

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF)

SOUTH COAST SERVICES, INC.)
(JARRETT ROAD LANDFILL))
PERMIT NO. 49-26R)

MOBILE COUNTY, ALABAMA)

ORDER NO. 98-101-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 Wastes Disposal Act, Code of Alabama 1975, §§ 22-27-1 through 22-27-7, as amended, the Alabama Department of Environmental Management (hereinafter "ADEM" or "the Department") makes the following FINDINGS:

1. South Coast Services, Inc. (hereinafter "South Coast" or "Operator") operates Jarrett Road Landfill located in Prichard, Alabama.
2. Jarrett Road Landfill is classified as an Industrial Landfill Unit, as defined by ADEM Admin. Code R. 335-13-1-.03(62).
3. On July 9, 1993, the Department reissued Permit No. 49-26R (the "Permit") for Jarrett Road Landfill to Brunson Construction Company, Inc. The Department transferred the Permit to South Coast on November 4, 1996. The Permit allows the continued operation of Jarrett Road Landfill for the disposal of industrial solid waste, as defined in ADEM Admin. Code R. 335-13-1-.03(63), and construction/demolition waste, as defined in ADEM Admin. Code R. 335-13-1-.03(31).
4. Personnel from the Department performed a compliance evaluation inspection at Jarrett Road Landfill on August 16, 1995.
5. The Department issued a Warning Letter to South Coast on August 29, 1995 citing, among others, the following violations of the Solid Wastes Disposal Act and its implementing regulations: failure to submit explosive gas monitoring reports, disposal of unpermitted sanitary wastes (household garbage), lack of adequate coverage and compaction of wastes, failure to place wastes in a

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) properly confined and sloped area, and failure to conduct groundwater monitoring and submit groundwater monitoring reports.

6. Personnel from the Department performed a compliance evaluation inspection at Jarrett Road Landfill on January 23, 1996.

7. The Department issued a Notice of Violation to South Coast on February 5, 1996 citing, among others, the following violations of the Solid Wastes Disposal Act and its implementing regulations: failure to place wastes in a properly confined and sloped area, lack of adequate coverage and compaction of wastes, lack of adequate personnel at the site to inspect or compact incoming loads of waste: failure to properly close completed portions of the landfill, failure to conduct explosive gas monitoring, and disposal of unpermitted sanitary wastes.

8. Personnel from the Department performed a compliance evaluation inspection at Jarrett Road Landfill on June 10, 1996.

9. The Department issued a Notice of Violation to South Coast on June 20, 1996, citing, among others, the following violations of the Solid Wastes Disposal Act and its implementing regulations: disposal of unpermitted sanitary wastes (garbage, milk jugs, condiment bottles, drink containers, etc.), lack of adequate cover and compaction of wastes, failure to control litter along access road, failure to properly close completed portions of the landfill, and improper disposal of empty containers larger than 10 gallons in size.

10. Personnel from the Department performed a compliance evaluation inspection at Jarrett Road Landfill on October 3, 1996.

11. The Department issued a Noncompliance Warning to South Coast on October 3, 1996 citing, among others, the following violations of the Solid Wastes Disposal Act and its implementing regulations: disposal of unpermitted sanitary wastes (drink containers, food items and food bags).

12. Personnel from the Department performed a compliance evaluation inspection at Jarrett Road Landfill on December 19, 1996.

13. The Department issued a Warning Letter to South Coast on January 6, 1997 citing, among others, the following violations of the Solid Wastes Disposal Act and its implementing regulations: disposal of unpermitted sanitary wastes (garbage and drink containers).

14. Personnel from the Department performed a compliance evaluation inspection at Jarrett Road Landfill on January 22, 1997.

15. On January 22, 1997, the Department issued a Compliance Inspection Report to South Coast. This report noted that Department personnel observed that the problem of disposal of unpermitted sanitary wastes identified in the January 6, 1997 Warning Letter had been corrected. The report also noted that Department personnel observed that wastes had not been properly covered as required by Division 13 of the Alabama Department of Environmental Management Administrative Code.

16. Personnel from the Department performed a compliance evaluation inspection at Jarrett Road Landfill on April 8, 1997.

