

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Environmental Management

Rule No. & Title: 335-6-13-.06 Financial Assurance Criteria (Amend)

Intended Action: The Alabama Department of Environmental Management proposes to amend rule 335-6-13-.06

Substance of Proposed Action:

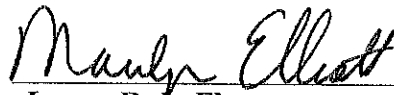
The Department proposes revisions to this rule that are administrative in nature to correct errors, provide clarity, or promote consistency.

Time, Place, Manner of Presenting Views:

Comments may be submitted in writing or orally at a public hearing to be held at 1:00 PM, July 12, 2018, in the ADEM Main Hearing Room, 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

Final Date for Comment and Completion of Notice: July 12, 2018

Contact Person at Agency: Christy Monk, (334) 394-4364



Lance R. LeFleur
Director

335-6-13-.06 Financial Assurance Criteria.

(1) ~~Prior to the issuance or reissuance of a permit or prior to the~~ reissuance or modification of an existing permit for a centralized waste treatment facility subject to the requirements of this chapter, the owner or operator ~~of a facility subject to the requirements of this rule,~~ shall post a performance bond or other financial assurance as described in this ~~rule~~ chapter in an amount sufficient for closure of the facility.

(2) The owner or operator shall ~~have~~ obtain a minimum of two detailed, written estimates, in current dollars, of the cost of hiring a third party to perform closure of ~~the centralized waste treatment facility prior to issuance, or reissuance, of a permit or modification of a permit.~~ The owner or operator shall submit the closure cost estimates with the permit application ~~and submit a copy of the estimates with the permit application.~~

(3) The owner or operator shall re-evaluate the closure cost estimate and the amount of financial assurance required if:

(a) Changes to the closure plan or waste treatment facility conditions significantly increase the maximum cost of closure at any time during the active life of the facility. The owner or operator shall submit any updated closure cost estimates and documentation of the increase in required financial assurance to the Department at least 30 days prior to initiating changes at the facility which would significantly increase the maximum cost of closure at any time during the active life of the facility.

(b) ~~Required by~~ The Department requests such in order to verify there is adequate funding for closure to close a facility. This re-evaluation shall be due as ~~required~~ requested by the Department.

(4) ~~The owner or operator shall establish financial assurance for closure of the facility in compliance with Division 6 rules. The owner or operator (or previous owner/operator) demonstrating financial assurance shall provide continuous coverage for closure until:~~

(a) The owner or operator is released from financial assurance requirements by the Department or;

(b) If ownership or operation of the waste treatment facility is transferred to another person, a the new owner/ or operator establishes thehas demonstrated financial assurance to the Department mechanism in accordance with as required by this chapterrule, if ownership/operation is transferred to another entity.

(5) The bond or other financial assurance may be declared forfeited if required by the Department when the owner or operator abandons the centralized waste treatment facility, ceases operation of the facility, or fails to properly maintain the facility to ensure compliance with state environmental regulations.

| **Author:** Chris Sasser; Daphne ~~Smart~~Lutz

Statutory Authority: Code of Alabama 1975, §§ 22-25C-1 and §§ 22-25C-2.

History: March 26, 2013.

| **Amended:** XXXX XX, 2018.