

June 19, 2017

**Certified Mail-Return Receipt**

No. 7008 1300 0001 2360 3718  
Hon. Lance R. LeFleur, Director  
Alabama Department of Environmental Management  
P.O. Box 301463  
Montgomery, AL 36130-1463

**Certified Mail-Return Receipt**

No. 7008 1300 0001 2360 3749  
Mr. Phillip Davis, Chief  
Alabama Department of Environmental Management  
Land Division  
P.O. Box 301463  
Montgomery, AL 36130-1463

**Re: Proposed Modification of City of Dothan Sanitary Landfill Permit No. 35-06**

I represent Michael Del Vecchio and Bobby Lewis in regard to the above-referenced matter.

On May 22, 2017, the Alabama Department of Environmental Management commenced a 45-day public comment period and announced the scheduling of a public hearing on June 29, 2017 to receive public comment on a revised application for modification of City of Dothan Sanitary Landfill Permit No. 35-06 submitted to the Department on or about March 6, 2017.

With certain exceptions described in Ala. Code § 22-27-48(d), as amended by Ala. Act No. 2017-366 (approved May 24, 2017) (*i.e.*, “permit modifications for the limited purposes of changing liner and leachate collection design, changes in waste streams from within the facility’s designated service area, changes in sequence of fill, changes to incorporate new technology, and changes intended to bring a facility into compliance with statutes and regulations”), “[t]he [D]epartment may not consider an application for a modified permit for a facility unless such application has received approval pursuant to this section by the local governing body.” Ala. Code § 22-27-48(b), as amended by Ala. Act No. 2017-366 (approved May 24, 2017). “Any decision by the local governing body of a proposed modification of a permit for an existing solid waste management site . . . shall be made in a public meeting only after public notice of such application . . . and an opportunity for public comment is provided.” Ala. Code § 22-27-48(e), as amended by Ala. Act No. 2017-366 (approved May 24, 2017). “In providing public notice of any proposed modification, the local government shall at a minimum hold at least one public hearing thereon, notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the municipality and in the official gazette, if any, of the jurisdiction. Furthermore, the notice shall be given at least 30 days but not more than 45 days prior to the

proposed date of the hearing.” Ala. Code § 22-27-48(f), as amended by Ala. Act No. 2017-366 (approved May 24, 2017).

As the May 22, 2017 public notice indicates, on September 16, 2014, the Board of Commissioners of the City of Dothan “granted approval to expand the facility boundary for the City of Dothan Sanitary Landfill.” Resolution 2014-246 approved “the proposed expansion to the facility boundary of the Dothan Landfill located at 1290 Burkett Road to approximately 536 acres.” Resolution 2014-246, however, did not approve the revised application to modify Permit No. 35-06 which was submitted to the Department on or about March 6, 2017. The revised application includes several modifications that the Board of Commissioners did not previously review or approve. For example, the revised application to modify Permit No. 35-06 increases the construction and demolition waste disposal area acreage; extends the facility boundary along the east side; revises the legal description of the facility; reduces the municipal solid waste disposal area acreage; and reduces the total acreage of the facility.

Absent approval of the revised application for modification of Permit No. 35-06 by the Board of Commissioners of the City of Dothan after public notice and public hearing, the Department may not consider the revised application for modification of Permit No. 35-06. Accordingly, my clients demand that the Department cease and desist all further consideration of the revised application for modification of Permit No. 35-06. If the Department proceeds with the June 29, 2017 public hearing on the revised application for modification of Permit No. 35-06, such action will violate Ala. Code § 22-27-48(b), as amended by Ala. Act No. 2017-366 (approved May 24, 2017) and my clients will file suit against the responsible Department officials to restrain any further consideration of the revised application.

Sincerely,

A handwritten signature in cursive script, appearing to read "David A. Ludder".

David A. Ludder

cc: Mr. Thomas L. Johnston, General Counsel  
Mr. F. Lenton White, City Attorney