

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:)	
)	
City of Birmingham)	Consent Order No. [ORDER NUMBER]
Eastern Area Landfill)	
501 6th Avenue South)	
Birmingham, AL 35205)	
JEFFERSON County, AL)	
)	
Permit No. AL0055247)	

PREAMBLE

This Special Order by Consent is made and entered into by the Alabama Department of Environmental Management (hereinafter "the Department") and City of Birmingham (hereinafter the "Permittee") pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-17, as amended, the Alabama Water Pollution Control Act (hereinafter "AWPCA"), Ala. Code §§ 22-22-1 to 22-22-14, (2006 Rplc. Vol.), and the regulations promulgated pursuant thereto.

STIPULATIONS

1. The Permittee operates a Municipal Solid Waste Landfill known as the Eastern Area Landfill (hereinafter "the Facility"). The Facility is located at 2787 Alton Drive in the city of Birmingham, Jefferson County, Alabama.
2. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 to 22-22A-17, as amended.
3. Pursuant to § 22-22A-4(n), Ala. Code (2006 Rplc. Vol.), the Department is the state agency responsible for the promulgation and enforcement of water pollution

control regulations in accordance with the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 to 1388. In addition, the Department is authorized to administer and enforce the provisions of the AWPCA.

4. In accordance with ADEM Admin. Code chap. 335-6-6 and the AWPCA, the Department reissued National Pollutant Discharge Elimination System (hereinafter "NPDES") Permit No. AL0055247 (hereinafter "the Permit"), to the Permittee on March 1, 2012, effective March 1, 2012, establishing limitations on the discharges of pollutants from such point sources, designated therein as outfalls DSN001, DSN002, DSN003, and DSN006, into Pinchgut Creek, and outfalls DSN004, and DSN005 into Stinking Creek, both waters of the state.¹ The Permit requires that the Permittee monitor its discharge and submit periodic Discharge Monitoring Reports (hereinafter "DMRs") to the Department describing the results of the monitoring. In addition, the Permittee requires that the Permittee properly operate and maintain all facilities and systems of treatment and control which are installed or used by the Permittee to achieve compliance with the terms and conditions of the Permit.

5. From May 2013 through November 2015, the Permittee submitted DMRs to the Department indicating that the Permittee discharged pollutants in violation of the limits imposed by Part I.A of the Permit. The effluent violations noted are listed in Attachment #1.

6. Permit Condition I.C.1.b of the Permit requires that DMRs be submitted so that they are received by the Department no later than the 28th day of the month following a respective reporting period. The DMRs received past their due dates are

¹ The Department and Permittee stipulate that the outfalls as listed on the Permit are reversed, and that outfalls DSN001, DSN002, DSN003 and DSN006 discharge into an Unnamed Tributary to Stinking Creek, and that outfalls DSN004 and DSN005 discharge into Pinchgut Creek. The Department and Permittee agree that the Permit will be amended to remedy this administrative error.

listed in Attachment #2.

7. On November 5, 2013, the Department issued a Notice of Violation (hereinafter "NOV") to the Permittee for violations of Permit conditions including failure to conduct upstream and downstream monitoring in accordance with the Permit, failure to submit DMRs, and discharging pollutants in exceedance of Permit limits. The NOV also stated that, "[i]nformation submitted to the Department indicates that *contaminated stormwater*, as defined by 40 CFR 445.2(b), may be draining from the active face of the landfill, roadways, and maintenance areas into a water of the state, which is located in a low-lying wooded area east of the landfill's property and west of Magnolia Place subdivision, prior to entering Stinking Creek. If a discharge to this water of the state is occurring, it would be considered unpermitted as it is not the receiving stream indicated in the NPDES Permit and stormwater from maintenance areas is not covered in your current permit." The NOV required the Facility to submit to the Department a written report prepared by an engineer registered and authorized to practice in Alabama describing the steps that have been taken or will be taken to correct the aforementioned Permit violations including an explanation for the possible unpermitted discharges.

8. On December 5, 2013, the Permittee responded to the NOV. The response indicated that stormwater from the maintenance pad area was draining south, but, according to the Permittee, could not substantially impact the functionality of the pond in the Subdivision. The Permittee also indicated in its response that it would install a silt fence immediately downstream of the pad area to better control the stormwater leaving the maintenance area.

