



AlaFile E-Notice

03-CV-2026-900694.00

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

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

DANNY D. WILLIAMS V. EDWARD F. POOLOS, DIRECTOR, ADEM ET AL
03-CV-2026-900694.00

The following complaint was FILED on 4/27/2026 1:40:49 PM

Notice Date: 4/27/2026 1:40:49 PM

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

334-832-1260



Case:

03

Date of Filing:

04/27/2026

Judge Code:

State of Alabama Unified Judicial System Form ARCiv-93 Rev. 9/25	COVER SHEET CIRCUIT COURT - CIVIL CASE (Not For Domestic Relations Cases)	Case: 03 Date of Filing: 04/27/2026 Judge Code:
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GENERAL INFORMATION

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

DANNY D. WILLIAMS v. EDWARD F. POOLOS, DIRECTOR, ADEM ET AL

First Plaintiff: Business Individual
 First Defendant: Business Individual
 Government Other
 Government Other

NATURE OF SUIT: Select primary cause of action, by checking box (check only one) that best characterizes your action:

TORTS: PERSONAL INJURY

- WDEA - Wrongful Death
 TONG - Negligence: General
 TOMV - Negligence: Motor Vehicle
 TOWA - Wantonness
 TOPL - Product Liability/AEMLD
 TOMM - Malpractice-Medical
 TOLM - Malpractice-Legal
 TOOM - Malpractice-Other
 TBFM - Fraud/Bad Faith/Misrepresentation
 TOXX - Other: _____

TORTS: PERSONAL INJURY

- TOPE - Personal Property
 TORE - Real Property

OTHER CIVIL FILINGS

- ABAN - Abandoned Automobile
 ACCT - Account & Nonmortgage
 APAA - Administrative Agency Appeal
 ADPA - Administrative Procedure Act
 ANPS - Adults in Need of Protective Service

OTHER CIVIL FILINGS (cont'd)

- MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve
 CVRT - Civil Rights
 COND - Condemnation/Eminent Domain/Right-of-Way
 CTMP - Contempt of Court
 CONT - Contract/Ejection/Writ of Seizure
 TOCN - Conversion
 EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division
 CVUD - Eviction Appeal/Unlawful Detainer
 FORJ - Foreign Judgment
 FORF - Fruits of Crime Forfeiture
 MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
 PFAB - Protection From Abuse
 EPFA - Elder Protection From Abuse
 QTLB - Quiet Title Land Bank
 FELA - Railroad/Seaman (FELA)
 RPRO - Real Property
 WTEG - Will/Trust/Estate/Guardianship/Conservatorship
 COMP - Workers' Compensation
 CVXX - Miscellaneous Circuit Civil Case

ORIGIN: F **INITIAL FILING**
 A **APPEAL FROM DISTRICT COURT**

P **APPEAL FROM PROBATE COURT**
 O **OTHER**

HAS JURY TRIAL BEEN DEMANDED? YES NO

Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P, for procedure)

RELIEF REQUESTED: **MONETARY AWARD REQUESTED** **NO MONETARY AWARD REQUESTED**

ATTORNEY CODE:

LUD001

4/27/2026 1:40:47 PM

/s/ DAVID ALAN LUDDER

Date

Signature of Attorney/Party filing this form

MEDIATION REQUESTED: YES NO UNDECIDED

Election to Proceed under the Alabama Rules for Expedited Civil Actions: YES NO



**IN THE CIRCUIT COURT
OF MONTGOMERY COUNTY, ALABAMA**

DANNY D. WILLIAMS,)
)
Plaintiff,)

v.)

Civil Action No.

**EDWARD F. POOLOS, in his official)
capacity as Director of the Alabama)
Department of Environmental)
Management; STEPHEN A. COBB,)
in his official capacity as Chief of)
the Land Division of the Alabama)
Department of Environmental)
Management and individually; J.)
JASON WILSON, in his official)
capacity as Chief of the Solid Waste)
Branch of the Land Division of the)
Alabama Department of)
Environmental Management and)
individually; JARED D. KELLY, in)
his official capacity as Chief of the)
Solid Waste Engineering Section of)
the Solid Waste Branch of the Land)
Division of the Alabama)
Department of Environmental)
Management and individually;)
ISABEL G. BELA, in her official)
capacity as Environmental)
Engineer Specialist in the Solid)
Waste Engineering Section of the)
Solid Waste Branch of the Land)
Division of the Alabama)
Department of Environmental)
Management, and the CITY OF)
DOTHAN, ALABAMA,**)

COMPLAINT

Defendants.)

COMPLAINT

Nature of Action

1. This is an action for declaratory and injunctive relief, nominal and punitive damages, and costs and attorney fees for the Defendants' violations of Plaintiff's constitutional procedural rights.

Jurisdiction and Venue

2. This action arises under 42 U.S.C. §§ 1983 and 1988; U.S. Const. amend. XIV, § 1; Art. I, § 13, Ala. Const. 2022; and Ala. Code § 6-6-226.

3. This Court has jurisdiction under Art. VI, § 142(b), Ala. Const. 2022, and Ala. Code 1975, §§ 6-6-222 and 6-6-500.

4. This Court is the appropriate venue for this action under Ala. Code 1975, § 6-3-7.

Parties

5. Plaintiff Danny D. Williams is a resident of Henry County, Alabama.

6. Defendant Edward F. Poolos is the Director of the Alabama Department of Environmental Management. His official residence is in Montgomery County, Alabama. As Director of the Department, he supervises and controls the Department. Ala. Code 1975, § 22-22A-4(b). He is authorized to issue and revoke permits for solid waste management facilities, Ala. Code

1975, §§ 22-22A-4(b), 22-22A-4(i), 22-22A-5(1), 22-22A-5(10), 22-27-7, and 22-27-10(a), and to delegate his authority to employees of the Department. Ala. Code 1975, § 22-22A-4(b). Edward F. Poolos is sued in his official capacity as Director of the Alabama Department of Environmental Management.

