

Solid Waste Enforcement: Alabama Department of Environmental Management and Decatur-Morgan County Sanitary Landfill Enter into Consent Order



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The Alabama Department of Environmental Management (“ADEM”) and City of Decatur-Morgan County Sanitary Landfill (“Decatur”) entered into a January 27th Consent Order (“CO”) addressing alleged violations of the Alabama Administrative Regulations regarding sanitary landfills. See Consent Order No. 22-XXX-SW.

The CO states that Decatur operates a municipal solid waste (“MSW”) landfill in Morgan County, Alabama. The landfill is stated to operate pursuant to a Solid Waste Disposal Permit.

ADEM personnel are stated to have conducted an inspection of the landfill on July 23, 2021, to determine compliance with Division 13 of the ADEM Administrative Code.

The following violations are alleged to have been documented:

- Inadequately covered (flagging) waste is stated to have been observed along the edge of the previous disposal area, indicating that the required six inches of cover material was not applied or had washed away
- Leachate seeps were observed on the outside slope of the active MSW cell and leachate was observed flowing in Trinity Branch

In response to an ADEM Notice of Violation, Decatur indicated that the referenced issues documented during the inspection had been corrected.

On March 29, 2022, ADEM personnel are stated to have conducted an inspection to determine compliance with Division 13 of the ADEM Administrative Code. Alleged violations are stated to have included:

- Drainage ditch was plugged to prevent leachate from flowing into Trinity Branch
- An area of uncovered waste was observed in an area near but not a part of the active MSW working face
- Litter was observed in the MSW portion of the landfill on the eastern and western outside slopes adjacent to the working face

- A large amount of construction and demolition waste mixed with the green waste was observed on the recycling pad

ADEM received a response from Decatur in regards to the March 29, 2022, inspection stating that the referenced issues had been corrected.

An ADEM site visit is stated to have been conducted at the landfill on June 20, 2022, which documented the following violations:

- A significant volume of leachate had been retained in a stormwater ditch at the toe of the eastern slope of the active MSW disposal area
- The rear area of the MSW disposal area was compacted but flagging was observed throughout this area; indicating that a minimum of six inches of cover material was not applied to this area
- A large quantity of blown litter, in the form of plastic strips, was observed in the MSW portion of the landfill
- A large amount of C/D waste mixed with green waste was observed on the recycling pad

Decatur neither admits nor denies ADEM's contentions. Further, it notes in the CO:

- On a daily basis the landfill ensures that the working face is covered (referencing five inches of rainfall resulting in unfavorable conditions that were cited in the 2021 inspection)
- Leachate seep observed out of the toe of the slope in 2021 was immediately addressed and operators undertook significant efforts to control and manage the seeps
- As to an inspector noting a stormwater ditch at the toe of the eastern slope in 2022, an explanation is provided and the landfill contends that:
 - Leachate was not being stored
 - Landfill personnel were monitoring the area that had been repaired to prevent any sudden release of leachate or contamination into Trinity Branch
 - The area on the cell that remained uncovered in 2022 was a result of an accident that struck a well
 - Litter observed in 2022 was collected and disposed of properly and fencing was replaced after recent high wind events
 - There was groundwater in the stormwater ditch and not leachate during the 2022 visit
 - The 2022 flagging observed was possible with traffic in the area but it is still contended that adequate or required cover was applied
 - Wind blown litter observed in 2022 was the result of a very recent load of plastic strips and heavy winds dispersed them before landfill personnel could contain the material and they were promptly cleaned up
 - The observation of mixing C/D waste and other waste in 2022 did allow some of this waste at the storage area temporarily in order to accommodate customers' wet weather but the waste was not mixed but separated
 - The landfill gains no economic benefit by delaying any response to unfavorable conditions

A penalty of \$30,400 is assessed.

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