

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:	)	
EcoSouth Services of Mobile, LLC	)	Order No. 27-XXX-CSW
Axis Industrial Landfill	)	
Axis, Mobile County, Alabama	)	
Solid Waste Disposal Permit No. 49-21	)	

PREAMBLE

This Special Order by Consent (hereinafter, the "Consent Order") is made and entered into by the Alabama Department of Environmental Management (hereinafter, "the Department") and EcoSouth Services of Mobile, LLC, a domestic limited liability company, pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-17, as amended, and the Solid Wastes and Recyclable Materials Management Act (hereinafter, the "SWRMMA"), Ala. Code §§ 22-27-1 to 22-27-18, as amended.

STIPULATIONS

1. EcoSouth Services of Mobile, LLC (hereinafter, the "Permittee") is a domestic limited liability company registered with the Alabama Secretary of State's Office and operates a municipal solid waste landfill, known as the Axis Industrial Landfill (hereinafter, the "Landfill") in Axis, Mobile County, Alabama, which is the subject of this Consent Order.

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, 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.

DEPARTMENT'S CONTENTIONS

4. On December 1, 2021, the Department issued renewal Solid Waste Disposal Permit Number 49-21 to the Permittee for the operation of the Landfill located at 12945 Highway 43, Axis, Mobile County, Alabama.

5. On December 19, 2023, Department personnel conducted an inspection at the Permittee's landfill to determine compliance with Division 13 of the ADEM Administrative Code. During the referenced inspection, Department personnel documented the following violations:

A. ADEM Admin. Code r. 335-13-4-.22(1)(d) states that the landfill unit shall be operated in accordance with approved plans and permits. Section I.F. of the facility permit requires that the facility be operated to minimize the possibility of an unplanned sudden or nonsudden release of contaminants (leachate) to air, soil, groundwater, or surface water. During the inspection, a pool of discolored liquid alleged to be leachate (hereinafter referred to generally as leachate) was observed along the previous disposal area in Cell 12.

B. ADEM Admin. Code r. 335-13-4-.22(1)(a)1. and Section III.H. of the facility permit state that all waste shall be covered with a minimum of six inches of compacted earth at the conclusion of each day's operation, or as otherwise specified by the Department, to control disease vectors, fires, odors, blown litter, and scavenging. During the inspection, a portion of the previous disposal area in Cell 12 was inadequately covered.

6. On January 18, 2024, Department personnel conducted an inspection at the Permittee's landfill to determine compliance with Division 13 of the ADEM Administrative Code. During the referenced inspection, Department personnel documented the following violations:

A. ADEM Admin. Code r. 335-13-4-.22(1)(d) states that the landfill unit shall be operated in accordance with approved plans and permits. Section I.F. of the facility permit requires that the facility be operated to minimize the possibility of an unplanned sudden or nonsudden release of contaminants (leachate) to air, soil, groundwater, or surface water. During the inspection, a large quantity of pooled leachate was observed in Cell 12. The area of pooled leachate was larger than the area observed during the December 19, 2023, inspection. A smaller area of pooled leachate was observed along the toe of the Cell 10 landfill slope.

B. ADEM Admin. Code r. 335-13-4-.22(1)(a)1. and Section III.H. of the facility permit state that all waste shall be covered with a minimum of six inches of compacted earth at the conclusion of each day's operation, or as otherwise specified by the Department, to control disease vectors, fires, odors, blown litter, and scavenging. During the inspection, a large amount

of inadequately covered waste was noted in Cell 12 in the vicinity of the pooled leachate identified in Paragraph 6.A.

C. ADEM Admin. Code r. 335-13-4-.22(1)(b) and Section III.J. of the facility permit require that all waste be confined to as small an area as possible. The working face was not confined to a small area.

D. ADEM Admin. Code r. 335-13-4-.22(1)(a)2. states that in the event that erosion develops on previously covered disposal areas, or when previously covered waste otherwise becomes exposed, cover must be re-applied to comply with the minimum cover requirements of ADEM Admin. Code r. 335-13-4-.22(1)(a)1. Erosion rills, with exposed waste, were noted on the landfill slopes of Cell 10.

7. On January 25, 2024, the Department addressed the violations observed during the December 19, 2023, inspection in correspondence sent to the Permittee.