7. Defendant Stephen A. Cobb is Chief of the Land Division of the Alabama Department of Environmental Management. His official residence is in Montgomery County, Alabama. He has been delegated the authority to issue permits for solid waste management facilities by the Director of the Department. He supervises the Chief of the Solid Waste Branch of the Land Division. Stephen A. Cobb is sued in both his official and individual capacity.

8. Defendant J. Jason Wilson is Chief of the Solid Waste Branch of the Land Division of the Alabama Department of Environmental Management. His official residence is in Montgomery County, Alabama. He manages the solid waste management program for the Department, including the permitting of solid waste management facilities. He supervises other employees of the Department that work in the Solid Waste Branch of the Land Division, including the Chief of the Solid Waste Engineering Section. J. Jason Wilson is sued in both his official and individual capacity.

9. Defendant Jared D. Kelly is Chief of the Solid Waste Engineering Section of the Solid Waste Branch of the Land Division of the Alabama

Department of Environmental Management. His official residence is in Montgomery County, Alabama. He supervises other employees of the Department that work in the Solid Waste Engineering Section of the Solid Waste Branch of the Land Division of the Alabama Department of Environmental Management. Jared D. Kelly is sued in both his official and individual capacity.

10. Defendant Isabel G. Bela is an Environmental Engineer Specialist in the Solid Waste Engineering Section of the Solid Waste Branch of the Land Division of the Alabama Department of Environmental Management. Her official residence is in Montgomery County, Alabama. She reviews solid waste permit applications, drafts solid waste permits, and prepares written documents for signature (e.g., permits, public notices, response to comments, etc.). Isabel G. Bela is sued in both her official and individual capacity.

11. The City of Dothan, Alabama operates the City of Dothan Sanitary Landfill under the authority of Solid Waste Disposal Facility Permit No. 35-06 issued by the Alabama Department of Environmental Management on October 24, 2025. The City is joined as a defendant because the City has an interest in Solid Waste Disposal Facility Permit No. 35-06 and is so situated that the disposition of this action in the City's absence may as a practical matter impair or impede the City's ability to protect that interest. Rule 19(a), Ala. R. Civ. P.

Allegations of Fact

12. Danny D. Williams acquired a 1.08 acre parcel of land located at 2887 Webb Road, City of Dothan, Houston County, Alabama on October 13, 2005. *Warranty Deed*, Deed Book 631, Pages 48-49, Office of Judge of Probate, Houston County, Alabama (recorded Oct. 13, 2005).

13. Danny D. Williams does not own a computer or subscribe to an internet service. Danny D. Williams does not have an electronic mail address and does not subscribe to the *Dothan Eagle*.

14. Danny D. Williams maintained his residence at 2887 Webb Road, City of Dothan, Houston County, Alabama from 2005 to September 2023.

15. Danny D. Williams has maintained his residence at 1300 U.S. Highway 431, Apartment 6, City of Abbeville, Henry County, Alabama from October 2023 to the present.

16. The property located at 2887 Webb Road, City of Dothan, Houston County, Alabama is identified as Parcel Number 10-03-08-4-000-001.011 in the records of the Office of the Houston County Revenue Commissioner.

17. The name and mailing address for the owner of Parcel Number 10-03-08-4-000-001.011 in the records of the Office of the Houston County Revenue Commissioner from September 15, 2024 to the present has been as follows:

WILLIAMS DANNY D
1300 US HWY 431 APT 6
ABBEVILLE, AL 36310

18. On or about July 17, 2023, the engineering firm for the City of Dothan Sanitary Landfill (CDG, Inc., n/k/a Three Notch Group, Inc.) submitted an application to the Alabama Department of Environmental Management, on behalf of the City of Dothan, Alabama, for renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 authorizing the continued operation of a 53.6-acre (sic: 49.6-acre) municipal solid waste disposal area, the addition of a new 20.5-acre municipal solid waste disposal area, the addition of a new 14.1-acre construction and demolition solid waste disposal area, and the enlargement of the total permitted area of the City of Dothan Sanitary Landfill from 78.0 acres to 506.67 acres.

19. The boundary of the proposed 506.67-acre total permitted area of the City of Dothan Sanitary Landfill is within 220 feet of the boundary of the 1.08-acre parcel of land at 2887 Webb Road, City of Dothan, Houston County, Alabama, owned by Danny D. Williams.

20. On March 17, 2025, the consulting engineering firm for the City of Dothan Sanitary Landfill (Three Notch Group, Inc., f/k/a CDG, Inc.), submitted to the Alabama Department of Environmental Management, on behalf of the City of Dothan, Alabama, an updated landowner map and landowner list

purporting to identify the names and mailing addresses, per county tax records, of owners of land parcels that are adjacent and nearby to the proposed 506.67-acre facility boundary of the City of Dothan Sanitary Landfill as of March 10, 2025. The list identified the name and mailing address of the owner of Parcel No. 10-03-08-4-000-001.011 as follows:

Land Owner across Webb Rd. from Landfill				
Number	Name	Adress	Parcel Number	Date Checked
29	WILLIAMS DANNY D	2887 WEBB RD DOTHAN, AL 36303	1003084000001011	3/10/2025

21. On April 16, 2025, Jeffrey W. Kitchens, acting on behalf of Lance R. LeFleur, then Director of the Alabama Department of Environmental Management, and pursuant to Ala. Admin. Code r. 335-13-5-.03, signed a notice of public hearing (scheduled on May 22, 2025) and public comment period (ending on May 29, 2025) on the Department's proposed renewal and modification of Solid Waste Disposal Facility Permit No 35-06. The notice included an internet uniform record locator (URL) address where the proposed permit and "complete permit application" were said to be made available for public review. The proposed permit provided for the renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 authorizing the continued operation of a 53.6-acre (sic: 49.6-acre) municipal solid waste disposal area, the addition of a new 20.5-acre municipal solid waste disposal area, the addition of

a new 14.1-acre construction and demolition solid waste disposal area, and the enlargement of the total permitted area of the City of Dothan Sanitary Landfill from 78.0 acres to 506.67 acres.