17. The Department issued a Notice of Violation to South Coast on April 24, 1997 citing, among others, the following violations of the Solid Wastes Disposal Act and its implementing regulations: disposal of unpermitted wastes (garbage and barrels containing vinyl ester chloride residue), improper disposal of empty containers larger than 10 gallons in size, and failure to place wastes in a properly confined and sloped area.

18. Personnel from the Department performed a compliance evaluation inspection at Jarrett Road Landfill on June 12, 1997.

19. The Department issued a Noncompliance Warning to South Coast on June 12, 1997 citing, among others, the following violations of the Solid Wastes Disposal Act and its implementing regulations: failure to place wastes in a properly confined and sloped area; and lack of adequate coverage of wastes.

20. Personnel from the Department performed a compliance evaluation inspection at Jarrett Road Landfill on August 12, 1997.

21. The Department issued a Notice of Violation to South Coast on August 18, 1997 citing, among others, the following violations of the Solid Wastes Disposal Act and its implementing regulations: failure to place wastes in a properly confined and sloped area; and failure to properly close completed portions of the landfill.

22. Personnel from the Department performed a compliance evaluation inspection at Jarrett Road Landfill on November 6, 1997.

23. The Department personnel issued a Compliance Inspection Report to South Coast on November 6, 1997. This report indicated that no violations of Division 13 regulations were observed.

24. Personnel from the Department performed a compliance evaluation inspection at Jarrett Road Landfill on April 9, 1998.

25. The Department issued a Notice of Violation to South Coast on April 15, 1998 citing, among others, the following violations of the Solid Wastes Disposal Act and its implementing regulations:

- a) ADEM Admin. Code R. 335-13-4-.19 requires "[t]he owner or operator of a facility must control public access and prevent unauthorized vehicular traffic and illegal dumping of wastes by using artificial barriers, natural barriers, or both, as appropriate to protect human health and the environment." On April 15, Department personnel observed the fence and gate on the north side of the property were down and public access was not controlled as required by ADEM Admin. Code R. 335-13-4-.19.
- b) ADEM Admin. Code R. 335-13-4-.23(1)(e) requires that a regulated landfill "shall be adequately secured to prevent entry except by authorized person(s) unless an operator is on site." On April 15, Department personnel observed the fence and gate on the north side of the property were down and the site was not adequately secured as required by ADEM Admin. Code R. 335-13-4-.23(1)(e).
- c) ADEM Admin. Code R. 335-13-4-.21(1)(b) requires "[w]aste accepted at the facility shall be strictly controlled so as to allow only wastes stipulated on the permit or

otherwise as may be approved by the Department.” On April 15, Department personnel observed unpermitted wastes, including several bags of garbage, a pile of garbage, and approximately ten red bags containing vials of liquids and possible medical wastes, had been disposed of at Jarrett Road Landfill. These conditions demonstrate that the facility had not strictly controlled the wastes disposed of at the facility as required by ADEM Admin. Code R. 335-13-4-21(1)(b).

- d) ADEM Admin. Code R. 335-13-4-.23(1)(a)(1.) requires that waste at a landfill shall be covered at the conclusion of each week’s operation by a minimum of six inches of compacted dirt or other Department approved alternative cover material. On April 15, Department personnel observed that wastes had not been covered in several weeks.
- e). ADEM Admin. Code R. 335-13-4-.23(1)(b) requires that waste at a landfill “shall be thoroughly spread in layers two feet or less in thickness and thoroughly compacted daily . . . prior to placing additional layers of waste or placing the weekly cover.” On April 15, Department personnel observed waste had not been spread or compacted in layers as required by ADEM Admin. Code R. 335-13-4-.23(1)(b).
- f) ADEM Admin. Code R. 335-13-4-.23(1)(c) requires that all waste at a landfill “shall be confined to as small an area as possible and placed onto an appropriate slope not to exceed 4 to 1 (25%).” On April 15, Department personnel observed that waste was placed in a manner creating a large, cliffed face. These conditions demonstrate that waste was not being confined to as small an area as possible and was not placed onto an appropriate slope as required by ADEM Admin. Code R. 335-13-4-.23(1)(c).
- g) ADEM Admin. Code R. 335-13-4-.23(1)(k) requires that prior to the disposal of empty containers larger than 10 gallons in size in a landfill, the empty containers must be rendered unsuitable for holding liquids. On April 15, Department personnel observed that several containers larger than 10 gallons in size had not been rendered unsuitable for

holding liquids prior to disposal as required by ADEM Admin. Code R.

