



Alabama Department of Environmental Management  
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463  
Montgomery, Alabama 36130-1463  
(334) 271-7700 ■ FAX (334) 271-7950

March 11, 2021

CERTIFIED MAIL NO: 9489 0090 0027 6294 8976 74

MR JEFFERY A BECK  
PO BOX 863  
ALBERTVILLE AL 35950

Re: Administrative Order No. 21-036-AP

Dear Mr. Beck:

Please find enclosed ADEM Administrative Order No. 21-036-AP which requires certain actions to be taken regarding violations of the Alabama Air Pollution Control Act. In issuing this Order, the Department took into consideration all available information concerning these violations, including any written response or oral comments submitted on behalf of Jeffery A. Beck. Please note that the assessed civil penalty is due within 45 days.

Please be advised that failure to comply with the terms of this Order can result in penalties of up to \$25,000 per day for each violation as well as possible criminal penalties. Pursuant to Code of Alabama 1975, § 22-22A-7(c)(1), this Order may be appealed by filing a request for hearing before the Environmental Management Commission and should comply with the requirements of ADEM Admin. Code R. 335-2-1-.04. Copies of ADEM Admin. Code, Division 2, Environmental Management Commission regulations may be viewed or downloaded from ADEM's Webpage at <http://www.adem.state.al.us/Regulations/regulations.htm> or may be obtained by submitting a request in writing to the ADEM-Permits & Services Division.

If you have any questions concerning this matter, please contact Don Barron by email at [drb@adem.alabama.gov](mailto:drb@adem.alabama.gov) or by phone at (334) 271-7879.

Sincerely,

Ronald W. Gore, Chief  
Air Division

RWG/DWB/mcn  
Enclosure

cc: Shawn Sibley, Office of General Counsel

Issued: 03-11-2021

Served: 03-16-2021





ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF: \_\_\_\_\_ )

Jeffery A. Beck \_\_\_\_\_ )

Albertville, Marshall County, Alabama \_\_\_\_\_ )

ADMINISTRATIVE

ORDER NO: 21-036-AP

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22- 22A-17, *as amended*, the Alabama Air Pollution Control Act, Ala. Code §§ 22-28-1 to 22-28-23, *as amended*, the Alabama Department of Environmental Management (hereinafter, the “Department” or “ADEM”) Administrative Code of Regulations (hereinafter, “ADEM Admin. Code R.”) promulgated pursuant thereto, and the federal Clean Air Act, 42 U.S.C. 7401 to 7671q, as amended, the Department makes the following FINDINGS:

1. Jeffery A. Beck (hereinafter, “Beck”) owns and operates Quality Rental Property, LLC. Beck owns real property located at 1316 South Broad Street in Albertville, Marshall County, Alabama (hereinafter, the “Site”).

2. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 to 22-22A-17, *as amended*.

3. Pursuant to Ala. Code § 22-22A-4(n), *as amended*, the Department is the state air pollution control agency for the purposes of the federal Clean Air Act, 42 U.S.C. 7401 to 7671q, as amended. In addition, the Department is authorized to administer and



enforce the provisions of the Alabama Air Pollution Control Act, Ala. Code §§ 22-28-1 to 22-28-23, *as amended*.

4. ADEM Admin. Code r. 335-3-3-.01(2)(b)1 states that "...open burning must take place on the property on which the combustible fuel originates."

5. ADEM Admin. Code r. 335-3-3-.01(2)(b)4 states that "Only vegetation and untreated wood may be burned. It is unauthorized to open burn heavy oils, asphalt products, plastics, vinyl materials, insulation, paper, cardboard, natural or synthetic rubber, salvage or scrap materials, chemicals, garbage, treated or painted wood, or any trash."

6. On November 12, 2019, the Albertville City Ordinance Officer investigated a complaint of unauthorized dumping and burning at the Site and informed Beck to cease all unauthorized dumping and burning.

7. On February 19, 2020, the Albertville Fire Department responded to a call at the Site and observed furniture, plastic materials, and other various refuse being illegally burned in a pit.

8. On March 3, 2020, the Marshall County EMA notified the Department of the unauthorized open burning at the Site.

9. On September 29, 2020, the Department issued a Notice of Violation (NOV) to Beck regarding the unauthorized burning at the Site. On October 15, 2020, the Department received a response to the NOV from Beck admitting to burning wood furniture, bedding and other yard debris from his rental properties.

10. Pursuant to Ala. Code § 22-22A-5(18)c., *as amended*, in determining the amount of any penalty, the Department must give consideration to the seriousness of the violations, including any irreparable harm to the environment and any threat to the health or safety of the public; the standard of care manifested by such person; the economic



benefit which delayed compliance may confer upon such person; the nature, extent and degree of success of such person's efforts to minimize or mitigate the effects of such violation upon the environment; such person's history of previous violations; and the ability of such person to pay such penalty. Any civil penalty assessed pursuant to this authority shall not exceed \$25,000.00 for each violation, provided however, that the total penalty assessed in an order issued by the Department shall not exceed \$250,000.00. Each day such violation continues shall constitute a separate violation. In arriving at this civil penalty, the Department has considered the following:

A. SERIOUSNESS OF THE VIOLATION: Beck conducted unauthorized open burning of regulated materials. The Department considers this violation to be serious.

B. THE STANDARD OF CARE: There appeared to be no care taken by Beck to comply with the applicable requirements of the ADEM Admin. Code rs. 335-3-3-.01(2)(b)1 and 335-3-3-.01(2)(b)4 at the time of the violation.

C. ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED: Beck likely derived an economic benefit by not legally disposing of the materials.

D. EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON THE ENVIRONMENT: There were no efforts by Beck to mitigate possible effects of this violation upon the environment.

E. HISTORY OF PREVIOUS VIOLATIONS: Beck has been conducting unauthorized open burning at least since November 12, 2019, although several authorities had advised against it.

F. THE ABILITY TO PAY: Beck has not alleged an inability to pay the civil penalty.



G. OTHER FACTORS: The Department has carefully considered the six statutory penalty factors enumerated in Ala. Code § 22-22A-5(18)c., *as amended*, as well as the need for timely and effective enforcement, and has concluded that a civil penalty herein is appropriate (*See* "Attachment A", which is hereby incorporated into these Findings).

ORDER

Based upon the foregoing FINDINGS and pursuant to Ala. Code §§22-22A-5(10), 22-22A-5(12), 22-22-5(18), and 22-28-18, *as amended*, it is hereby ORDERED:

A. That, not later than forty-five days after the issuance of this Order, Beck shall pay to the Department a civil penalty in the amount of \$5,000.00 for the violation cited herein. Said penalty shall be made payable to the Alabama Department of Environment Management by certified or cashier's check and shall be submitted to:

Office of General Counsel  
Alabama Department of  
Environmental Management  
P.O. Box 301463  
Montgomery, Alabama 36130-1463

B. That, immediately upon receipt of this Order and continuing thereafter, Beck shall ensure immediate and future compliance with ADEM Admin. Code r. 335-3-3-.01(2)(b)1 and 335-3-3-.01(2)(b)4.

C. That, should any provision of this Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with Federal or State law and therefore unenforceable, the remaining provisions hereof shall remain in full force and effect.



D. Except as otherwise set forth herein, this Order is not and shall not be interpreted to be a permit or modification of an existing permit under federal, State or local law, and shall not be construed to waive or relieve Beck of his obligations to comply in the future with any permit or other written direction from the Department.

E. That, issuance of this Administrative Order does not preclude the Department from seeking criminal fines or other appropriate sanctions or relief against Beck for the violation cited herein.

F. That, failure to comply with the provisions of this Administrative Order shall constitute cause for commencement of legal action by the Department against Beck for recovery of additional civil penalties, criminal fines, or other appropriate sanctions or relief.

ORDERED and ISSUED this 11<sup>th</sup> day of March, 2021.

*Lance R. LeFleur*

---

Lance R. LeFleur, Director  
Alabama Department of Environmental  
Management  
1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2059  
(334) 271-7700

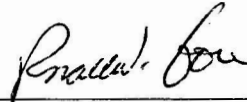


CERTIFICATE OF SERVICE

I, Ronald W. Gore, do hereby certify that I have served this Administrative Order upon the person(s) listed below by sending the same, postage paid, through the United States Mail **9489 0090 0027 6294 8976 74** with instructions to forward and return receipt, to:

Mr. Jeffery A. Beck  
PO Box 863  
Albertville, Alabama 35950

DONE this the 11<sup>th</sup> day of March, 2021.



---

Ronald W. Gore  
Chief - Air Division  
Alabama Department of  
Environmental Management



# ATTACHMENT A

Jeffery A. Beck  
Albertville, Marshall County, AL

Violation*	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violations*	
Illegal open burning	1	\$2000	\$1000	\$500	
					<b>Total of Three Factors</b>
<b>TOTAL PER FACTOR</b>		<b>\$2000</b>	<b>\$1000</b>	<b>\$500</b>	<b>\$3,500</b>

<b>Adjustments to Amount of Initial Penalty</b>	
Mitigating Factors (-)	
Ability to Pay (-)	
Other Factors (+/-)	
<b>Total Adjustments (+/-)</b> <i>Enter at Right</i>	\$0

<b>Economic Benefit (+)</b>	\$1,500
<b>Amount of Initial Penalty</b>	\$5,000
<b>Total Adjustments (+/-)</b>	\$0
<b>FINAL PENALTY</b>	\$5,000.00

## Footnotes

\* See the "Department's Findings" portion of the Order for a detailed description of each violation and the penalty factors.



Track Another Package +

Tracking Number: 9489009000276294897674

Remove X

Your item was delivered at 1:57 pm on March 16, 2021 in ALBERTVILLE, AL 35950.

 **Delivered**

March 16, 2021 at 1:57 pm  
Delivered  
ALBERTVILLE, AL 35950

Get Updates v

Feedback

Text & Email Updates

v

Tracking History

^

March 16, 2021, 1:57 pm

Delivered

ALBERTVILLE, AL 35950

Your item was delivered at 1:57 pm on March 16, 2021 in ALBERTVILLE, AL 35950.

March 15, 2021, 11:23 am

Available for Pickup

ALBERTVILLE, AL 35950

March 15, 2021, 9:00 am

Available for Pickup

ALBERTVILLE, AL 35950

March 14, 2021, 11:10 pm

Departed USPS Regional Facility



March 14, 2021  
In Transit to Next Facility

March 13, 2021, 12:26 pm  
Arrived at USPS Regional Facility  
BIRMINGHAM AL DISTRIBUTION CENTER ANNEX

March 13, 2021, 12:09 pm  
Departed USPS Regional Facility  
MONTGOMERY AL DISTRIBUTION CENTER

March 12, 2021, 11:09 pm  
Arrived at USPS Regional Facility  
MONTGOMERY AL DISTRIBUTION CENTER

Product Information

Feedback

See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs