



AlaFile E-Notice

03-CV-2020-900877.00

Judge: BROOKE E REID

To: LUDDER DAVID ALAN
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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

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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.)	

ORDER ON REMAND

This matter comes before the Court on the Court of Civil Appeals’ reversal and remand of this Court’s Final Order dated February 2, 2021 affirming the Order of the Environmental Management Commission of the Alabama Department of Environmental Management dated June 12, 2020 which approved the Department’s modification of Solid Waste Disposal Facility Permit No. 35-06 issued to the City of Dothan on May 6, 2019. The Court of Civil Appeals issued a decision and entered a judgment holding that the Commission acted beyond its statutory authority in approving the modification of the permit, and that the trial court erred in concluding otherwise. Accordingly, the Court of Civil Appeals reversed and remanded this Court’s Final Order and instructed this Court to conduct further proceedings consistent with its decision.

In accordance with Code of Alabama 1975, § 41-22-20(1), this Court concludes as follows:

The City of Dothan submitted an application to the Alabama Department of Environmental Management for modification of Solid Waste Disposal Facility Permit No. 35-06 on May 15, 2018;

Pursuant to Code of Alabama 1975, § 22-27-48, the Board of Commissioners of the City of Dothan failed to examine and approve the application submitted to the Alabama Department of Environmental Management for modification of Solid Waste Disposal Facility Permit No. 35-06;

The Alabama Department of Environmental Management considered the City of Dothan's 2018 application for modification of Solid Waste Disposal Facility Permit No. 35-06 and issued the requested permit modification on May 6, 2019 in violation of Code of Alabama 1975, § 22-27-48(b);

The Environmental Management Commission of the Alabama Department of Environmental Management acted beyond its statutory authority in approving the Department's modification of Solid Waste Disposal Facility Permit No. 35-06 on June 12, 2020;

The Environmental Management Commission of the Alabama Department of Environmental Management's June 12, 2020 approval of Solid Waste Disposal Facility Permit No. 35-06 is due to be set aside because the Commission acted beyond its statutory authority.

In accordance with the instructions of the Court of Civil Appeals on remand and Code of Alabama 1975, § 41-22-20(k), it is hereby ORDERED, ADJUDGED and DECREED that this Court's February 2, 2021 Final Order is hereby VACATED and that the June 12, 2020 Order of the Environmental Management Commission of the Alabama Department of Environmental Management approving the Department's modification of Solid Waste Disposal Facility Permit No. 35-06 issued on May 6, 2019 is hereby REVERSED.

DONE this 31st day of March, 2022.

/s/ BROOKE E REID
CIRCUIT JUDGE
