

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

DALLAS COUNTY COMMISSION
PEA RIDGE SANITARY LANDFILL

ORDER NO. 87-026-SW

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 through 22-22A-15 (1984 as amended by Act No. 86-542, 1986 Regular Session, approved April 30, 1986), and the Solid Wastes Disposal Act, Code of Alabama 1975, §§ 22-27-1 to 22-27-7 (1984), the Alabama Department of Environmental Management (the "Department") makes the following FINDINGS OF FACT:

1. On May 1, 1982, the Dallas County Commission (hereinafter, "Dallas County") was granted a Permit to Operate a Solid Waste Disposal Facility, Permit Number 24-02, for its Pea Ridge (Northern District) Sanitary Landfill (hereinafter, "the facility").

2. By letters dated December 6, 1982; January 19, 1983; February 14, 1983; May 12, 1983; July 27, 1983; September 12, 1983; January 24, 1984; April 26, 1984; June 13, 1984; September 21, 1984; May 23, 1985; and January 8, 1986, Dallas County was notified that the facility was operating in violation of the Department's Solid Waste Management Regulations (hereinafter, "the regulations"). Specifically, the facility was regularly cited for failure to properly compact and cover waste on a daily basis, failure to assure adequate security at the site and failure to engage in monitoring as required by the facility's permit.

3. On January 11, 1985, a draft administrative order was issued to Dallas County and a show-cause hearing was held on January 30, 1985. At that time, County officials admitted that violations existed at the facility and agreed to make necessary corrections. Based on this commitment from county officials, the Department did not issue final administrative order.

4. On December 27, 1985, the Department inspected the facility, and by letter dated January 8, 1986, again notified Dallas County officials that the site was operating in violation of the regulations and its permit and directed that the site be brought into compliance. The Department noted the following violations:

(a) violation of §§ 4-171.01 and 4-171.02 of the regulations for failure to properly compact and cover, on a daily basis, all waste received at the facility;

(b) violation of § 4-171.04 prohibiting scavenging;

(c) violation of § 4-171.05 regarding control of litter over the landfill;

(d) violation of § 4-171.06 regarding adequate fire control measures;

(e) violation of § 4-172.01 requiring regular cover over non-putrescible wastes;

(f) violation of § 4-172.03 requiring adequate compaction of all waste; and

(g) violation of § 4-150.03 requiring adequate protection of water quality for streams adjacent to the site.

5. On March 8, 1986, August 12, 1986 and November 19, 1986, the Department inspected the facility and determined that the site was continuing to operate in violation of the regulations and its permit as noted above.

6. Inspections have revealed a continuing problem with underground and surface fires at the facility. There is evidence to indicate these fires have, at times, spread into wooded areas surrounding the facility. Dallas County has not established or followed adequate fire control measures at the facility.

7. Dallas County has regularly operated the facility in violation of its permit and the regulations and has failed to correct and thereafter prevent the violations repeatedly identified in notices from the Department.

ORDER

Based on the foregoing FINDINGS OF FACT and pursuant to Code of Alabama 1975, §§ 22-22A-5(10), 22-22A-5(12) and 22-27-1 through 22-27-7 (1984) it is hereby ORDERED:

A. That not later than five days after receiving this Order, Dallas County shall correct all violations of the statute, regulations and permit and shall thereafter operate the facility in compliance with said statute, regulations and permit.

B. That not later than five days after receiving this Order, Dallas County shall cause all waste containing putrescible waste received at the facility to be properly compacted and covered and shall thereafter continue such compaction and cover

on a daily basis in accordance with the provisions of its permit and the regulations as set for in §§ 4-170 and 4-171. In no event, including the breakdown of machinery, shall such waste be left uncompacted or uncovered for more than 24 hours;

C. That not later than five days after receiving notice of this Order, Dallas County shall properly cover and compact all non-putrescible waste and thereafter continue such cover and compaction on a weekly basis as required by § 4-172 of the regulations.

D. That not later than five days after receiving notice of this Order, Dallas County shall, as required by § 4-172.08 and 4-171.14 of the regulations, take all measures necessary to prevent entry into the facility except during times when a trained operator or caretaker is at the facility.

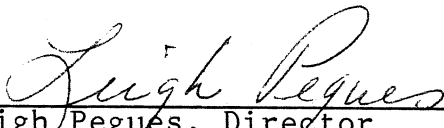
E. That not later than 14 days after receiving notice of this Order, Dallas County shall, pursuant to §§ 4-171.06 and 4-172.06 of the regulations, establish adequate fire control measures at the facility including causing a fire lane or break to be dug between the trash compaction area and the surrounding area.

F. That not later than 14 days after receiving notice of this Order, Dallas County shall cause all waste which has been pushed or otherwise deposited into or near the stream bordering the disposal area at the facility to be removed and properly disposed of and thereafter shall assure that no waste is deposited on any point nearer than fifty feet of said stream.

G. That the failure of Dallas County to comply fully with the terms of this Order shall constitute cause for the Department to pursue all legal remedies against the County and its officials.

H. That issuance of this Order does not preclude the Department from seeking criminal fines, civil penalties or other appropriate sanctions or relief against Dallas County and its officials for the violations stated herein.

ORDERED and ISSUED this 7th day of January, 1987.



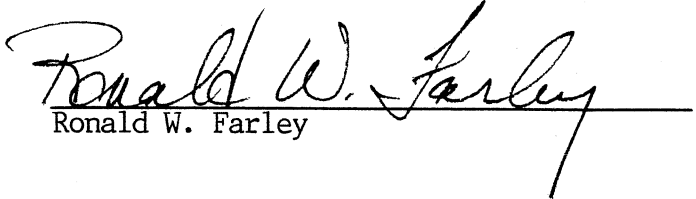
Leigh Pegues, Director
Alabama Department of Environmental
Management
1751 Federal Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I hereby certify that I have served Order No. 87-026-SW and Order No. 87-027-SW upon the Dallas County Commission by sending the same, postage paid, through the United States Mail, as Certified Mail No. P 266-617-348, with instructions to forward and return receipt requested to:

**Honorable John W. Jones, Chairman
Dallas County Commission
Post Office Box 997
Selma, Alabama 36701**

Done this 7th day of January 1987.



Ronald W. Farley