Message

**From**: Dorka, Lilian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AF796221E00A4A338CEA3C72ADBD0D57-DORKA, LILL]
**Sent**: 11/18/2016 10:21:32 PM
**To**: Covington, Jeryl [Covington.Jeryl@epa.gov]; Biffl, Betsy [Biffl.Betsy@epa.gov]; Stein, Jonathan [Stein.Jonathan@epa.gov]
**CC**: Temple, Kurt [Temple.Kurt@epa.gov]
**Subject**: RE: Comments: ADEM Correspondence-Permit Variances

Would love to discuss! Love the picture! Thanks!

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Acting Director, EPA, Office of Civil Rights
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WJC-N Room 2450

**From:** Covington, Jeryl
**Sent:** Friday, November 18, 2016 4:33 PM
**To:** Biffl, Betsy <Biffl.Betsy@epa.gov>; Stein, Jonathan <Stein.Jonathan@epa.gov>
**Cc:** Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>
**Subject:** Comments: ADEM Correspondence-Permit Variances

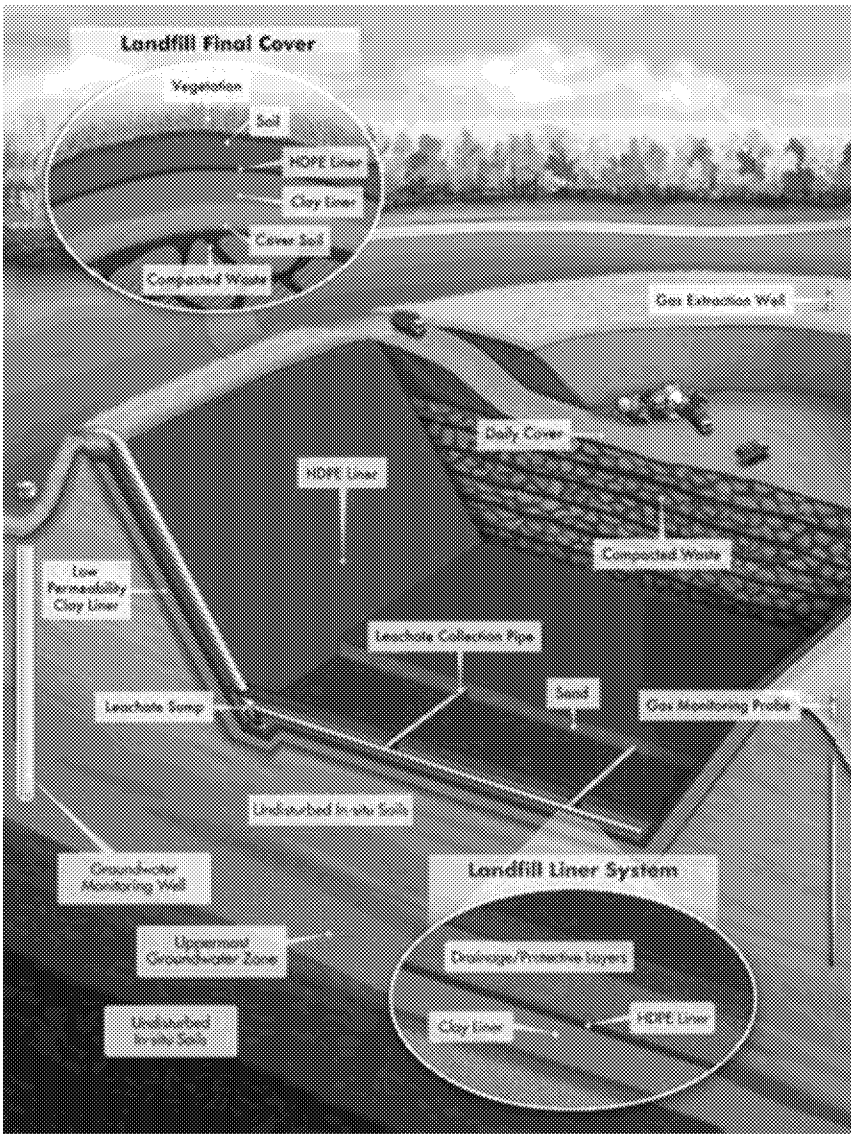
Please note that the following information addresses the permitting concerns identified in Earthjustice's correspondence. I will be pleased to discuss these permitting concerns as you desire versus digesting the following dissertation.