8. On February 16, 2024, Department personnel conducted a site visit at the Permittee's landfill to determine compliance with Division 13 of the ADEM Administrative Code. During the referenced site visit, Department personnel documented the following violations:

A. ADEM Admin. Code r. 335-13-4-.22(1)(d) states that the landfill unit shall be operated in accordance with approved plans and permits. Section I.F. of the facility permit requires that the facility be operated to minimize the possibility of an unplanned sudden or nonsudden release of contaminants (leachate) to air, soil, groundwater, or surface water. During the referenced site visit, a large quantity of pooled leachate was observed in Cell 12. The quantity of pooled leachate had significantly increased from the December 19, 2023, and January 18, 2024, inspections to the February 16, 2024, site visit. The pool of leachate measured 82 yards by 34 yards, as measured by range finder.

B. ADEM Admin. Code r. 335-13-4-.22(1)(a)1. and Section III.H. of the facility permit state that all waste shall be covered with a minimum of six inches of compacted earth at the conclusion of each day's operation, or as otherwise specified by the Department, to control disease vectors, fires, odors, blown litter, and scavenging. Inadequately covered waste was noted

in Cell 12, extending from the top of the cell to the pooled leachate. An extensive amount of waste was floating in the leachate pool.

9. On February 28, 2024, the Department received a response to comments on the December 19, 2023, inspection.

10. On March 25, 2024, the Department issued a Notice of Violation (hereinafter, "NOV") addressing the violations noted during the January 18, 2024 and February 16, 2024 compliance visits.

11. On March 27, 2024, Department personnel conducted an inspection at the Permittee's landfill to determine compliance with Division 13 of the ADEM Administrative Code. During the referenced inspection, Department personnel documented the following violation:

A. ADEM Admin. Code r. 335-13-4-.22(1)(d) states that the landfill unit shall be operated in accordance with approved plans and permits. Section I.F. of the facility permit requires that the facility be operated to minimize the possibility of an unplanned sudden or nonsudden release of contaminants (leachate) to air, soil, groundwater, or surface water. During the referenced site visit, pooled leachate was observed underneath a layer of waste in Cell 12.

12. On April 2, 2024, Department personnel conducted a site visit at the Permittee's landfill to determine compliance with Division 13 of the ADEM Administrative Code. During the referenced site visit, Department personnel documented the following violations:

A. ADEM Admin. Code r. 335-13-4-.22(1)(d) states that the landfill unit shall be operated in accordance with approved plans and permits. Section I.F. of the facility permit requires that the facility be operated to minimize the possibility of an unplanned sudden or nonsudden release of contaminants (leachate) to air, soil, groundwater, or surface water. Pooled leachate was observed in the northern portion of Cell 12. An earthen berm was constructed to contain the leachate; however, leachate seeps were noted in the berm, allowing leachate to seep onto the adjacent haul road. In addition, the leachate had migrated across the haul road to the adjacent wetland area. Pooled leachate was also noted in the stormwater ditch adjacent to the northern slope of Cell 10. Two additional pools of leachate were observed along a different haul road behind the solidification pits. Leachate seeps were also noted along the western slope of

Phase I. Leachate was also ponded behind the leachate storage tanks. Spilled leachate was also noted on the leachate loading pad. The spilled leachate was observed migrating along the road to the drainage ditch and to a culvert that led under the road to the forebay of the sediment pond. The forebay of the sediment pond contained leachate that had migrated from the leachate load-out area. An earthen berm had been constructed separating the forebay from the remainder of the pond. A small leachate seep was observed in the earthen berm, causing a small amount of leachate to migrate from the forebay to the sediment pond.

B. ADEM Admin. Code r. 335-13-4-.22(1)(a)1. and Section III.H. of the facility permit state that all waste shall be covered with a minimum of six inches of compacted earth at the conclusion of each day's operation, or as otherwise specified by the Department, to control disease vectors, fires, odors, blown litter, and scavenging. Based on the amount of exposed waste, it was apparent that not all portions of the working face had been covered at the conclusion of the previous business day.

C. ADEM Admin. Code r. 335-13-4-.22(1)(b) and Section III.J. of the facility permit require that all waste be confined to as small an area as possible. The active disposal area was large, with exposed waste extending from the haul road along the southern side of the facility to the northern end of Cell 12.