9. On March 20, 2015, the Department conducted an inspection of the Facility. The inspector observed that the Permittee had installed an access road to a groundwater monitoring well. The inspector noted in the inspection report that "facility

personnel indicated that a road was cut to access a monitoring well and some erosion and sedimentation has taken place. However, facility personnel indicated that the drainage from this area flows into the subdivision's sediment pond, and that the sediment pond flows back onto the landfill's property, through the landfill's settling pond, and through outfall DSN003. Facility personnel indicated that [the Permittee was] in the process of creating a better berm to prevent further stormwater conveyances onto the subdivision's property."

10. On August 7, 2015, the Department conducted a site visit at the Facility. During the site visit the Department observed that the Permittee had installed an earthen berm in an attempt to divert stormwater from running offsite from the Facility into Stinking Creek and the Subdivision pond. The Department also observed evidence of sediment in the wooded area down gradient of the earthen berm and immediately up-gradient of the unnamed tributary (hereinafter "UT") to Stinking Creek and the Subdivision's pond. In addition, the Department observed gravel/sediment which may have flowed from the Facility's road and maintenance pad area into the off-site pump station pad area located in the Subdivision. An examination of the Subdivision's pond immediately adjacent to the off-site pump station revealed evidence of sedimentation. Erosion was also noted on a homeowner's property immediately up gradient from the pump station pad. The Department confirmed during this site visit evidence of stormwater runoff from the Facility's road and maintenance pad area off-site with the potential to discharge into a UT to Stinking Creek, a water of the state. In addition, the Department confirmed that the Subdivision pond does not flow through the Facility's settling pond as previously indicated by Facility personnel.

11. Pursuant to 40 C.F.R. 122.26(a)(1)(ii), storm water discharges associated with industrial activities shall be required to obtain a NPDES permit. Access roads and

maintenance areas associated with landfill operations are classified as industrial activities by 40 C.F.R. 122.26(b)(14).

12. ADEM Admin Code r. 335-6-6-.03 states “[n]o person shall discharge pollutants into waters of the state without having obtained a valid NPDES permit or coverage under a valid General NPDES Permit [...]”

13. The Permittee has caused or allowed the discharge of storm water associated with an industrial activity to a UT to Stinking Creek, a water of the state, at an unpermitted discharge point in violation of ADEM Code r. 335-6-6-.03.

14. Permit Condition IV.A.1 requires the Permittee to develop and implement a Best Management Practices plan to prevent or minimize the potential for the release of pollutants to waters of the state. Based on the Department’s inspection and site visit, the Permittee is in violation of Permit Condition IV.A.1 for failure to prevent or minimize the discharge of sediment to a UT to Stinking Creek, a water of the state.

15. Permit Condition I.B.1 requires samples submitted by the Permittee to “be representative of the volume and nature of the monitored discharge”; however, the reported sampling location being utilized by the Permittee at DSN003 was in an instream location that is not considered representative of the facility’s discharge.

16. The Permittee consents to abide by the terms of this Consent Order and pay the civil penalty assessed herein.

17. The Department has agreed to the terms of the Consent Order in an effort to resolve the violations cited herein without the unwarranted expenditure of State resources in further prosecuting the alleged violations. The Department has determined that the terms contemplated in the Consent Order are in the best interests of the citizens of Alabama.

CONTENTIONS OF THE DEPARTMENT

Pursuant to Ala. Code § 22-22A-5(18)c., as amended, in determining the amount of any penalty, the Department must give consideration to the seriousness of the violation, including any irreparable harm to the environment and any threat to the health or safety of the public; the standard of care manifested by such person; the economic benefit which delayed compliance may confer upon such person; the nature, extent and degree of success of such person's efforts to minimize or mitigate the effects of such violation upon the environment; such person's history of previous violations; and the ability of such person to pay such penalty. Any civil penalty assessed pursuant to this authority shall not exceed \$25,000.00 for each violation, provided however, that the total penalty assessed in an order issued by the Department shall not exceed \$250,000.00. Each day that such violation continues shall constitute a separate violation. In arriving at this civil penalty (summarized in Attachment #3), the Department has considered the following:

A. **SERIOUSNESS OF THE VIOLATIONS AND BASE PENALTY:** Based on information available to the Department, violations of the Permit, ADEM Admin. Code chap. 335-6-6 and the AWPCA were noted. The Department considered the general nature of each violation, the magnitude and duration of each non-compliant discharge, the characteristics of each pollutant discharged, their effects, if any, on impaired waters, and any available evidence of irreparable harm to the environment or threat to the public.

