

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management
Rule No. 335-13-4-.13
Rule Title: Site Geology and Hydrology

 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:

335-13-4-.01	<u>Landfill Unit Siting Standards</u> (Amend)
335-13-4-.12	<u>Plans and Operational Reports</u> (Amend)
335-13-4-.13	<u>Site Geology and Hydrology</u> (Amend)
335-13-4-.16	<u>Explosive Gases</u> (Amend)
335-13-4-.18	<u>Liners and Leachate Collection</u> (Amend)
335-13-4-.20	<u>Closure and Post-Closure</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-.26	<u>Requirements for Management and Disposal of Special Waste</u> (Amend)
335-13-4-.27	<u>Groundwater Monitoring and Corrective Action</u> (Amend)
335-13-4-.28	<u>Financial Assurance Criteria</u> (Amend)
335-13-4-.29	<u>Recordkeeping Requirements</u> (Amend)
335-13-4-APPENDIX I	<u>Constituents for Detection Monitoring</u> (Amend)
335-13-4-APPENDIX II	<u>List of Hazardous Inorganic and Organic Constituents</u> (Amend)

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

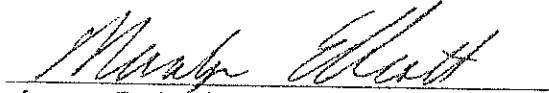
SUBSTANCE OR PROPOSED ACTION: Revise portions of Division 13 Regulations to incorporate changes to ensure consistency with State and Federal Statutes; adopt certain State specific requirements; and provide clarification of State requirements for the management of solid waste, and adopt standards for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

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 cursive script, appearing to read "Lance R. LeFleur", is written over a horizontal line.

Lance R. LeFleur
Director

335-13-4-.13 Site Geology and Hydrology.

(1) Site Hydrogeology. The site hydrogeology shall be established to the upper most aquifer and subsequent interconnecting aquifers.

(2) Hydrogeological Evaluation. The hydrogeological evaluation for a specific site, as required by the Department, may be provided for as follows:

(a) A hydrogeological evaluation performed by a firm or individual having expertise in hydrogeology. The expense of this evaluation shall be borne wholly by the applicant. The following shall be required on such evaluations made under this Rule:

1. The installation of a minimum of three exploration borings to include sampling and geologic logging and completion of these borings as piezometers. Subsequent establishment of the first saturated zone, the upper-most aquifer and subsequent underlying and interconnected aquifers, piezometer measuring point elevations, water table elevations and an estimate of groundwater flow direction and rate will be required.

2. A report shall be submitted to the Department which includes all items, information and analyses contained in 335-13-4-.13(2)(a)1.

3. Resumes and references, as necessary, to establish the qualifications of the firm or individual preparing the evaluation.

(b) A review of the information submitted under 335-13-4-.13(2)(a) shall be conducted by the Department.

(c) The requirement for a hydrogeological evaluation may be waived by the Department based on specific geology, hydrology, or waste types proposed for disposal.

(3) Department Action. The Department will conduct a site background hydrogeological evaluation and review all other related reports, plans or submittals.

(a) Expense for the background hydrogeological evaluation and reviews conducted by the Department shall be borne by the applicant in accordance with established procedures of the Department.

(b) The expense for soil borings, soil tests, piezometers, and other data as needed by the Department shall be borne by the applicant.

Author: Russell A. Kelly; ~~S. Scott Story~~, S. Scott Story.

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

History: November 18, 1981.

Amended: July 21, 1988; July 26, 1996; XXXXX, 2018.