

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management
Rule No. 335-13-4-.23
Rule Title: Specific Requirements for Inert-Construction/Demolition Landfills
And Industrial Landfills

 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 Manly 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.

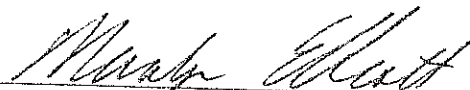
SUBSTANCE OR PROPOSED ACTION: Revise portions of Division 13 Regulations to incorporate changes to ensure consistency with State and Federal Statutes; adopt certain State specific requirements; and provide clarification of State requirements for the management of solid waste, and adopt standards for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



Lance R. LeFleur
Director

335-13-4-.23 Specific Requirements for Inert- Construction/Demolition Landfills and Industrial Landfills. The following requirements in conjunction with 335-13-4-.21 shall be for operating and maintaining an acceptable C/DLF or ILF:

(1) Operation.

(a) All waste shall be covered as follows:

1. A minimum of six inches of compacted earth or other alternative cover material that includes but is not limited to foams, geosynthetic or waste products, and is approved by the Department shall be added at the conclusion of each week's operation or as otherwise specified by the Department to control disease vectors, fires, odors, blown litter and scavenging.

2. Final closure shall be carried out in accordance with 335-13-4-.20 of this Division.

(b) All waste shall be thoroughly spread in layers two feet or less in thickness and thoroughly compacted weekly with adequate landfill equipment prior to placing additional layers of waste or placing the weekly cover as specified in 335-13-4-.23(1)(a)1., unless otherwise approved by the Department. Waste, such as construction/demolition waste and other types of waste, which cannot be managed by landfill equipment in this manner shall be managed in a manner approved by the Department.

(c) All waste shall be confined to as small an area as possible and placed onto an appropriate slope not to exceed 4 to 1 (25%) or as approved by the Department.

(d) The facility shall be operated in accordance with approved plans and permits.

(e) The site shall be adequately secured to prevent entry except by authorized person(s) unless an operator is on site.

(f) If the site is available to the public or commercial haulers, a sign shall be posted at the landfill stating:

1. nName of permittee,
2. eOwner and/or operator,
3. nName of landfill,
4. eDays and hours of operation,
5. wWaste types accepted, and
6. eDisposal fees for use of the landfill.

(g) Provisions shall be made for disposal activities in adverse weather conditions.

(h) Adequate personnel shall be provided to insure continued and smooth operation of the site.

(i) Adequate equipment shall be provided to insure continued operation in accordance with permit and regulations.

(j) Bulk or non-containerized liquid waste, or containers capable of holding liquids, shall not be accepted at a C/DLF or ILF unless:

1. The liquid is leachate or gas condensate derived from the C/DLF or ILF unit, and

2. The C/DLF or ILF unit is designed with a minimum single liner and leachate collection system or approved equivalent liner and leachate collection system.

(k) Empty containers larger than 10 gallons in size must be rendered unsuitable for holding liquids prior to disposal in the landfill unit unless otherwise approved by the Department.

(2) Routine Maintenance.

(a) Scavenging shall not be permitted, and salvaging operations shall be controlled.

(b) Litter shall be controlled within the permitted facility.

(c) Completed sites or portions of sites shall be properly closed as provided by this Division and approved facility plans.

(d) An all-weather access road shall be provided to the dumping face.

(e) Environmental monitoring and treatment structures shall be protected and maintained in good repair and easily accessible.

(f) Records shall be maintained on the daily volume of waste received at C/DLFs and ILFs. A quarterly report utilizing a format approved by the Department which summarizes the daily volumes shall be submitted to the Department and maintained on file in the operating record of the facility by the permittee.

(g) Measures shall be taken to prevent the breeding or accumulation of disease vectors. If determined necessary by the Department or the State Health Department, additional disease vector control measures shall be conducted.

(3) Additional Requirements.

(a) Notwithstanding this Rule, certain requirements for operating and maintaining a C/DLF or ILF may be enhanced or reduced by the Department as deemed necessary to comply with the Act and this Division. Any action by the Department to enhance or reduce the requirement(s) must be done in writing from the Department.

(b) [Reserved]

(c) Industrial landfills which accept coal combustion residuals must also adhere to the applicable requirements of ADEM Admin. Code 335-13-15.

Author: Russell A. Kelly, Eric L. Sanderson.

Statutory Authority: Code of Alabama 1975, §§ 22-27-3, 22-27-4, 22-27-7.

History: November 18, 1981;

Amended: July 21, 1988; October 2, 1990; November 2, 1993; July 26, 1996; XXXXX, 2018.