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Solid Waste Enforcement: Alabama Department of Environmental Management Proposed Order Addressing Birmingham, Alabama Solid Waste Processing/Recycling Facility

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The Alabama Department of Environmental Management (“ADEM”) is proposing to issue an Administrative Order (“AO”) to KMAC Industrial and Recharge (“KMAC”) to address alleged violations related to certain solid waste/recycling provisions of the ADEM Administrative Code. See Order No. 19-XXX-SW.

The AO states that KMAC operates a solid waste processing and recycling facility (“Facility”) in Birmingham, Alabama.

ADEM is stated to have issued a Solid Waste Processing and Recycling Facility Registration to KMAC for the operation of a solid waste recycling Facility. The agency is stated to have sent correspondence to KMAC on May 15, 2019, requesting information regarding the current operational status of the Facility. ADEM is stated to have received no response.

An ADEM inspection is stated to have been undertaken at the Facility on June 19, 2010, to determine compliance with ADEM Materials recovery Facility or Recoverable Materials Processing Regulations.

The AO alleges the following violations:

- Failure to submit semi-annual reports and monthly summaries
- Documentation of 75% throughput processing requirement
- Failure to notify ADEM of a change in operations
- Failure to submit a closure plan
- Failure to remove materials

The AO proposes a civil penalty in the amount of \$24,800.

Further, if the AO is issued it would require KMAC to correct all violations within certain prescribed timeframes.

A copy of the AO can be downloaded [here](#).