13. On May 14, 2024, the Department received a response to the March 25, 2024 NOV indicating measures had been taken to resolve the issues.

14. On June 27, 2024, Department personnel conducted a follow-up inspection at the Permittee's landfill to determine compliance with Division 13 of the ADEM Administrative Code. During the inspection, Department personnel documented the following violation:

A. ADEM Admin. Code r. 335-13-4-.22(1)(d) states that the landfill unit shall be operated in accordance with approved plans and permits. Section I.F. of the facility permit requires that the facility be operated to minimize the possibility of an unplanned sudden or nonsudden release of contaminants (leachate) to air, soil, groundwater, or surface water. A leachate seep was noted along the western slope of Phase I. The leachate had migrated and was pooled in the drainage ditch along the western slope.

15. On June 27, 2024, the Department received photos in response to the June 27, 2024 follow-up inspection indicating measures had been taken to resolve the issue.

16. On September 24, 2024, Department personnel conducted an inspection at the Permittee's landfill to determine compliance with Division 13 of the ADEM Administrative Code. During the referenced inspection, Department personnel documented the following violation:

A. ADEM Admin. Code r. 335-13-4-.22(1)(d) states that the landfill unit shall be operated in accordance with approved plans and permits. Section I.F. of the facility permit requires that the facility be operated to minimize the possibility of an unplanned sudden or nonsudden release of contaminants (leachate) to air, soil, groundwater, or surface water. A leachate seep was noted along the western slope of Phase I. The leachate had migrated and was pooled in the drainage ditch along the western slope.

17. On September 25, 2024, the Department received photos in response to the September 24, 2024, inspection indicating measures had been taken to resolve the issue.

18. On October 17, 2024, Department personnel conducted a site visit at the Permittee's landfill to determine compliance with Division 13 of the ADEM Administrative Code. During the referenced site visit, Department personnel documented the following violation:

A. ADEM Admin. Code r. 335-13-4-.22(1)(a)1. and Section III.H. of the facility permit state that all waste shall be covered with a minimum of six inches of compacted earth at the conclusion of each day's operation, or as otherwise specified by the Department, to control disease vectors, fires, odors, blown litter, and scavenging. The site visit was conducted in the early morning hours, before operations began. The northern portions of the working face were not adequately covered. Exposed waste was observed around the tipper and along the slope of the working face. Flagging waste was also observed in the rear areas of the working face. Flagging waste is an indication that sufficient cover material (minimum of six inches) was not applied during previous cover activities.

19. On October 24, 2024, the Department received a response to the October 17, 2024, site visit indicating measures had been taken to resolve the issue.

20. On January 16, 2025, Department personnel conducted a site visit at the Permittee's landfill to determine compliance with Division 13 of the ADEM Administrative Code. During the referenced site visit, Department personnel documented the following violations:

A. ADEM Admin. Code r. 335-13-4-.22(1)(d) states that the landfill unit shall be operated in accordance with approved plans and permits. Section I.F. of the facility permit requires that the facility be operated to minimize the possibility of an unplanned sudden or nonsudden release of contaminants (leachate) to air, soil, groundwater, or surface water. A leachate seep was noted in the stormwater ditch along the north side of the landfill. The leachate was migrating in a southwesterly direction toward the western sediment pond. Accumulated leachate was also noted on three sides of the solidification area. The leachate was noted migrating from the solidification area, along the stormwater ditch, to the western sediment pond. The fore bay of the sediment pond was discolored.

B. ADEM Admin. Code r. 335-13-4-.22(1)(a)2. states that in the event that erosion develops on previously covered disposal areas, or when previously covered waste otherwise becomes exposed, cover must be re-applied to comply with the minimum cover requirements of ADEM Admin. Code r. 335-13-4-.22(1)(a)1. Erosion rills, with exposed waste, were noted on the southeastern landfill slopes.

C. ADEM Admin. Code r. 335-13-4-.22(1)(l) states that empty containers, larger in size than normally found in household waste, must be rendered unsuitable for holding liquids prior to disposal in the landfill unit. During the site visit, several intact 55-gallon metals drums were noted in the working face.

