



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

Solid Waste/Wastewater Enforcement: Alabama Department of Environmental Management and Tuscaloosa County, Alabama Construction and Debris Landfill Operator Enter into Consent Order

02/28/2019

The Alabama Department of Environmental Management (“ADEM”) and Advanced Disposal Services Eagle Bluff Landfill, Inc., (“ADS”) entered into a Consent Order (“CO”) addressing alleged Clean Water Act and solid waste violations. See Consent Order No. 18-XXX-CWP.

The CO provides that ADS operates a construction and debris landfill (“Landfill”) in Tuscaloosa County, Alabama.

The Landfill discharges from a point source into Hurricane Creek.

Discharges are pursuant to a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit (“Permit”). The Permit has four outfalls and requires discharge monitoring and submission of Discharge Monitoring Reports. Further, the Permit is stated to require that ADS maintain documentation and implementation of a Best Management Practices Plan.

The Landfill also operates pursuant to a Solid Waste Disposal Permit for the operation of a construction/demolition landfill.

Certain described inspections by ADEM are stated to have identified violations.

Two sets of alleged violations are described in the CO.

The Clean Water Act NPDES violations allegedly included:

- Unpermitted discharges
- Failing to monitor/incorrectly reporting
- Failing to maintain records
- Failing to develop and implement adequate Best Management Practices
- Failing to implement a Spill Prevention Control and Countermeasures Plan

The solid waste violations allegedly included:

- Failing to comply with certain provisions of ADEM Admin. Code Div. 335-13 and Solid Waste Permit No. 63-16, which included:
- Failure to properly confine the waste mass
- Failure to adequately control litter
- Failure to properly cover waste
- Failure to adequately provide an on-site drainage structure
- Failure to properly compact waste
- Failure to strictly control waste accepted at the landfill

The CO proposes a civil penalty of \$54,900. In addition, it requires ADS to submit reports detailing actions to be taken to address the alleged violations in the CO.

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