

House passes landfill bill allowing alternative materials as temporary cover

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The Alabama House of Representatives passed a bill Thursday to change the statutory definition so that temporary “cover” in landfills can be a material other than “earth.”

House Bill 140 is sponsored by State Rep. Alan Baker, R-Brewton.

The bill allows landfills to use alternative daily covers in place of earth to cover landfills until the next business day. “The EPA has allowed this since 1979,” Baker said. It would save landfills the cost of using earth for daily cover.

“This does not change anything in the operating rules for landfills,” Baker said.

A number of members from both parties expressed concerns about this bill on Tuesday, so the bill was carried over until Thursday.

Speaker of the House Mac McCutcheon told reporters, “Sometimes in a debate you can see that the debate is not a filibuster or anti-debate; but rather is an honest effort by members

to understand a bill.”

“There was a lot of misinformation out there,” McCutcheon said. The Environmental Services Agency and ADEM were brought in to explain the members and address their concerns.

McCutcheon said that human biosolids is a separate issue and that Rep. Tommy Hanes has introduced legislation dealing with that issue.

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Alternative daily cover is often described as cover material other than earthen material placed on the surface of the active face of a municipal solid waste landfill at the end of each operating day. It is utilized to control vectors, fires, odors, blowing litter, and scavenging. Federal and various state regulations require landfill operators to use such earthen material unless other materials are allowed as alternatives (Mitchell Williams writing on Oct 31 in JDSUPRA).

Soil cover can use valuable air space. Further, it can generate the need to excavate and haul soil to the facility. Alternative daily covers are often advocated to be a more efficient and cost-effective means of cover (Williams).

Baker said that it would be up to ADEM (the Alabama Department of Environmental Management) in the permit whether to allow a proposed alternative cover or not.

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Baker said, “This bill does not change any of the materials used as cover.” “This would keep us from having to use that good earth in landfills when other materials are available. If it becomes a nuisance ADEM can revoke a cover on the permit. Daily cover has to be approved at the discretion of ADEM.”

Baker said that only materials not constituted as a risk to health or are not a hazard can be used.

An environmental attorney shared the list of ADEM alternative covers with the **Alabama Political Reporter**. The list includes: auto fluff, excavated waste, synthetic tarps, coal ash, petroleum contaminated soil, automotive shredder residue, shredder fluff, wiring insulation, contaminated soils, paper mill (including wood debris, ash shaker grit, clarifier sludge, dregs, lime), 50 percent on-site soil and 50 percent tire chips, spray-on polymer-based materials, reusable geosynthetic cover, automobile shredder fluff, tarps, foundry sand, clay emulsion known as USA Cover Top clay emulsion, non-hazardous contaminated soil, non-hazardous solid waste clarifier sludge, steckle dust all generated from Nucor Steel Tuscaloosa Inc., non-coal ash from Kimberly Clark operations, lagoon sludge from Armstrong World Industries operations, meltshop refractory material from Outokumpu Stainless USA operations, paper mill waste (non-coal ash, slaker grits, dregs, and lime),

biodegradable synthetic film, fly ash, residue from wood chipper or paper, slurry with a fire retardant and tactifier, Posi Shell Cover System, waste Cover, foundry waste, 50 percent soil and 50 percent automobile shredder fluff, incinerator ash, green waste to soil. Sure Clay Emulsion Coating, alternative cover materials (manufactured), compost produced by IREP Montgomery-MRF, LLC, 50 percent saw dust mixed with 50 percent soil, and waste soils considered to be special waste.

McCutcheon said that members did not understand that these were just temporary covers. That was explained to them.

Alabama landfills have used alternative covers for years; but three people sued saying that this was not allowed under Alabama law and that ADEM had exceeded its mandate by permitting alternate covers. On October 11, 2019 the Alabama Court of Civil Appeals found in favor of the plaintiffs.

HB140, if passed, would address this oversight in the Alabama legal code so that ADEM and the landfills can legally continue to use alternate covers and not have the added expense of quarrying dirt for daily cover.

A Senate version of the same bill received a favorable report last week from the Fiscal Responsibility and Economic Development Committee.

HB140 now goes to the Alabama Senate.

Wednesday, the State Senator Judiciary Committee gave a favorable report that would establish a cohesive and statewide management process for administering and managing concealed weapons permits in the state of Alabama. The legislation would also allow citizens, whose weapons rights have not been revoked, to obtain a lifetime concealed carry permit, also called a pistol permit.

Senate Bill 47 is sponsored by State Senator Randy Price (R-Opelika).

"I am for protecting our gun rights while demanding accountability," Sen. Price said. "Every day our law enforcement officers put their lives on the line to protect and serve our cities, counties, and communities. This bill will offer additional safety and information for them to more effectively do their job. As a responsible gun owner, I believe having this new information and a reliable concealed weapons permit process supports the safety both of our citizens and law enforcement without infringing on our 2nd Amendment rights."

