

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF
CECIL HOLSOMBACK
SHELBY COUNTY, ALABAMA

ORDER NO. 87-024-SW

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§22-22A-1 through 22-22A-15 (1984 as amended by Act. No. 86-542 Regular Session, approved April 30, 1986), and the Solid Wastes Disposal Act, Code of Alabama 1975, §§ 22-27-1 through 22-27-7 (1984), the Alabama Department of Environmental Management (the "Department") makes the following FINDINGS OF FACT:

1. Cecil Holsomback ("Holsomback") has received and disposed of solid wastes including demolition debris, tree stumps and limbs on property owned by him near Alabaster, Alabama.

2. Holsomback has neither submitted an application for nor received a permit to operate a solid waste disposal site as is required by Code of Alabama 1975, §22-27-5(c) and Solid Waste Management Regulations (the "regulations") §4-181.

3. Holsomback has not obtained a certificate of exception for the operation of a solid waste disposal site for his own wastes as provided for in Code of Alabama 1975 §22-27-3(e).

4. Holsomback has failed to comply regularly with the general operation standards for disposal of solid wastes under § 4-170 of the regulations.

5. Holsomback has not regularly complied with the specific requirements of § 4-172 of the regulations in the operation of the facility in Alabaster. Specifically, Holsomback has violated the following provisions:

(a) section 4-172.01 which requires that waste be covered on a weekly basis;

(b) section 4-172.02 which requires that waste be compacted;

(c) section 4-172.06 which requires that adequate fire control measures be established and followed; and

(d) section 4-172.08 which requires that the site be secure from unauthorized entry;

6. Holsomback is operating an unauthorized dump in violation of Code of Alabama 1975, § 22-27-4(b) (1984). An unauthorized dump includes "any solid waste disposal site which does not meet the regulatory provisions of this article." Code of Alabama 1975, § 22-27-2(6) (1984).

ORDER

Based on the foregoing FINDINGS OF FACT and pursuant to Code of Alabama 1975, §§ 22-22A-5(10) and 22-27-4(b) (1984), it is hereby ORDERED:

A. That Holsomback shall immediately upon receipt of notice of this Order cease receiving or disposing of waste of any type at his property in Alabaster, Alabama.

B. That, not later than 14 days after receiving notice of this Order, Holsomback shall barricade and secure entry to the unauthorized dump as required by § 4-112.01 of the regulations.


C. That, not later than 30 days after receiving notice of this Order, Holsomback shall close the unauthorized dump in compliance with §4-112 of the regulations.

D. That not later than 35 days after receipt of notice of this Order, Holsomback shall certify under oath to the Department that the unauthorized dump has been closed as required by paragraph C of this Order.

E. That Holsomback's failure to comply fully with the terms of this Order shall constitute cause for the Department to pursue all legal remedies against him.

F. That issuance of this Order does not preclude the Department from seeking criminal fines, civil penalties or other appropriate sanctions or relief against Holsomback for the violations stated herein.

ORDERED and ISSUED this 6th day of January, 1987.



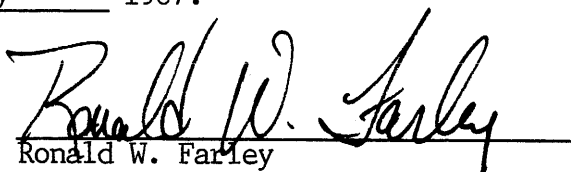
Leigh Pegues, Director
Alabama Department of Environmental
Management
1751 Federal Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I hereby certify that I have served Order No. 87-024-SW upon Cecil Holsomback by sending the same, postage paid, through the United States Mail, as Certified Mail No. P 266-617-325, with instructions to forward and return receipt requested to:

**Mr. Cecil Holsomback
Route 4, Box 1020
Alabaster, Alabama 35007**

Done this 6th day of January 1987.



Ronald W. Farley