

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF)
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)

BRUNSON CONSTRUCTION &)
ENVIRONMENTAL SERVICE CO., INC.)
THEODORE LANDFILL)
SARALAND, ALABAMA)

ORDER NO. 94-275-SW

FINDINGS

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

1. On May 23, 1988 the Department issued Solid Waste Permit Number 49-16 to Brunson Construction & Environmental Service Co., Inc. ("The Operator"). The permit authorizes the Operator to operate a landfill known as the Theodore Landfill ("the Landfill") which is located in the South 1/2 of Section 32, Township 5 South, Range 2 West, in Mobile County, Alabama. Said operation must be in accordance with the ADEM Admin. Code Div. 13, Solid Waste Program.

2. The facility's permit approves the following solid wastes for the landfill: construction/demolition debris, discarded tires, tree limbs, stumps, etc. and waste water treatment sludge from the Degussa Corporation, Theodore, Alabama for disposal. The Operator is not authorized to dispose putrescible wastes or hazardous wastes at the landfill.

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3. On May 12, 1994 the Department inspected the landfill at which time the following violations of ADEM Admin. Code Div. 13 were observed:

a. The Operator disposed of household garbage without a permit, in violation of ADEM Admin. Code R. 335-13-4-.21(3).

b. The Operator left a large amount of solid wastes exposed without cover for an indefinite period greater than one week, in violation of ADEM Admin. Code R. 335-13-4-.23(1)(a).

c. There were containers disposed of which were larger than 10 gallons in size, which were not rendered unsuitable for holding liquids prior to delivery to the landfill, in violation of ADEM Admin. Code R. 335-13-4-.23(19).

d. An area with too steep slopes. All waste had not been confined to as small an area as possible and placed on an appropriate slope of 4 to 1 (25%) in violation of ADEM Admin. Code R. 335-13-4-.23(3).

e. The operation of the landfill was not in accordance with the terms of the aforementioned permit, in violation of ADEM Admin. Code R. 335-13-4-.21(2).

4. On June 27, 1994 a Notice of Violation ("NOV") to the Operator was issued for the above-referenced violations. Prior to the issuance of the NOV, the Operator had been issued Warning Letters, on April 30, 1993 and January 4, 1993, with regard to the previously cited violations.

5. During an inspection on August 20, 1993 the Department observed the following violations of ADEM Admin. Code Div. 13:

a. The Operator left a large amount of solid wastes exposed without cover for an indefinite period greater than one week, in violation of ADEM Admin. Code R. 335-13-4-.23(1)(a).

b. The Operator failed to allocate adequate equipment to the landfill in order to properly maintain the site in violation of ADEM Admin. Code R. 335-13-4-.23(14)(b).

6. The above violations were committed with apparent indifference to the terms of the permit.

7. The Operator has the ability to pay a civil penalty.

ORDER

Based on the foregoing FINDINGS and pursuant to §§ 22-22A-1 to 22-22A-16, 22-22A-5(10), 22-22A-5(18), and 22-27-1 to 22-27-7, Code of Alabama 1975, as amended, it is hereby ORDERED:

A. That within 30 days from the date of receipt of notice of this Order the Operator will pay to the Department a civil penalty in the amount of \$1,000.00.

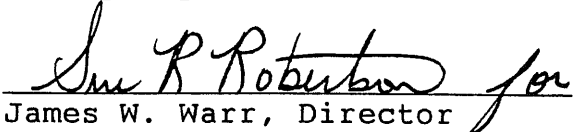
B. That the Operator will upon receipt of notice of this Order immediately correct all violations as described in the NOV dated June 27, 1994.

C. That the issuance of this Order does not preclude the Department from seeking criminal fines or other appropriate sanctions or relief against the Operator for the violations cited herein.

D. That failure to comply with the provisions of this Order shall constitute cause for commencement of legal action

by the Department against the Operator for recovery of additional civil penalties, criminal fines, or other appropriate sanctions or relief.

ORDERED and ISSUED this 21 day September, 1994.

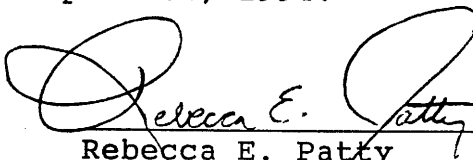

James W. Warr, Director
Alabama Department of
Environmental Management
1751 Cong. W. L. Dickinson Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, Rebecca E. Patty, hereby certify that I have served the foregoing Administrative Order No. 94-275-SW upon Brunson Construction & Environmental Service Co., Inc. by sending the same postage paid, through the U.S. Mail, as Certified Mail No. Z 073 394 553, with instructions to forward and return receipt requested to:

Mr. William E. Clarke
Brunson Construction Co., Inc.
P.O. Box 336
Saraland, Alabama 36571

DONE this 21 day of September, 1994.


Rebecca E. Patty