

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:

Roy and Shirley Anne Minton
2125 Sun Valley Road UAD
Harpersville, AL 35078
Harpersville, Shelby County, Alabama

Order No. XX-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*; 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. Roy and Shirley Anne Minton ("the Mintons") own the real property located at 2125 Sun Valley Road, which is further identified as Parcel ID Number 17 2 03 0 000 009.004, in Harpersville, Shelby County, Alabama ("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 § 22-27-2(38), *as amended*, and ADEM Admin. Code r. 335-13-1-.03(146), an unauthorized dump ("UAD") is defined as any collection of solid wastes either dumped, caused to be dumped, or placed on any public or private property, whether or not regularly used, and not having a permit from the Department.

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, unless the landowner qualifies as an innocent landowner (as defined by ADEM rules).

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. In response to a complaint, Department personnel conducted an investigation that included a site inspection on May 15, 2025 and a review of relevant records. During the investigation, the following was noted:

A. Approximately twenty cubic yards of regulated solid waste had been unlawfully disposed of at the Site. The waste consisted of household waste and rubbish.

B. The disposal area was not permitted as a land disposal facility by the Department, as required under ADEM Admin. Code ch. 335-13-5.

C. Roy and Shirley Anne Minton were listed as the owners of the Site in the property tax records of Shelby County.

D. The disposal of the aforementioned 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 the Mintons are responsible.

8. On June 6, 2025, the Department issued the Mintons a Notice of Violation (NOV) via Certified Mail from the United States Postal Service ("USPS"), requiring complete remediation and closure of the UAD. According to the USPS online tracking system, the NOV was returned to the Department marked as "unclaimed."

9. On August 20, 2025, Department personnel sent an email that included a copy of the NOV to Meredith Minton Harvill, the daughter of the Mintons. Additionally, on that same day, Ms. Harvill acknowledged receipt of the NOV by sending an email to the Department. In her email, Ms. Harvill asserted that the “bags” located on the property were not refuse or trash but rather documents that belonged to her parents.

10. On September 2, 2025, Department personnel conducted a second inspection at the Site and observed that the UAD was still present and appeared to be unabated.

11. To date, the Department has yet to receive a response from the Mintons that sufficiently addresses the violation stated in the NOV.

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 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 is inherently a public nuisance, a menace to public health, and a threat to the environment. However, the Department has no knowledge of any irreversible damage to the environment, nor any urgent threat to human health or public safety stemming from the UAD's existence at the Site.

B. THE STANDARD OF CARE: Upon evaluating the standard of care demonstrated by the Mintons, the Department observed that the aforementioned violation was non-technical and readily preventable. As a result, the Mintons did not display a standard of care that aligns with the relevant regulatory standards regarding the proper disposal of regulated solid waste.

C. ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED: The Department has determined that the Mintons have not derived any significant economic benefit from the violation referenced herein.

D. EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON THE ENVIRONMENT: The Department has no knowledge of any actions taken by the Mintons to alleviate possible negative impacts on the environment, human health, or public safety that could have arisen from the UAD.

E. HISTORY OF PREVIOUS VIOLATIONS: Upon reviewing the records of the Department, it appears that the Mintons do not have a documented history of violations concerning the relevant requirements of ADEM Admin. Code div. 335-13.

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

13. 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, and 22-27-11, *as amended*, it is hereby ORDERED:

A. That, no later than forty-five days after the receipt of this Order, the Mintons shall pay the Department a civil penalty of \$3,000 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 Mintons' name(s) 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 Mintons shall cease and desist from creating, operating, or contributing to any UADs.

C. That, within thirty days after receipt of this Order, the Mintons shall submit a site closure plan to the Department in accordance with ADEM Admin. Code r. 335-13-1-.13(2)(b)1. This plan shall include a description of the actions the Mintons intend to take to remove all regulated solid waste from the Site and deposit it in an approved landfill unit or at a registered recycling facility. The plan shall include a timeline for the completion of all remediation and closure activities. Unless otherwise directed by the Department, the Mintons shall implement the site closure plan as presented and comply with all applicable requirements of Division 335-13 of the ADEM Admin. Code.

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

1. The period during which the remediation and closure activities took place.
2. Total volume of regulated solid waste removed from the Site.
3. Documentation confirming that all regulated solid waste, including both surface and subsurface waste, was removed from the Site.
4. Copies of receipts showing that all regulated solid waste was taken to an approved landfill or registered recycling facility.
5. Photographs of the solid waste disposal area(s) at the Site taken before and after remediation.
6. Documentation confirming that the UAD was appropriately closed to prevent erosion on the Site, if applicable.
7. Documentation confirming 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 the Mintons 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 the Mintons for recovery of additional civil penalties, criminal fines, or other appropriate sanctions or relief.

ORDERED and ISSUED this ____ day of _____, 202X.

Edward F. Poolos

Director

Attachment A

Roy and Shirley Anne Minton

2125 Sun Valley Road

Harpersville, Shelby County, Alabama

Violation*	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violations*	
Creation of an Unauthorized Dump	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 (+/-)	\$0
	\$0

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

Footnotes

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