22. The April 16, 2025 notice signed by Jeffrey W. Kitchens was published on the Alabama Department of Environmental Management's website on May 1, 2025 and sent to persons who subscribe to receive such notices via electronic mail on May 1, 2025. The April 16, 2025 notice was not published in the *Dothan Eagle* or any other newspaper.

23. On April 16, 2025, Jared D. Kelly and Isabel G. Bela, acting under color of the Solid Wastes and Recyclable Materials Management Act (Ala. Code 1975, §§ 22-27-1 to 22-27-18) and Ala. Admin. Code chap. 335-13-5, arranged for the April 16, 2025 notice of public hearing (scheduled on May 22, 2025) and public comment period (ending on May 29, 2025) on the Department's proposed renewal and modification of Solid Waste Disposal Facility Permit No 35-06 to be sent by certified mail to the adjacent and nearby property owners whose names and mailing addresses were provided to the Department by the consulting engineering firm for the City of Dothan Sanitary Landfill (Three Notch Group, Inc., f/k/a CDG, Inc.) on March 17, 2025. Certified mail No. 9489 0090 0027 6598 2623 76 was addressed as follows:

DANNY WILLIAMS
2887 WEBB ROAD
DOTHAN, AL 36301

24. On May 9, 2025, the envelope and notice sent to Danny Williams on April 16, 2025 was returned to the Alabama Department of Environmental Management by the United States Postal Service marked as follows:

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

25. Danny D. Williams did not receive notice from the Alabama Department of Environmental Management of the May 22, 2025 public hearing and related public comment period on the Department's proposed renewal and modification of Solid Waste Disposal Facility Permit No 35-06 and did not receive the internet uniform record locator (URL) address where the proposed permit and "complete permit application" were said to be made available for review by the public.

26. Had Danny D. Williams known about the May 22, 2025 public hearing and related public comment period on the Alabama Department of Environmental Management's proposed renewal and modification of Solid Waste Disposal Facility Permit No 35-06, he would have attended the public hearing or submitted written comments to object to the proposed renewal and modification of Solid Waste Disposal Facility Permit No. 35-06.

27. On June 16, 2025, the consulting engineering firm for the City of Dothan Sanitary Landfill (Three Notch Group, Inc., f/k/a CDG, Inc.), submitted to the Alabama Department of Environmental Management, on behalf of the City of Dothan, Alabama, an updated landowner map and landowner list purporting to identify the names and mailing addresses, per county tax records, of owners of land parcels that are adjacent and nearby to the proposed 506.67-acre facility boundary of the City of Dothan Sanitary Landfill as of June 5, 2025. The list identified the name and mailing address of the owner of Parcel No.10-03-08-4-000-001.011 as follows:

Land Owner across Webb Rd. from Landfill				
Number	Name	Address	Parcel Number	Date Checked
29	WILLIAMS DANNY D	2887 WEBB RD DOTHAN, AL 36303	1003084000001011	6/5/2025

28. On June 25, 2025, Jeffrey W. Kitchens, then Acting Director of the Alabama Department of Environmental Management, signed a notice of public hearing (scheduled on July 31, 2025) and public comment period (ending on July 31, 2025) on the Department's proposed renewal and modification of Solid Waste Disposal Facility Permit No 35-06. The notice included an internet uniform record locator (URL) address where the proposed permit and "complete permit application" were said to be made available for public review.

29. The June 25, 2025 notice signed by Jeffrey W. Kitchens was published on the Alabama Department of Environmental Management's website on June 25, 2025 and sent to persons who subscribe to receive such notices via electronic mail on June 25, 2025. The notice was not published in the *Dothan Eagle* or any other newspaper.

30. On June 25, 2025, Jared D. Kelly and Isabel G. Bela, acting under color of the Solid Wastes and Recyclable Materials Management Act (Ala. Code 1975, §§ 22-27-1 to 22-27-18) and Ala. Admin. Code chap. 335-13-5, arranged for the June 25, 2025 notice of public hearing (scheduled on July 31, 2025) and public comment period (ending July 31, 2025) on the Department's proposed renewal and modification of Solid Waste Disposal Facility Permit No 35-06 to be sent by certified mail to the adjacent and nearby property owners whose names and mailing addresses were provided to the Department by the consulting engineering firm for the City of Dothan Sanitary Landfill (Three Notch Group, Inc., f/k/a CDG, Inc.) on June 16, 2025. Certified mail No. 9489 0090 0027 6598 6482 62 was addressed as follows:

WILLIAMS DANNY D
2887 WEBB ROAD
DOTHAN, AL 36303

31. Jared D. Kelly and Isabel G. Bela acted under a mistaken interpretation of law that, after the return of the unclaimed notice sent by

certified mail to Danny Williams at 2887 Webb Road, Dothan Alabama on April 16, 2025, they were under no legal duty to take additional reasonable steps to ascertain the correct mailing address for Danny D. Williams. See Jones v. Flowers, 547 U.S. 220 (2006) (when notice sent by certified mail is returned unclaimed, procedural due process requires that the State take additional reasonable steps to attempt to provide notice).

32. Jared D. Kelly and Isabel G. Bela acted with reckless disregard of the constitutional right of Danny D. Williams to notice of the July 31, 2025 public hearing and related public comment period on the Alabama Department of Environmental Management's proposed renewal and modification of Solid Waste Disposal Facility Permit No 35-06 when, after the return of the unclaimed notice sent by certified mail to Danny Williams at 2887 Webb Road, Dothan Alabama on April 16, 2025, Jared D. Kelly and Isabel G. Bela did not undertake additional reasonable steps to ascertain the correct mailing address of Danny D. Williams which was readily available from the Office of the Houston County Revenue Commissioner.

