each day's operation. The site visit was conducted early on a Thursday morning. Based on the size of the working face and amount of uncovered waste noted at the time of the site visit, it was apparent that the landfill did not cover the waste mass at the end of the previous working day. In addition, flagging waste was noted in various areas throughout the landfill (including the southwest, west and north slopes), indicating that the minimum amount of cover material (six inches) had not been appropriately applied during previous cover operations.

B. ADEM Admin. Code r. 335-13-4-.22(2)(b) and Section III.X. of the facility permit require that litter be controlled within the permitted facility. Substantial amounts of blown litter were noted along the west side of the access road along the toe of the west slope and in the adjacent ravine. In addition, blown litter was observed in the stormwater drainage ditches along the northwest sediment basin and along the toe of the east slope.

14. On January 30, 2023, Department personnel conducted a site visit during the early morning hours at the Permittee's landfill due to a complaint received. During the site visit, Department personnel documented the following violations:

A. ADEM Admin. Code r. 335-13-4-.22(1)(a)1. and Section III.H of the facility permit require that all waste be covered with a minimum of six inches of compacted earth or alternative cover material at the conclusion of each day's operation. The site visit was conducted early on a Monday morning. The working face consisted of a mixture of soil and entrained waste. During the closing conference, facility personnel indicated that previous cover material had been "peeled back" and re-applied as cover. However, the Department has provided guidance (in a July 29, 2011 guidance memo) that MSW landfills are required to leave cover material in place at least once per week. Furthermore, Section X.A of the facility permit requires that six inches of earthen cover be applied at the conclusion of each week's operation, when alternative cover materials are used. Therefore, given that the site visit was conducted at the beginning of the week, earthen cover (soil) should have been used to cover the working face. In addition, flagging waste was noted in various areas throughout the working face, indicating that the minimum amount of cover (six inches) had not been appropriately applied during previous cover operations.

B. ADEM Admin. Code r. 335-13-4-.22(2)(b) and Section III.X. of the facility permit require that litter be controlled within the permitted facility. Substantial amounts of blown litter was noted throughout the facility. In addition, blown litter was observed in the stormwater drainage ditches leading to the northwest sediment basin.

C. ADEM Admin. Code r. 335-13-4-.21(1)(a) states that the landfill shall be operated as stipulated in the permit. Section I.F. of the facility permit states that 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. Leachate seeps were noted along the toe of the west slope.

15. On February 3, 2023, Department personnel conducted a site visit during the early morning hours at the Permittee's landfill due to a complaint received. During the site visit, Department personnel documented the following violations:

A. ADEM Admin. Code r. 335-13-4-.22(1)(a)1. and Section III.H of the facility permit require that all waste be covered with a minimum of six inches of compacted earth or alternative cover material at the conclusion of each day's operation. The site visit was conducted early on a Friday morning. It was apparent, by the amount of uncovered waste noted that the active face had not been covered at the end of the previous day's operation. In addition, flagging waste was noted in various areas throughout the working face, indicating that the minimum amount of cover material (six inches) had not been appropriately applied during previous cover operations.

16. On February 13, 2023, Department personnel conducted an inspection at the Permittee's landfill to determine compliance with Division 13 of the ADEM Administrative Code. During the inspection, Department personnel documented the following violations:

A. ADEM Admin. Code r. 335-13-4-.21(1)(a) states that the landfill shall be operated as stipulated in the permit. Section I.F. of the facility permit states that 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. Leachate seeps were noted along the toe of the west slope entering the stormwater drainage ditch. The leachate seep had not reached the sediment pond.

B. ADEM Admin. Code r. 335-13-4-.22(1)(a)1. and Section III.H of the facility permit requires that all waste be covered with a minimum of six inches of compacted earth or alternative cover material at the conclusion of each day's operation. Flagging waste was noted on the north and northeast slopes, indicating that the minimum amount of cover material (six inches) had not been appropriately applied during previous cover operations.

17. On Sunday, February 19, 2023, Department personnel conducted a reconnaissance visit of the Permittee's landfill due to a complaint received. During the visit, Department personnel documented the following violations:

A. ADEM Admin. Code r. 335-13-4-.22(1)(a)1. and Section III.H of the facility permit require that all waste be covered with a minimum of six inches of compacted earth or alternative cover material at the conclusion of each day's operation. The visit was conducted on a Sunday, when the facility was closed. The top of the landfill was visible from off-site locations along Mary Taylor Road, US Highway 11 and the intersection of Hidden Way Lane and Magnolia Heights Drive. From each of these locations, uncovered waste was visible. Because the reconnaissance visit was conducted on the weekend, earthen cover material should have been visible in accordance with the facility permit. It was apparent that the active face had not been covered at the end of the previous week's operation.