D. ADEM Admin. Code r. 335-13-4-.22(1)(d) states that the landfill unit shall be operated in accordance with approved plans and permits. Section VIII.3. of the facility permit states that solidification operations shall take place on a lined containment pad, surrounded by a berm, as described in the approved Solidification Plan dated September 29, 2020. The September 29, 2020, Solidification Plan states that stormwater that falls within the solidification area, as well as any leachate from the solidification process, will be contained by the primary containment system and routed, via a subdrain, to a manhole. Leachate will be pumped from

the manhole to the leachate containment system. However, during the site visit, accumulated leachate was noted on three sides of the solidification area. The leachate was noted migrating from the solidification area, along the stormwater ditch, to the western sediment pond. When asked, facility personnel indicated that the facility periodically adds sawdust to the accumulated leachate and adds the resultant mixture to the stockpile of solidification agent materials. This management method is inconsistent with the approved Solidification Plan.

21. On September 9, 2025, Department personnel conducted an inspection at the Permittee's landfill to determine compliance with Division 13 of the ADEM Administrative Code. During the referenced inspection, Department personnel documented the following violation:

A. ADEM Admin. Code r. 335-13-4-.22(1)(d) states that the landfill unit shall be operated in accordance with approved plans and permits. Section I.F. of the facility permit requires that the facility be operated to minimize the possibility of an unplanned sudden or nonsudden release of contaminants (leachate) to air, soil, groundwater, or surface water. A leachate seep was noted along the bottom of the Phase I slopes. Leachate was noted in both forebays of the front sediment pond. Leachate from the forebays was being pumped at the time of the inspection.

22. On October 23, 2025, the Department issued an NOV addressing the violations noted during the March 27, 2024, April 2, 2024, June 27, 2024, September 24, 2024, October 17, 2024, February 19, 2025, and September 9, 2025, compliance visits.

23. On November 25, 2025, the Department received a response to the October 23, 2025 NOV, indicating measures had been taken to resolve the violations. The Department determined that the NOV response was inadequate and detailed the inadequate portions of the response in correspondence dated January 23, 2026.

24. On March 12, 2026 and April 7, 2026, the Permittee provided additional information to supplement the initial NOV response.

25. 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 the Permittee; the economic benefit which delayed compliance may confer upon the Permittee; the nature, extent and degree of success of the Permittee's efforts to minimize or mitigate the effects of such violation upon the environment; the Permittee's history of previous violations; and the ability of the Permittee 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 civil 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: The Permittee failed to comply with certain provisions of ADEM Admin. Code div. 335-13 and Solid Waste Disposal Permit No. 49-21 regarding landfill operations. However, the Department has no evidence of any irreparable harm to human health or the environment.

B. THE STANDARD OF CARE: The Permittee failed to employ an appropriate standard of care to ensure compliance with certain solid waste disposal requirements.

C. ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED: The Department has been unable to ascertain if the Permittee has realized an economic benefit as a result of the violations as alleged.

D. EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON THE ENVIRONMENT: The Department is unaware of any efforts employed by the Permittee to mitigate potential effects upon the environment that may have been created as a result of the violations as alleged.

E. HISTORY OF PREVIOUS VIOLATIONS: The Permittee does have a history of similar violations. Consent Order No. 20-097-CSW was issued to the facility on August 26, 2020, for alleged violations related to an unauthorized discharge of leachate and ponding of stormwater and leachate in the disposal area. Subsequently, Consent Order No. 23-067-CSW was issued to the facility on May 25, 2023, for alleged violations related to ponding of leachate in the disposal

area, failure to appropriately apply daily cover, failure to confine the waste mass to a small area, and failure to have a certified operator on site during operations.

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

G. OTHER FACTORS: It should be noted that this Consent Order is a negotiated settlement and, therefore, the Department has determined the amount of the penalty it believes is warranted in this matter in the spirit of cooperation and the desire to resolve this matter amicably, without incurring the unwarranted expense of litigation.

26. The Department neither admits nor denies the Permittee's contentions, which are set forth below. The Department has agreed to the terms of this Consent Order in an effort to resolve the alleged violations cited herein without the unwarranted expenditure of State resources in further prosecuting the above violations. The Department has determined that the terms contemplated in this Consent Order are in the best interests of the citizens of Alabama.

