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# Tire/Solid Waste Enforcement: Alabama Department of Environmental Management and Covington County Construction/Demolition Landfill Operator Enter into Special Order by Consent

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The Alabama Department of Environmental Management (“ADEM”) and Ashberry Landfill, LLC (“Ashberry Landfill”) entered into a December 16th Special Order by Consent (“Order”) addressing alleged violations of a Solid Waste Permit. See Order No. 24-XXX-CSW/ST.

The Order provides that Ashberry operates a construction/landfill (“Landfill”) known as the Ashberry C/D Landfill and tire Recycling Facility in Covington County, Alabama.

The facility operates pursuant to a Solid Waste Disposal Facility Permit (“Permit”) for the operation of the Landfill. Further, the facility is stated to possess:

- Scrap tire transporter permit
- Class I scrap tire receiver registration
- Class I scrap tire processor permit

ADEM is stated to have issued an Administrative Order on February 14, 2022, addressing certain alleged violations noted in compliance inspections in 2021. Ashberry is stated to have provided a response to the Administrative Order listing actions that had been taken and a timeline for completion and submittal of a compliance plan. However, the Order provides that a final report/compliance plan was not received on the required date.

ADEM personnel are stated to have conducted a site visit at the Landfill on May 23, 2022. The following violations were allegedly identified:

- A large number of exposed tires left uncovered for an extensive amount of time
- Working face was not confined to as small of area as possible
- Slopes of the working face exceeded the required slope
- Waste mass exceeded two-foot layers in thickness and had not been compacted
- Waste tire material had been placed outside the permitted disposal area

ADEM personnel conducted a compliance inspection of the Landfill on August 1, 2022. The following violations were allegedly identified:

- Waste mass had been left uncovered for an extensive amount of time
- Working face was not confined to as small of area as possible
- Slopes of the working face appeared to exceed the required slope
- Waste mass exceeded two-foot layers in thickness and had not been compacted

ADEM personnel conducted a compliance inspection of the Landfill on November 21, 2022. The following violations are alleged to have been identified:

- Waste mass had been left uncovered for an extensive amount of time
- Working face was not confined to as small of area as possible
- Slopes of the working face appeared to exceed the required slope
- Waste mass exceeded two-foot layers in thickness and had not been compacted

Ashberry neither admits nor denies ADEM's contentions.

A civil penalty of \$121,560 is assessed. Further, the Order provides for:

- Phased diversion of all incoming tire loads to other facilities for processing or disposal
- Compliance with permitted cover requirements for all incoming future loads to be disposed of in the currently certified cell, identified as Cell 9-A
- Continue accelerated cover activities of existing tires located in other cells
- Mining of existing tires may commence as outlined in the Permit but mining shall not interfere with cover operations
- Tire staging for the purposes of ultimate diversion of the Landfill may not conflict with the requirements of the Permit
- Submission of bi-weekly compliance progress updates

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