18. On February 27, 2023, Department personnel conducted a site visit at the Permittee's landfill due to a complaint received. During the site visit, Department personnel documented the following violations:

A. ADEM Admin. Code r. 335-13-4-.22(1)(a)1. and Section III.H of the facility permit requires that all waste be covered with a minimum of six inches of compacted earth or alternative cover material at the conclusion of each day's operation. Based on the amount of exposed waste, it was apparent the entire waste mass had not been covered. When asked to estimate when the working face was last fully covered, facility personnel stated that cover had not been applied in approximately a month. Flagging waste was also noted on the eastern and northern slopes, indicating that the minimum amount of cover material (six inches) had not been appropriately applied during previous cover operations.

B. ADEM Admin. Code r. 335-13-4-.21(1)(a) states that the landfill shall be operated as stipulated in the permit. Section I.F. of the facility permit states that 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. Leachate was observed entering the stormwater drainage ditch from what appeared to be the adjacent northern slope. The leachate in the stormwater ditch was traveling the length of the ditch to the sedimentation pond.

19. On March 6, 2023, Department personnel conducted a site visit during the early morning hours at the Permittee's landfill due to complaints received concerning strong odor. During the site visit, Department personnel documented the following violations:

A. ADEM Admin. Code r. 335-13-4-.22(1)(a)1. and Section III.H of the facility permit requires that all waste be covered with a minimum of six inches of compacted earth or alternative cover material at the conclusion of each day's operation. The site visit was conducted during the early morning hours on a Monday. Only a portion of the working face was properly covered. However, based on the amount of exposed waste visible the northern portion of the active cell had not yet been covered, as noted in previous inspections.

B. ADEM Admin. Code r. 335-13-4-.21(1)(a) states that the landfill shall be operated as stipulated in the permit. Section I.F. of the facility permit states that 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. New leachate seeps were observed near the toe of the west slope and flowing into the stormwater drainage ditch.

20. On March 14, 2023, the Department received a response to the February 13, 2023 inspection indicating that the standing water in the active cell had been removed, leachate seeps on the west slope had been repaired, and litter had been removed from the north sedimentation basin and the upstream stormwater drainage ditch. The response also indicated that the facility was re-covering flagging waste and addressing litter on the landfill slopes. In addition, the response indicated that the facility was also repairing erosion rills and

the flow pathway of the adjacent stormwater ditch on the north slope using long reach excavators.

21. On March 15, 2023, Department personnel conducted a site visit during the early morning hours at the Permittee's landfill due to complaints received concerning strong odor. During the site visit, Department personnel documented the following violations:

A. ADEM Admin. Code r. 335-13-4-.22(1)(a)1. and Section III.H of the facility permit requires that all waste be covered with a minimum of six inches of compacted earth or alternative cover material at the conclusion of each day's operation. Flagging waste was noted on the lower terrace near the working face. Some areas noted in the previous inspection had been partially covered but extensive flagging was still visible on the northern plateau of the active face. Flagging waste is an indication that the minimum amount of cover material (six inches) had not been appropriately applied during previous cover operations

B. ADEM Admin. Code r. 335-13-4-.21(1)(a) states that the landfill shall be operated as stipulated in the permit. Section I.F. of the facility permit states that 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. A leachate seep was observed coming from the toe of the west slope and flowing into the drainage ditch.

22. On March 27, 2023, Department personnel conducted a site visit during the early morning hours at the Permittee's landfill due to complaints received concerning strong odor. During the site visit, Department personnel documented the following violations:

A. ADEM Admin. Code r. 335-13-4-.22(1)(a)1. and Section III.H of the facility permit require that all waste be covered with a minimum of six inches of compacted earth or alternative cover material at the conclusion of each day's operation. Portions of the working face were not covered, while extensive flagging waste was noted on the lower terrace of the working face.

23. 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 and Solid Waste Disposal Permit No. 37-12 regarding landfill operations.

B. THE STANDARD OF CARE: The Permittee failed to employ an appropriate standard of care to ensure compliance 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 an 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 violations listed herein.

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.

24. The Department neither admits nor denies the 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

25. 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.

26. The Permittee adopts and restates its responses as previously provided to the Department. These include:

A. The City contends it did not fail to cover waste at all. The City has been working on a steeper, higher slope, pending approval for operation of its already constructed new cell and has been affected by heavy rains at times.

B. The City employs multiple full-time laborers to pick up and control litter. There are variable weather conditions that affect litter conditions, but the City attempts to address the litter continually within the landfill.