33. On August 13, 2025, the envelope and notice sent to Danny D. Williams on June 25, 2025 was returned to the Alabama Department of Environmental Management by the United States Postal Service marked as follows:

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

34. Danny D. Williams did not receive notice from the Alabama Department of Environmental Management of the July 31, 2025 public hearing and related public comment period on the Department's proposed renewal and modification of Solid Waste Disposal Facility Permit No 35-06 and did not receive the internet uniform record locator (URL) address where the proposed permit and "complete permit application" were said to be made available for review by the public.

35. Had Danny D. Williams known about the July 31, 2025 public hearing and related public comment period on the Alabama Department of Environmental Management's proposed renewal and modification of Solid Waste Disposal Facility Permit No 35-06, he would have attended the public hearing or submitted written comments to object to the proposed renewal and modification of Solid Waste Disposal Facility Permit No. 35-06.

36. On July 28, 2025, David A. Ludder, attorney for David F. Del Vecchio and Peggy R. Del Vecchio, submitted written comments to the Alabama Department of Environmental Management on the proposed renewal and modification of Solid Waste Disposal Facility Permit No. 35-06. Among other things, the comments advised the Department that the April 16, 2024 and June

25, 2025 notices of the May 22, 2025 and July 31, 2025 public hearings and related public comment periods were not sent to all adjacent and nearby property owners at the mailing addresses indicated in county tax records. The comments specifically advised the Department that the “[m]ailing address [for Danny D. Williams] in the Houston County Revenue Commissioner’s database is 1300 US Hwy 431 Apt 6, Abbeville, AL 36310.” The comments also advised that “[a] person owning property ‘a few miles’ from a proposed landfill has a constitutional right to notice of governmental action to authorize a landfill. Brown’s Ferry Waste Disposal Ctr., Inc. v. Trent, 611 So. 2d 226 (Ala. 1992).”

37. On or before October 27, 2025, Isabel G. Bela and Jared D. Kelly, acting under color of the Solid Wastes and Recyclable Materials Management Act (Ala. Code 1975, §§ 22-27-1 to 22-27-18) and Ala. Admin. Code chap. 335-13-5, prepared a response to public comments on the proposed renewal and modification of Solid Waste Disposal Facility Permit No. 35-06.

38. Isabel G. Bela and Jared D. Kelly acted under a mistaken interpretation of law when, on or before October 27, 2025, they prepared a response to public comments on the proposed renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 which concluded that notice to Danny D. Williams was legally sufficient despite being advised that two mailings to Danny D. Williams at 2887 Webb Road, Dothan, Alabama were returned

unclaimed and being advised that the correct mailing address of Danny D. Williams as indicated in county tax records is 1300 Highway 431, Apartment 6, Abbeville, Alabama.

39. Isabel G. Bela and Jared D. Kelly acted in bad faith when, on or before October 27, 2025, they prepared a response to public comments on the proposed renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 which concluded that notice to Danny D. Williams was legally sufficient despite being advised that two mailings to Danny D. Williams at 2887 Webb Road, Dothan, Alabama were returned unclaimed and being advised that the correct mailing address of Danny D. Williams as indicated in county tax records is 1300 Highway 431, Apartment 6, Abbeville, Alabama.

40. Isabel G. Bela and Jared D. Kelly acted in reckless disregard of the rights of Danny D. Williams under Art. I, § 13, Ala. Const. 2022, and U.S. Const. amend. XIV, § 1 to notice of the May 22, 2025 and July 31, 2025 public hearings and related public comment periods concerning the proposed renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 when they prepared a response to public comments concluding that notice to Danny D. Williams was legally sufficient despite being advised that two mailings to Danny D. Williams at 2887 Webb Road, Dothan, Alabama were returned unclaimed and

being advised that the correct mailing address of Danny D. Williams as indicated in county tax records is 1300 Highway 431, Apartment 6, Abbeville, Alabama.

41. On October 27, 2025, J. Jason Wilson, acting under color of the Solid Wastes and Recyclable Materials Management Act (Ala. Code 1975, §§ 22-27-1 to 22-27-18) and Ala. Admin. Code chap. 335-13-5, approved, and authorized the publication of, a response to public comments on the proposed renewal and modification of Solid Waste Disposal Facility Permit No. 35-06. The response was sent to six adjacent and nearby property owners, not including Danny D. Williams. The cover letter stated:

All timely submitted comments were carefully considered and appropriate responses have been prepared. Enclosed is a copy of the comments received and the Department's response to the comments. It has been determined that the permit application and the permit complies with the ADEM Administrative Code Division 13 regulations.

The permit issuance may be appealed as provided in §§ 22-22-A-7 [sic: § 22-22A-7] of the Code of Alabama 1975. The procedures for hearing appeals are outlined in the ADEM Administrative Code 335-2-1, "Rules of Procedures for Hearing Appeals of Administrative Actions of the Alabama Department of Environmental Management."

42. In the response to public comments, the Department said:

The Department published notice of both public notices and both public hearings for the proposed permit renewal and modification on its website.

Notice of a public hearing and comment period was given on April 16, 2025, and a public availability session and a public hearing

were held on May 22, 2025. In order to ensure that all regulatory procedures were correctly followed, notice of a second public hearing and comment period was given on June 25, 2025, and a second public hearing was held on July 31, 2025.

In preparation for each hearing, Dothan's consulting engineers, Three Notch Group, generated updated lists and addresses of adjacent landowners from Houston County records on March 10, 2025, and June 5, 2025. As required, Three Notch provided these lists with addresses, verified and updated, to the Department in preparation for each hearing, set on May 22, 2025, and July 31, 2025, respectively, within 90 days of the submission of each list. See ADEM Admin. Code 335-13-5-.03(1)(b)(5) [sic: 335-13-5-.03(1)(b)5.], ("The list and addresses of adjacent land owners, as provided in the permit application, shall be verified and/or updated by the applicant and such documentation shall be provided to the Department within 90 days prior to the public notice date.")