PERMITTEE'S CONTENTIONS

27. The Permittee neither admits nor denies the Department's contentions. The Permittee consents to abide by the terms of this Consent Order and to pay the civil penalty assessed herein.

28. Many of the violations alleged in the Department's Contentions were already in the process of being addressed by the Permittee, pursuant to Consent Order No. 23-067-CSW.

29. Many of the violations alleged in the Department's Contentions arose in connection with, and are attributable to, the construction and tie-in of the new landfill cell (Cell 12) to the previously certified, older cell. This pooling resulted from slope reshaping undertaken to connect Phase 1 to Phase 2 for water management purposes. The Permittee contends that this operational context is a relevant factor that should be considered a mitigating factor when evaluating the factors to assess a civil penalty.

30. The Permittee has been actively working to remediate the historical conditions underlying the Department's Contentions, including the historical conditions underlying Consent Order No. 20-097-CSW and Consent Order No. 23-067-CSW. In addition, the Permittee

has expended significant efforts and resources to ensure adequate cover and stormwater/leachate management on a daily basis through policies and procedures, contractors, and specialized equipment suited to the conditions at the Landfill.

31. On March 16, 2026, Department personnel conducted an inspection at the Permittee's landfill to determine compliance with Division 13 of the ADEM Administrative Code. During the referenced inspection, the Department did not identify any areas of noncompliance.

32. On March 26, 2026, Department personnel conducted a site visit at the Permittee's landfill to approve a cell certification on the newly built Cell 13, to view the temporary stormwater pond and geosynthetic storage area to verify they were constructed according to the permit drawings, and to verify all recently installed groundwater monitoring wells were in the correct locations.

33. On April 13, 2026, Department personnel conducted an inspection at the Permittee's landfill to determine compliance with the Landfill's NPDES Permit No. IU414900215. During the referenced inspection, the Department noted minor inconsistencies in the reported pH data and worked with the Landfill on calibration.

34. Since October 23, 2025, the Department has issued no new NOV, and each of the Landfill's inspections from January 1, 2026, through the effective date has reflected no findings of noncompliance.

35. The Permittee notes that there is no outstanding non-compliance at the Landfill, such that this Consent Order does not include any corrective action requirements.

36. **ADEM Admin. Code r. 335-13-4-.22(1)(d)** – The Permittee addresses each of the leachate-related findings referenced in Paragraphs 5A, 6A, 8A, 11A, 12A, 14A, 16A, 20A, 20D, and 21A in the paragraphs that follow.

A. The Permittee disputes the characterization of the liquid observed during the December 19, 2023 (Paragraph 5A), March 27, 2024 (Paragraph 11A), and September 24, 2024 (Paragraph 16A) inspections as leachate. With respect to Paragraph 5A (December 19, 2023), the Department's own photograph was captioned "leachate (mixed with stormwater)[,]" and no laboratory analysis was performed. With respect to Paragraph 11A (March 27, 2024), the

Department's photographs do not depict any visible liquid, and the inspection form describes the liquid only as being "underneath a layer of waste." With respect to Paragraph 16A (September 24, 2024), the Department's own photograph captions and inspection form used the qualified terms "possible" and "potential" to describe the alleged seep.

B. The Permittee further contends that Paragraphs 5A, 6A, and 8A describe substantially the same ongoing leachate management condition in Cell 12 across multiple inspection dates, rather than separate violations. With respect to Paragraph 6A (January 18, 2024) and Paragraph 8A (February 16, 2024), the Department's own findings reflect a continuation and escalation of the same Cell 12 condition first noted on December 19, 2023 (Paragraph 5A), rather than new violations.

C. With respect to Paragraph 12A (April 2, 2024), stormwater pond samples taken immediately following the inspection showed no evidence of leachate contamination, and the primary cause of the observed ponding was a recent storm event affecting a newly constructed cell that had not yet received waste. In response, the Permittee updated its Operations Plan—submitted to the Department on May 10, 2024—to clarify how the Permittee manages leachate and stormwater in newly constructed cells.

