

Office of the Governor

ROBERT BENTLEY
Governor



STATE OF ALABAMA

Press Office

February 23, 2011

Executive Order Number 8

WHEREAS, the need for solid waste management facilities continues to grow, not only for communities located within the State of Alabama, but those located outside of this state;

WHEREAS, many states and regions have sought and are seeking out-of-state or out-of-region locations for the disposal of their solid waste;

WHEREAS, the solid waste management plans which have been generated within the State of Alabama have primarily dealt with the solid waste generated by their region or locality;

WHEREAS, the rural areas of Alabama are prime targets for the location of landfills and other solid waste management facilities to collect and manage volumes of solid waste in excess of that generated by their locales and regions, including solid waste from out of state;

WHEREAS, such solid waste facilities impact an area much greater than that immediately surrounding such facilities;

WHEREAS, such facilities impact the resources, public services, reputation, perception, infrastructure, environment, health, safety, recreation, economic development and convenience of the State of Alabama and its citizens;

WHEREAS, the regulatory and permitting process as it currently exists does not adequately allow for the review, study and analysis of the impact of such large facilities on the citizens and resources beyond those most immediately adjacent to those facilities;

WHEREAS, such solid waste facilities should only be permitted after a thorough and complete analysis, by more than one group or agency, which takes into account the facility's impact and effect on the resources, public services, reputation, perception, infrastructure, environment, health, safety, recreation, economic development, convenience and other pertinent matters relating to the State of Alabama and its citizens; and,

WHEREAS, there does not currently exist a mechanism whereby such matters relating to large solid waste facilities as they affect the entire State of Alabama and its citizens are considered or reviewed except by a local entity.

NOW, THEREFORE, I, Robert Bentley, Governor of the State of Alabama, by virtue of the authority vested in me by the Constitution and laws of the State of Alabama, for these and other good and valid reasons, do hereby direct the Alabama Department of Environmental Management, with input from the Solid Waste Management Advisory Committee and the

Alabama Department of Public Health, to adopt and promulgate new rules, regulations and requirements for the permitting of solid waste management facilities and landfills which will have, upon completion or by expansion, either:

- (1) A proposed capacity in excess of 1,500 tons per day;
- (2) A proposed capacity of 2,000 cubic yards per day or more;
- (3) A site consisting of 500 acres or more;
- (4) When combined with existing or proposed facilities located within the same county or counties or within 20 miles thereof, a capacity or site which exceeds the minimum amounts set forth in subparagraphs (1), (2) or (3), above; or,
- (5) A proposed capacity whether new or by expansion which will be more than that reasonably anticipated in the foreseeable future for the communities located within the county in which the facility is to be located or

within 20 miles of the facility.

The new regulations shall take into account the effect, both immediate and long-term, of such facility on the following with respect to not only the adjacent community or region, but other regions of the State of Alabama and the State of Alabama as a whole:

- a) Infrastructure, including, but not limited to, roads and bridges;
- b) Public services;
- c) Reputation;
- d) Public perception, including, but not limited to, the perception by those living outside of the region and out-of-state;
- e) Environment, including, but not limited to, air and water quality;
- f) Health;
- g) Safety;
- h) Recreation;
- i) Natural resources;
- j) Economic Development;
- k) Public convenience (or inconvenience); and,
- l) Such other and further matters as the Department of Environmental Management, the Department of Public Health and the Solid Waste Advisory Committee believe to be in the best interest of the citizens of the immediately impacted area, the region in which the facility will be located, neighboring regions and the entire State of Alabama.

BE IT ORDERED that if a solid waste management facility subject hereto is approved by a local approving authority and the Alabama Department of Environmental Management, then, regardless of whether the rules and regulations promulgated as a result hereof may so provide, the facility must also be approved by the Solid Waste Management Advisory Committee, which shall insure that the facility is compliant with the regulations and requirements promulgated as a result of this Executive Order, that the facility is consistent with local and regional solid waste management plans and that the facility should otherwise be allowed after the Committee's independent review of the matters outlined above.

BE IT FURTHER ORDERED that a moratorium is hereby imposed on the issuance by the Department of Environmental Management of any new or modified permits or the transfer of any existing permits for solid waste management facilities which receive or are intended to receive waste not generated by the permittee and which would be subject to the rules and regulations required to be promulgated hereby until such time as said rules and regulations are promulgated, as such rules, regulations and permitting conditions shall apply to all facilities or planned facilities which have not as of this date received their final approval.

BE IT FURTHER ORDERED that this Executive Order shall become effective immediately and shall remain in effect until amended or modified by the Governor.

BE IT FURTHER ORDERED that if any provision hereof shall be deemed unenforceable by a court of competent jurisdiction, such shall not affect the validity of any other provision hereof.

DONE AND ORDERED, this the 23rd day of February, 2011.

Robert Bentley
Governor

Attested

Beth Chapman
Secretary of State