SB47 is supported by the National Rifle Association (NRA) and Alabama Gun Rights (AGR).

"The NRA strongly supports this streamlined permitting process," said NRA Alabama State Director Art Thomm. "Not only would it bring much needed 21st century technology to Alabama's antiquated system, but it would be the first time law-abiding Alabamians were

given the option for a lifetime concealed carry permit.”

Bamacarry however opposes the legislation.

Bamacarry President Eddie Fulmer said that they do not want all concealed carry permit holders in the state in a database.

Fulmer told the Alabama Political Reporter that all it takes is one election, see what happened in Virginia, for state government to suddenly become hostile to honest law abiding citizens.

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The Alabama Sheriffs Association also opposes the legislation. They oppose giving up control of the database to the Alabama Law Enforcement Agency (ALEA).

“I issued 15,200 permits last year,” said Baldwin County Sheriff Hoss Mack. 321 were denied. They were identified by the local authorities as having been convicted felons or have other disqualifying factors. “I am afraid if we move this to Montgomery we are going to compromise some of those safety protocols.”

Bamacarry disputes the need for the database of pistol permit holders.

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“People who have concealed carry permits do commit crimes and shoot people,” Sheriff Mack said. “Sheriff Big John Williams in Lowndes County was killed by an 18 year old with a concealed carry permit.”

Bamacarry supporters disputed that afterwards talking to APR. Legally you are supposed to be 19 in order to be issue a concealed carry permit and the gun was stolen, thus the shooter was not a law abiding concealed carry permit holder.

Sen. Vivian Figures (D-Mobile) said, “I can not support a life time permit.”

Sen. Bobby Singleton (D-Greensboro) said, “90 percent of those mass shooters did not have a criminal record. They were law abiding citizens.”

State Representative Proncey Robertson (R-Mt. Hope) is the sponsor of the House version of the bill, House Bill 39.

“I have communicating with the Sheriff’s association liaison Randy Hillman many many times,” Robertson said. “I believe we have done a good job communicating with them.”

Hillman disputed that account.

Singleton said that Price and Robertson should have sat down with the sheriff's association when the bill was drafted.

"ALEA just maintains the database," Robertson said. The issuance and revocation of the permits is still left to the sheriffs.

Senator Larry Stutts (R-Sheffield) said that they should have looked into a database just of those persons who are prohibited from having guns.

Stutts said, "The one breaking the law doesn't get permits."

Sen. Linda Coleman-Madison (D-Birmingham) said, "I would like to see the parties come together and work on the bill."

Fulmer said that permits are "A revenue stream of \$17.5 million a year. We are talking about money."

Under Price's bill 60 percent of the permit revenue would go to ALEA.

Price said, "Some counties are doing the right thing and some are not and that is why ATF came in and started their investigation in the state of Alabama."

SB47 received a favorable report and can now be considered by the full Senate.

It is currently legal in Alabama to openly carry firearms without a permit, if your gun rights have not been taken away. A citizen can lose their gun rights due to a felony conviction, being declared mentally unfit by a probate judge, or a misdemeanor domestic violence conviction. While every citizen, who still has gun rights, may openly carry without a concealed carry permit; it is against the law to have a loaded handgun in a vehicle without a concealed carry permit. Handguns must be unloaded and locked in a box or trunk out of reach. Similarly, if a person is openly carrying a handgun on their side, were to put a jacket on so that the gun was no longer visible that would also be a misdemeanor as they are now carrying concealed, unless they have a valid concealed carry permit allowing them to conceal their handgun. Persons with a concealed carry permit are allowed to have their gun on their person while riding in a motor vehicle or within reach like in the glove box, loaded or not. This does not apply to long guns (rifles and shotguns). All Alabama citizens, who still have their gun rights, may carry their shotgun or rifle with them in their vehicle, without having to obtain a concealed carry permit to exercise that right.

To get your concealed carry permit you must go to the sheriff's department in your home county. The fee varies from county to county.

Twenty percent of adult Alabamians have a concealed carry permit, the highest rate in the country.

Tuesday, the Alabama House of Representatives passed legislation allowing local law enforcement to get a warrant for electronic eavesdropping on suspected drug trafficker's phone, email, fax, internet and other electronic communications.

House Bill 14 is sponsored by State Representative Rex Reynolds (R-Huntsville).

Reynolds said that the law enforcement agency would need to get the application for surveillance approved by the Alabama Law Enforcement Agency (ALEA) and the Alabama Attorney General's office before they could go to a judge and ask for a warrant. A select number of Alabama judges would issue the warrants and law enforcement would have to have probable cause to ask for the warrant.

State Representative Tim Wadsworth (R-Arley) is an attorney who has done some criminal defense work.

