

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:)
James and Meloney Stufflebeme)
877 Armstrong Loop Road STS)
Hayden, Blount County, Alabama)
Order No. 26-XXX-ST

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-17, 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 (hereinafter "ADEM" or "the Department") Administrative Code of Regulations (hereinafter "ADEM Admin. Code r.") promulgated pursuant thereto, the Department makes the following FINDINGS:

1. James and Meloney Stufflebeme ("the Stufflebemes") own real property located at 877 Armstrong Loop Road, which is further identified as Parcel ID Number 22-05-22-0-000-018.003, in Hayden, Blount County, Alabama ("the Site"), where an accumulation of scrap tires was discovered.

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 § 22-40A-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.

4. 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.

5. 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.

6. On July 16, 2024, in response to a complaint, Department personnel conducted an investigation, which included a site inspection, followed by a records review. The following was noted during the investigation:

A. Approximately 400 scrap tires had been accumulated on the Site.

Furthermore, the scrap tires appeared to have been exposed to the elements for more than 30 days.

B. A review of departmental records indicated that no one linked to the Site had registered with the Department as required under ADEM Admin. Code r. 335-4-3-.01(2) or had obtained a scrap tire processor or SWDF permit from the Department before accumulating or storing the scrap tires on the Site in violation of ADEM-Admin Code r. 335-4-4-.01(1). As a result, the accumulation of scrap tires at the Site constitutes the creation of an illegal scrap tire site (STS), for which the Stufflebemes are responsible.

C. According to Blount County property tax records, James and Meloney Stufflebeme were the Site's owners at the time of the inspection.

7. On July 30, 2024, the Department issued the Stufflebemes a Notice of Violation (“NOV”), via the United States Postal Service (“USPS”) Certified Mail, for illegally accumulating scrap tires on the Site and requiring the full abatement and closure of the STS. According to the USPS online tracking system the NOV was delivered on September 11, 2024.

8. To date the Department has not received a response to the NOV.

9. 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 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's presence on the Site. However, due to the likely existence of disease vectors, the STS may represent a threat to human health or public safety.

B. THE STANDARD OF CARE: The Stuffebemes did not comply with the regulations for the proper management of scrap tires and failed to follow the Department's directives regarding the proper abatement and closure of the STS.

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

D. EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON THE ENVIRONMENT: The Department is unaware of efforts by the Stuffebemes 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.

E. HISTORY OF PREVIOUS VIOLATIONS: Based on a review of Department records, the Stuffebemes does not appear to have a documented history of violations of the applicable requirements of ADEM Admin. Code div. 335-4.

F. THE ABILITY TO PAY: The Department has no evidence indicating Stufflebeme's inability to pay the civil penalty assessed herein.

G. OTHER FACTORS: Pursuant to Ala. Code §22-40A-19(e), as amended, a fine of five dollars (\$5) per tire will be imposed on any party that accumulates, transfers, transports, processes, or engages in the unauthorized disposal of scrap tires. This fine is in addition to any other fines or penalties that may be assessed. Consequently, the Department has increased the civil penalty as detailed in Attachment A.

10. 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 receipt of this Order, the Stufflebemes shall pay the Department a civil penalty of \$5,000 for the violation 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 Stufflebemes' names and address and the ADEM Administrative Order number of this action.

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

C. That, within thirty days of receipt of this Order, the Stufflebemes shall submit a written description of the work to be performed to remediate the STS, the disposition of the scrap tires and other solid waste removed from the Site, and the restoration of the Site, if applicable, in accordance with ADEM Admin. Code r. 335-4-2-.01(6) to the Department. A schedule for completing all remediation activities must be included in this submission. Unless otherwise directed by the Department, the Stufflebemes shall implement its cleanup plan as presented, remove all scrap tires and scrap tire material, and all other regulated solid waste from the Site and transport them to a permitted processor, solid waste transfer station, or an approved solid waste disposal facility (SWDF).

D. That, should the Stufflebemes choose to personally remove scrap tires or scrap tire materials from the Site and transport them to a permitted scrap tire processor or SWDF, the Stufflebemes must obtain a limited-use transporter permit, as defined in ADEM Admin. Code r. 335-4-1-.02, from the Department.

E. That, within fifteen days of completion of remediation activities, the Stufflebemes shall provide the following information to the Department as proof that all remediation or cleanup activities have been completed:

1. Period in which the remediation activities took place.
2. Total number or volume of scrap tires, scrap tire materials, and all other regulated solid waste removed from the Site.
3. Documentation confirming that all scrap tires, scrap tire materials, and all regulated solid waste, including both surface and subsurface waste, have been removed from the Site.

4. A copy of receipts documenting that all scrap tires, scrap tire materials, and all other regulated solid waste were taken to an authorized facility.

5. Photographs of the areas where scrap tires were accumulated and other regulated solid waste was discarded or disposed of, before and after remediation.

6. Documentation that the STS 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.

F. 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.

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

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

ORDERED and ISSUED this _____ day of _____, 2026.

Edward F. Poolos

Director

Attachment A

James and Meloney Stufflebeme

877 Armstrong Loop Road

Hayden, Blount County, Alabama

Violation*	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violations*	
Creation of an Illegal Scrap Tire Site	1	\$2,500	\$500	\$0	Total of Three Factors
TOTAL PER FACTOR		\$2,500	\$500	\$0	\$3,000

Adjustments to Amount of Initial Penalty*	
Mitigating Factors (-)	\$0
Ability to Pay (-)	\$0
Other Factors (+/-)	\$2,000 ¹
	\$2,000

Economic Benefit (+) *	\$0
Amount of Initial Penalty	\$3,000
Total Adjustments (+/-)	\$2,000
FINAL PENALTY	\$5,000

Footnotes

1. Additive fine of five dollars (\$5) per tire as required by the Code of Alabama, Section 22-40A-19(e).

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