

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management  
Rule No. Rule 335-13-14-.07  
Rule Title: Permitting Requirements

         New   X   Amend          Repeal          Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?          YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?          YES

Is there another, less restrictive method of regulation available that could adequately protect the public?          NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?          NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?          NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?          YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule?          NO

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Does the proposed rule have an economic impact?          NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Marilyn Elliott

Date: February 20, 2019

(DATE FILED)  
(STAMP)

APA-2

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
LAND DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULE NO. & TITLE:

335-13-1-.03	<u>Definitions</u> (Amend)
335-13-4-.12	<u>Plans and Operational Reports</u> (Amend)
335-13-4-.21	<u>General Operational Standards for Landfill Units</u> (Amend)
335-13-4-.22	<u>Specific Requirements for Municipal Solid Waste Landfills</u> (Amend)
335-13-4-.23	<u>Specific Requirements for Inert-Construction/Demolition Landfills and Industrial Landfills</u> (Amend)
335-13-4-.27	<u>Groundwater Monitoring and Corrective Action</u> (Amend)
335-13-5-.02	<u>Permit Application</u> (Amend)
335-13-5-.03	<u>Public Notice</u> (Amend)
335-13-14-.07	<u>Permitting Requirements</u> (Amend)
335-13-15-.09	<u>Permit Application</u> (Amend)

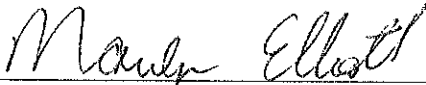
INTENDED ACTION: Revise Division 13 of the ADEM Administrative Code.

SUBSTANCE OR PROPOSED ACTION: Revise portions of Division 13 Regulations to incorporate changes to ensure consistency with State and Federal Statutes and provide clarification of State requirements for the management of solid waste.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Comments may be submitted in writing or orally at a public hearing to be held April 4, 2019 at 1:30 PM in the Main Hearing Room at the ADEM Central Office located at 1400 Coliseum Boulevard, Montgomery, Alabama 36110-2400.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: April 4, 2019

CONTACT PERSON AT AGENCY: Eric L. Sanderson, Chief of the Solid Waste Branch, ADEM Land Division (334-271-7755)

  
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Lance R. LeFleur  
Director

### **335-13-14-.07 Permitting Requirements.**

(1) Permit Duration. Composting facility permits obtained under compliance with this Division shall be valid for the design life of the facility or as otherwise determined by the Department, but no longer than a period of liveten years. Permits, however, are subject to suspension or revocation under rule 335-13-14-.07(5) of this Chapter.

(2) Filing Deadline. Request for extension, renewal, or a new permit for a composting facility shall be filed with the Department by the operating agency at least ~~180~~270 days prior to expiration date for existing permits or proposed construction date for new facilities.

(3) Modifications. Prior to any change in the permitted design plans, operational plans and closure plans, the request for modification must be filed with the Department at least 90 days prior to the anticipated change and shall receive approval from the Department prior to the implementation of the proposed change. Any modification subject to local host government review and approval shall constitute a major modification and shall be subject to the requirements of rule 335-13-14-.10

(4) Permit Application Denial.

(a) As determined by the Director, substantial non-compliance with Department regulations or permits at any facility in the State of Alabama owned or operated by the applicant, including any facility for which the pending permit application is requested, will be grounds for denial of the application, or alternatively, for suspension of further consideration of the application until such noncompliance is corrected.

(b) In addition to the foregoing, the Director may deny a permit application if:

1. The Director determines that a permit could not be issued that would result in compliance with applicable solid waste standards;

2. The applicant could not comply with the permit as issued; or

3. The applicant is found to have submitted false or inaccurate information.

(c) Upon denial of an application for permit renewal, the applicant shall meet the closure requirements of rule 335-13-14-.09.

(5) Permit Suspension or Revocation.

(a) The Department may suspend or revoke any permit issued under this chapter if any of the following conditions are true:

1. The permittee is determined by the Department to be in violation of any permit condition,

2. The permittee fails to perform the permitted activities in accordance with the approved permit application, operational plan/narrative, or engineering drawings,

3. The permittee fails to apply for a permit modification, as required by the rules,

4. The permittee stops accepting and processing raw material for more than 180 days, or

5. The permittee's operations are determined to create a nuisance or are inconsistent with the requirements of the Act or this Division.

(b) In the event of suspension or revocation of a permit, the Department shall serve notice of such action on the permittee and shall set forth in such notice the reason or reasons for such action.

(c) Upon revocation or suspension of the permit, the permittee shall meet the closure requirements of rule 335-13-14-.09.

**Author:** Phillip D. Davis, S. Scott Story.

**Statutory Authority:** Code of Alabama 1975, §§22-27-9 and 22-27-12.

**History:** Effective: April 3, 2012. **Amended:** Filed: April 24, 2018; Effective: June 8, 2018; Proposed: February 20, 2019.