

ALABAMA DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT

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IN THE MATTER OF )  
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CITY OF TUSKEGEE )  
TUSKEGEE, ALABAMA )

ORDER NO. 96-105-SW )  
 )

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 to 22-22A-16, as amended, and the Solid Waste Disposal Act, Code of Alabama 1975, §§ 22-27-1 to 22-27-7, as amended, the Alabama Department of Environmental Management (hereinafter "ADEM" or "the Department") makes the following FINDINGS OF FACT:

1. On September 29, 1995 and December 15, 1995, Department personnel inspected the Tuskegee Sanitary Landfill for compliance with ADEM Administrative Code. During both inspections the following violations were found:

a. ADEM Admin. Code R. 335-13-4-.16(6) requires an explosive gas monitoring and reporting plan be prepared for all landfill facilities receiving organic wastes. The City of Tuskegee has failed to submit an explosive gas monitoring and reporting plan to the Department for review.

b. ADEM Admin. Code R. 335-13-4.16(b)1 requires a minimum frequency for gas monitoring be performed quarterly for Municipal Solid Waste Landfill ("MSWLF") and annually

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for Construction and Demolition Landfill ("C/DLF"). This regulation further requires all monitoring reports be submitted to the Department within 30 days of the monitoring event. The City of Tuskegee has failed to submit the required monitoring reports to the Department.

c. ADEM Admin. Code R. 335-13-4.21(6) requires a facility to be identified with a sufficient number of permanent markers which are at least visible from one marker to the next. The City of Tuskegee has failed to properly mark the boundary of its facility in accordance with ADEM Admin. Code R. 335-13-4.21(6).

d. ADEM Admin. Code R. 335-13-4.23(7) requires that a facility shall operate in accordance with approved plans and permits. The City of Tuskegee has failed to submit plans for the completion of its trench or other proposed usage areas.

#### ORDER

Based on the foregoing FINDINGS OF FACT and pursuant to §§ 22-22A-1 to 22-22A-16, and 22-27-1 to 22-27-7 Code of Alabama 1975, as amended, it is hereby ORDERED:

A. That within 30 days from the date of receipt of notice of this Order, pursuant to ADEM Admin. Code R. 335-13-4.16(6), the Operator will submit an explosive gas monitoring and reporting plan, signed by an engineer licensed in the State of Alabama, to the Department for review.

B. That immediately upon receipt of notice of this Order and continuing thereafter, the Operator will comply with the appropriate gas monitoring reports pursuant to ADEM Admin. Code R. 335-13-4.16(6).

C. That within 30 days from the date of receipt of notice of this Order the Operator will have the facility properly identified with a sufficient number of permanent markers in accordance with ADEM Admin. Code R. 335-13-4-.21(6).

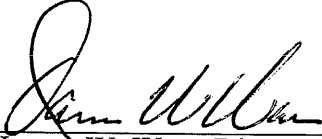
D. That immediately upon receipt of notice of this Order the Operator will submit all plans due to the Department pursuant to ADEM Admin. Code R. 335-13-4-.23(f).

E. That the Operator will upon receipt of notice of this Order immediately and continuing thereafter comply with all applicable ADEM Division 13 regulations.

F. 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.

G. 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 additional civil penalties, criminal fines, or other appropriate sanctions or relief.

ORDERED and ISSUED this 24<sup>th</sup> day of June, 1996.

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

CERTIFICATE OF SERVICE

I, Rebecca E. Patty, hereby certify that I have served the foregoing proposed Administrative Order No. 96-105-SW upon the City of Tuskegee by sending the same, postage paid, through the United States Mail, as Certified Mail No. P 121 606 130, with instructions to forward and return receipt requested to:

**CERTIFIED MAIL NO. P 121 606 130**

The Honorable Johnny L. Ford, Mayor  
City of Tuskegee  
101 Fonville Street  
Tuskegee, Alabama 36083

DONE this \_\_\_\_\_ day of June, 1996.

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Rebecca E. Patty