

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:

**Johnnie L. and Ester Joe Stanton  
25623 Stanton Road STS-UAD  
Daphne, Baldwin County, Alabama**

Order No. 25-XXX-SW

**FINDINGS**

Pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-17, as amended; the Solid Wastes and Recyclable Materials Management Act (SWRMMA), Ala. Code §§ 22-27-1 to 22-27-18, as amended; the Alabama Scrap Tire Environmental Quality Act (ASTEQA), Ala. Code §§ 22-40A-1 to 22-40A-24, as amended, and the Alabama Department of Environmental Management's ("ADEM" or "Department") Administrative Code of Regulations ("ADEM Admin. Code r.") promulgated pursuant thereto, the Department makes the following FINDINGS:

1. Johnnie L. and Ester Joe Stanton ("the Stantons") own and operate a junkyard located at 25623 Stanton Road, with the Parcel ID Number 05-43-05-22-0-000-015.001, in Daphne, Baldwin County, Alabama. This junkyard is situated on the Stanton property and adjoining properties identified by Parcel ID Numbers 05-43-05-22-0-000-015.000, 05-43-05-22-0-000-018.000, and 05-43-05-22-0-000-018.002, which the Stantons do not own. An unauthorized dump and an illegal accumulation of scrap sites were discovered on the properties as mentioned above (hereinafter "the Site").

2. Pursuant to Ala. Code §§ 22-22A-1 to 22-22A-17, as amended, the Department is a duly constituted department of the State of Alabama.

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. Pursuant to Ala. Code § 22-40A-11, as amended, the Department is the state agency authorized to administer and enforce the provisions of the ASTEQA, Ala. Code §§ 22-40A-1 to 22-40A-24, as amended.

5. Pursuant to Ala. Code § 22-27-10(b), as amended, and ADEM Admin. Code r. 335-13-11-.03(2), any person who participates in the creation or operation of an unauthorized dump, or contributed to an unauthorized dump, shall be responsible for the removal of the waste or otherwise the closure of the unauthorized dump in accordance with this article and rules of the department. If those who created, operated, or contributed to an unauthorized dump do not remove or close the unauthorized dump, the landowner shall also be responsible for the removal or otherwise the closure of the unauthorized dump.

6. Pursuant to ADEM Admin. Code rs. 335-13-1-.13(1)(a) and (2), unauthorized dumps are prohibited and must be closed in a manner determined to be necessary by the Department.

7. Pursuant to ADEM Admin. Code r. 335-4-4-.01(1), no person may accumulate more than 100 scrap tires, except a permitted processor, a person who registers as required in ADEM Admin. Code r. 335-4-3-.01(2), or a permitted SWDF [Solid Waste Disposal Facility]. No person may expose scrap tires to the elements for more than thirty days.

8. Pursuant to Ala. Code § 22-40A-5(a), as amended, and ADEM Admin. Code r. 335-4-2-.01(2), the responsible party for a scrap tire site shall be responsible for the remediation of the site. If the responsible party is not determined, the landowner shall be responsible for the remediation of the site.

9. In response to a complaint, Department personnel conducted an investigation that included a site inspection on November 7, 2019, followed by a records review. During the investigation, the following was noted:

A. Department personnel discovered approximately 400 cubic yards of household waste, appliances, abandoned automobiles, and an accumulation of approximately 600 scrap tires on the Site.

B. The disposal area at the Site did not meet the technical standards for landfills set out in Chapter 335-13-4, and it had not been permitted as a land disposal facility by the Department as required under Chapter 335-13-5.

C. An unauthorized dump refers to any collection of solid waste either dumped, caused to be dumped, or placed on any public or private property, without having a permit from the Department, regardless of whether the property is regularly used. Therefore, disposing of approximately 400 cubic yards of regulated solid waste on the Site without a solid waste disposal facility permit issued by the Department constitutes the creation of an unauthorized dump, which violates rules 335-13-1-.13(1) and 335-13-1-.13(2), and for which the Stantons are responsible.

