

5. Pursuant to Ala. Code § 22-27-2(38), as amended, and ADEM Admin. Code r. 335-13-1-.03(142), an unauthorized dump (“UAD”) 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.

6. 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.

7. 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.

8. Pursuant to ADEM Admin. Code r. 335-4-1-.02(uu), a scrap tire site (STS) is a site or location where scrap tire or tire pieces are illegally stored or accumulated and is not in compliance with the Act or 334-4.

9. 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.

10. 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 remediation of the site.

11. In response to a complaint, the Department conducted an investigation that included a site inspection on July 2, 2025, followed by a review of relevant records. During the investigation, the following was noted.

A. Approximately 11 cubic yards of regulated solid waste were openly dumped at the site. The waste consisted of construction and demolition waste, appliances, and rubbish. Additionally, there was an accumulation of approximately 400 scrap tires at the site.

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

C. The disposal of 11 cubic yards of regulated solid waste at the Site, without a valid solid waste disposal facility permit issued by the Department, constitutes the creation of a UAD, which violates rules 335-13-1-.13(1) and 335-13-1-.13(2), for which NSBC is responsible.

D. A review of departmental records revealed that neither the landowner nor anyone else legally linked to the Site has registered as required by ADEM Admin. Code r. 335-4-3-.01(2) or obtained a scrap tire processor or a permitted Solid Waste Disposal Facility (SWDF) permit from the Department.

E. The accumulation of 400 scrap tires not in compliance with the ASTEQA or ADEM Administrative Code Division 335-4 constitutes the creation of STS for which NSBC is responsible.

F. According to Dallas County Tax records, NSBC was the owner of the Site at the time of inspection.

12. On July 18, 2025, the Department issued NSBC a Notice of Violation (“NOV”) via United States Postal Service (“USPS”) Certified Mail, requiring the full abatement and closure of the STS and UAD. According to the USPS online tracking system, the NOV was delivered on July 25, 2025.

13. To date, the Department has not received any response from NSBC.

14. 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 UAD-STs presence on the Site. However, due to the likely existence of disease vectors, the UAD-STs may represent a threat to human health or public safety.

B. THE STANDARD OF CARE: NSBC failed to comply with the requirements for the lawful disposal of regulated solid wastes and the proper management of scrap tires accumulations. Additionally, NSBC did not follow the directives from the Department regarding the appropriate abatement and closure of the UAD and STS.

C. ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED: The Department has been unable to establish if NSBC 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 NSBC 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 and UAD.

E. HISTORY OF PREVIOUS VIOLATIONS: Based on a review of Department records, NSBC does 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 Department has no evidence indicating NSBC'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 shall be assessed against any party who accumulates, transfers, transports, processes, or engages in unauthorized disposal of scrap tires. This fee shall be in addition to all other fines or penalties that may be assessed. Due to this statutory requirement, the Department has adjusted the civil penalty as reflected in Attachment A.

15. 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 the issuance of this Order, NSBC shall pay the Department a civil penalty of \$16,000 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 NSBC's name 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, NSBC shall cease and desist from creating, operating, or contributing to any UADs and STSs.

C. That, within thirty days of issuance of this Order, NSBC 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, NSBC shall implement the site closure plan as presented, remove and properly dispose of or recycle all regulated solid waste, scrap tires, and scrap tire materials 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, should NSBC choose to personally remove scrap tires or scrap tire materials from the Site and transport them to a permitted scrap tire processor or SWDF, NSBC 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 and closure activities, NSBC shall provide the following information to the Department as proof that all remediation and closure activities have been completed:

1. Time period in which the remediation activities took place.
2. Total number or volume of scrap tires, scrap tire materials, and all regulated solid waste removed from the Site.
3. Documentation confirming that all scrap tires, scrap tire materials, and all other regulated solid waste, including both surface and subsurface waste, have been removed from the Site.
4. A copy of receipts showing that all regulated waste, scrap tires, and scrap tire materials were taken to an authorized facility.
5. Photographs of solid waste disposal and scrap tire accumulation areas at the Site, before and after remediation.
6. Documentation that the STS and UAD were properly closed to prevent erosion on the Site, if applicable.
7. Documentation that the Site has been secured to prevent any future unauthorized dumping of regulated solid waste or illegal accumulation of scrap tires, 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 NSBC 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 NSBC for recovery of additional civil penalties, criminal fines, or other appropriate sanctions or relief.

ORDERED and ISSUED this ____ day of _____, 2025.

Edward Poolos

Director

Attachment A

North Star Beloved Community
 0 Highway 80 East
 Selma, Dallas County, Alabama

Violation*	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violations*	
Creation of an Unauthorized Scrap Tire Site	1	\$3,000	\$4,000	\$0	Total of Three Factors
Creation of an Unauthorized Dump Site	1	\$3,000	\$4,000	\$0	
TOTAL PER FACTOR		\$6,000	\$8,000	\$0	\$14,000
Adjustments to Amount of Initial Penalty*			Economic Benefit (+) *		\$0
Mitigating Factors (-)	\$0		Amount of Initial Penalty		\$0
Ability to Pay (-)	\$0		Total Adjustments (+/-)		(+)\$2,000
Other Factors (+/-)	\$2,000 ¹		FINAL PENALTY		\$16,000
	\$2,000				

Footnotes

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

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