D. The Permittee contends that the leachate referenced in Paragraph 14A (June 27, 2024) was contained within the facility's lined drainage system and was actively draining through that system at the time of the inspection, and that the leachate referenced in Paragraph 21A (September 9, 2025) did not reach the sediment pond, as confirmed by the Department's own photographs. The Permittee was actively pumping the forebays at the time of the September 9, 2025, inspection as an additional measure taken to minimize the potential for any leachate to reach the sediment pond.

E. The Permittee disputes the finding in Paragraph 20A (January 16, 2025) that leachate was migrating in the stormwater ditch along the north side of the Landfill toward the western sediment pond and that the sediment pond forebay was discolored. The solidification-area leachate referenced in Paragraph 20A (January 16, 2025) describes the same condition separately cited in Paragraph 20D (January 16, 2025), resulting in duplicative citation of a single

observed condition under the same rule. The Department did not perform any laboratory analysis to confirm that the forebay discoloration was attributable to leachate, as opposed to naturally occurring sediment or organic matter. The Permittee further disputes the finding in Paragraph 20D (January 16, 2025) that the liquid observed migrating from the solidification area constituted leachate. As explained to the Department's inspector on-site, the facility periodically applies sawdust around the solidification area to absorb residual liquids before incorporating the sawdust into the solidification stockpile, and the liquid observed was stormwater mixed with sawdust rather than leachate. The Department did not perform any laboratory analysis to establish that the liquid was leachate.

37. **ADEM Admin. Code r. 335-13-4-.22(1)(a)1** – The Permittee does not dispute that the cover observed on the dates referenced in Paragraphs 5B, 8B, 12B, and 18A may, at times, have been inadequate, notwithstanding the Permittee's efforts to cover the entire waste mass. With respect to Paragraph 18A (October 17, 2024) specifically, the site visit giving rise to that finding occurred at approximately 6:20 a.m., before the commencement of that day's operations.

38. **ADEM Admin. Code r. 335-13-4-.22(1)(a)2.** – The Permittee notes that the erosion rills referenced in Paragraphs 6C (January 18, 2024) and 20B (January 16, 2025) are common, minor conditions on active landfill slopes that were promptly and properly addressed.

39. **ADEM Admin. Code r. 335-13-4-.22(1)(b)** – The Permittee disputes the findings in Paragraphs 6B (January 18, 2024) and 12C (April 2, 2024) that the working face was not confined to a small area. These findings are duplicative of Violation 5B under Consent Order No. 23-067-CSW, issued May 25, 2023, for failure to confine the waste mass to a small area. The Permittee maintains that the Department's own inspection form from December 19, 2023—approximately four weeks before the January 18, 2024, inspection—observed that the working face “appears to be confined in the cell.” The Permittee further maintains that the working face was properly confined and that site conditions were appropriate for active landfill operations on both dates, consistent with its November 25, 2025, response to the Department's October 23, 2025, NOV.

40. **ADEM Admin. Code r. 335-13-4-.22(1)(l)** – The Permittee disputes the finding in Paragraph 20C (January 16, 2025) that the 55-gallon metal drums observed in the working face on January 16, 2025, were not rendered unsuitable for holding liquids. The drums were filled with solid material, which had received an approved waste profile for disposal at the facility, and were therefore already unsuitable for holding liquids within the meaning of ADEM Admin. Code r. 335-13-4-.22(1)(l), notwithstanding that they remained physically intact. The Permittee further notes that it conducts random load inspections as part of its operations to identify and address containers of this nature prior to disposal. Department personnel did not conduct any physical examination or testing of the drums.

ORDER

THEREFORE, without admitting that it has violated any statutes or regulations, the Permittee, along with the Department, desires to resolve and settle the alleged violations cited above. The Department has carefully considered the facts available to it and has considered the six penalty factors enumerated in Ala. Code § 22-22A-5(18), as amended, as well as the need for timely and effective enforcement; the Department believes that the following conditions are appropriate to address the violations alleged herein. Therefore, the Department and the Permittee agree to enter into this Consent Order with the following terms and conditions:

A. That, not later than **forty-five days** after issuance of this Consent Order, the Permittee shall pay to the Department a civil penalty in the amount of \$38,600.00 for the violations alleged herein. Said penalty shall be made payable to the Alabama Department of Environmental Management by certified check or cashier's check and shall be remitted to:

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

All checks shall reference the Permittee's name and address and the ADEM Consent Order number of this action.

