

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

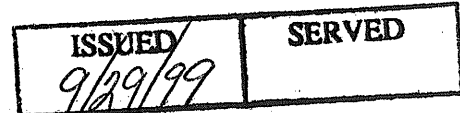
IN THE MATTER OF)
)
CITY OF BRIDGEPORT)
BRIDGEPORT SANITARY LANDFILL)
PERMIT NO. 36-05R)
)
JACKSON COUNTY, ALABAMA)

ORDER NO. 99-162-SW

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 through 22-22A-16, as amended; the Solid Wastes Disposal Act, Code of Alabama 1975, §§ 22-27-1 through 22-27-7, as amended; and the Alabama Air Pollution Control Act, Code of Alabama 1975, §§ 22-28-1 through 22-28-23, as amended; the Alabama Department of Environmental Management (hereinafter "ADEM" or "the Department") makes the following FINDINGS:

1. The City of Bridgeport ("Permittee") operates Bridgeport Sanitary Landfill located in Jackson County, Alabama.
2. Bridgeport Sanitary Landfill ("Bridgeport Landfill") is classified as a Municipal Solid Waste Landfill Unit, as defined by ADEM Admin. Code Rs. 335-13-1-.03(94) and (124).
3. On April 30, 1987, the Department reissued Permit No. 36-05R (the "Permit") for Bridgeport Landfill. The Permit, which allowed for the disposal of household waste (as defined in ADEM Admin. Code R. 335-13-1-.03(60)) and commercial solid waste (as defined in ADEM Admin. Code R. 335-13-1-.03(27)), expired on April 30, 1992.
4. Personnel from the Department performed a compliance evaluation inspection at Bridgeport Landfill on June 13, 1996.
5. The Department issued a Notice of Violation to Permittee on June 20, 1996 citing, among others, the following violations of the Solid Wastes Disposal Act and its implementing regulations: disposal of unpermitted sanitary wastes (dead animals); failure to identify the facility with permanent boundary markers; failure to place wastes in a properly confined and sloped area; lack of adequate cover



and compaction of wastes; failure to control litter along access road; and failure to submit quarterly disposal reports; failure to submit quarterly gas monitoring reports.

6. Personnel from the Department performed a compliance evaluation inspection at Bridgeport Landfill on September 16, 1996.

7. The Department issued a Compliance Inspection Report to Permittee on September 16, 1996 citing, among others, the following violations of the Solid Wastes Disposal Act and its implementing regulations: failure to conduct gas monitoring and submit gas monitoring reports; failure to construct and maintain a run-off control system; failure to maintain a closure/post-closure plan in the operating record; disposal of unpermitted sanitary wastes; failure to identify the facility with permanent boundary markers; failure to operate the landfill unit in such a manner that there would be no water pollution or unauthorized discharge; open burning of solid waste over a previously filled area of the landfill; failure to place wastes in a properly confined and sloped area; lack of adequate cover and compaction of wastes; failure to control litter at the gate and along access road; and failure to properly conduct semiannual groundwater monitoring sampling events.

8. Personnel from the Department performed a compliance evaluation inspection at Bridgeport Landfill on February 10, 1998.

9. The Department issued a Notice of Violation to Permittee on April 10, 1998 citing, among others, the following violations of the Solid Wastes Disposal Act and its implementing regulations: failure to conduct gas monitoring and submit gas monitoring reports; failure to construct and maintain a run-off control system; failure to identify the facility with permanent boundary markers; failure to obtain approval from Department for open burning of solid wastes; failure to adequately secure the landfill to prevent entry by unauthorized persons; failure to control litter along access road; and failure to properly close portions of the facility.

10. Personnel from the Department performed a compliance evaluation inspection at Bridgeport Landfill on June 10, 1998.

11. The Department personnel issued a Compliance Inspection Report to Permittee on June 10, 1998. This report indicated that no violations of Division 13 regulations were observed.