One comment concerned potential discrepancies in addresses included within the lists. The lists met the requirements of ADEM Admin. Code 335-13-5-.03(1)(b)(5) [sic: 335-13-5-.03(1)(b)5.].

43. J. Jason Wilson acted under a mistaken interpretation of law when, on October 27, 2025, he approved, and authorized the publication of, a response to public comments which concluded that notice to Danny D. Williams was legally sufficient despite being advised that two mailings to Danny D. Williams at 2887 Webb Road, Dothan, Alabama were returned unclaimed and being advised that the correct mailing address of Danny D. Williams as indicated in county tax records is 1300 Highway 431, Apartment 6, Abbeville, Alabama.

44. J. Jason Wilson acted in bad faith when, on October 27, 2025, he approved, and authorized the publication of, a response to public comments

concluding that notice to Danny D. Williams was legally sufficient despite being advised that two mailings to Danny D. Williams at 2887 Webb Road, Dothan, Alabama were returned unclaimed and being advised that the correct address of Danny D. Williams as indicated in county tax records is 1300 Highway 431, Apartment 6, Abbeville, Alabama.

45. J. Jason Wilson acted in reckless disregard of the rights of Danny D. Williams under Art. I, § 13, Ala. Const. 2022, and U.S. Const. amend. XIV, § 1 to notice of the May 22, 2025 and July 31, 2025 public hearings and public comment periods concerning the proposed renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 when he approved, and authorized the publication of, a response to public comments concluding that notice to Danny D. Williams was legally sufficient despite being advised that two mailings to Danny D. Williams at 2887 Webb Road, Dothan, Alabama were returned unclaimed and being advised that the correct mailing address of Danny D. Williams as indicated in county tax records is 1300 Highway 431, Apartment 6, Abbeville, Alabama.

46. On October 24, 2025, Stephen A. Cobb, acting under color of the Solid Wastes and Recyclable Materials Management Act (Ala. Code 1975, §§ 22-27-1 to 22-27-18) and Ala. Admin. Code chap. 335-13-5, approved and issued a renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 to

the City of Dothan. The permit authorized the continued operation of a 53.6-acre (sic: 49.6-acre) municipal solid waste disposal area, the addition of a new 20.5-acre municipal solid waste disposal area, the addition of a new 14.1-acre construction and demolition solid waste disposal area, and the enlargement of the total permitted area of the City of Dothan Sanitary Landfill from 78.0 acres to 506.67 acres.

47. Stephen A. Cobb acted under a mistaken interpretation of law when, on October 24, 2025, he issued a renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 believing that the notices of the May 22, 2025 and July 31, 2025 public hearings and related public comment periods on the proposed renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 sent by certified mail to Danny D. Williams on April 16, 2024 and June 25, 2025 were legally sufficient despite being advised that two mailings to Danny D. Williams at 2887 Webb Road, Dothan, Alabama were returned unclaimed and being advised that the correct mailing address of Danny D. Williams as indicated in county tax records is 1300 Highway 431, Apartment 6, Abbeville, Alabama.

48. Stephen A. Cobb acted in bad faith, when, on October 24, 2025, he approved and issued a renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 after being advised that the notices of the May 22, 2025 and July 31, 2025 public hearings and related public comment periods on the

proposed renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 sent by certified mail to Danny D. Williams on April 16, 2024 and June 25, 2025 were returned unclaimed and being advised that the correct mailing address of Danny D. Williams as indicated in county tax records is 1300 Highway 431, Apartment 6, Abbeville, Alabama.

49. Stephen A. Cobb acted in reckless disregard of the rights of Danny D. Williams under Art. I, § 13, Ala. Const. 2022, and U.S. Const. amend. XIV, § 1 to notice of the May 22, 2025 and July 31, 2025 public hearings and related public comment periods on the proposed renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 when, on October 24, 2025, he approved and issued a renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 after being advised that two mailings to Danny D. Williams at 2887 Webb Road, Dothan, Alabama were returned unclaimed and being advised that the correct mailing address of Danny D. Williams as indicated in county tax records is 1300 Highway 431, Apartment 6, Abbeville, Alabama.

50. No Defendant notified Danny D. Williams that the Alabama Department of Environmental Management had issued a renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 on October 24, 2025 or that persons aggrieved by the issuance of the permit had the right to contest the permit by filing a request for hearing within 30 days.

**– First Claim for Relief –
State Due Process**

51. Paragraphs 1 through 50 are incorporated herein by reference.

52. Art. I, § 13, Ala. Const. 2022 provides:

That all courts shall be open; and that every person, for any injury done him, in his lands, goods, person, or reputation, shall have a remedy by due process of law; and right and justice shall be administered without sale, denial, or delay.

53. Danny D. Williams has a legitimate expectation grounded in State law and regulations that his property at 2887 Webb Road, City of Dothan, Houston County, Alabama will be protected from unpleasant odors, visible fugitive dust, and disease vectors (e.g., vultures) resulting from the Alabama Department of Environmental Management’s October 24, 2025 renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 for the operation of the City of Dothan Sanitary Landfill. See, e.g., Ala. Code 1975, § 22-27-12(2) (“[t]he department may condition the issuance of a permit for any solid waste management . . . facility upon the facility being consistent with applicable rules . . .”); Ala. Admin. Code rs. 335-13-5-.01 (“The technical standards used to determine the requirements of a permit are set out in chapter 335-13-4 for landfills, . . .”); 335-13-4-.01(3) (“Solid Waste Disposal Facilities must comply with any other applicable State or Federal rules, laws, regulations or other requirements” including r. 335-3-1-.08 (“No person shall permit or cause air