C. The issues noted are a result of a combination of factors stemming from the inability to utilize the brand-new cell unit that has been completed for over a year and a half. This new unit that continues to sit empty would make for a much better disposal ground as we would be filling in a hole as opposed to building a mountain, especially in wet or windy conditions. The use of this new cell unit would remedy the concerns noted but has yet to make it to public comment period due to more items requested by ADEM officials and a lengthy review of the groundwater monitoring plans, most recently submitted again 8/19/22. The process was described as a "paperwork exercise" to complete a Major Modification for a construction difference in a preliminary approved plan vs. as-built. It now appears that the process is moving, and the City appreciates ADEM's efforts to resolve these issues, which will reduce potential problems with operations in the current active cell.

D. Complaints from the public have been odor complaints but no significant odors have been documented by ADEM outside of the landfill.

E. There have been some inconsistencies in inspection reporting to the City and between some inspectors. After discussions with ADEM, these issues have improved but the City notes that it can respond more expeditiously if concerns are immediately and consistently reported to the City's staff.

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, not later than **forty-five days** after issuance of this Order, the Permittee shall pay to the Department a civil penalty in the amount of \$46,700.00 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 Consent Order number of this action.

B. That immediately, upon the issuance of this Order and continuing each and every day thereafter, the Permittee shall comply with all applicable provisions of ADEM Admin Code div. 335-13 and Solid Waste Disposal Permit Number 37-12.

C. That the Permittee shall submit a Corrective Action Plan to the Department for review and approval no later than **sixty days** following the issuance of this Order. The Corrective Action Plan shall address:

1. A complete assessment of the site to determine what, if any, operational practices, or deficiencies thereof, may have led to or contributed to the violations noted above. During this assessment, special attention should be given to leachate management, litter prevention, and cover practices.

2. A detailed description of measures that have or will be taken to address the violations noted in this Order, including but not limited to the prevention and remediation of leachate seeps, cover practices (including any changes to current practices), and prevention of litter. This should also include any corrective measures that are necessary as a result of the site assessment detailed above, and;

3. A schedule for implementation of recommended actions to address the violations outlined in this Order.

If the Department determines through its review of the submitted Corrective Action Plan that it is not sufficient to accomplish compliance with all applicable provisions of ADEM Admin. Code div. 335-13 and Solid Waste Permit No. 37-12, then the Permittee shall submit a revised Corrective Action Plan, addressing the Department's concerns, to the Department no later than **thirty days** after receipt of the comments. The Permittee shall complete implementation of the recommendations made in the Corrective Action Plan pursuant to the schedule set forth in the approved plan.

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.

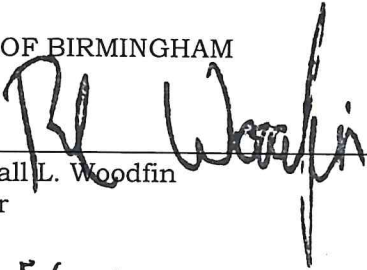
L. The parties agree that, should any provision of this Consent Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with Federal or State law and therefore unenforceable, the remaining provisions hereof shall remain in full force and effect.

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.

CITY OF BIRMINGHAM



Randall L. Woodfin
Mayor

5/10/20

(Date Signed)

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Lance R. LeFleur
Director

(Date Signed)

ATTEST:



City Clerk

5/10/23

Date

Attachment A
Eastern Area Landfill
Birmingham, Jefferson County
Solid Waste Disposal Permit # 37-12

Violation*	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violations*	
Failure to cover waste daily (5/9/22, 8/22/22, 10/18/22, 1/19/23, 1/30/23, 2/3/23, 2/19/23 and 3/6/23)	8	\$24,000	\$16,000	\$0	
Failure to properly cover waste (flagging, less than 6" cover) (6/23/22, 2/13/23, 2/27/23, 3/15/23, and 3/27/23)	5	\$2,500	\$1,250	\$0	
Failure to operate as stipulated in permit (prevent release/leachate seep) (5/9/22, 6/23/22, 8/22/22, 1/30/23, 2/13/23, 2/27/23, 3/6/23, and 3/15/23)	8	\$8,000	\$4,000	\$0	
Failure to control blown litter (5/9/22, 1/19/23 and 1/30/23)	3	\$750	\$375	\$0	
Failure to maintain on-site drainage structures (10/18/22)	1	\$1,000	\$500	\$0	
					Total of Three Factors
TOTAL PER FACTOR		\$36,250	\$22,125	\$0	\$58,375

Adjustments to Amount of Initial Penalty	
Mitigating Factors (-)	\$0
Ability to Pay (-)	\$0
Other Factors (+/-)	\$0
Total Adjustments (+/-) <i>Enter at Right</i>	-\$11,675

Economic Benefit(+)	\$0
Amount of Initial Penalty	\$58,375
Total Adjustments (+/-)	-\$11,675
FINAL PENALTY	\$46,700

Footnotes See the "Findings of Fact" portion of the Order for a detailed description of each violation and the penalty factors.