

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management

Rule No. 335-13-5-.06

Rule Title: Permit Modification

         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

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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.

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

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

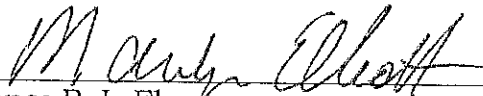
SUBSTANCE OR PROPOSED ACTION: Revise portions of Division 13 Regulations to incorporate changes to ensure consistency with State and Federal Statutes; adopt certain State specific requirements; and provide clarification of State requirements for the management of solid waste, and adopt standards for 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 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-.06 Permit Modification.** The Department may modify any permit after receiving a satisfactory application that is found in compliance with ADEM rules and regulations.

(1) Major Modifications.

(a) Permit modification shall be requested utilizing forms designated by the Department when the permittee proposes to modify its operation in any of the following ways:

1. There is any change in the permitted service area. The Director may temporarily or on a one-time basis waive permit modification requirements on a case-by-case basis for special waste or other solid waste if it is demonstrated that a disposal alternative is needed immediately to protect health or the environment.

2. Convert an industrial landfill (ILF) or construction/demolition landfill (C/DLF) to a municipal solid waste landfill (MSWLF) or convert a construction/demolition landfill (C/DLF) to an industrial landfill (ILF).

3. Addition of a liner and leachate collection system or any design change in existing permitted liner and leachate collection system.

4. Addition of disposal acreage inside the permitted perimeter where design plans have not been previously submitted.

(b) Modifications required under this paragraph are subject to the provisions of rRules 335-13-5-.03 and 335-13-5-.04, which require a public notice and may require a public hearing.

(2) Minor Modifications.

(a) A permit modification shall be required, utilizing forms designated by the Department, when the permittee proposes to modify its operations or design in any of the following ways:

1. Addition of a waste stream to a ILF or C/DLF.
2. Addition or relocation of a monitoring well.
3. Addition of sedimentation basins.
4. Any change in the permitted final fill elevations.

5. The average daily volume of waste specified by the permit for a landfill unit is proposed to be exceeded, or is exceeded for two or more consecutive reporting quarters, by 20 percent, or 100 tons/day, whichever is less.

(i) The average daily volume of waste received at a landfill unit shall be calculated by dividing the total month's receipts by the total number of days in the reporting month.

(ii) Volumes received shall be reported to the Department in a format specified by the Department.

(b) Modifications required by this paragraph are not subject to the provision of rRules 335-13-5-.03 and 335-13-5-.04, and do not require public notice or public hearing.

(3) Procedures. Permittee shall request a permit modification in accordance with the following procedures:

(a) Submit a request for modification to the Department at least 90 days prior to the anticipated change.

(b) Identify each and every part of the permit or plans to be modified.

(c) Submit revised plans and narratives as required by the Department.

(d) Receive approval from the Department prior to implementing the modification.

**Author:** Russell A. Kelly, and S. Scott Story.

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

**History:** November 2, 1993.

**Amended:** July 26, 1996; XXXXX, 2018.