pollution, as defined in Rule 335-3-1-.02(1)(e) of this Chapter by the discharge of any air contaminant for which no ambient air quality standards have been set under Rule 335-3-1-.03(1);” r. 335-3-1-.02(e) (“Air Pollution’ shall mean the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life, or property, or would interfere with the enjoyment of life or property throughout the State and in such territories of the State as shall be affected thereby”); r. 335-3-1-.02(d) (“Air Contaminant’ shall mean any solid, liquid, or gaseous matter, any odor, or any combination thereof, from whatever source.”); and r. 335-3-1-.02(ss) (“Odor’ shall mean smells or aromas which are unpleasant to persons or which tend to lessen human food and water intake, interfere with sleep, upset appetite, produce irritation of the upper respiratory tract, or cause symptoms or nausea, or which by their inherent chemical or physical nature or method or processing are, or may be, detrimental or dangerous to health.”); 335-13-4-.22(2)(d) (“Measures shall be taken to prevent the breeding or accumulation of disease vectors”); 335-13-4-.22(3)(a) (“Owners or operators of all MSWLFs must ensure that the units do not violate any applicable requirements developed under a State Implementation Plan (SIP) approved or promulgated by the Administrator pursuant to Section 110 of the Clean Air Act, as amended”) including 40 C.F.R. § 52.50 (State Implementation

Plan approved by the Administrator which incorporates rs. 335-3-1-.08, 335-3-1-.02(e), 335-3-1-.02(d), 335-3-1-.02(ss)); and 335-3-4-.02 (“No person shall cause or permit the discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate”). These legitimate expectations grounded in State law and regulations create constitutionally protected property interests.

54. In addition, Danny D. Williams has a legitimate expectation grounded in State law that his property at 2887 Webb Road, City of Dothan, Houston County, Alabama will be protected from anything (including the renewal and modification of Solid Waste Disposal Facility Permit No. 35-06) that works hurt, inconvenience, or damage to his property interests. See Ala. Code 1975, §§ 6-5-120 and 6-5-124 (private nuisances). This legitimate expectation grounded in State law creates a constitutionally protected property interest.

55. The October 24, 2025 renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 which authorizes the continued operation of a 53.6-acre (sic: 49.6-acres) municipal solid waste disposal area, the addition of a new 20.5-acre municipal solid waste disposal area, the addition of a new 14.1-acre construction and demolition solid waste disposal area, and the enlargement of the total permitted area of the City of Dothan Sanitary Landfill from 78.0 acres to 506.67 acres, threatens to adversely affect and impair Danny D.

Williams's use and enjoyment of his property at 2887 Webb Road, Dothan, Alabama by permitting unpleasant odors, visible fugitive dust, and disease vectors (e.g., vultures) to enter upon his property and reduce the value of his property. See, e.g., Lewis v. Ala. Dep't of Env'tl. Mgmt., EMC Dkt. No. 19-06, 2020 AL ENV LEXIS 6, *22 (Order, June 12, 2020), aff'd, No. CV-2020-900877.00 (Montgomery Cnty. Cir. Ct., Feb. 2, 2021), revs'd on other grounds, 363 So. 3d 1008 (Ala. Civ. App. 2021) ("Petitioners have established that they suffered or are likely to suffer adverse effects from operation of the City of Dothan Sanitary Landfill authorized by the renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 (May 6, 2019)"); Keith v. LeFleur, 256 So. 3d 1206, 1211 (Ala. Civ. App. 2018) (plaintiffs' have a concrete interest in curbing their exposure to offensive odors and disease vectors originating at the City of Dothan Sanitary Landfill).

56. Procedural due process required by Art. I, § 13, Ala. Const. 2022, demands notice, reasonably calculated to provide actual notice, and an opportunity to be heard, when one's property interests are about to be affected by governmental action. This requirement is clearly established in judicial precedents. See, e.g., Town of Lowndesboro v. Ala. Dep't of Env'tl. Mgmt., No. CV-002071-GR, Montgomery Cnty. Cir. Ct., Mar. 1, 2002) (Department's failure to provide notice of proposed landfill permit to adjacent landowner violated

Department rules and landowner's due process rights under the Alabama Constitution requiring that permit be declared void), aff'd, 915 So. 2d 1182 (Ala. Civ. App. 2004) (decision without opinion); Brown's Ferry Waste Disposal Ctr., Inc. v. Trent, 611 So.2d 226 (Ala. 1992) (the due process clause of the Alabama Constitution requires that a County Commission provide notice and hearing to the owner of property who sought to develop a residential subdivision "a few miles" from a proposed landfill before the Commission may approve a contract with a private party to operate the landfill).

57. The Defendants did not provide Danny D. Williams with notice, reasonably calculated to provide actual notice, of the May 22, 2025 and July 31, 2025 public hearings and related public comment periods on the Alabama Department of Environmental Management's proposed renewal and modification of Solid Waste Disposal Facility Permit No 35-06 in violation of Art. I, § 13, Ala. Const. 2022.

58. Ala. Code 1975, § 22-22A-7(c) provides that "any person aggrieved by an administrative action of the [D]epartment shall be entitled to a hearing before the Environmental Management Commission or its designated hearing officer" provided that the "[r]equest for such hearing to contest an administrative action of the [D]epartment [is] filed with the Environmental Management Commission within 30 days of the contested administrative action."