12. Personnel from the Department performed a compliance evaluation inspection at Bridgeport Landfill on September 21, 1998.

13. The Department issued a Notice of Violation to Permittee on September 28, 1998 citing, among others, the following violations of the Solid Wastes Disposal Act and its implementing regulations:

- a) ADEM Admin. Code R. 335-13-4-.16 requires the Permittee to monitor for explosive gases at a facility and submit gas monitoring reports to the Department on a quarterly basis. On September 28, Department personnel determined that quarterly gas monitoring had not been conducted and gas monitoring reports had not been submitted to the Department as required by ADEM Admin. Code R. 335-13-4-.16.
- b) ADEM Admin. Code R. 335-13-4-.17 requires the Permittee to design, construct, and maintain a run-on and run-off control system. The run-off control system must be able to collect and control the amount of run-off from the facility generated during a 24-hour, 25-year storm. Runoff must be routed to a settling basin or other sedimentation control structure prior to its release onto adjacent properties or waters. On September 28, Department personnel observed that Bridgeport Landfill did not have run-on and run-off control systems required by ADEM Admin. Code R. 335-13-4-.17 .
- c) ADEM Admin. Code R. 335-13-4-.20 requires the Permittee to submit a closure/post-closure plan to the Department no later than the effective date of the regulations. On September 28, Department personnel determined that the Permittee had not submitted a complete closure/post-closure plan for Bridgeport Landfill, as required by ADEM Admin. Code R. 335-13-4-.20.
- d) ADEM Admin. Code R. 335-13-4-.20(2)(c) requires the Permittee to grade the final soil cover to prevent surface water from ponding over the landfill unit and to complete final

grading of the infiltration layer within 90 days after the landfill has received the last known receipt of waste. On September 28, Department personnel observed that the facility had not received final soil cover, and that the final soil cover had not been graded within 90 days of the last known receipt of solid waste, as required by ADEM Admin. Code R. 335-13-4-.20(2)(c).

- e) ADEM Admin. Code Rs. 335-13-4-.20(2)(i) and (j) require the Permittee to record a deed notation and certification onto the land deed for the facility property upon completion of final closure requirements. The Permittee must also place a certified copy of the recording instrument in its operating record and submit a certified copy of the recording instrument to the Department. On September 28, Department personnel determined that the Permittee has not completed final closure requirements and filed deed notations and certifications as required by ADEM Admin. Code Rs. 335-13-4-.20(2)(i) and (j).
- f) ADEM Admin. Code R. 335-13-4-.21(1)(b) requires "[w]aste accepted at the facility shall be strictly controlled so as to allow only wastes stipulated on the permit or otherwise as may be approved by the Department." Bridgeport Landfill's permit expired on April 30, 1992 and disposal of wastes in the Bridgeport Landfill after April 30, 1992 is not allowed. On September 28, Department personnel observed garbage and construction/demolition debris had been disposed of at Bridgeport Landfill, in violation of ADEM Admin. Code R. 335-13-4-.21(1)(b).
- g) Pursuant to ADEM Admin. Code Rs. 335-13-3-.01 and 335-13-4-.21(2)(a)(3.), open burning of solid wastes is prohibited unless approved by the Department. On September 28, Department personnel observed evidence that solid wastes at the facility had been disposed of by open burning, in violation of ADEM Admin. Code Rs. 335-13-3-.01 and 335-13-4-.21(2)(a)(3.).
- h) ADEM Admin. Code R. 335-13-4-.22(2)(f) requires that completed landfill sites be closed as provided the Department and approved closure plans. On September 28,

Department personnel observed that completed landfill sites had not been closed as provided by approved closure plans.

- i) ADEM Admin. Code R. 335-13-4-.27(3)(b)(1.) requires that groundwater monitoring be performed and reported on a semi-annual basis. On September 28, 1998, the Department had not received semi-annual groundwater monitoring reports required by ADEM Admin. Code R. 335-13-4-.27(3)(b)(1.).

