

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:)

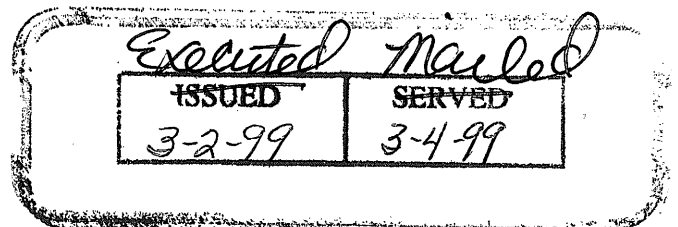
CHOCTAW COUNTY COMMISSION)
CHOCTAW COUNTY, ALABAMA)

ORDER NO. 99-069-SW

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 through 22-22A-16, as amended, and the Solid Waste Disposal Act, Code of Alabama 1975, §§ 22-27-1 through 22-27-7, as amended, the Alabama Department of Environmental Management (hereinafter "the Department") makes the following FINDINGS:

1. The Choctaw County Commission operated a sanitary landfill pursuant to ADEM Solid Waste Permit 12-01R, which expired on April 30, 1992.
2. ADEM Admin. Code R. 335-13-5-.02(3) requires that a request for renewal of a permit shall be filed with the Department at least 180 days prior to the expiration date of the permit. No renewal request has been submitted to the Department.
3. An inspection by Department personnel on August 13, 1997 revealed that the Choctaw County Commission had continued to operate the landfill without a permit.
4. Code of Alabama 1975, §22-27-5(c) requires all solid waste disposal sites to have a permit from the Department. To date, the Choctaw County Commission has neither applied for



) nor obtained a reissued permit for the disposal site or properly closed the site in accordance with applicable regulations.

5. On September 9, 1997, the Department issued a Notice of Violation to the Choctaw County Commission citing it for the operation of an unauthorized dump and requiring it to submit a written report showing the steps that have been taken to abate the violation.

6. On September 11, 1998, Department personnel conducted an inspection of the landfill and noted numerous violations of the Department's solid waste regulations.

7. On September 17, 1998, the Department issued a Notice of Violation to the Choctaw County Commission citing the violations of ADEM Admin. Code Chap. 335-13 noted during the September 11, 1998 inspection, including the following violations:

a. ADEM Admin. Code R. 335-13-4-.17(2) requires owners/operators of facilities to design, construct and maintain a run-off control system from the active and/or closed portions of the landfill to collect and control at least the water volume resulting from a 24 hour, 25 year storm. At the time of the inspection there was a considerable amount of erosion occurring on the lower side of the landfill between the active portion and the borrow pit, indicating the required run-off control system had not been maintained and/or constructed.

b. ADEM Admin. Code R. 335-13-4-.23(2)(c) requires that completed sites or portions of sites shall be properly closed as provided by the regulations and approved facility plans. The sanitary portion of the landfill has not been properly closed.

c. ADEM Admin. Code R. 335-13-4-.27(3)(b)1 provides that the monitoring frequency for all constituents listed in Appendix I of the regulations or in the alternative list approved in accordance with ADEM Admin. Code R. 335-13-4-.27(3)(a)4, shall be at

least semiannual during the active life of the facility (including closure) and the post-closure period. This has not been done.

ORDER

Based on the foregoing FINDINGS and pursuant to Code of Alabama 1975, §§ 22-22A-5(10), 22-22A-5(18), and 22-27-7, as amended, it is hereby ORDERED:

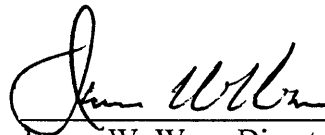
A. That not later than 30 days after receipt of notice of this Order, the Choctaw County Commission shall close the landfill in accordance with the requirements of ADEM Admin. Code Chap. 335-13.

B. That not later than 30 days after receipt of notice of this Order, the Choctaw County Commission shall pay to the Department a civil penalty in the amount of \$5,000 for the violations cited herein. The Choctaw County Commission may reduce said penalty by offsetting the penalty with the costs of compliance with Paragraph A above. If the Choctaw County Commission chooses to do so, it may submit to the Department, not later than 30 days after receipt of notice of this Order, a notification that it has chosen to offset the penalty assessed in this paragraph with the costs of compliance with Paragraph A above. The Choctaw County Commission shall then submit to the Department, not later than 30 days after the date approved by the Department for closure of the landfill, invoices and other documentation of the expenditures made by the Choctaw County Commission in compliance with the requirements of Paragraph A above. Should the entire amount of the penalty assessed in this Paragraph not be completely offset by the costs of compliance with Paragraph A above, the difference shall be submitted to the Department along with the proof of expenditures (i.e., no later than 30 days after the date approved by the Department for closure of the landfill).

C. That failure to comply with any and all provisions of this ORDER may constitute cause for the assessment of additional civil penalties and/or the commencement of appropriate legal action for civil or criminal sanctions.

D. That the issuance of this ORDER does not preclude the Department or others from seeking appropriate sanctions for the violations cited herein.

ORDERED and ISSUED this, the 2nd day of March, 1999.

A handwritten signature in cursive script, appearing to read "James W. Warr", is written over a horizontal line.

James W. Warr, Director
Alabama Department of
Environmental Management
1751 Cong. W.L. Dickinson Drive
Montgomery, Alabama 36109-2608

CERTIFICATE OF SERVICE

I, Olivia H. Jenkins, hereby certify that I have served the foregoing Administrative Order No. 99-069-SW upon the Choctaw County Commission, by sending the same, postage paid, through the United States Mail, as Certified Mail No. Z 422 406 655 with instructions to forward and return receipt to:

The Honorable Raymond Uptgraft, Chairman
Choctaw County Commission
1171 Mulberry Street
Butler, Alabama 36904

DONE this 2nd day of March, 1999.



Olivia H. Jenkins