59. The right of a person “aggrieved” by an administrative action (e.g., issuance of a permit) of the Department to a hearing before the Environmental Management Commission or its designated hearing officer to contest such administrative action is a “cause of action” recognized as a constitutionally protected property interest which cannot be terminated or extinguished without procedural due process. See, e.g., Tulsa Prof'l Collection Servs., Inc. v. Pope, 485 U.S. 478 (1988) (estate creditors have a protected property interest that cannot be extinguished by a nonclaim statute without first providing actual notice to known and reasonably ascertainable creditors); Logan v. Zimmerman Brush Co., 455 U.S. 422 (1982) (a statutory right to use administrative procedures to adjudicate a discrimination claim is a protected property interest that may not be extinguished without notice and a hearing); Athens Cellular, Inc. v. Oconee Cnty., 886 F.3d 1094 (11th Cir. 2018) (congressional creation of cause of action to seek judicial review of state or local action on an application for permit to construct a cell tower creates a protected property interest); Zipperer v. City of Fort Myers, 41 F.3d 619 (11th Cir. 1995) (a mortgage is a cause of action creating a lien on property and a protected property interest).

60. The threatened adverse effects suffered by Danny D. Williams make him a “person aggrieved” within the meaning of Ala. Code 1975, § 22-22A-7(c) and Ala. Admin. Code r. 335-2-1-.02(b) and entitle him to a hearing before the

Environmental Management Commission to contest the Alabama Department of Environmental Management's renewal and modification of Solid Waste Disposal Facility Permit No. 35-06. See Ala. Dep't of Env'tl. Mgmt. v. Legal Env'tl. Assistance Found., Inc., 973 So. 2d 369, 378 (Ala. Civ. App. 2007) ("a 'person aggrieved' under § 22-22A-7 is one who has suffered a threatened or actual injury, i.e., one who is somehow adversely affected by the ADEM action of which it complained") (Thompson, Presiding Judge); Ex parte Marshall Durbin & Co., 537 So. 2d 496, 498 (Ala. 1988) (a person aggrieved is one who has suffered a threatened or actual injury in fact); Ala. Admin. Code r. 335-2-1-.02(b) ("aggrieved' means having suffered a threatened or actual injury in fact"); Lewis v. Ala. Dep't of Env'tl. Mgmt., EMC Dkt. No. 19-06, 2020 AL ENV LEXIS 6, *22 (Order, June 12, 2020), aff'd, No. CV-2020-900877.00 (Montgomery Cnty. Cir. Ct., Feb. 2, 2021), revs'd on other grounds, 363 So. 3d 1008 (Ala. Civ. App. 2021) ("Petitioners have established that they suffered or are likely to suffer adverse effects from operation of the City of Dothan Sanitary Landfill authorized by the renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 (May 6, 2019). Accordingly, Petitioners are considered aggrieved persons and are entitled to a hearing before the Environmental Management Commission to contest the renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 (May 6, 2019).").

61. As a “person aggrieved” by the issuance of Solid Waste Disposal Facility Permit No. 35-06 by the Department, Danny D. Williams had a right to request a hearing before the Environmental Management Commission to contest the permit. This right is a property interest protected under Art. I, § 13, Ala. Const. 2022, that may not be terminated without procedural due process, *i.e.*, prior notice and hearing.

62. The right of Danny D. Williams to request a hearing before the Environmental Management Commission to contest the issuance of Solid Waste Disposal Facility Permit No. 35-06 was extinguished 30 days after Solid Waste Disposal Facility Permit No. 35-06 was issued on October 24, 2025 by operation of Ala. Code 1975, § 22-22A-7(c)(1) (“Request for such hearing to contest an administrative action of the department, other than to contest the issuance of any rule or regulation or emergency order, must be filed with the Environmental Management Commission within 30 days of the contested administrative action”).

63. The Defendants did not provide Danny D. Williams with notice, reasonably calculated to provide actual notice, of the October 24, 2025 renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 by the Department and the impending termination of his right to request a hearing before the Environmental Management Commission to contest the issuance of

Solid Waste Disposal Facility Permit No. 35-06 in violation of Art. I, § 13, Ala. Const. 2022.

WHEREFORE, Danny D. Williams demands the following relief:

A. A declaratory judgment in favor of Danny D. Williams and against Edward F. Poolos and Stephen A. Cobb, in their official capacities, declaring that the October 24, 2025 renewal and modification of Solid Waste Disposal Facility Permit No. 35-05 by the Alabama Department of Environmental Management is void because the Department failed to provide Danny D. Williams with notice of the May 22, 2025 and July 31, 2025 public hearings and related public comment periods on the proposed renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 and failed to provide Danny D. Williams with notice of the October 24, 2025 renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 and impending termination of his right to appeal such permit as required by Art. I, § 13, Ala. Const. 2022;

B. A mandatory injunction requiring that Edward F. Poolos, in his official capacity, revoke the October 24, 2025 renewal and modification of Solid Waste Disposal Facility Permit No. 35-06;

C. A judgment awarding Danny D. Williams nominal damages of \$1.00 against Stephen A. Cobb in his individual capacity;

D. A judgment awarding Danny D. Williams nominal damages of \$1.00 against J. Jason Wilson in his individual capacity;

E. A judgment awarding Danny D. Williams nominal damages of \$1.00 against Jared D. Kelly in his individual capacity;

F. A judgment awarding Danny D. Williams nominal damages of \$1.00 against Isabel G. Bela in her individual capacity;

G. A judgment awarding Danny D. Williams punitive damages of \$3,000.00 against Stephen A. Cobb in his individual capacity;

H. A judgment awarding Danny D. Williams punitive damages of \$3,000.00 against J. Jason Wilson in his individual capacity;

I. A judgment awarding Danny D. Williams punitive damages of \$3,000.00 against Jared D. Kelly in his individual capacity;

J. A judgment awarding Danny D. Williams punitive damages of \$3,000.00 against Isabel G. Bela in her individual capacity;

K. A judgment awarding costs to Danny D. Williams and jointly against Stephen A. Cobb, J. Jason Wilson, Jared D. Kelly, and Isabel G. Bela in their individual capacities in accordance with Ala. R. Civ. P. 54(d); and

