

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management

Rule No. 335-13-14-.05

Rule Title: Design Criteria

 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 Mandy 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.

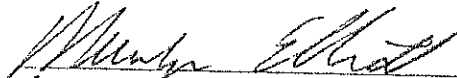
SUBSTANCE OR PROPOSED ACTION: Revise portions of Division 13 Regulations to incorporate changes to ensure consistency with State and Federal Statutes; adopt certain State specific requirements; and provide clarification of State requirements for the management of solid waste, and adopt standards for 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-.05 Design Criteria.

(1) Specifications for site preparation measures including, but not limited to clearing and grubbing, stormwater control structures, leachate collection systems, access roads, screening, fencing, buildings, and compost pads, must be included in the engineering design report developed for the site.

(2) A composting facility shall not be located in the 100 year floodplain.

(3) A composting facility shall not cause a discharge of pollutants into waters of the State, including wetlands, that is in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES), Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 and/or section 404 of the Clean Water Act, as amended.

(4) A composting facility shall not cause non-point source pollution of waters of the State, including wetlands, that violates any requirements of an area wide and State wide water quality management plan that has been approved under the Alabama Water Pollution Control Act.

(5) A composting facility shall not be permissible in wetlands, beaches or dunes.

(6) A composting facility shall be located outside the boundaries of the coastal area, unless no other reasonable alternative is available. If a site within the coastal area is proposed for development as a composting facility, it shall be demonstrated to the satisfaction of the Department that siting, design, construction, and operation will ensure that present levels of coastal plants and animals will be maintained.

(7) The applicant shall design the facility so that the bottom elevation of the composting facility shall be a minimum of five (5) feet above the highest measured groundwater level, as determined by a minimum of two measurements taken during each of the three consecutive months of February, March and April with no two measurements taken within any twelve day period. If the measurements are taken outside of February, March and April, the minimum bottom elevation of the composting facility shall be ten (10) feet above the highest measured groundwater level. The applicant shall submit to the Department all data known to exist concerning groundwater elevations at the proposed site and shall submit to the Department a location map showing all monitoring wells or piezometers and drilling logs for all monitoring wells or piezometers used to obtain any groundwater elevation data that is submitted. Nothing herein shall prevent the Department from requiring additional groundwater measurements or from requiring an additional buffer as it may deem appropriate with respect to a particular site.

(8) A composting pad, as defined by Rule 335-13-14-.02, shall be provided for the receiving and storage areas, and the processing and curing areas. The surface shall be constructed of asphalt, concrete or compacted soil. If a compacted soil surface is utilized, the minimum requirement will be 24 inches of soil with a permeability of 1×10^{-7} cm/sec. A pad is not required for the storage of finished compost product.

(9) The raw material receiving and storage areas shall be covered in a manner to minimize exposure of the material to the elements.

(10) A stormwater control system shall be constructed to control at least the water volume from a 24-hour, 25-year storm. Stormwater or other water that comes in contact with the solid waste received, being stored, processed or composted, or which mixes with leachate shall be considered leachate.

(11) The composting facility shall have a leachate collection and removal system designed to collect and remove leachate from the waste receiving and storage areas and the processing area.

(12) Buffer zones around the perimeter of the composting facility shall be a minimum of 100 feet measured in the horizontal plane. No composting, storage practices, stormwater controls or leachate collection shall take place in the buffer zone.

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

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

History: April 3, 2012.

Amended: XXXXX, 2018.