335-13-4-.23(1)(k).

- h) ADEM Admin Code R. 335-13-4-.23(2)(b) requires that “litter shall be controlled within the permitted facility.” On April 15, Department personnel observed litter along the southern boundary of the landfill. These conditions demonstrate that litter had not been controlled within the permitted facility as required by ADEM Admin. Code R. 335-13-4-.23(2)(b).
- i) ADEM Admin Code R. 335-13-4-.23(2)(e) requires “environmental monitoring and treatment structures shall be protected and maintained in good repair and easily accessible.” On April 15, Department personnel observed groundwater monitoring wells did not have locks on them and had not been protected and maintained as required by ADEM Admin. Code R. 335-13-4-.23(2)(e).
- j) ADEM Admin Code R. 335-13-4-.23(2)(g) requires “measures shall be taken to prevent breeding or accumulation of disease vectors.” On April 15, Department personnel observed five to six stray dogs scavenging through the waste. These conditions demonstrate that inadequate measures had been taken to control breeding or accumulation of disease vectors as required by ADEM Admin. Code R. 335-13-4-.23(2)(g).
- k) ADEM Admin Code R. 335-13-4-.29(1) requires that a facility shall maintain an operating record that includes the following records: Solid Waste Disposal Facility Permit as issued by the Department; permit application, operational narrative, and engineering drawings; reports generated during the normal operation of the facility; and closure costs estimates and financial assurance documentation. On April 15, Department personnel determined that the contents of the facility’s Solid Waste Disposal Facility and other information in the facility’s operating record were not maintained as required by ADEM Admin. Code R. 335-13-4-.29(1).

26. As of the date of this ORDER the Operator has taken steps to partially correct the foregoing violations.

27. The assessment of civil penalties for violations of the Department's rules and regulations, and for violations of any order, permit condition, license, certification or variance issued by the Department is authorized by Code of Alabama 1975, § 22-22A-5(18), as amended. The statute also authorizes that the penalty amount may range from \$100 to \$25,000 per day for each violation, so long as the penalty amount does not exceed \$250,000 in any given order. Each day a violation continues constitutes a separate violation. In addition to the foregoing "FINDINGS," the Department has considered the factors detailed in the aforementioned statute in determining the appropriate penalty amount in this particular instance. Those factors are listed as follows:

- (a) The seriousness of the violation, including any irreparable harm to the environment and any threat to the health or safety of the public;
- (b) The standard of care manifested by the Operator;
- (c) The economic benefit which delayed compliance may have conferred upon the Operator;
- (d) The nature, extent and degree of success of the Operator's efforts to minimize or mitigate the effects of such violations upon the environment;
- (e) The Operator's history of previous violations; and
- (f) The Operator's ability to pay the assessed penalty.

ORDER

Based on the foregoing FINDINGS and pursuant to §§ 22-22A-5(10), 22-22A-5(18), 22-30-20, and 22-30-19(a) and (b) Code of Alabama 1975, as amended, it is hereby ORDERED:

A. That immediately upon receipt of this Order, South Coast shall control public access to Jarrett Road Landfill and prevent unauthorized vehicular traffic and illegal dumping of wastes by using artificial barriers, natural barriers, or both, as appropriate to protect human health and the environment, pursuant to the requirements of ADEM Admin. Code R. 335-13-4-.19.

B. That immediately upon receipt of this Order, South Coast shall secure Jarrett Road Landfill to prevent entry by unauthorized persons, unless an operator is on site, pursuant to the requirements of ADEM Admin Code R. 335-13-4-.23(1)(e).

C. That immediately upon receipt of this Order, South Coast shall strictly control the wastes accepted at Jarrett Road Landfill so as to allow only disposal of wastes stipulated on the Permit or otherwise as may be approved by the Department pursuant to the requirements of ADEM Admin Code R. 335-13-4-.21(1)(b).

