

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-13-15-.01
Rule Title: General Provisions

X New 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

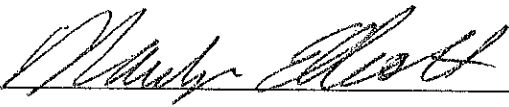
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

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 

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:

335-13-15-.01 General Provisions (Adopt)
335-13-15-.02 Definitions (Adopt)
335-13-15-.03 Location Restrictions (Adopt)
335-13-15-.04 Design Criteria (Adopt)
335-13-15-.05 Operating Criteria (Adopt)
335-13-15-.06 Groundwater Monitoring and Corrective Action (Adopt)
335-13-15-.07 Closure and Post-Closure Care (Adopt)
335-13-15-.08 Recordkeeping, Notification, and Posting of Information to the Internet (Adopt)
335-13-15-.09 Permit Application (Adopt)
335-13-15-.10 Public Notice (Adopt)
335-13-15-.11 Public Hearing (Adopt)
335-13-15-.12 Permit Denial, Suspension or Revocation (Adopt)
335-13-15-.13 Permit Modification (Adopt)
335-13-15-.14 Transfer of Permit (Adopt)
335-13-15-.15 Variances (Adopt)
335-13-15-App III CCR Constituents for Detection Monitoring
335-13-15-App IV CCR Constituents for Assessment Monitoring

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.

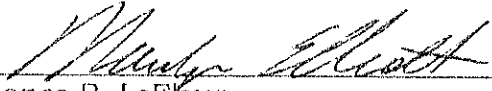
Additionally, the definition of "municipal solid waste landfill unit" is proposed to be amended in accordance with EPA's Hazardous Waste Generator Improvements Rule (81 FR 85805, November 28, 2016).

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

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION - SOLID WASTE PROGRAM

CHAPTER 335-13-15
Standards for the Disposal of Coal Combustion Residuals in Landfills and
Surface Impoundments

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335-13-15-.01 General Provisions.

(1) Scope and purpose.

(a) This chapter applies to owners and operators of new and existing landfills and surface impoundments, including any lateral expansions of such units, that dispose or otherwise engage in solid waste management of CCR generated from the combustion of coal at electric utilities and independent power producers. Unless otherwise provided in this chapter, these requirements also apply to disposal units located off-site of the electric utility or independent power producer. This chapter also applies to any practice that does not meet the definition of a beneficial use of CCR.

(b) This chapter also applies to inactive CCR surface impoundments at active electric utilities or independent power producers, regardless of the fuel currently used at the facility to produce electricity.

(c) This chapter does not apply to CCR landfills that have ceased receiving CCR prior to October 19, 2015.

(d) This chapter does not apply to electric utilities or independent power producers that have ceased producing electricity prior to October 19, 2015.

(e) This chapter does not apply to wastes, including fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated at facilities that are not part of an electric utility or independent power producer, such as manufacturing facilities, universities, and hospitals. This chapter also does not apply to fly ash, bottom ash, boiler slag, and flue gas desulfurization materials, generated primarily from the combustion of fuels (including other fossil fuels) other than coal, for the purpose of generating electricity unless the fuel burned consists of more than fifty percent (50%) coal on a total heat input or mass input basis, whichever results in the greater mass feed rate of coal.

(f) This chapter does not apply to practices that meet the definition of a beneficial use of CCR.

(g) This chapter does not apply to CCR placement at active or abandoned underground or surface coal mines.

(h) This chapter does not apply to municipal solid waste landfills that receive CCR.

(2) Applicability of other regulations.

(a) Compliance with the requirements of this chapter does not affect the need for the owner or operator of a CCR landfill, CCR surface impoundment, or lateral expansion of a CCR unit to comply with all other applicable federal,

state, or local laws or other requirements.

(b) Any CCR landfill, CCR surface impoundment, or lateral expansion of a CCR unit continues to be subject to the requirements in 335-13-4-.01(1)(a), 335-13-4-.01(1)(b), 335-13-4-.01(1)(e) and 335-13-4-.01(2).

Author: Eric L. Sanderson, S. Scott Story, Heather M. Jones.

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

History: XXXXXX, 2018.