14. As of the date of this ORDER there has been no abatement of the violations at the facility.

15. The assessment of civil penalties for violations of the Department's rules and regulations, and for violations of any order, permit condition, license, certification or variance issued by the Department is authorized by Code of Alabama 1975, § 22-22A-5(18), as amended. The statute also authorizes that the penalty amount may range from \$100 to \$25,000 per day for each violation, so long as the penalty amount does not exceed \$250,000 in any given order. Each day a violation continues constitutes a separate violation. In addition to the foregoing "FINDINGS," the Department has considered the factors detailed in the aforementioned statute in determining the appropriate penalty amount in this particular instance. Those factors are listed as follows:

- (a) The seriousness of the violation, including any irreparable harm to the environment and any threat to the health or safety of the public;
- (b) The standard of care manifested by the Permittee;
- (c) The economic benefit which delayed compliance may have conferred upon the Permittee;
- (d) The nature, extent and degree of success of the Permittee's efforts to minimize or mitigate the effects of such violations upon the environment;
- (e) The Permittee's history of previous violations; and
- (f) The Permittee's ability to pay the assessed penalty.

ORDER

Based on the foregoing FINDINGS and pursuant to Ala. Code 1975 §§ 22-22A-5(10), 22-22A-5(18), 22-27-7, and 22-28-10(2), as amended, it is hereby ORDERED:

A. That immediately upon receipt of this Order, Permittee shall cease the disposal of wastes at Bridgeport Landfill as required by ADEM Admin. Code R. 335-13-4-.21(1)(b).

B. That immediately upon receipt of this Order, Permittee shall cease the open burning of wastes at Bridgeport Landfill as required by ADEM Admin. Code Rs. 335-13-3-.01 and 335-13-4-.21(2)(a)(3.).

C. That not later than 30 days after receipt of notice of this Order, and pursuant to the requirements of ADEM Admin. Code R. 335-13-4-.20, Permittee shall submit for the Department's review a complete closure/post-closure plan for Bridgeport Landfill.

D. That not later than 45 days after completion of the Department's review and acceptance of the closure/post-closure plan referenced in paragraph C above, the Permittee shall complete implementation of the accepted plan for closure of Bridgeport Landfill.

E. That not later than 30 days after receipt of notice of this Order, Permittee shall monitor for explosive gases at Bridgeport Landfill and submit gas monitoring reports to the Department as required by ADEM Admin. Code R. 335-13-4-.16. Permittee shall continue monitoring for explosive gases at Bridgeport Landfill in the manner specified in its closure/post-closure permit.

F. That not later than 30 days after receipt of notice of this Order, Permittee shall conduct a groundwater monitoring sampling event at Bridgeport Landfill. A report, including statistical analysis as required by Rule 335-13-4-.27(2)(n) must be submitted within 90 days of the sampling event. Permittee shall continue groundwater monitoring at Bridgeport Landfill in the manner specified in its closure/post-closure permit.

G. That not later than 30 days after receipt of notice of this Order, Permittee shall pay to the Department a CIVIL PENALTY in the amount of **one thousand dollars (\$1,000.00)** for violations contained herein. This penalty shall be made payable by certified or cashier's check to ADEM and shall be remitted to:

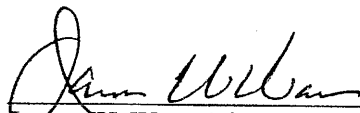
**Office of General Counsel
Alabama Department of Environmental Management
Post Office Box 301463
Montgomery, Alabama 336130-1463**

All checks shall reference Permittee's name and address, and the ADEM Administrative Order number of this action.

H. That the issuance of this Order does not preclude the Department from seeking criminal fines or other appropriate sanctions or relief against Permittee for the violations cited herein.

I. That failure to comply with the provisions of this Order shall constitute cause for commencement of legal action by the Department against Permittee for recovery of additional civil penalties, criminal fines, or other appropriate sanctions or relief.

ORDERED and ISSUED this 29th day of September, 1999.



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