I have reviewed the attachments submitted by Earthjustice related to the Stone's Throw Landfill (Tallassee) and provide some background information related to the permit variance concerns raised in the Earthjustice correspondence dated November 17, 2016 and issued to ADEM. Additionally, I have retrieved a copy of the Stone's Throw Permit Renewal dated June 16, 2016 for which some of Earthjustice's concerns are referenced.

> **"C. TWDC Seeks Variances that Will Exacerbate the Health and Psychological Consequences of the Landfill and Have a Disparate and Discriminatory Impact on the Majority-Black Ashurst Bar/Smith Community"**

The requested permitting variances relates to the utilization of two (2) working faces and the utilization of alternative daily cover materials.

As currently permitted, the landfill is allowed to operate with one (1) working face within the unit on a daily basis. Since the landfill has a newly constructed disposal cell that will eventually receive waste, the operators are requesting permission to segregate waste from the original location to the new locate. This is commonly referred to placing a "fluff" layer over the liner system. The operators want to ensure that the initial waste placement in the new cell will not damage the liner system (pictured below); hence, the selection of specified materials for this initial waste selection. Once the fluff layer is placed, the landfill will eventually transition all waste receipts to the new operating face and begin closure (temporary of permanent closure) in the former area. Based on the design of the landfill, the two landfill cells will piggy-back on each other to build toward the final landfill design grades.




Per Earthjustice's correspondence, the landfill has additionally requested the utilization of alternative daily cover (ADC) material. Per the PTO issued October 9, 2016 and expired October 8, 2006 (attached), the facility was approved to utilize tarps as an ADC (Section III. F.). The current permit renewal application dated June 16, 2016 requests that the previously approved ADCs be included in the permit renewal actions. Evidently, during the various issuances of the PTO (renewals and modifications) each approved ADC was not fully documented in the final permit version by ADEM. Conclusively, the facility is not requesting a new variance in their operations with respect to the utilization of ADCs.

Per the Hodges, Harbin, Newberry and Tribble correspondence dated September 15, 2016 (attached), the ADC materials reportedly previously approved for operations include the following: tarps, contaminated soils, petroleum contaminated soils, and automotive shredder residue. As a permit condition, the contaminated soils, petroleum contaminated soils, and automotive shredder residue may only be used on the interior slopes, deck, or workface. The Earthjustice correspondence presents that the facility is requesting these as new conditions; they are not.

Contained within the permit that was issued November 29, 2011 and expires December 17, 2016, the following conditions are permitted:

- Section X.1 permits the landfill a variance of the 100-foot buffer only for the south and east boundary of the C&D area. The Earthjustice correspondence presents that the facility is requesting the buffer variance as new. Per this approved permit, the buffer requirements does not appear to be a new permit condition.

- Section X.6 permits the landfill a variance allowing the second working face in order to place a fluff layer in each newly constructed cell while at the same time continuing to reach final elevation in the current cell. The Earthjustice correspondence presents that the facility is requesting the second operating face as new variance. Per this approved permit, the second working face requirement does not appear to be a new permit condition. As previously clarified above, the current operating permit states that "the purpose of this second working face is to limit the types of material that might damage the liner during the initial placement of waste in the new cell."

Finally, the Earthjustice correspondence raises issues that the Stone's Throw Landfill was issued a NOV for the placement of special waste. Special waste does not indicate that the waste is not permitted for disposal in a MSW unit. The violation cited that the facility did not seek prior approval before placement. A likely scenario is that a similar waste type was approved for placement by ADEM for a different customer. The scale house attendant likely accepted this similar material but had nothing on file approving this wastestream for disposal. Subsequent to the issuance of the NOV, the facility received ADEM's authorization for waste placement in the unit and no fines were issued associated with this NOV.

Please follow-up with me for clarification or additional information related to these permitting conditions.

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