

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-13-15-.10
Rule Title: Public Notice

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 *D. Wayne 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:

335-13-15-.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.

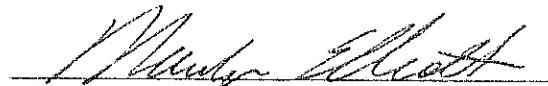
SUBSTANCE OR PROPOSED ACTION: Revise portions of Division 13 Regulations to incorporate changes to ensure consistency with State and Federal Statutes; adopt certain State specific requirements; and provide clarification of State requirements for the management of solid waste, and adopt standards for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

A handwritten signature in black ink, appearing to read "Lance R. LeFleur", written over a horizontal line.

Lance R. LeFleur
Director

335-13-15-.10 Public Notice.

(1) Notice Requirements.

(a) The Department shall provide notice and an opportunity for a public hearing prior to issuing an initial CCR surface impoundment permit, renewing a CCR surface impoundment permit, or making any change listed in 335-13-15-13(1) to the facility permit.

(b) The following procedures shall be observed:

1. The Department shall notify interested and potentially interested persons of the proposed CCR surface impoundment permit by publishing a notice in a newspaper of general circulation in the area.

(i) The notice shall be given not less than 35 days prior to the proposed issuance of a permit.

(ii) The notice shall contain the specific type and nature of the CCR surface impoundment, the type of waste to be disposed, the person or agency requesting the permit, and the descriptive location of the CCR surface impoundment, address and telephone number of the Department, and that interested persons may request a public hearing on the proposed CCR surface impoundment.

2. Landowners adjacent to a proposed CCR surface impoundment shall receive a copy of the public notice.

(2) Departmental Action. The Department shall take one of the following actions after the public notice:

(a) Deny the permit, stating in writing the reasons for denial and inform the person requesting the permit of appeal procedures in 335-13-1-.07;

(b) Issue the permit if the application complies with this Division; or

(c) Require additional information, elements of design for the facility, and specify procedures for inclusion into the permit prior to issuance of the permit.

Author: S. Scott Story.

Statutory Authority: Code of Alabama 1975, §§ 22-22A-5, 22-27-3 and 22-27-7

History: XXXXXX, 2018.