

Solid Waste Enforcement: Alabama Department of Environmental Management and Winston County Construction and Demolition Landfill Enter into Consent Order



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

01/03/2022

The Alabama Department of Environmental Management (“ADEM”) and Hyche Landfill, LLC (“Hyche”) entered into a November 23rd Consent Order (“CO”) addressing alleged violations of certain Alabama solid waste regulations and a Solid Waste Disposal Permit. See Consent Order No. 21-XXX-CSW.

The CO provides that Hyche operates a construction and demolition landfill (“Landfill”) in Winston County, Alabama.

ADEM is stated to have issued a renewal Solid Waste Disposal Permit (“Permit”) to Hyche for the operation of the landfill on September 2, 2015.

ADEM personnel are stated to have conducted an inspection of the landfill on June 12, 2020, to determine compliance with the Permit and Division 13 of the ADEM Administrative Code. The inspection allegedly identified the following violations:

- Weekly cover had not been applied for some time
- Working face was not confined to a small area

In response to an ADEM Notice of Violation, Hyche indicated that the violations would be addressed in a timely manner.

ADEM personnel are stated to have conducted an inspection of the landfill on October 19, 2020, to determine compliance with the Permit and Division 13 of the ADEM Administrative Code. The following violations were allegedly identified:

- Current and previous working faces had not been covered
- Failure to properly cover the previous disposal area, the facility began disposing in a second disposal area (and had not been approved to operate two working faces)
- Stormwater pond was approximately one-third full of sediment

In response to a Notice of Violation, Hyche indicated that the violations identified were being addressed and all actions would be completed within 30 days.

ADEM personnel conducted an inspection of the landfill on April 20th to determine compliance with the Permit and Division 13 of the ADEM Administrative Code. The following violations were allegedly identified:

- Stormwater pond was approximately 90 percent full of sediment with vegetable growing on portions
- Waste was noted at the active working face, indicating weekly cover had not been applied

Hyche neither admits nor denies ADEM's contentions. It further states that:

- It is a very small company that has been impacted in the following ways due to the COVID-19 pandemic:
 - Personnel shortage
 - Interruptions to production and supply
 - Re-routing and repositioning to protect customers and employees
 - Trouble getting supplies (including limestone for roads)

Hyche agrees that upon issuance of the CO it will comply with all applicable provisions of ADEM Administrative Code Div. 335-13 and the Permit. Further, a Corrective Action Plan is required to be submitted within 60 days to ADEM.

The CO assesses a civil penalty of \$7,800.

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