D. A review of departmental records indicated that no one linked to the Site had registered with the Department as a scrap tire facility, as described in 334-4-3-.01(1). Furthermore, no one had obtained a scrap tire processor or solid waste disposal facility permit from the Department before accumulating or storing the scrap tires on the Site, which violates ADEM Admin. Code r. 335-4-4-.01(1).

E. The accumulation of approximately 600 scrap tires on the Site not in compliance with the ASTEQA or ADEM Administrative Code Division 335-4 constituted the creation of an illegal scrap tire site (STS) for which the Stantons are responsible.

F. A review of Baldwin County tax property records indicated the following ownership of parcels: Johnnie L. and Ester Joe Stanton own parcel 43-05-22-0-000-015.001; Evan Aubrey Stanton, Lena and Mae (Stanton) Yelding, and Edward Stanton own parcel 43-05-22-0-000-018.002; Evan Stanton and Cornelius Brown own parcel 43-05-22-0-000-015.000; and Evan Stanton owns parcel 45-05-22-0-000-018.000.

10. On December 10, 2019, the Department issued the Stantons a Notice of Violation ("NOV"), via the United States Postal Service ("USPS") Certified Mail, requiring the full abatement and closure of the STS-UAD. Delivery through the USPS online tracking system could not be confirmed.

11. On January 22, 2020, the Department resent the NOV to the Stantons via FedEx. According to the FedEx online tracking system, the NOV was delivered on January 24, 2020.

12. On March 9, 2023, Department personnel conducted a follow-up inspection of the Site and observed an STS-UAD consisting of approximately 350 cubic yards of household waste, scrap automobiles, rubbish, and approximately 4,000 scrap tires.

13. On March 22, 2023, the Department issued the Stantons a second NOV, via the USPS Certified Mail, requiring the full abatement and closure of the STS-UAD. Delivery through the USPS online tracking system confirmed that the NOV was delivered on April 5, 2023.

14. On April 02, 2024, Department personnel inspected the Site and noted that the STS-UAD observed during the March 22, 2023 inspection was still present and appeared unabated.

15. The Department has not received any responses to the aforementioned NOVs from the Stantons.

16. 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 such person; the economic benefit which delayed compliance may confer upon such person; the nature, extent, and degree of success of such person's efforts to minimize or mitigate the effects of such violation upon the environment; such person's history of previous violations; and the ability of such person to pay such penalty. Any civil penalty assessed pursuant to this authority shall not exceed \$25,000 for each violation, provided however, that the total penalty assessed in an order issued by the Department shall not exceed \$250,000. Each day such a 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 creation, contribution to, or operation of a UAD and STS is inherently a public nuisance, a threat to public health, and a threat to the environment. The Department is not aware of any irreparable harm to the environment or any immediate threat to human health or the safety of the public as a result of the STS-UAD presence on the Site. However, due to the likely existence of disease vectors, the STS-UAD may represent a threat to human health or public safety.

B. **THE STANDARD OF CARE:** The Stantons did not follow the requirements for the lawful disposal of regulated solid waste and scrap tires, and they did not comply with directives from the Department regarding the proper abatement and closure of the STS-UAD.

C. ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED: The Department has been unable to establish if the Stantons have realized a significant economic benefit as a result of the violations cited herein.

D. EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON THE ENVIRONMENT: The Department is unaware of efforts by the Stantons to mitigate any potential adverse effects upon the environment, human health, or public safety that may have been caused as a result of the STS-UAD.

E. HISTORY OF PREVIOUS VIOLATIONS: Based on a review of departmental records, the Stantons do not appear to have a documented history of violations of the applicable requirements of ADEM Admin. Code div. 335-4 or 335-13.

F. THE ABILITY TO PAY: The Stantons have not made a claim of an inability to pay the civil penalty assessed herein.

G. OTHER FACTORS: In accordance with the statutory requirement outlined in Ala. Code § 22-40A-19(e), the Department has increased the civil penalty as shown in Attachment A.