Wadsworth said that there are some judges in Alabama who have never rejected any probable cause for a warrant.

Reynolds said that the judge that issued the wiretapping warrant would not be the same judge who hears the case.

"This is a lot like a FISA warrant, Wadsworth said.

"This is more narrow in scope," Reynolds said. There are four layers of protection to prevent this from being abused.

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Wadsworth said that the Congress said the same thing when they passed the FISA laws and then they were tapping the phone of President Trump and his team.

Reynolds said that while the warrants are solely for the investigation of drug trafficking, if during that surveillance evidence of other felonies are uncovered; then law enforcement can go back to the judge that issued the warrant and ask for permission to act on that new information.

Reynolds said that the warrants would allow only 30 days of electronic surveillance. To extend it beyond that period of time law enforcement would have to go back to the issuing judge.

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"I have concerns about this, but I recognize the need," Rep. Wadsworth said.

"I find this very troubling," said Rep. Barry Forte (D-Eufaula). "I am going to support your bill; but I do not like giving more power to law enforcement."

Reynolds said that this is necessary so that law enforcement can go after dangerous drug traffickers without doing face to face drug buys. Reynolds said that the bill will be named for slain Huntsville police officer Billy Clardy III who was killed doing a face to face drug buy from a dangerous drug trafficker.

HB 14 passed the house 89 to 5. It now goes to the State Senate for their consideration.

The American Civil Liberties Union (ACLU) of Alabama has condemned a recently approved bill to prevent doctors from providing hormone replacement therapy or puberty suppressing drugs to people younger than 19 who identify as transgender.

House Bill 303, the Alabama Vulnerable Child Compassion and Protection Act, would make it a Class C felony, punishable by up to 10 years in prison, for doctors to prescribe puberty-blocking medications or opposite gender hormones to minors. The legislation would also ban hysterectomy, mastectomy or castration surgeries from being performed on minors.

The Alabama House Health Committee and the Senate Health Committee approved the bill on Wednesday in separate hearings, both drawing overflow crowds. The committee approval moves the bill in line for consideration by the full House.

The ACLU of Alabama said in a statement that the bill targets transgender youth and puts their academic success and health in danger.

“Transgender girls are girls, and transgender boys are boys,” said Dillon Nettles, policy analyst at the ACLU of Alabama. “Alabama lawmakers are considering legislation that runs counter to medical science, prevailing standards for the treatment of transgender youth and basic human dignity.

“The government shouldn’t threaten medical providers with jail for treating transgender kids and schools shouldn’t discriminate against them when it comes to participation in school sports. HB303 and HB35 are dangerous, discriminatory and put kids at risk.”

Multiple women’s sports advocacy organizations, including The National Women’s Law Center, the Women’s Sports Foundation and Women Leaders in College Sports, support trans-inclusive policies and oppose efforts to exclude transgender students from participating in sports.

A June 2019 report from the Trevor Project on mental health issues among LGBTQ youth across the United States found that 78 percent of transgender and non-binary youth reported being the subject of discrimination due to their gender identity in the past year. The report also found that 39 percent of LGBTQ youth seriously considered attempting suicide in the last year, with more than half of transgender and non-binary youth having seriously considered.

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The Trevor Project is a non-profit organization that focuses on suicide prevention and crisis intervention for LGBTQ youth.

This is the second bill in the State House this year dealing with transgender youth.

Rep. Chris Pringle, R-Mobile, is sponsoring [House Bill 35](#), titled the Gender Is Real Legislative Act, or GIRL Act. It would require student athletes in K-12 schools to participate as the gender listed on their birth certificate, preventing transgender athletes from competing as the gender they identify as.

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The Alabama House of Representatives voted overwhelmingly yesterday to pass legislation to give judges more discretion in denying bail to people accused of committing violent crimes.

The legislation, House Bill 81, is named for Aniah Blanchard, a 19-year-old Alabama college student who was kidnapped and murdered last year. The man charged with her murder, Ibraheed Yazeed, was out on bond for charges including kidnapping and attempted murder at the time he was arrested in connection with Blanchard's case.

Section 16 of the 1901 Constitution of Alabama currently requires that "all persons shall, before conviction, beailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and that excessive bail shall not, in any case, be required."

This bill would allow judges to deny bail in cases involving certain violent offences and it amends the Constitution to read: "If no conditions of release can reasonably protect the community from risk of physical harm to the accused, the public, or both, ensure the presence of the accused at trial, or ensure the integrity of the judicial process, the accused may be detained without bail. Excessive bail shall not in any case be imposed or required."

Blanchard's father, Elijah Blanchard, stepmother, Yashiba Blanchard, and mother, Angela Harris, were in the House gallery and received a standing after the bill passed by a vote of 104-0.

The legislation, sponsored by Rep. Chip Brown, R-Mobile, goes to the Alabama Senate next for consideration.