

May 16, 2023

Alabama Department of Environmental Management
Attn: Blake Holden
PO Box 301463
Montgomery, AL 36130-1463

RE: Re-permitting of Red Hill Landfill Permit #02-02

Dear Mr. Holden,

The Baldwin County Commission (the "Commission") seeks to reopen the Red Hill Landfill. Baldwin County is the fastest growing county in Alabama and the 4th largest county by population according to the U.S. Census Bureau. As the 7th fastest-growing metropolitan area in the United States, Baldwin County has experienced a 63% population growth since 2000. In May of 2022, Novelis Inc., a world leader in aluminum rolling and recycling, announced plans to build a new, low-carbon recycling and rolling plant in North Baldwin County. Population and industry growth in Baldwin County is expected for the foreseeable future.

The Commission has led the development of an integrated waste management system for the citizens of Baldwin County, seeking to ensure that proper infrastructure is in place to handle this anticipated growth. Reopening the Red Hill Landfill will give the citizens in North Baldwin a disposal facility as a Construction and Demolition Landfill for years to come. The Commission seeks to re-open the Red Hill Landfill in accordance with all applicable laws and regulations. The purpose of this letter is to ensure that the Commission follows the appropriate application process with respect to Permit #02-02.

The Commission, as the local governing body over solid waste operations in Baldwin County, including the Red Hill Landfill, intends to move forward with plans to re-permit Redhill Landfill Permit #02-02. Under § 22-27-48, *Code of Alabama* (1975), the Alabama Department of Environmental Management ("ADEM") may not consider "an application for a modified permit for a facility unless the solid waste management site received approval pursuant to [§ 22-27-48] by the affected local governing body." § 22-27-48(b). If the permit application is for a new facility, such approval must be obtained "pursuant to § 22-27-48.1." § 22-27-48(b). Because the application to re-permit Redhill Landfill Permit #02-02 does not involve a new facility, the Commission understands that ADEM will not consider an application unless the site has received approval pursuant to § 22-27-48.

On May 1, 1982, the Commission was issued Permit # 02-02 to operate a Sanitary Landfill known as the Red Hill Sanitary Landfill. Permit requirements at the time relating to groundwater and methane monitoring were explicitly stated in the permit issuance, which requirements were and have been adhered to for the life of the site. With the original permit application, the following plans and policies were submitted: Methane Monitoring and Reporting Plan, the Waste Acceptance Policy of Baldwin County and the Solid Waste Management Policy. Closure operations eventually began at the site and, in April 1996, ADEM issued a Post-Closure Notice of Inspection Report on Red Hill Sanitary Landfill. The inspection is dated March 14, 1996, and the facility was determined to be in compliance with Division 13 of ADEM's Administrative Code. After closure, the Commission purchased the site from Sustainable Forests, LLC on June 19, 1998. See Limited Warranty Deed recorded in the Office of the Judge of Probate of Baldwin County, Alabama, at Real Property book 842, Page 0119-0120, enclosed herein for reference. Since closure, the Commission has continued monitoring the site in accordance with ADEM's post-closure requirements. Groundwater Monitoring was discontinued in 2021, but perimeter methane monitoring continues. There is no indication that this site is not a landfill.

Because Red Hill Landfill has been a landfill, the application related to Permit #02-02 will not involve a new facility or a new site. The Commission understands that the application to re-permit Permit #02-02 is an application for a modified permit, which falls under § 22-27-48. By its terms, § 22-27-48.1 "applies to the siting of any new solid waste management facility, as defined in Section 22-27-2." § 22-27-48.1(a), *Code of Alabama* (1975). Section 22-27-2 defines *solid waste management facility* as: "Any solid waste volume reduction plant, transfer station, material recovery facility, or other facility, the purpose of which is the storage, treatment, utilization, processing, disposal, or recovery of materials from solid waste, or any combination thereof." § 22-27-2(37) *Code of Alabama* (1975). The application to re-permit Permit #02-02 does not contemplate the siting of any new solid waste volume reduction plant, transfer station, material recovery facility, or other facility. As such, the Commission understands that the local governing body must give approval pursuant to § 22-27-48 instead of § 22-27-48.1.

If ADEM is aware of any facts which may change the Commission's understanding of the appropriate procedure to follow to re-permit Permit #02-02, please immediately communicate those facts. The Commission prioritizes compliance with all applicable laws, rules and regulations, and welcomes the opportunity to discuss this matter fully. If you have questions regarding the determination or the process laid out for Baldwin County's local host government approval, please contact Terri Graham, Development and Environmental Director for the Commission.

Sincerely,

Charles F. Gruber, Chairman
Baldwin County Commission