17. The Department has carefully considered the six statutory penalty factors enumerated in Ala. Code § 22-22A-5(18)c, as amended, as well as other factors, and has concluded that a civil penalty is appropriate for the violation cited herein (see Attachment A, which is made a part of the Department's FINDINGS).

### **ORDER**

Based on the foregoing FINDINGS and pursuant to Ala. Code, §§ 22-22A-5(1), 22-22A-5(10), 22-22A-5(18), 22-27-4(b), 22-27-7, 22-27-11, 22-40A-4(a), 22-40A-4(b), and 22-40A-5(a), as amended, it is hereby ORDERED:

A. That, not later than forty-five days of issuance of this Order, the Stantons shall pay the Department a civil penalty of \$29,000 for the violations cited herein. The penalty shall be made payable to the Alabama Department of Environmental Management by certified or cashier's check or any other method of payment acceptable to the Department and shall be remitted to:

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

All payments shall reference the Stantons' names and address and the ADEM Administrative Order number of this action.

B. That, immediately upon issuance of this Order and continuing each and every day thereafter, the Stantons shall cease and desist from creating, operating, or contributing to any UADs or STSs.

C. That, within thirty days of issuance of this Order, the Stantons shall submit a site closure plan to the Department in accordance with ADEM Admin. Code r. 335-13-1-.13(2)(b)(1) and ADEM Admin. Code r. 335-4-2-.01(6). This plan shall include a schedule for site closure completion. Unless otherwise directed by the Department, Stanton shall implement the site closure plan as presented, remove and properly dispose of or recycle all scrap tires and regulated solid waste in an approved landfill unit or at a registered recycling facility, and comply with all applicable requirements of Divisions 335-4 and 335-13 of the ADEM Admin. Code.

D. That, within fifteen days of completion of remediation activities, the Stantons shall provide the following information to the Department as proof that all closure actions have been completed:

- 1 Period in which the remediation activities took place.
2. Total volume of regulated solid waste and scrap tires removed from the Site.
3. Documentation that all regulated solid waste, including surface and subsurface waste, was removed from the Site.
4. A copy of receipts documenting that all regulated waste and scrap tires were taken to an approved landfill or registered recycling facility.
5. Photographs of the scrap tire accumulation and solid waste disposal area(s) on the Site, before and after remediation.
6. Documentation that the STS-UAD was properly closed to prevent erosion on the Site, if applicable.
7. Documentation that the Site has been secured to prevent any future illegal dumping, if applicable.

E. That, should any provision of this 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.

F. That the issuance of this Order does not preclude the Department from seeking criminal fines or other appropriate sanctions or relief against Stanton for the violation cited herein.



G. That failure to comply with the provisions of the Order shall constitute cause for commencement of legal action by the Department against Stanton for recovery of additional civil penalties, criminal fines, or other appropriate sanctions or relief.

ORDERED and ISSUED this \_\_\_\_ day of \_\_\_\_\_, 2025.

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Edward F. Poolos

Director

**Attachment A**

Johnnie L. and Ester Joe Stanton  
25623 Stanton Road  
Daphne, Baldwin County, Alabama

Violation*	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violations*	
Creation of an unauthorized dump	1	\$5000	\$1000	\$0	
Creation of unauthorized scrap tire site	1	\$2500	\$500	\$0	Total of Three Factors
TOTAL PER FACTOR		\$7500	\$1500	\$0	\$9000

Adjustments to Amount of Initial Penalty*	
Mitigating Factors (-)	\$0
Ability to Pay (-)	\$0
Other Factors (+/-)	\$20,000 <sup>1</sup>
	\$0

Economic Benefit (+) *	\$0
Amount of Initial Penalty	\$9000
Total Adjustments (+/-)	\$20,000
<b>FINAL PENALTY</b>	<b>\$29,000</b>

Footnotes

1. Additive fine of five dollars (\$5) per tire

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