

ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

|                                    |   |                     |
|------------------------------------|---|---------------------|
| IN THE MATTER OF:                  | ) |                     |
|                                    | ) |                     |
| Matthew Corley                     | ) | PROPOSED            |
| Eight Mile, Mobile 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. Matthew Corley (Corley) owns and operates a landscaping business on property located at 4852 Lott Road, Eight Mile, Mobile County, Alabama. The Parcel Number associated with Site is 2304182000011XXX.
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. Between August 28, 2025, and August 29, 2025, the Department received four complaints referencing unauthorized open burning of imported vegetative debris at the Site. Department personnel identified a large smoldering burn pile during an August 28, 2025, site inspection. Department personnel made contact with the property owner to discuss open burning regulations. The owner stated no burning would take place on the property.

7. The Department received three complaints between September 1, 2025, and September 7, 2025, of unauthorized open burning at the site. During a September 9, 2025, phone conversation with Department personnel, the owner was advised to stop any residual smoldering from the burn pile. The owner agreed to comply.

8. The Department received complaints on December 14, 2025, and December 16, 2025, of unauthorized open burning of imported vegetative debris at the Site. During a December 30, 2025 site inspection, Department personnel did not observe active burning but found new logs and plastic containers that were added to an existing burn pile.

9. The Department received a complaint of unauthorized open burning of imported vegetation at the site on May 5, 2026. Department personnel verified unauthorized open burning of imported vegetation was occurring during a May 6, 2026, site inspection. The burning was within 500 feet of the nearest occupied dwelling.

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

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 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: Corley continues to conduct unauthorized open burning of imported vegetation. The Department considers these violations to be serious.

B. THE STANDARD OF CARE: There appeared to be no care taken by Corley to comply with the applicable requirements of the ADEM Admin. Code r. 335-3-3-.01 and the AAPCA. Corley 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 Corley likely derived economic benefit by not properly disposing of the imported vegetative waste.

D. EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON THE ENVIRONMENT: There were no efforts by Corley 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 August 28, 2025.

F. THE ABILITY TO PAY: Corley 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, Corley shall pay to the Department a civil penalty in the amount of \$10,000.00 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, Corley 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 Corley 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 Corley 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 Corley

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 4580 88** with instructions to forward and return receipt, to:

Matthew Corley  
11149 Juniper Creek Road  
Wilmer, AL 36587

DONE this the 22<sup>nd</sup> day of MAY, 2026.



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

## ATTACHMENT A

**Matthew Corley**  
**Eight Mile, Mobile County, AL**

| <b>Violation*</b>              | <b>Number of Violations*</b> | <b>Seriousness of Violation*</b> | <b>Standard of Care*</b> | <b>History of Previous Violations*</b> |                               |
|--------------------------------|------------------------------|----------------------------------|--------------------------|----------------------------------------|-------------------------------|
| Unauthorized open burning      | 1                            | \$4,000                          | \$2,000                  | \$2,000                                |                               |
|                                |                              |                                  |                          |                                        | <b>Total of Three Factors</b> |
| <b><i>TOTAL PER FACTOR</i></b> |                              | <b><i>\$4,000</i></b>            | <b><i>\$2,000</i></b>    | <b><i>\$2,000</i></b>                  | <b><i>\$8,000</i></b>         |

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

|                                  |             |
|----------------------------------|-------------|
| <b>Economic Benefit (+)</b>      | \$2,000     |
| <b>Amount of Initial Penalty</b> | \$8,000     |
| <b>Total Adjustments (+/-)</b>   | \$0         |
| <b>FINAL PENALTY</b>             | \$10,000.00 |

### Footnotes

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