B. **THE STANDARD OF CARE:** The Department considered the unpermitted discharge, inadequate implementation of best management practices, and late submission of DMRs to be easily avoidable. In consideration of the standard of care manifested by the Permittee, the Department has enhanced the penalty.

C. ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED: The Department has considered that delayed compliance may have conferred an economic benefit upon the Permittee, but is unable to estimate the economic benefit associated with the violations cited above.

D. EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON THE ENVIRONMENT: The Department is aware of some efforts of the Permittee to erect berms, and silt fences on the Facility's property to prevent stormwater runoff from the Facility entering into waters of the state, except through permitted discharge points.

E. HISTORY OF PREVIOUS VIOLATIONS: The Permittee has a history of violations prior to the two-year period addressed by the Order. In consideration of the history of previous similar violations, the Department has enhanced the penalty.

F. THE ABILITY TO PAY: The Permittee has not alleged an inability to pay the civil penalty.

G. OTHER FACTORS: This Special Order by Consent is a negotiated settlement and, therefore, the Department has compromised the amount of the penalty the Department believes is warranted in this matter in the spirit of cooperation and desire to resolve this matter amicably, without incurring the unwarranted expense of litigation.

H. The civil penalty is summarized in Attachment #3.

CONTENTIONS OF THE PERMITTEE

I. The Permittee has recorded only one effluent violation since December 2014. In April, 2015, an elevated reading was noted in outfall DSN006, which discharges into the unnamed tributary to Stinking Creek. No other violations have been noted, a

strong indication that the Facility has eliminated any activities which may have created the noted violations.

J. The violations noted by the Department as being in excess of the monthly average and maximum daily measurements are for the same readings, which were performed once a month.

K. During discussions with the Department, it was noted that outfall DSN003, which is located in a drainage basin just below the Facility's settling pond, is also fed by stormwater runoff from a wooded area that is part of Facility property, as well as water from the Subdivision's pond. Due to the placement of this outfall, the readings cited as violations may have been caused, at least in part, by sources other than the Facility, such as the Subdivision. Therefore, a change in the location of the outfall to monitor only discharges from the Facility will further prevent future violations.

L. The Permittee contends that the effluent discharge of TSS and pH above permit limits has not caused any harm to the public health or environment. The average of the four TSS exceedances at DSN003 in 2014 is 88 mg/l per event which the Permittee does not believe has any adverse effect on the UT to Stinking Creek.

M. The Permittee strongly denies that it has allowed sediment to flow into the pond located at Magnolia Place subdivision. The Department's site investigation of March 20, 2015 indicates that erosion and sedimentation was discovered on an access road to a groundwater monitoring well located in the Facility's wooded area immediately east of the active landfill. However, photographs taken by the Department during that same site inspection fail to show any erosion or sediment flowing into the Subdivision's pond. On the contrary, the inspector's photographs indicate that the flow of stormwater is diverted by a berm and turned south along the Facility's property until it reaches outfall DSN003, never reaching the Subdivision. In addition, the access road referenced

in the report is down gradient of the Subdivision's pumping station, so that any sediment and/or gravel discovered there could not possibly have come from the access road. Further photographic evidence fails to show any sedimentation and/or erosion on the banks of the Subdivision's pond in the area of the Facility's access road. Finally, the Permittee strongly denies the allegations of the Department's report of March 20, 2015 that "facility personnel indicated that the drainage from this area flows into the subdivision's sediment pond, and that the sediment pond flows back onto the landfill's property, through the landfill's settling pond, and through outfall DSN003." As found by the Department in August, 2015, and as stated above, the subdivision's pond does flow into the UT to Stinking Creek and the location that the Permittee was sampling, but not into the Facility's settling pond. However, the Permittee denies that any of its personnel stated that drainage from the wooded area flowed into the subdivision's pond. Indeed, all the photographic and physical evidence indicates just the opposite; that storm drainage from the access road is prevented by a berm from flowing into the subdivision's pond, and is instead diverted into the UT to Stinking Creek.

