



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Landfill/Solid Waste Enforcement: Alabama Department of Environmental Management and Operator of Axis Industrial Landfill Enter into Consent Order

07/13/2020

The Alabama Department of Environmental Management (“ADEM”) and EcoSouth Services of Mobile, LLC (“EcoSouth Services”) entered into a Consent Order (“CO”) addressing alleged violations of a solid waste permit. See Consent Order 20-XXX-CSW.

The CO provides that EcoSouth Services operates an industrial landfill (“Axis Industrial Landfill”) in Axis, Alabama.

ADEM is stated to have issued renewal Solid Waste Disposal Permit (“Permit”) to the Axis Industrial Landfill for its operation on April 5, 2016.

ADEM personnel are stated to have conducted a site visit of the Axis Industrial Landfill on May 29, 2019, to determine compliance with the Permit and Division 13 of the ADEM Administrative Code. They are alleged to have documented the following violations:

- Vats used by the Axis Industrial Landfill for solidification were not located on a lined containment pad and were not surrounded by a two-foot berm.
- ADEM personnel observed numerous leachate pop-outs along the northwest and northeastern slopes of the Axis Industrial Landfill.
- One of the solidification vats is stated to have had a release during operations.
- An oily sludge was observed from the vat in the drainage ditches of the Phase 1 disposal footprint.

ADEM personnel are stated to have conducted an additional inspection of the Axis Industrial Landfill on January 24, 2020, and allegedly determined violations of the Solid Waste Permit and Division 13 of the ADEM Administrative Code. Further visits to the Axis Industrial Landfill are also referenced.

The following violations are alleged to have been identified:

- Leachate pop-outs on landfill slopes, black discolored liquid in drainage ditches and black discoloration of the sediment pond is referenced which is stated to be presumed to be a large quantity of leachate in the pond
- Pooled stormwater and leachate are stated to have been documented in active disposal area and drainage ditches

- Solidification vats were not surrounded by a two-foot berm
- Slopes of the working face were not in compliance with the 3 to 1 variance or the 4 to 1 Division 13 regulation requirement
- Solidification operations had been relocated to the Phase II disposal footprint without approval from ADEM

The CO states that ADEM received a completed permit modification on February 12, 2020, to amend the existing Operational Plan for Solidification.

EcoSouth Services neither admits nor denies ADEM's contentions. Further, EcoSouth Services states it has made every effort to maintain compliance with ADEM requirements since it purchased the landfill in 2012 and has appropriately responded to any matters identified by ADEM. The release from the solidification vat is stated to have occurred just prior to ADEM's visit and was immediately cleaned up in the affected area.

The company further contends that upon receiving a Notice of Violation it took significant measures to address items noted in the document (which are described in the CO). In addition, EcoSouth Services contracted to obtain solid waste consulting services and further action was undertaken to discuss issues with ADEM.

Finally, upon receiving notification of ADEM's concern related to 2020 inspections, the company states it quickly implemented measures to improve intermediate cover, regrade and cover side slopes, and perform maintenance on the stormwater conveyance systems in both Phase 1 and Phase 2 of the landfill. This included the process of cleaning sediment out of the southwest sedimentation pond.

A civil penalty of \$21,750 is assessed.

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