

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF: )
Christopher G. Chandler ) PROPOSED
Blountsville, Blount County, Alabama ) ADMINISTRATIVE
ORDER NO: 26-XXX-AP

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22- 22A-17, as amended, the Alabama Air Pollution Control Act, Ala. Code §§ 22-28-1 to 22-28-23, as amended, the Alabama Department of Environmental Management (“Department” or “ADEM”) Administrative Code of Regulations (“ADEM Admin. Code r.”) promulgated pursuant thereto, and the federal Clean Air Act, 42 U.S.C. 7401 to 7671q, as amended, the Department makes the following FINDINGS:

- 1. Christopher G. Chandler (Chandler) owns real property located at 1753 County Road 10, Blountsville, Blount County, Alabama (the “Site”). The Parcel Number associated with the Site is 10-09-30-0-000-015.010.
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, the Department is the state air pollution control agency for the purposes of the federal Clean Air Act, 42 U.S.C. 7401 to 7671q, as amended. In addition, the Department is authorized to administer and enforce the provisions of the Alabama Air Pollution Control Act (AAPCA), Ala. Code §§ 22-28-1 to 22-28-23, as amended.

4. ADEM Admin. Code chap. 335-3-3 sets forth the requirements, limitations and exceptions regarding open burning.

5. ADEM Admin Code r. 335-3-3-.01(2)(b) limits open burning as authorized by 335-3-3-.01(2)(a) to certain conditions, including:

- a. The burning must take place on the property on which the combustible fuel originates [335-3-3-.01(2)(b)(1)];
- b. The location of the burning must be at least 500 feet from the nearest occupied dwelling other than a dwelling located on the property on which the burning is conducted [335-3-3-.01(2)(b)(2)];
- c. The fire shall be attended at all times [335-3-3-.01(2)(b)(7)].

6. On October 17, 2023, the Department received a complaint referencing unauthorized open burning of imported vegetative debris at the Site. During a November 16, 2023 site inspection, Department personnel verified unauthorized burning of untreated wood, household waste, and insulation. The burning was within 500 feet of the nearest occupied dwelling. Department personnel left an explanation of the open burning regulations at the site.

7. The Department received a second complaint and third complaint on November 25, 2024, and December 2, 2024, of unauthorized open burning at the site. During a December 19, 2024 site inspection, Department personnel observed evidence of burned household waste, metal, and furniture. The burning was within 500 feet of the nearest occupied dwelling

8. On January 9, 2025, the Department received a fourth complaint of unauthorized burning at the Site. During a February 6, 2025 site inspection, Department personnel observed a burn pile containing burned household waste, furniture, and metal.

During the inspection, Department personnel made contact with the property owner to discuss open burning regulations. The property owner stated that he would clean up the site and cease all burning. Chandler contacted the ADEM Air Division after the inspection to discuss the open burning regulations further.

9. The Department received two additional complaints for unauthorized open burning at the Site between November 7, 2025, and December 9, 2025. Department personnel performed inspections for each complainant and observed evidence of burned household waste.

10. The Department received a complaint of unauthorized open burning on March 3, 2026. Department personnel verified unauthorized burning occurred at the Site during a March 31, 2026 inspection.

11. Chandler conducted unauthorized open burning at the Site, in violation of ADEM Admin. Code r. 335-3-3-.01 and the AAPCA.

12. 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 violations, 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 violations 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 \$25,000.00 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:** Chandler conducted unauthorized open burning of household waste and construction/demolition waste within 500 ft of occupied dwellings. The Department considers these violations to be serious.

B. **THE STANDARD OF CARE:** There appeared to be no care taken by Chandler to comply with the applicable requirements of the ADEM Admin. Code r. 335-3-3-.01 and the AAPCA. Chandler continued to conduct unauthorized open burning after being warned by Department personnel in 2025.

C. **ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED:** The Department has determined that Chandler likely derived economic benefit by not properly disposing of the household waste and construction/demolition waste.

D. **EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON THE ENVIRONMENT:** There were no efforts by Chandler to mitigate possible effects of these violations upon the environment at the time of the violations.

E. **HISTORY OF PREVIOUS VIOLATIONS:** The Department has verified that unauthorized open burning has occurred multiple times at the Site since November 16, 2023.

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

G. **OTHER FACTORS:** The Department has carefully considered the six statutory penalty factors enumerated in Ala. Code § 22-22A-5(18)c., as amended, as well

as the need for timely and effective enforcement, and has concluded that a civil penalty herein is appropriate (*See* “Attachment A”, which is hereby incorporated into these Findings).

ORDER

Based upon the foregoing FINDINGS and pursuant to Ala. Code §§22-22A-5(10), 22-22A-5(12), 22-22-5(18), and 22-28-18, *as amended*, it is hereby ORDERED:

A. That, not later than forty-five days after the issuance of this Order, Chandler shall pay to the Department a civil penalty in the amount of \$2,500.00 for the violations cited herein. Said penalty shall be made payable to the Alabama Department of Environment Management by certified or cashier’s check and shall be submitted to:

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

B. That, immediately upon receipt of this Order and continuing thereafter, Chandler shall ensure immediate and future compliance with ADEM Admin. Code r. 335-3-3-.01 and the AAPCA.

C. 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.

D. Except as otherwise set forth herein, this 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 Chandler of obligations to comply in the future with any permit or other written direction from the Department.

E. That, issuance of this Administrative Order does not preclude the Department from seeking criminal fines or other appropriate sanctions or relief against Chandler for the violations cited herein.

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

ORDERED and ISSUED this \_\_\_\_\_ day of \_\_\_\_\_, 2026

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Edward F. Poolos, Director  
Alabama Department of Environmental  
Management  
1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2059  
(334) 271-7700

CERTIFICATE OF SERVICE

I, Aubrey H. White III, do hereby certify that I have served this Proposed Administrative Order upon the person(s) listed below by sending the same, postage paid, through the United States Mail **9589 0710 5270 3494 4621 84** with instructions to forward and return receipt, to:

Christopher G. Chandler  
1753 County Road 10  
Blountsville, Alabama 35031

DONE this the 21<sup>st</sup> day of APRIL, 2026.



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Aubrey H. White III  
Chief - Air Division  
Alabama Department of  
Environmental Management

## ATTACHMENT A

**Christopher G. Chandler**  
Blountsville, Blount County, AL

Violation*	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violations*	
Unauthorized open burning	1	\$1,000	\$500	\$750	
					<b>Total of Three Factors</b>
<b>TOTAL PER FACTOR</b>		<b>\$1,000</b>	<b>\$500</b>	<b>\$750</b>	<b>\$2,250</b>

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

Economic Benefit (+)	\$250
Amount of Initial Penalty	\$2,250
Total Adjustments (+/-)	\$0
<b>FINAL PENALTY</b>	<b>\$2,500.00</b>

Footnotes

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