O. As stated above, the Permittee strongly denies that it has ever allowed sediment to enter the subdivision of Magnolia Place. The only other possible source of stormwater entering the property of the subdivision besides the access road discussed above is an area immediately up gradient of the subdivision pumping station. This area is part of the wooded area mentioned above and overlooks a backyard next to the pumping station. This area is also separated from the landfill's wooded area by the same berm which runs the length of the wooded area at its border with the Magnolia Place subdivision. The Permittee will admit that after the rains of two inches or more, stormwater may travel across the berm at two small locations approximately ten feet apart and each measuring less than a foot wide. It then flows into the backyard

mentioned above. However, there is no evidence of sediment or gravel traveling from the landfill property into the subdivision, only a small amount of water. In fact, the Department's investigation in August 2015 was unable to determine the source of any sediment or gravel which might have flowed into the subdivision's pond. The Permittee has observed since 2000 that several developments have caused highly turbid water to flow into the subdivision pond while they were being constructed. In April/May of 2015 a new Trussville elementary school construction that feeds the Magnolia Place pond was begun and is still ongoing. Facility personnel noticed on January 26, 2016, large volumes of turbid water flowing from the school construction area that then entered directly into the Magnolia Place pond via a large diameter concrete pipe. The color and amount of flow was similar to a picture in the possession of the Department taken on December 28, 2015, numbered DSCO9611a. In addition, water from residential downspouts and several yards flows directly into the pumping station pad where gravel and sediment was observed. Because the gravel and sediment is also similar to gravel found in yards throughout Magnolia Place subdivision, as well as at the school construction site; and because there are numerous possible sources in the area, it is impossible to determine the source of the sediment, if any, that has flowed into the subdivision pond, as noted by the Department in its report of September 29, 2015 and revised January 11, 2016.

P. Also, for storm water runoff to leave the Facility property, it must cross a drainage ditch, flow against the grade, and cross a berm and a silt fence. The Permittee has constructed this berm and taken the other measures listed above, in cooperation with the Department, to prevent the discharge of stormwater from its Facility onto neighboring property. The Permittee contends that it has been successful in this endeavor except in the occurrence of rain in excess of two inches, and then only in a

very small volume of water alone. The Permittee contends that these measures, as well as lack of additional effluent violations over the past year, are mitigating factors.

Q. The Permittee admits no wrongdoing, noncompliance or violations on its part, and enters into this Consent Order solely in an attempt to resolve the issues raised within.

ORDER

THEREFORE, the Permittee, along with the Department, desires to resolve and settle the compliance issues cited above. The Department has carefully considered the facts available to it and has considered the six penalty factors enumerated in Ala. Code § 22-22A-5(18)c., as amended, as well as the need for timely and effective enforcement, and the Department believes that the penalty assessed below and the following conditions are appropriate to address the violations alleged herein. Therefore, the Department and the Permittee (hereinafter collectively "Parties") agree to enter into this CONSENT ORDER with the following terms and conditions:

A. The Permittee shall pay to the Department a civil penalty in the amount of \$33,000.00 in settlement of the violations alleged herein within forty-five days from issuance of this Consent Order. Failure to pay the civil penalty within forty-five days from the issuance date may result in the Department's filing a civil action in the Circuit Court of Montgomery County to recover the civil penalty.

B. All penalties due pursuant to this Consent Order shall be made payable to the Alabama Department of Environmental Management by certified or cashier's check and shall be remitted to:

Office of General Counsel
Alabama Department of Environmental Management
P.O. Box 301463

Montgomery, Alabama 36130-1463

C. The Permittee shall prepare and submit to the Department, not later than ninety days after issuance of this Consent Order, an Engineering Report that identifies the potential causes of noncompliance and summarizes an investigation of the changes necessary for the Permittee to achieve and maintain compliance with the Permit. The Engineering Report shall include a Compliance Plan with a schedule for implementation of necessary corrective actions. At a minimum, the Permittee shall consider each of the following in making its investigation: the need for changes in maintenance and operating procedures; the need for modification of existing treatment and collection system works; and the need for new or additional treatment and collection system works. The Engineering Report shall include stormwater drainage maps showing the direction of storm water runoff from all areas of the Facility and the location of all monitoring points, discharge points and receiving waters. The Engineering Report shall include a NPDES application for modification, reissuance or revocation/reissuance of the Permit, if necessary, to include any unpermitted discharges. The Engineering Report shall also identify any areas of the Facility that should be stabilized, e.g., the berm and maintenance pad area, to prevent or minimize pollutant runoff, and any areas from which stormwater runoff should be routed to the Facility's settling pond for treatment. The Engineering Report shall include a review of the design and operation of the Facility's settling pond to ensure compliance with the Permit limitations. The Engineering Report shall also include an analysis of the amount of unpermitted sediment from the landfill property that may have been deposited offsite and/or in state waters, to include the subdivision pond, during the time period from October 7, 2013, through the issuance of this Consent Order, and shall include recommendations for the removal and/or remediation of such sediment. The Engineering Report shall be prepared