D. That immediately upon receipt of this Order, South Coast shall cover all wastes at Jarrett Road Landfill with a minimum of six (6) inches of compacted earth or other alternative material as approved by the Department at the conclusion of each week's operation pursuant to the requirements of ADEM Admin Code R. 335-14-4-.23(1)(a)(1.).

E. That immediately upon receipt of this Order, South Coast shall take steps to ensure that all wastes at Jarrett Road Landfill are thoroughly spread in layers two feet or less in thickness and thoroughly compacted daily with adequate landfill equipment prior to placing additional layers of wastes or cover pursuant to the requirements of ADEM Admin. Code R. 335-13-4-.23(1)(a)(1.).

F. That immediately upon receipt of this Order, South Coast shall take steps to ensure that all wastes at Jarrett Road Landfill are confined to as small an area as possible and placed onto an appropriate slope pursuant to the requirements of ADEM Admin Code R. 335-13-4-.23(1)(c).

G. That immediately upon receipt of this Order, South Coast shall render empty containers larger than 10 gallons in size unsuitable for holding liquids prior to disposal at Jarrett Road Landfill pursuant to the requirements of ADEM Admin Code R. 335-13-4-.23(1)(k).

H. That immediately upon receipt of this Order, South Coast shall control litter within Jarrett Road Landfill pursuant to requirements of ADEM Admin Code R. 335-13-4-.23(2)(b).

I. That immediately upon receipt of this Order, South Coast shall protect and maintain environmental monitoring and treatment structures at Jarrett Road Landfill in good repair and make such structures easily accessible pursuant to the requirements of ADEM Admin Code R. 335-13-4-.23(2)(e).

J. That immediately upon receipt of this Order, South Coast shall take measures to prevent the breeding or accumulation of disease vectors at Jarrett Road Landfill, and if determined necessary by the Department or the State Department of Health, conduct additional disease vector control measures pursuant to the requirements of ADEM Admin Code R. 335-13-4-.23(2)(g).

K. That immediately upon receipt of this Order, South Coast, shall record and maintain the operating record of Jarrett Road Landfill at the facility pursuant to the requirements of ADEM Admin Code R. 335-13-4-.29(1).

L. That immediately upon receipt of this Order, and continuing each and every day thereafter, South Coast shall comply with the terms and conditions of its Permit (Permit No. 49-26R), as well as all applicable provisions in Division 13 of the ADEM Administrative Code.

M. That not later than 30 days after receipt of notice of this Order, South Coast shall pay to the Department a CIVIL PENALTY in the amount of **ten thousand dollars (\$10,000.00)** for violations contained herein. This penalty shall be made payable by certified or cashier's check to ADEM and shall be remitted to:

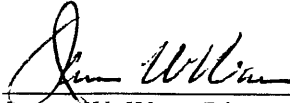
**Office of General Counsel
Alabama Department of Environmental Management
Post Office Box 301463
Montgomery, Alabama 336130-1463**

All checks shall reference South Coast's name and address, and the ADEM Administrative Order number of this action.

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

O. That failure to comply with the provisions of this Order shall constitute cause for commencement of legal action by the Department against South Coast for recovery of additional civil penalties, criminal fines, or other appropriate sanctions or relief.

ORDERED and ISSUED this 27th day of August, 1998.

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

James W. Warr, Director
Alabama Department of Environmental Management
1751 Cong. W.L. Dickinson Drive
Montgomery, Alabama 36109-2608
(334) 271-7700

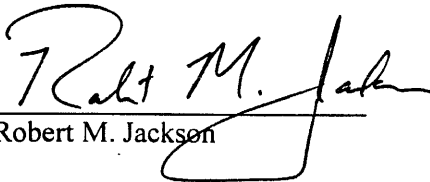
CERTIFICATE OF SERVICE

I, Robert M. Jackson, hereby certify that I have served Administrative Order No. 98-101-SW upon South Coast Services, Inc. by sending the same, postage paid, through the United States Mail, as Certified Mail, with instructions to forward and return receipt requested to:

CERTIFIED MAIL NO. Z 073 536 406

William E. Clarke
South Coast Services, Inc.
6785 Boykin Road
Theodore, AL 36582

DONE this 5th of August, 1998.


Robert M. Jackson