



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

# Solid Waste Enforcement: Alabama Department of Environmental Management and Mobile County Municipal Solid Waste Landfill Operator Enter into Special Order by Consent

04/28/2023

The Alabama Department of Environmental Management (“ADEM”) and EcoSouth Services of Mobile, LLC (“Eco-South”) entered into an April 19th Special Order by Consent (“Order”) addressing alleged violations of the Alabama Solid Waste Regulations. See Order No. 23-XXX-CSW.

The Order provides that EcoSouth operates a municipal solid waste landfill (“Landfill”) in Mobile County, Alabama.

The Landfill operates pursuant to a Solid Waste Disposal Permit. See No. 49-21.

ADEM personnel are stated to have conducted a site visit of the Landfill on April 25, 2022. The stated purpose of the visit was to investigate a complaint submitted to ADEM.

The following violations were allegedly identified:

- Failure to cover certain exposed waste at the close of the previous work day
- Pooled leachate observed in the active disposal area of the Phase II cell
- Leachate seeps documented along the slopes of both the Phase I and Phase II cells
- Inability of ADEM personnel to locate Landfill employees and/or a certified operator upon entering the Landfill

ADEM is stated to have received an incomplete response to a Notice of Violation that it issued. Consequently, ADEM is stated to have requested additional information to which LaBella Associates, D.P.C. responded on behalf of EcoSouth. Such response is stated to have addressed all of the violations in the Notice of Violation.

ADEM personnel are stated to have conducted a site visit of the Landfill on June 9, 2022. The stated purpose of the visit was to assess site conditions following issuance of the Notice of Violation.

The following violations were allegedly identified:

- Pooled leachate noted in the newly constructed but yet to be certified Cell 11B
- Seeps noted along the edge of the waste within the current cell

ADEM personnel conducted an additional site visit on July 12, 2022. The stated purpose of the site visit was to determine compliance with Division 13 of the ADEM Administrative Code.

The following violations were allegedly identified:

- Leachate pop outs originating from the active disposal area observed seeping into Cell 11B
- Pooled leachate observed at the base of the working face on the northeastern slope of the Phase II area
- No certified operator on site during the Landfill operation
- Documentation of paint filter testing not available for review upon request by ADEM personnel

EcoSouth provided a number of contentions in the Order addressing the alleged violations which included:

- Reference to severe storm events
- Leachate collection system was operating as designed during April 25, 2022, and July 12, 2022, inspections
- Unaware of any alleged leachate reaching onsite sedimentation ponds or entering a water of the state
- Referenced cells were constructed per ADEM approved design plans
- Contact water drained into Cell 11B was pumped to or collected by the site's leachate collection system
- ADEM approved alternative daily cover that was in place to control disease vectors, fire, blowing litter and scavenging at the end of the day prior to ADEM's April 2022 inspection
- Earthen cover applied at the area of alleged uncovered waste following ADEM's April 25, 2022, inspection
- Facility employees have been retrained regarding the application of earthen weekly cover as well as the importance of applying cover to the Landfill
- Certified Operator joined the ADEM inspection during ADEM's April 25, 2022, and July 12, 2022, inspections
- Policies and procedures have been updated to address the alleged violations

EcoSouth neither admits nor denies ADEM's contentions.

A civil penalty of \$18,000 is assessed.

Further, within 60 days from the issuance of the Order EcoSouth is required to submit a Corrective Action Plan to ADEM for review and approval. The items required by the Corrective Action Plan are detailed in the Order.

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