

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF: )

CITY OF BIRMINGHAM, ALABAMA )

NEW GEORGIA SANITARY LANDFILL )

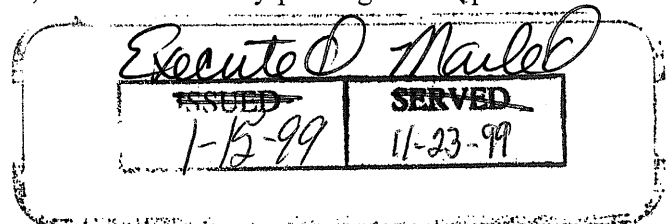
PERMIT # 37-11R )

ORDER # 99-036-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, and the Solid Wastes Disposal Act, Code of Alabama 1975, §§ 22-27-1 through 22-27-7, as amended, and the regulations promulgated thereunder, the Alabama Department of Environmental Management (hereinafter "the Department") makes the following FINDINGS:

1. The City of Birmingham operates the New Georgia Sanitary Landfill in City of Birmingham, Alabama.
2. ADEM Admin. Code R. 335-13-5-.08(3)(a) provides that a municipal solid waste landfill may not operate vertically past October 8, 1997 if the approved active footprint is over an unlined area.
3. The approved active footprint of the New Georgia municipal solid waste landfill is over an unlined area.
4. An inspection by ADEM personnel on October 14, 1997 revealed that the City of Birmingham continued to operate past the October 8, 1997 deadline by placing municipal solid



waste over an unlined cell which was a former vertical expansion area in violation of ADEM Admin. Code R. 335-13-5-.08(3)(a).

**ORDER**

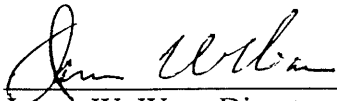
Based on the foregoing FINDINGS, and pursuant to Code of Alabama 1975, §§ 22-22A-5(10), 22-22A-5(18), and 22-27-7, as amended, it is hereby ORDERED:

A. That not later than thirty (30) days after receipt of notice of this ORDER, the City of Birmingham shall pay to the Department a CIVIL PENALTY in the amount of \$15,000.00 for the violations cited herein.

B. That failure to comply with any and all provisions of this ORDER may constitute cause for the assessment of additional CIVIL PENALTIES and/or the commencement of appropriate LEGAL ACTION for civil or criminal sanctions.

C. That the issuance of this ORDER does not preclude the Department or others from seeking appropriate sanctions for the violations stated herein.

ORDERED and ISSUED this, the 15<sup>th</sup> day of JANUARY, 1999.

  
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James W. Warr, Director  
Alabama Department of  
Environmental Management  
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