by a professional engineer licensed to practice in the State of Alabama. If the Department determines through its review of the submitted Engineering Report that the report is not sufficient to accomplish compliance with the Permit, then the Permittee shall modify the report so that it does accomplish compliance. Modifications to the Engineering Report, if required, shall be submitted to the Department no later than thirty days after receipt of the Department's comments. The Permittee shall complete implementation of the recommendations made in the Engineering Report not later than 180 days after issuance of the acceptance of the Engineering Report.

D. The Permittee shall prepare and submit a permit application to modify, revise, revoke and reissue, or reissue the Permit to include stormwater runoff from all areas of industrial activity (including maintenance areas and access roads) within ninety days after issuance of this Consent Order.

E. The Permittee shall comply with all other terms, conditions, and limitations of its Permit immediately upon issuance of this Consent Order, including monitoring at representative sampling locations.

F. The Permittee agrees to submit a certification to the Department, signed by a professional engineer licensed to practice in the State of Alabama, indicating whether the Permittee is in compliance with all requirements of this Consent Order. The certification will be submitted within 210 days after the acceptance of the Engineering Report.

G. After the issuance of this Consent Order, the Permittee shall pay stipulated penalties for each day it fails to meet any of the written submittal milestone dates or satisfy any of the requirement dates set forth in or established by Paragraphs C, D, and F contained herein. The stipulated civil penalties for failure to meet each milestone or any requirement date, except for *Force Majeure* acts as hereinafter defined, shall be as follows:

<u>Period of Noncompliance</u>	<u>Penalty per Day per Violation</u>
1st to 30th day	\$ 100.00
31st to 60th day	\$ 200.00
After 60 days	\$ 300.00

If the Permittee fails to meet any milestone or any assigned date ninety days after the required dates found in Paragraphs C, D, and F , the Department reserves the right to file a new action against the Permittee.

H. Cumulative stipulated penalties described in Paragraph G above shall under no circumstances exceed \$18,000.00. Once stipulated penalties of \$18,000.00 are due to the Department, or, should violations continue to occur after 180 days from the issuance of this Consent Order, then the Department may issue an additional order or file suit against the Permittee in the Circuit Court of Montgomery County or other court of competent jurisdiction to enforce compliance with this Consent Order.

I. Payment of stipulated penalties for violations of milestone dates under this Consent Order are due no later than the 28th day of the month following the month a milestone date was not achieved. Notification to the Permittee by the Department of the assessment of any stipulated penalty is not required.

J. This Consent Order shall apply to and be binding upon both Parties, their directors, officers, and all persons or entities acting under or for them. Each signatory to this Consent Order certifies that he or she is fully authorized by the Party he or she represents to enter into the terms and conditions of this Consent Order, to execute the Consent Order on behalf of the Party represented, and to legally bind such Party.

K. Subject to the terms of these presents and subject to provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the violations cited in this Consent Order.

L. The Permittee it is not relieved from any liability if it fails to comply with any provision of this Consent Order.

M. For purposes of this Consent Order only, the Department may properly bring an action to compel compliance with the terms and conditions contained herein in the Circuit Court of Montgomery County. In any action brought by the Department to compel compliance with the terms of this Agreement, the Permittee shall be limited to the defenses of *Force Majeure*, compliance with this Agreement and physical impossibility. A *Force Majeure* is defined as any event arising from causes that are not foreseeable and are beyond the reasonable control of the Permittee, including its contractors and consultants, which could not be overcome by due diligence (i.e., causes which could have been overcome or avoided by the exercise of due diligence will not be considered to have been beyond the reasonable control of the Permittee) and which delays or prevents performance by a date required by the Consent Order. Events such as unanticipated or increased costs of performance, changed economic circumstances, normal precipitation events, or failure to obtain federal, state, or local permits shall not constitute *Force Majeure*. Any request for a modification of a deadline shall be accompanied by the reasons (including documentation) for each extension and the proposed extension time. The Permittee shall submit this information so that it is received by the Department a minimum of ten working days prior to the original anticipated completion date. If the Department, after review of the extension request, finds the work was delayed because of conditions beyond the control and without the fault of the Permittee, the Department may extend the time as justified by the circumstances. The Department may also grant any other additional time extension as justified by the circumstances, but it is not obligated to do so.

