

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management
Rule No. 335-13-14-.04
Rule Title: Application 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 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 Mark Elliott

Date January 22, 2018

APA-2

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULE NO. & TITLE:

335-13-14-.01	<u>Purpose</u> (Amend)
335-13-14-.02	<u>Definitions</u> (Amend)
335-13-14-.03	<u>Applicability</u> (Amend)
335-13-14-.04	<u>Application Requirements</u> (Amend)
335-13-14-.05	<u>Design Criteria</u> (Amend)
335-13-14-.06	<u>Operating Criteria</u> (Amend)
335-13-14-.07	<u>Permitting Requirements</u> (Amend)
335-13-14-.10	<u>Public Notice</u> (Amend)
335-13-14-.11	<u>Public Hearing</u> (Amend)

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

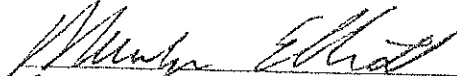
SUBSTANCE OR PROPOSED ACTION: Revise portions of Division 13 Regulations to incorporate changes to ensure consistency with State and Federal Statutes; adopt certain State specific requirements; and provide clarification of State requirements for the management of solid waste, and adopt standards for the disposal of coal combustion residuals (CCR) in landfills and surface impoundments as promulgated by EPA.

Additionally, the definition of "municipal solid waste landfill unit" is proposed to be amended in accordance with EPA's Hazardous Waste Generator Improvements Rule (81 FR 85805, November 28, 2016).

TIME, PLACE, MANNER OF PRESENTING VIEWS: Comments may be submitted in writing or orally at a public hearing to be held Wednesday, March 21, 2018 at 10:30 AM in the Main Hearing Room at the ADEM Central Office located at 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: March 21, 2018

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



Lance R. LeFleur
Director

335-13-14-.04 Application Requirements.

(1) No person may receive, store or process solid waste for composting without being properly permitted by the Department, except as described by rRule 335-13-14-.03(3). Any person who operates a composting facility, without having applied for a permit with the Department shall be considered to be operating an unpermitted solid waste facility and shall be subject to enforcement action in accordance with this division.

(2) The owner or operator of each composting facility in existence on the effective date of this rule shall file an application for a permit with ADEM not later than June 1, 2012. The owner or operator of each new composting facility desiring to begin operation after the effective date of this chapter shall obtain a permit prior to commencing composting activities.

(3) Each owner or operator of a composting facility shall file an application prepared by a professional engineer for a permit with ADEM utilizing a form designated by the Department. In addition to the designated form, the following information shall be submitted:

(a) Documentation of Host government approval and Statement of Consistency, as provided in the Code of Alabama 1975, § 22-27-48 and 48.1.

(b) List of feed stocks to be accepted at the composting facility and the operational capacity.

(c) Legal property description and plat prepared by a land surveyor with the seal or signature and registration number of the land surveyor affixed.

(d) Composting facility design plans and operational plan in accordance with this chapter. Design plans and operational plans shall be prepared by a professional engineer. The seal or signature and registration number of the design engineer shall be affixed to the plans.

(e) A process flow diagram of the entire facility.

(f) Fire prevention plan.

(g) A Closure plan, approved by the Department, that at a minimum includes:

1. Information detailing the removal of all remaining solid waste material from the site as required by rRule 335-13-14-.09;

2. A detailed written estimate, in current dollars, of the cost required to complete closure of the composting facility in accordance with rRule 335-13-14-.09; and

3. A demonstration by the applicant of its ability to provide adequate financial coverage equal to the amount required in rRule 335-13-14-.04(3)(g)2. for the closure of the composting facility.

(h) The names and addresses of all property owners whose properties are adjacent to the proposed site.

Author: Phillip D. Davis, Eric L. Sanderson, S. Scott Story.

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

History: April 3, 2012;_XXXXX, 2018_