

Tire Enforcement: Alabama Department of Environmental Management Proposed Administrative Order to Selma Scrap Tire Facility



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The Alabama Department of Environmental Management (“ADEM”) has proposed an Administrative Order (“AO”) to Willie Smiley d/b/a The Place (“The Place”) addressing alleged violations of the ADEM Administrative Code provisions addressing tires. See Order No. 21-XXX-ST.

The AO states that The Place is the operator of an unregistered Class One Scrap Tire Facility located in Selma, Alabama.

ADEM is stated to have issued a Failure to Register as a Class One Receiver Facility to The Place (“Facility”) on April 17, 2013, for a scrap tire facility. A 2nd Failure to Register is stated to have been issued to the Facility on August 14, 2013.

The Facility is stated to have submitted a Class One Receiver Registration Application in September 2013. However, the AO provides that ADEM issued an Incomplete Registration Application Letter to the Facility on September 11, 2013.

The Facility is stated to have been given 10 days to resubmit a complete application. However, ADEM is stated to have not received a response.

The AO provides that on February 11, 2016, ADEM personnel conducted an inspection of the Facility. It is stated in the AO that the Facility continued to operate as a Class One Scrap Tire Receiver. It was provided the ADEM Form 537 during the inspection. In addition, it is alleged that the Facility failed to keep collections of the scrap tire fee current with the Alabama Department of Revenue.

ADEM issued a Failure to Register as a Class One Receiver Letter to the Facility on March 30, 2016. Further, the Facility is stated to have been given 14 days to respond, to which no response is stated to have been received.

ADEM is stated to have issued a 2nd Failure to Register as a Class One Receiver Letter to the Facility giving 14 days to respond. However, the AO states that no response was received.

ADEM personnel are stated to have conducted an inspection on February 13th of the Facility. The Facility is stated to have continued to operate as a Class One Scrap Tire Receiver. In addition, it is alleged that the Facility had failed to keep collections of the scrap tire fee current with the Alabama Department of Revenue.

The AO proposes that the Facility pay to ADEM a civil penalty in the amount of \$5,500 for the alleged violations. Further, it requires that the Facility upon issuance of the AO comply with all applicable provisions of ADEM Admin. Code div. 335-4. This is stated to include requiring that no later than 45 days after the issuance of the AO the Facility properly register as a Class One Receiver using ADEM Form 537. A copy of the proposed AO can be downloaded [here](#).