B. That immediately, upon the issuance of this Consent Order and continuing each and every day thereafter, the Permittee shall comply with all applicable provisions of ADEM Admin. Code div. 335-13 and Solid Waste Disposal Permit Number 49-21.

C. The parties agree that this Consent Order shall apply to and be binding upon both parties, their directors, officers, and all persons or entities acting under or for them. Each signatory to this Consent Order certifies that he or she is fully authorized by the party he or she represents to enter into the terms and conditions of this Consent Order, to execute the Consent Order on behalf of the party represented, and to legally bind such party.

D. The parties agree that, subject to the terms of these provisions and subject to provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the violations which are cited in this Consent Order.

E. The Permittee agrees that it is not relieved from any liability if it fails to comply with any provision of this Consent Order.

F. For purposes of this Consent Order only, the Permittee agrees that the Department may properly bring an action to compel compliance with the terms and conditions contained herein in the Circuit Court of Montgomery County.

G. The parties agree that the sole purpose of this Consent Order is to resolve and dispose of all allegations and contentions stated herein concerning the factual circumstances referenced herein. Should additional facts and circumstances be discovered in the future which would constitute possible violations not addressed in this Consent Order, then such future violations may be addressed in Orders as may be issued by the Director, litigation initiated by the Department, or such other enforcement action as may be appropriate; the Permittee shall not object to such future orders, litigation, or enforcement action based on the issuance of this Consent Order if future orders, litigation, or other enforcement action address new matters not raised in this Consent Order.

H. The parties agree that this Consent Order shall be considered final and effective immediately upon signature of all parties. This Consent Order shall not be appealable, and the Permittee does hereby waive any hearing on the terms and conditions of this Consent Order.

I. The parties agree that this Consent Order shall not affect the Permittee's obligation to comply with any Federal, State, or local laws or regulations.

J. The parties agree that final approval and entry into this Consent Order are subject to the requirements that the Department give notice of proposed Orders to the public, and that the public have at least thirty days within which to comment on the Order.

K. The parties agree that, should any provision of this Consent 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.

L. The parties agree that any modifications of this Consent Order must be agreed to in writing signed by both parties.

M. The parties agree that, except as otherwise set forth herein, this Consent 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 the Permittee of its obligations to comply in the future with any permit.

Executed in duplicate, with each part being an original.

ECOSOUTH SERVICES OF

MOBILE, LLC



(Signature of Authorized Representative)

Dustin Reynolds

(Printed Name)

CEO

(Printed Title)

10.6.2024

(Date Signed)

ALABAMA DEPARTMENT OF

ENVIRONMENTAL MANAGEMENT

Edward F. Poolos
Director

(Date Signed)

Attachment A
Axis Industrial Landfill
Axis, Mobile County
Solid Waste Disposal Permit # 49-21

Violation*	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violations*	
Failure to confine waste mass to a small area (1/18/24 and 4/2/24)	2	\$2,000	\$1,000	\$1,500	
Failure to adequately cover waste daily (1/18/24, 2/16/24, 4/2/24, and 10/17/24)	4	\$12,000	\$8,000	\$5,000	
Failure to operate as stipulated in permit (ponding of leachate) (2/19/25 and 9/9/25)	2	\$4,000	\$2,000	\$6,000	
Failure to operate as stipulated in permit (leachate seeps) (6/27/24 and 9/24/24)	2	\$2,000	\$1,000	\$0	
Failure to render empty containers unsuitable for holding liquids (2/19/25)	1	\$500	\$250	\$0	
Erosion rills with exposed waste (1/18/24 and 2/19/25)	2	\$2,000	\$1,000	\$0	Total of Three Factors
TOTAL PER FACTOR		\$22,500	\$13,250	\$12,500	\$48,250

Adjustments to Amount of Initial Penalty	
Mitigating Factors (-)	\$0
Ability to Pay (-)	\$0
Other Factors (+/-)	-\$9,650
Total Adjustments (+/-) <i>Enter at Right</i>	-\$9,650

Economic Benefit(+)	\$0
Amount of Initial Penalty	\$48,250
Total Adjustments (+/-)	-\$9,650
FINAL PENALTY	\$38,600

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