

**BEFORE THE
ENVIRONMENTAL MANAGEMENT COMMISSION
OF THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

BOBBY LEWIS AND MICHAEL)
DEL VECCHIO,)
)
Petitioners,)
)
v.)
)
ALABAMA DEPARTMENT OF)
ENVIRONMENTAL MANAGEMENT,)
)
Respondent,)
)
CITY OF DOTHAN, ALABAMA,)
)
Intervenor.)

EMC DOCKET NO. 16-01

SOLIDWASTE DISPOSAL
FACILITY PERMIT
NO. 35-06

SUGGESTION OF MOOTNESS

The subject of this appeal is the January 8, 2016 modification of Solid Waste Disposal Permit 35-06. On June 10, 2016, the Department rescinded and revoked the issuance of that modification as null and void for lack of notice to all adjacent landowners. (Copy attached.)

There being no permit modification to challenge, the issues raised before the Commission are moot, and the appeal is due to be dismissed.

Respectfully submitted this 10th day of June, 2016.

Anthony Todd Carter by PCS

Anthony Todd Carter (CAR126)
Assistant Attorney General

Paul Christian Sasser

Paul Christian Sasser (SAS037)
Assistant Attorney General

Alabama Department of Environmental Management
PO Box 301463
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(334) 271-7855

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Suggestion of Mootness by sending a copy of the same to each of the following in the below stated manner:

U.S. MAIL and EMAIL

The Honorable James F. Hampton, Hearing Officer
4265 Lomac Street
Montgomery, AL 36106
Email: jfh@jamesfhampton.com

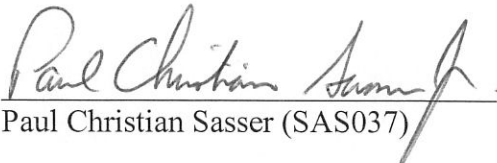
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HAND DELIVERY

Debi Thomas
Alabama Environmental Management Commission
1400 Coliseum Boulevard
Montgomery, AL 36110-2059

DONE this 10th day of June, 2016.


Paul Christian Sasser (SAS037)

LANCE R. LEFLEUR
DIRECTOR



ROBERT J. BENTLEY
GOVERNOR

Alabama Department of Environmental Management
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June 10, 2016

The Honorable Mike Schmitz, Mayor
City of Dothan
Post Office Box 2128
Dothan, Alabama 36302

Dear Mayor Schmitz:

RE: City of Dothan Sanitary Landfill
Solid Waste Disposal Permit 35-06

As confirmed today in a telephone conversation between Mr. Jerry Corbin, Public Works Director for the City of Dothan and myself, the City's application to modify Solid Waste Disposal Permit 35-06 submitted to the Department on or about January 26, 2015, did not identify all adjacent landowners as required by ADEM Admin. Code r. 335-13-5-.02(1)(f). As a result, those adjacent landowners who were not identified in the permit application did not receive notice as required by ADEM Rule 335-13-5-.03(1)(b)2. The courts have held that failure to provide required notice renders a permit "null and void."

Accordingly, the Department hereby rescinds and revokes the issuance of modified Solid Waste Disposal Permit 35-06, dated January 8, 2016.

Should you have any questions, you may contact Mr. Eric Sanderson of the Solid Waste Branch at (334) 271-7755.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip D. Davis", with a long horizontal line extending to the right.

Phillip D. Davis, Chief
Land Division

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