

Construction/Demolition Landfill Enforcement: Alabama Department of Environmental Management and Alabama Landfill Enter into Special Order by Consent



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The Alabama Department of Environmental Management (“ADEM”) and Hyche Landfill, LLC (“HL”) entered into a Special Order by Consent (“Special Order”) addressing alleged violations of Alabama regulations related to landfill management. See Order No. 17-XXX-CSW.

The Special Order provides that HL operates a construction/demolition landfill (“Landfill”) in Double Springs, Alabama.

ADEM personnel are stated to have inspected the Landfill on September 27, 2017 to determine compliance with certain provisions of the ADEM Administrative Code. Violations allegedly documented included:

- Failure to adequately maintain the run-off control system as required by ADEM Admin. Code r. 335-13-4-.17(2), which states that the system must be capable of collecting and controlling at least the water volume from a 24-hour, 25-year storm
- Failure to adequately maintain on-site drainage structures as required by ADEM Admin. Code r. 335-13-4-.17(3)
- Failure to properly spread waste in two feet layers and compact the waste as required by ADEM Admin. Code r. 335-13-4-.23(1)(b)
- Failure to confine waste to a small area as required by ADEM Admin. Code r. 335-13-4-.23(1)(c)

ADEM received a response from HL to a Notice of Violation (“NOV”) issued by ADEM which stated:

- No failure had occurred with the stormwater pond and it was cleaned out the following week
- Erosion to the diversion berm was repaired the following week
- Waste had not been adequately compacted or covered due to a piece of heavy equipment needing repairs. All waste was covered and compacted after the inspection.

ADEM personnel subsequently inspected the landfill on March 31st and alleged violations which included:

- Failure to adequately maintain the run-on control system as required by ADEM Admin. Code r. 335-13-4-.17(2)

- Failure to adequately maintain on-site drainage structures as required by ADEM Admin. Code r. 335-13-4-.17(3)
- Failure to operate the facility in such a manner as to prevent water pollution or an unauthorized discharge in accordance with ADEM Admin. Code r. 335-13-4-.21(1)(d)

HL is stated to have provided a May 19th response to ADEM stating that all issues identified by the inspection had been repaired.

HL neither admits nor denies ADEM's contentions.

A civil penalty of \$5,000 is assessed.

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