

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management

Rule No. Rule 335-13-4-.22

Rule Title: Specific Requirements for Municipal Solid Waste Landfills

 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

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.

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 Maury 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)

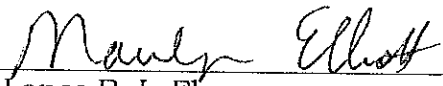
INTENDED ACTION: Revise Division 13 of the ADEM Administrative Code.

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)



Lance R. LeFleur
Director

335-13-4.22 Specific Requirements for Municipal Solid Waste Landfills. The following requirements in conjunction with 335-13-4-.21 shall be for operating and maintaining an acceptable MSWLF:

(1) Daily Operation.

(a) All waste shall be covered as follows:

1. A minimum of six inches of compacted earth or other alternative cover material that includes but is not limited to foams, geosynthetic or waste products, and is approved by the Department shall be added at the conclusion of each day's operation or as otherwise approved by the Department to control disease vectors, fires, odors, blowing litter, and scavenging.

2. In the event that erosion develops on previously covered disposal areas, or when covered waste otherwise becomes exposed, cover must be re-applied to comply with the minimum cover requirements of subparagraph (1)(a) 1. of this section.

3. Final closure shall be carried out in accordance with rule 335-13-4-.20 of this Division.

(b) All waste shall be confined to as small an area as possible and spread to a depth not exceeding two feet prior to compaction, and such compaction shall be accomplished on a face slope not to exceed 4 to 1 (25%) or as otherwise approved by the Department.

(c) All waste shall be thoroughly compacted with adequate landfill equipment before the daily cover is applied. A completed daily cell shall not exceed eight feet in vertical thickness measured perpendicular to the slope of the preceding cell.

(d) The site shall be operated in accordance with approved plans and permits.

(e) Adequate personnel shall be provided to ensure continued and smooth operation of the facility.

(f) Adequate equipment shall be provided to ensure continued operation in accordance with permit and regulations.

(g) Provisions shall be made for disposal activities in adverse weather conditions.

(h) The site shall be adequately secured using artificial barriers, natural barriers, or both to prevent entry of unauthorized vehicular traffic.

(i) A sign outlining instructions for use of the site shall be posted at the entrance and shall include:

1. Name of facility,
2. Name of permittee and/or operating agency or person,
3. Days and hours of operation,
4. Disposal fees, and

5. Types of waste accepted if the site is available to the general public or commercial haulers.

(j) Special provisions shall be made for handling large dead animals or highly putrescible waste. Immediately covering the waste with a minimum of 12 inches of cover in a designated area of the facility shall be included in these provisions.

(k) Bulk or noncontainerized liquid waste, or containers capable of holding liquids, shall not be accepted at a landfill unit unless:

1. The liquid is household waste other than septic waste;

2. The liquid is leachate or gas condensate derived from the MSWLF unit, and the MSWLF unit is designed with a minimum composite liner and leachate collection system or approved equivalent liner and leachate collection system; or

3. The containers:

(i) Are similar in size to that normally found in household waste;

(ii) Are designed to hold liquids for use other than storage; or

(iii) Contain household wastes.

(l) Empty containers larger in size than normally found in household waste must be rendered unsuitable for holding liquids prior to disposal in the landfill unit unless otherwise approved by the Department.

(m) MSWLF units containing sewage sludge and failing to satisfy the criteria in this Division violate Sections 309 and 405(e) of the Clean Water Act.

(2) Routine Maintenance.

(a) Scavenging shall be prohibited and salvaging operations shall be controlled.

(b) Litter shall be controlled within the permitted facility.

(c) An all-weather access road shall be provided to the dumping face.

(d) Measures shall be taken to prevent the breeding or accumulation of disease vectors. If determined necessary by the Department or the State Health Department, additional disease vector control measures shall be conducted.

(e) Environmental monitoring and treatment structures shall be clearly marked and identified, protected and maintained in good repair and shall be easily accessible.

(f) Completed sites or portions of sites shall be properly closed as provided by this Division and approved facility plans.

(g) Records shall be maintained on the daily volume of waste received at MSWLFs. A quarterly report utilizing a format approved by the Department which

summarizes the daily volumes shall be submitted to the Department and maintained on file in the operating record of the facility by the permittee.

(3) Additional Requirements.

(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.

(b) Notwithstanding this rule, additional requirements for operating and maintaining a MSWLF may be imposed by the Department, as deemed necessary, to comply with the Act and this Division.

Author: Russell A. Kelly; S. Scott Story; Heather M. Jones.

Statutory Authority: Code of Alabama 1975, §§ 22-27-3, 22-27-4, 22-27-7.

History: Effective: November 18, 1981. **Amended:** Effective: July 21, 1988. **Amended:** Effective: October 2, 1990. **Amended:** Effective: November 2, 1993. **Amended:** Effective: July 26, 1996. **Amended:** Filed: April 24, 2018; Effective: June 8, 2018; Proposed: February 20, 2019.