



AlaFile E-Notice

03-CV-2020-900877.00

Judge: BROOKE E REID

To: LUDDER DAVID ALAN
court.notices@enviro-lawyer.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

BOBBY LEWIS ET AL V. ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT ET
03-CV-2020-900877.00

The following matter was FILED on 2/2/2021 10:24:40 AM

Notice Date: 2/2/2021 10:24:40 AM

GINA J. ISHMAN
CIRCUIT COURT CLERK
MONTGOMERY COUNTY, ALABAMA
251 S. LAWRENCE STREET
MONTGOMERY, AL, 36104

334-832-1260



IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

LEWIS BOBBY,)	
DEL VECCHIO MICHAEL,)	
DEL VECCHIO DAVID,)	
DEL VECCHIO PEGGY ET AL,)	
Plaintiffs,)	
)	
V.)	Case No.: CV-2020-900877.00
)	
ALABAMA DEPARTMENT OF)	
ENVIRONMENTAL MANAGEMENT,)	
LANCE R. LEFLEUR, DIRECTOR,)	
ENVIRONMENTAL MANAGEMENT)	
COMMISSION,)	
SAMUEL L. MILLER, CHAIR ET AL,)	
Defendants.)	

FINAL ORDER

The Alabama Department of Environmental Management (ADEM) granted a solid waste permit renewal and modification for Permit No. 35-06 (the “Permit”) to the City of Dothan (Intervenor) on May 6, 2019, to operate the City of Dothan’s Landfill. Bobby Lewis, Michael Del Vecchio, David Del Vecchio, Peggy R. Del Vecchio, William R. Novack and Tara Novack appealed this determination and, ultimately, the Alabama Environmental Management Commission (the “Commission”) approved the renewal and modification of the Permit. This appeal followed.

Having considered the transcript of the administrative hearing and the record before the Alabama Environmental Management Commission, as well as the briefs and oral arguments of the parties, this Court hereby finds that:

The application for the Permit included evidence of host government approval as

required by and in compliance with Ala. Code § 22-27-48; and

As determined by the Alabama Department of Environmental Management and confirmed by the Alabama Environmental Management Commission, the Permit adequately protects the groundwater; and

The Permit by its very terms requires that the landfill operate in compliance with applicable ADEM rules, and Petitioners' failed to offer evidence demonstrating that the operational provisions of the Permit are insufficient to control odor, dust, and disease vectors.

Review by this Court is limited. Under Ala. Code § 41-22-20(k), "the trial court must give the Commission's decision a presumption of correctness, and it may not substitute its judgment for that of the Commission as to the weight of the evidence on questions of fact."

Plumbers & Steamfitters, Local 52, 647 So. 2d at 95 The Court finds that substantial evidence exists to support the Commission's decision to approve the Permit and that the decision is not arbitrary or affected by error of law. The decision of the Commission in issuing this renewal and modification of the Permit is protective of human health and the environment and in accordance with applicable law. The decision of the Commission is therefore **affirmed**.

DONE this 2nd day of February, 2021.

/s/ BROOKE E REID
CIRCUIT JUDGE