N. The sole purpose of this Consent Order is to resolve and dispose of all allegations and contentions stated herein concerning the factual circumstances referenced herein. Should additional facts and circumstances be discovered in the future concerning the Facility which would constitute possible violations not addressed in this Consent Order, then such future violations may be addressed in other orders as may be issued by the Director, by litigation initiated by the Department, or by such other enforcement action as may be appropriate. The Permittee shall not object to such future orders, litigation, or enforcement action based on the issuance of this Consent Order if such future orders, litigation, or other enforcement action addresses new matters not raised in this Consent Order.

O. This Consent Order shall be considered final and effective immediately upon signature of all Parties. This Consent Order shall not be appealable, and the Permittee does hereby waive any hearing on the terms and conditions of same.

P. This Consent Order shall not affect the Permittee's obligation to comply with any Federal, State, or local laws or regulations.

Q. Final approval and entry into this Consent Order are subject to the requirements that the Department provide notice of proposed orders to the public, and that the public have at least thirty days within which to comment on the proposed Consent Order.

R. Should any provision of this Consent Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with Federal or State law and therefore unenforceable, the remaining provisions hereof shall remain in full force and effect.

S. Any modification of this Consent Order shall be agreed to in writing and signed by both Parties.


T. Except as otherwise set forth herein, this Consent Order is not and shall not be interpreted to be a permit or modification of an existing permit under Federal, State or local law, and shall not be construed to waive or relieve the Permittee of its obligation to comply in the future with any permit.

Executed in duplicate, with each part being an original.

City of Birmingham

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

EXECUTED AND ISSUED:

By:  By: _____

Its: Mayor Its: _____

Date: April 20, 2016 Date: _____

Attachment 1: Effluent Limitation Violations

Eastern Area Landfill AL0055247

Attachment 1: Effluent Violations

Monitoring Period	Outfall	Parameter	Limit	Reported	Limit Type	Unit
April 2014	0051	Solids, Total Suspended	45	65	Maximum Daily	mg/L
April 2014	0051	Solids, Total Suspended	30	65	Monthly Average	mg/L
May 2014	0031	Solids, Total Suspended	30	40	Monthly Average	mg/l
June 2014	0031	Solids, Total Suspended	30	36	Monthly Average	mg/l
June 2014	0051	Solids, Total Suspended	45	212	Maximum Daily	mg/l
June 2014	0051	Solids, Total Suspended	30	212	Monthly Average	mg/l
August 2014	0021	pH	6.0	5.8	Minimum Daily	S.U.
August 2014	0051	Solids, Total Suspended	45	68	Maximum Daily	mg/l
August 2014	0051	Solids, Total Suspended	30	68	Monthly Average	mg/l
October 2014	0031	Solids, Total Suspended	45	130	Maximum Daily	mg/l
October 2014	0031	Solids, Total Suspended	30	130	Monthly Average	mg/l
October 2014	0061	Solids, Total Suspended	45	464	Maximum Daily	mg/l
October 2014	0061	Solids, Total Suspended	30	464	Monthly Average	mg/l
November 2014	0021	Solids, Total Suspended	30	52	Monthly Average	mg/l
November 2014	0021	Solids, Total Suspended	45	52	Maximum Daily	mg/l
November 2014	0051	Solids, Total Suspended	45	53	Maximum Daily	mg/l
November 2014	0051	Solids, Total Suspended	30	53	Monthly Average	mg/l
November 2014	0061	Solids, Total Suspended	45	123	Maximum Daily	mg/l
November 2014	0061	Solids, Total Suspended	30	123	Monthly Average	mg/l
December 2014	0011	Solids, Total Suspended	30	51	Monthly Average	mg/l
December 2014	0011	Solids, Total Suspended	45	51	Maximum Daily	mg/l
December 2014	0031	Solids, Total Suspended	30	145	Monthly Average	mg/l
December 2014	0031	Solids, Total Suspended	45	145	Maximum Daily	mg/l

