

ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

L. C. HARRIS & SON EXCAVATING  
COMPANY  
TUSCALOOSA COUNTY, ALABAMA  
PERMIT NO. 63-18

ORDER NO. 95-052-SW

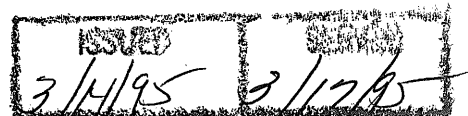
FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 to 22-22A-16 (1990 Rplc. Vol. and 1993 Supp.) and the Solid Waste Disposal Act, Code of Alabama 1975, §§ 22-27-1 to 22-27-7 (1990 Rplc. Vol. and 1993 Supp.), the Alabama Department of Environmental Management ("ADEM" or "the Department") makes the following FINDINGS:

1. On December 1, 1988, the Department issued Solid Waste Permit Number 63-18 to L. C. Harris & Son Excavating Company ("the Operator"). The permit authorizes L. C. Harris & Son Excavating Company to operate a landfill known as the L. C. Harris Landfill ("the Landfill") which is located in the NE 1/4 of the NW 1/4 of Section 7, Township 22 South, Range 9 West, in Tuscaloosa County, Alabama.

2. The Operator is not authorized to dispose putrescible wastes or hazardous wastes at the landfill.

3. On December 30, 1993 the Department inspected the landfill at which time the following violations of the Department's solid wastes disposal regulations were observed:



a. The Operator disposed household garbage without a permit, in violation of ADEM Admin. Code R. 335-13-4-.21(3).

b. The Operator left solid wastes exposed without cover for two and one half weeks, in violation of ADEM Admin. Code R. 335-13-4-.23(1)(a).

c. Previously closed areas were poorly vegetated and eroded, in violation of ADEM Admin. Code R. 335-14-4-.23(1)(b).

d. The waste on the active face was not compacted, in violation of ADEM Admin. Code R. 335-14-4-.23(3). The working face covered the entire surface of the top of the hill, in violation of ADEM Admin. Code R. 335-13-4-.23(5).

e. The site was littered, in violation of ADEM Admin. Code R. 335-13-4-.23(5);

f. The uncovered, accumulated debris posed a fire hazard, in violation of ADEM Admin. Code R. 335-13-4-.23(6).

g. The operator failed to make provision for operation in adverse weather conditions and was thus unable to properly dispose, in violation of ADEM Admin. Code R. 335-13-4-.23(11).

h. Trash remained exposed in the completed areas, in violation of ADEM Admin. Code R. 335-14-4-.23(13).

i. The Operator has not submitted to the Department its third quarter operating report for

1993, in violation of ADEM Admin. Code R. 335-13-4-.23(16).

4. The above violations were referenced in a Notice of Violation dated February 9, 1994.

5. During an inspection on May 27, 1993 the Department observed the following violations of the Department's solid waste disposal regulations:

a. The landfill was discharging leachate to waters of the State, in violation of ADEM Admin. Code R. 335-13-4-.21(4).

b. The operator left uncovered solid wastes exposed without cover for an indeterminate period of time exceeding one week, in violation of ADEM Admin. Code R. 335-13-4-.23(1)(a).

c. The incomplete area was not covered with twelve inches of dirt in preparation for vegetative cover, in violation of ADEM Admin. Code R. 335-13-4-.23(1)(b).

d. The complete area was not covered by two feet of compacted soil, in violation of ADEM Admin. Code Rules 335-13-4-.23(1)(c)(1) and 335-13-4-.23(13).

e. The complete area was not prepared for vegetation and was, in fact, unvegetated, in violation of ADEM Admin. Code R. 335-14-4-.23(1)(c)(2) and ADEM Admin. Code R. 335-14-4-.23(13).

f. The operator failed to sufficiently compact solid wastes resulting in a 20-25 foot cliff of solid

wastes, in violation of ADEM Admin. Code R. 335-13-4-.23(2).

g. Uncovered wastes were spread throughout the entire site, in violation of ADEM Admin. Code R. 335-13-4-.23(3).

h. The entire site was littered in violation of ADEM Admin. Code R. 335-13-4-.23(5).

i. The exposed wastes and litter were a fire hazard, in violation of ADEM Admin. Code R. 335-13-4-23(6).

6. The Permittee was issued a Notice of Violation for the above violations on May 28, 1993.

7. The above Notice of Violation was preceded by Notices of Violation issued to the Permittee on May 19, 1992, April 1, 1991, November 13, 1990, July 30, 1990 and April 12, 1990. These precedent Notices of Violation included, but were not limited to, many of the same violations for which the Permittee was cited in the two most recent Notices of Violation.

8. The violations referenced in paragraphs 4 through 6 were committed after numerous warnings and with notice of the illegality thereof;

9. The violations referenced in paragraphs 4 through 6 were committed with knowledge of the illegality thereof and with indifference to the consequences thereto.

ORDER

Based on the foregoing FINDINGS and pursuant to §§ 22-22A-1 to 22-22A-16, and 22-27-1 to 22-27-7 Code of Alabama 1975, (1990 Rplc. Vol. and 1993 Supp.), it is hereby ORDERED:

A. That any and all authority to dispose of solid wastes at the L. C. Harris Landfill pursuant to Permit -63-18 is canceled and revoked.

B. That within 30 days from the date of receipt of this Order, the Operator, its employees, agents, officials, and representatives shall discontinue, cease, and stop accepting any solid waste of any kind for disposal at the landfill.

C. That immediately upon notice or receipt of this Order, the Operator shall take all measures necessary to ensure that no waste is disposed of at the landfill by the general public or any other third party.

D. That within 15 days of notice or receipt of this Order, the Operator shall submit to the Department a complete Closure and Post Closure Plan for the landfill which meets all of the requirements of ADEM Admin. Code R. 335-13-4-.20 and which cures all deficiencies identified and noticed in ADEM's letter of February 9, 1994.

E. That the Operator shall begin closure of the landfill in accordance with the above referenced, properly prepared closure plan within 30 days of the date of the final receipt of waste at the landfill.

F. That the Operator shall implement its closure and post-closure plan in accordance with Rule 335-13-4-.20 so that it meets all milestones (deadlines) and substantive requirements for closure and post closure contained in the rule.

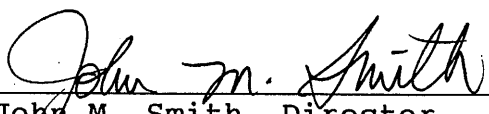
G. That the Operator shall properly complete closure of the landfill within the time required by Rule 335-13-4-.20.

H. That within 30 days from the date of this Order the Permittee will pay to the Department a civil penalty in the amount of Five Thousand Dollars (\$5,000.00).

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

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

ORDERED and ISSUED this 14<sup>th</sup> day March, 1995.

  
John M. Smith, Director  
Alabama Department of  
Environmental Management  
1751 Cong. W. L. Dickinson Drive  
Montgomery, Alabama 36130  
(205) 271-7700

CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Administrative Order No. 95-052-SW upon L. C. Harris & Son Excavating Company by sending the same postage paid, through the U.S. Mail, as Certified Mail, with instructions to forward and return receipt requested to:

CERTIFIED MAIL NO. Z 015 990 938

Mr. L. C. Harris  
L. C. Harris & Son Excavating Company  
3521 65th Avenue  
Tuscaloosa, AL 35401

DONE this 14<sup>th</sup> day of March, 1995.

  
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James L. Wright