L. Such other relief to which Danny D. Williams may be entitled.

**-- Second Claim for Relief --
Federal Due Process**

64. Paragraphs 1 through 50 are incorporated herein by reference.

65. 42 U.S.C. § 1983 provides:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress,

66. U.S. Const. amend. XIV, § 1 provides:

[No] state [shall] deprive any person of life, liberty, or property, without due process of law;

67. Paragraphs 53 through 55 are incorporated herein by reference.

68. Procedural due process, protected by U.S. Const. amend. XIV, § 1, requires notice, reasonably calculated to provide actual notice, and an opportunity to be heard, when one's property interests are about to be affected by governmental action. This requirement is clearly established in judicial precedents. See, e.g., Jones v. Flowers, 547 U.S. 220 (2006) (when notice sent by certified mail is returned unclaimed, procedural due process requires that the State take additional reasonable steps to attempt to provide notice); Tulsa Prof'l Collection Servs., Inc. v. Pope, 485 U.S. 478 (1988) (if a name and address are reasonably ascertainable, actual notice is a minimum constitutional precondition to a proceeding which will adversely affect property interests); Logan v. Zimmerman Brush Co., 455 U.S. 422 (1982) (deprivation of a statutory right to

use administrative procedures to adjudicate a discrimination claim requires notice and opportunity for hearing); Mullane v. Cent. Hanover Bank & Trust Co., 339 U.S. 306 (1950) (where the names and post-office addresses of those affected by a proceeding are reasonably ascertainable, publication of notice in a newspaper does not provide due process); Brown's Ferry Waste Disposal Ctr., Inc. v. Trent, 611 So.2d 226 (Ala. 1992) (the due process clause of the United States Constitution requires that a County Commission provide notice and hearing to the owner of property who sought to develop a residential subdivision "a few miles" from a proposed landfill before the Commission may approve a contract with a private party to operate the landfill); Ex parte Lauderdale Cnty., 565 So.2d 623 (Ala. 1990) (the due process clause of the United States Constitution requires that notice be given to the citizens and a hearing be afforded to the affected citizenry before an award of a contract to operate a landfill to a private corporation by a county under the provisions of the Solid Wastes Disposal Act); Walker v. Cleary Petroleum Corp., 421 So.2d 85 (Ala. 1982) (per curiam) (if the whereabouts of the property owner are known, notice by publication is not sufficient).

69. Danny D. Williams was not provided notice, reasonably calculated to provide actual notice, of the May 22, 2025 and July 31, 2025 public hearings and related public comment periods on the Department's proposed renewal and

modification of Solid Waste Disposal Facility Permit No. 35-06 in violation of U.S. Const. amend. XIV, § 1.

70. Paragraphs 58 through 60 are incorporated herein by reference.

71. As a “person aggrieved” by the issuance of Solid Waste Disposal Facility Permit No. 35-06 by the Department, Danny D. Williams had a right to request a hearing before the Environmental Management Commission to contest the permit. This right is a property interest protected under U.S. Const. amend. XIV, § 1 that may not be terminated without procedural due process, i.e., prior notice and hearing.

72. Paragraph 62 is incorporated herein by reference.

73. The Defendants did not provide Danny D. Williams with notice, reasonably calculated to provide actual notice, of the October 24, 2025 renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 by the Department and the impending termination of his right to request a hearing before the Environmental Management Commission to contest the issuance of Solid Waste Disposal Facility Permit No. 35-06 in violation of U.S. Const. amend. XIV, § 1.

WHEREFORE, Danny D. Williams demands the following relief:

A. A declaratory judgment in favor of Danny D. Williams and against Edward F. Poolos and Stephen A. Cobb, in their official capacities, declaring that

the renewal and modification of Solid Waste Disposal Facility Permit No. 35-05 by the Department on October 24, 2025 is void because the Department failed to provide Danny D. Williams with notice of the May 22, 2025 and July 31, 2025 public hearings and related public comment periods on the proposed renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 and failed to provide Danny D. Williams with notice of the October 24, 2025 renewal and modification of Solid Waste Disposal Facility Permit No. 35-06 and impending termination of his right to appeal such permit as required by U.S. Const. amend. XIV, § 1;

B. A mandatory injunction requiring that Edward F. Poolos, in his official capacity, revoke the October 24, 2025 renewal and modification of Solid Waste Disposal Facility Permit No. 35-06;

C. A judgment awarding Danny D. Williams nominal damages of \$1.00 against Stephen A. Cobb in his individual capacity;

D. A judgment awarding Danny D. Williams nominal damages of \$1.00 against J. Jason Wilson in his individual capacity;

E. A judgment awarding Danny D. Williams nominal damages of \$1.00 against Jared D. Kelly in his individual capacity;

F. A judgment awarding Danny D. Williams nominal damages of \$1.00 against Isabel G. Bela in her individual capacity;

G. A judgment awarding Danny D. Williams punitive damages of \$10,000.00 against Stephen A. Cobb in his individual capacity;

H. A judgment awarding Danny D. Williams punitive damages of \$10,000.00 against J. Jason Wilson in his individual capacity;

I. A judgment awarding Danny D. Williams punitive damages of \$10,000.00 against Jared D. Kelly in his individual capacity;

J. A judgment awarding Danny D. Williams punitive damages of \$10,000.00 against Isabel G. Bela in her individual capacity;

K. A judgment awarding costs and a reasonable attorney's fee to Danny D. Williams and jointly against Edward F. Poolos, Stephen A. Cobb, J. Jason Wilson, Jared D. Kelly, and Isabel G. Bela in accordance with 42 U.S.C. § 1988(b); and

L. Such other relief to which Danny D. Williams may be entitled.

Respectfully submitted,

s/ David A. Ludder

David A. Ludder (LUD001)
Law Office of David A. Ludder, PLLC
9150 McDougal Ct.
Tallahassee, FL 32312-4208
(850) 386-5671
davidaludder@enviro-lawyer.com

Attorney for Plaintiff