Monitoring Period	Outfall	Parameter	Limit	Reported	Limit Type	Unit
December 2014	004Y	Solids, Total Suspended	70	1472	Maximum Daily	mg/l
December 2014	0051	Solids, Total Suspended	30	65	Monthly Average	mg/l
December 2014	0051	Solids, Total Suspended	45	65	Maximum Daily	mg/l
April 2015	0021	pH	6.0	5.8	Minimum Daily	mg/l
April 2015	0061	Solids, Total Suspended	30	62	Monthly Average	mg/l
April 2015	0061	Solids, Total Suspended	45	62	Maximum Daily	mg/l

Attachment 2: Late DMRs

Eastern Area Landfill AL0055247

Attachment 2: Late DMRs

Monitoring Period	Outfall	Due Date	Received Date	Days Late
01/31/2014	0011	02/28/2014	03/28/2014	28
01/31/2014	0021	02/28/2014	03/28/2014	28
01/31/2014	0031	02/28/2014	03/28/2014	28
01/31/2014	0051	02/28/2014	03/28/2014	28
01/31/2014	0061	02/28/2014	03/28/2014	28
05/31/2014	0011	06/28/2014	06/29/2014	1
05/31/2014	0021	06/28/2014	06/29/2014	1
05/31/2014	0031	06/28/2014	06/29/2014	1
05/31/2014	0051	06/28/2014	06/29/2014	1
05/31/2014	0061	06/28/2014	06/29/2014	1
07/31/2014	0011	08/28/2014	10/02/2014	35
07/31/2014	0021	08/28/2014	10/02/2014	35
07/31/2014	0031	08/28/2014	10/02/2014	35
07/31/2014	0051	08/28/2014	10/02/2014	35
07/31/2014	0061	08/28/2014	10/02/2014	35
08/31/2014	0011	09/28/2014	10/02/2014	4
08/31/2014	0021	09/28/2014	10/02/2014	4
08/31/2014	0031	09/28/2014	10/02/2014	4
08/31/2014	0051	09/28/2014	10/02/2014	4
08/31/2014	0061	09/28/2014	10/02/2014	4
10/31/2014	0011	11/28/2014	12/04/2014	6
10/31/2014	0021	11/28/2014	12/04/2014	6
10/31/2014	0031	11/28/2014	12/04/2014	6

Monitoring Period	Outfall	Due Date	Received Date	Days Late
10/31/2014	0051	11/28/2014	12/04/2014	6
10/31/2014	0061	11/28/2014	12/04/2014	6
05/31/2015	0011	06/28/2015	12/22/2015	177
05/31/2015	0021	06/28/2015	12/22/2015	177
05/31/2015	0031	06/28/2015	12/22/2015	177
05/31/2015	0051	06/28/2015	12/22/2015	177
05/31/2015	0061	06/28/2015	12/22/2015	177

Attachment 3: Penalty Summary

Attachment 3

Eastern Area Landfill
Birmingham, Jefferson County
AL0055247

Violation*	Number of Violations*	(A)	(B)	(C)
		Seriousness of Violation*	Standard of Care*	History of Previous Violations*
Effluent Violations	29	\$ 14,950.00	\$ -	\$ 1,450.00
Unpermitted Discharge	1	\$ 5,000.00	\$ 5,000.00	
Inadequate BMPs	2	\$ 3,000.00	\$ 3,000.00	
Late DMRs (July 2014 and May 2015)	2	\$ 350.00	\$ 250.00	

\$23,300.00	\$8,250.00	\$1,450.00
Total (A)	Total (B)	Total (C)

Additional Adjustments due to negotiations, receipt of additional information, or public comment	
Mitigating Factors (-)	
Economic Benefit (+)	
Ability to Pay (-)	
Other Factors (+/-)	\$0.00
Total Adjustments (+/-)	\$0.00

Base Penalty Total [Total (A) + Total (B) + Total (C)]	\$33,000.00
Mitigating Factors (-)	
Economic Benefit (+)	\$0.00
Ability to Pay (-)	
Other Factors (+/-)	
INITIAL PENALTY	\$33,000.00

Total Adjustments (+/-) \$0.00

FINAL PENALTY \$33,000.00

Footnotes

*See the "Department's Contentions" portion of the Order for a detailed description of each violation and the penalty factors