

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-14-8-.05
Rule Title: Expiration and Continuation of Permits - Treatment, Storage and Disposal Facilities

 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 action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

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 

Date: July 21, 2020

REC'D & FILED
JUL 20 2020
(DATE FILED) LEGISLATIVE SVC AGENCY
(STAMP)

APA-2
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**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION**

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULE NO. & TITLE:

335-14-8-.01 General Information (Amend)
335-14-8-.05 Expiration and Continuation of Permits - Treatment, Storage
and Disposal Facilities (Amend)

INTENDED ACTION: Revise Division 14 of the ADEM Administrative Code.

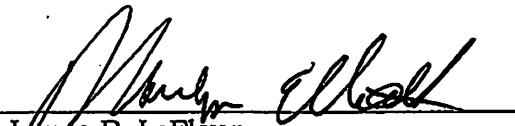
SUBSTANCE OR PROPOSED ACTION: Revise portions of Division 14 Regulations to incorporate changes to ensure consistency with State and Federal Statutes; to adopt certain State specific requirements; and to provide clarification of State requirements for the management of hazardous waste.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be September 17, 2020 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: September 17, 2020

CONTACT PERSON AT AGENCY: Sonja Favors, Chief of the Industrial Hazardous Waste Branch, ADEM Land Division (334-279-3067)


Lance R. LeFleur
Director

335-14-8-.05 Expiration and Continuation of Permits - Treatment, Storage and Disposal Facilities.

(1) Duration of permits.

(a) Permits under Division 335-14 shall be effective for a fixed term not to exceed ten (10) years, ~~except that operating permits for landfill facilities shall be effective for a fixed term not to exceed five (5) years.~~ Each permit for an operating landfill disposal facility shall be reviewed no later than five (5) years after the date of issuance or reissuance.

(b) Except as provided in 335-14-8-.05(2), the term of a permit shall not be extended by modification beyond the maximum duration specified in 335-14-8-.05(1).

(c) The Department may issue any permit for a duration that is less than the full allowable term under 335-14-8-.05(1).

(d) Each permit for a land disposal facility shall be reviewed by the Department five years after the date of permit issuance or reissuance and shall be modified as necessary, as provided in 335-14-8-.04(2).

(2) Continuation of expiring permits.

(a) The conditions of an expired permit continue in force until the effective date of a new permit if:

1. The permittee has submitted a timely application under 335-14-8-.02(5) and the applicable paragraphs in 335-14-8-.02(6) through (19) which is a complete [under 335-14-8-.02(1)(c)] application for a new permit; and

2. The Department through no fault of the permittee does not issue a new permit with an effective date on or before the expiration date of the previous permit.

(b) Effect. Permits continued under 335-14-8-.05(2) remain fully effective and enforceable.

(c) Enforcement. When the permittee is not in compliance with the conditions of the expiring or expired permit, the Department may choose to do any or all of the following:

1. Initiate enforcement action based on the permit which has been continued;

2. Issue a new permit under rule 335-14-8-.08 with appropriate conditions; or

3. Deny the permit; or

4. Take any other actions authorized by these regulations.

Author: Stephen C. Maurer; Stephen A. Cobb; C. Edwin Johnston; Sonja B. Favors; Brent A. Watson; Jonah L. Harris.

Statutory Authority: Code of Alabama 1975, §§ 22-30-11 and 22-30-12.

History: October 12, 1983.

Amended: April 9, 1986; September 29, 1986; August 24, 1989; December 6, 1990; March 28, 1997; April 13, 2001; **Amended:** Proposed: July 21, 2020.