

ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

|                                       |   |                     |
|---------------------------------------|---|---------------------|
| IN THE MATTER OF:                     | ) |                     |
|                                       | ) |                     |
| Dreamscape Landscape Development, LLC | ) | PROPOSED            |
| Chelsea, Shelby, 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. Dreamscape Landscape Development, LLC. (Dreamscape) operates a hardscape business located at 7854 Highway 11, Chelsea, Shelby County, Alabama (the “Site”). The Parcel Number associated with the Site is 14 1 02 0 000 018.003.
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. Only vegetation and untreated wood may be burned. It is unauthorized to open burn heavy oils, asphalt products, plastics, vinyl materials, insulation, paper, cardboard, natural or synthetic rubber, salvage or scrap materials, chemicals, garbage, treated or painted wood, or any trash [335-3-3-.01(2)(b)(4)];
- d. The fire shall be attended at all times [335-3-3-.01(2)(b)(7)].

6. On February 25, 2024, Department personnel received a complaint of unauthorized open burning. During a March 18, 2024, inspection, Department personnel observed construction/demolition waste on a burn pile that was not active at the time of the inspection. The owner admitted to burning vegetation and pallets. He was given a warning notice and stated that he would cease burning.

7. On February 13, 2026, Department personnel received a complaint of unauthorized open burning. During a February 23, 2026, inspection, Department personnel observed evidence of on-site burning of household garbage, pallets, construction/demolition waste and imported vegetation within 500 feet of the nearest occupied dwelling not on the property.

8. On March 3, 2026, a Notice of Violation (NOV) was issued for unauthorized open burning. Due to repeated unsuccessful delivery attempts by the United States Postal Service, Department personnel hand-delivered the NOV on April 9, 2026. As of this date, the Department has not received a response to the NOV.

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

10. 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: Dreamscape conducted unauthorized open burning of imported vegetation, household waste and construction/demolition waste within 500 feet of occupied dwellings. The Department considers these violations to be serious.

B. THE STANDARD OF CARE: There appeared to be no care taken by Dreamscape to comply with the applicable requirements of the ADEM Admin. Code r. 335-3-3-.01 and the AAPCA.

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

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

E. HISTORY OF PREVIOUS VIOLATIONS: Dreamscape continued to conduct unauthorized open burning at the site after being warned by Department personnel on March 18, 2024.

F. THE ABILITY TO PAY: Dreamscape 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, Dreamscape shall pay to the Department a civil penalty in the amount of \$4,000.00 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, Dreamscape 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 Dreamscape 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 Dreamscape 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

Dreamscape 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

## ATTACHMENT A

### Dreamscape Landscape Development, LLC. Chelsea, Shelby County AL

| Violation*                | Number of Violations* | Seriousness of Violation* | Standard of Care* | History of Previous Violations* |                               |
|---------------------------|-----------------------|---------------------------|-------------------|---------------------------------|-------------------------------|
| Unauthorized open burning | 1                     | \$2,000                   | \$1,000           | \$500                           |                               |
|                           |                       |                           |                   |                                 | <b>Total of Three Factors</b> |
| <b>TOTAL PER FACTOR</b>   |                       | <b>\$2,000</b>            | <b>\$1,000</b>    | <b>\$500</b>                    | <b>\$3,500</b>                |

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

|                           |                   |
|---------------------------|-------------------|
| Economic Benefit (+)      | \$500             |
| Amount of Initial Penalty | \$3,500           |
| Total Adjustments (+/-)   | \$0               |
| <b>FINAL PENALTY</b>      | <b>\$4,000.00</b> |

#### Footnotes

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