

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF
J. W. HOLSOMBACK
BIRMINGHAM, ALABAMA

ORDER NO. 85-012-SW

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, §§ 22-22A-1 et seq., Code of Alabama 1975, and the Alabama Solid Wastes Disposal Act, §§ 22-27-1 et seq., Code of Alabama 1975, as amended, the Alabama Department of Environmental Management (hereinafter "the Department") makes the following FINDINGS OF FACT:

1. On March 7, 1983, J. W. Holsomback was granted a Permit to Operate a Solid Waste Disposal Facility, Permit Number 59-07. The permit allowed Mr. Holsomback to operate a landfill only for the disposal of brush, stumps and demolition type solid wastes. The landfill was to be located at the SW 1/4 of the SE 1/4 of Section 24, Township 19 South, Range 3 West in Shelby County, Alabama.

2. In response to complaints about the operation of the landfill from nearby property owners, the landfill was inspected on June 25, 1984. At the time of the inspection, the landfill was on fire in violation of § 22-27-3(c), Code of Alabama 1975, as amended, and § 4-170.01 of the Department's Solid Waste Management Regulations. In addition, solid waste was being

dumped outside of the permitted disposal site thereby creating an unauthorized dump as prohibited by § 22-27-4(b), Code of Alabama 1975, as amended.

3. Mr. Holsomback was given notice of the violations and was allowed two weeks to comply with the permit conditions, the law and the regulations.

4. A reinspection on July 11, 1984 revealed no improvement and Mr. Holsomback was again notified of the violations and given time to correct the violations.

5. The site was reinspected on August 14, 1984 and the violations had not been corrected. The landfill continues to be in violation of §§ 22-27-3(c) and 22-27-4(b), Code of Alabama 1975, as amended; § 4-170.01 of the regulations; and the conditions of the permit issued to Mr. Holsomback.

ORDER

Based on the foregoing FINDINGS OF FACT and pursuant to §§ 22-22A-5(10) and 22-27-1 et seq., Code of Alabama 1975, as amended, it is hereby ORDERED:

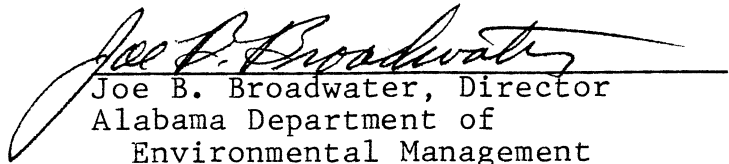
A. That Permit to Operate a Solid Waste Disposal Site, Permit Number 59-07, issued by the Department to J. W. Holsomback on March 7, 1983, is hereby REVOKED;

B. That J. W. Holsomback shall immediately cease receiving solid waste of any type at the site described on the above-referenced permit; and

C. That J. W. Holsomback shall, within 30 days after notice of this Order, remove all wastes disposed of in unpermitted areas, place such waste in the permitted area and close the site in accordance with § 4-169 of the Alabama Solid Waste Management Regulations.

Failure to comply fully with this Order shall constitute cause for the Department to pursue all legal remedies against J. W. Holsomback.

ORDERED and ISSUED this 15th day of November 1984.

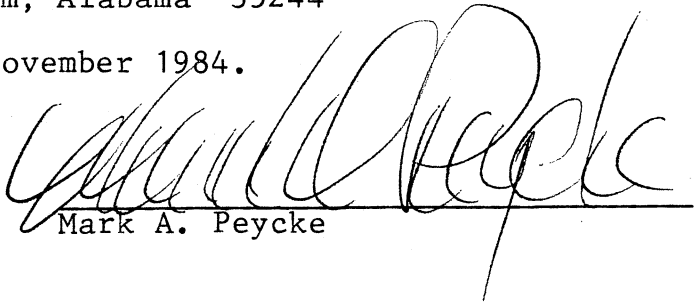

Joe B. Broadwater, Director
Alabama Department of
Environmental Management
1751 Federal Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I hereby certify that I have served Order No.. 85-012-SW upon J. W. Holsomback by sending the same, postage paid, through the United States Mail as Certified Mail, with instructions to forward and return receipt requested to:

Mr. J. W. Holsomback
700 Carl Raines Lake Road
Birmingham, Alabama 35244

Done this 15th day of November 1984.


Mark A. Peycke