

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management
Rule No. 335-13-5-.05
Rule Title: Permit Denial, Suspension or Revocation

 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:

335-13-5-.02 Permit Application (Amend)
335-13-5-.03 Public Notice (Amend)
335-13-5-.04 Public Hearing (Amend)
335-13-5-.05 Permit Denial, Suspension or Revocation (Amend)
335-13-5-.06 Permit Modification (Amend)
335-13-5-.08 Vertical Expansion (Amend)

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

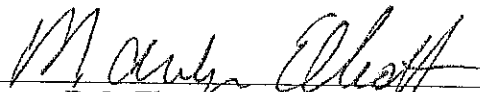
SUBSTANCE OR PROPOSED ACTION: Revise portions of Division 13 Regulations to incorporate changes to ensure consistency with State and Federal Statutes; adopt certain State specific requirements; and provide clarification of State requirements for the management of solid waste, and adopt standards for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

335-13-5-.05 Permit Denial, Suspension or Revocation.

(1) Conditions. The Department may deny, suspend or revoke any permit if:

(a) ~~¶~~The permittee is found to be in violation of any of the permit conditions,

(b) ~~¶~~The permittee fails to perform the permitted activity in accordance with the approved operational narrative or engineering drawings,

(c) ~~¶~~The permittee fails to seek a modification of the permit as required by the rRules,

(d) ~~a~~An active site stops receiving waste for more than one year, or

(e) ~~¶~~The design operations creates a nuisance or is inconsistent with the Act or this Division.

(2) Written Notice. In the event of denial, suspension or revocation of a permit, the Department shall serve written notice of such action on the permittee and shall set forth in such notice the reason for such action.

(3) Closure. Upon revocation or suspension of the permit, or denial of the renewal of the permit, the permittee shall meet the closure requirements found in 335-13-4-.20.

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

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

History: November 18, 1981.

Amended: March 31, 1988 (Emergency Regulations); July 21, 1988; October 2, 1990; November 2, 1993; July 26, 1996; XXXXX, 2018.