

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management
Rule No. 335-13-14-.06
Rule Title: Operating Criteria

 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 Reference Service.

Signature of certifying officer *Madelyn Elliott*

Date October 20, 2017



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11/96

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULE NO. & TITLE:

335-13-14-.01	<u>Purpose</u> (Amend)
335-13-14-.02	<u>Definitions</u> (Amend)
335-13-14-.03	<u>Applicability</u> (Amend)
335-13-14-.04	<u>Application Requirements</u> (Amend)
335-13-14-.05	<u>Design Criteria</u> (Amend)
335-13-14-.06	<u>Operating Criteria</u> (Amend)
335-13-14-.07	<u>Permitting Requirements</u> (Amend)
335-13-14-.10	<u>Public Notice</u> (Amend)
335-13-14-.11	<u>Public Hearing</u> (Amend)

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

SUBSTANCE OR PROPOSED ACTION:

Revisions to the Division 13 are being proposed to amend the solid waste permitting application regulations to incorporate a statutory change to the Code of Alabama to update the local host governmental approval process.

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, December 6, 2017 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: December 6, 2017

CONTACT PERSON AT AGENCY: Eric L. Sanderson, Chief of the Solid Waste Branch,
ADEM Land Division (334/271-7755)

A handwritten signature in cursive script, appearing to read "Lance R. LeFleur", is written over a horizontal line.

Lance R. LeFleur
Director

335-13-14-.06 Operating Criteria.

(1) Compost offered for use must be produced by a process that encompasses turning on a regular basis to aerate the waste, maintain temperatures, and/or reduce pathogens. Compost may be produced by other composting techniques as approved by the Department.

(2) Used oil, hazardous waste, treated or untreated medical waste, treated wood, and asbestos containing waste shall not be accepted at a composting facility.

(3) Household hazardous waste shall not be accepted at a composting facility.

(4) Solid waste received at the composting facility shall be confined to a designated delivery or storage area until processed. Any solid waste not introduced into the processing operation within 72 hours shall be removed and disposed of at a municipal solid waste landfill.

(5) The site shall be graded to prevent ponding of water in the active composting area.

(6) Surface water drainage shall be diverted around and away from the composting area to prevent any washing or escape of waste from the property.

(7) Leachate shall be collected and disposed of in a manner approved by the Department.

(8) The composting facility shall be operated in a manner that controls vectors.

(9) The composting facility shall be operated in a manner that controls and minimizes odors. Should obnoxious odors arising from the composting facility operations be verified by the Department, measures to abate the odor shall be taken upon a determination by the Department that such measures are technically feasible.

(10) The composting facility shall be operated in a manner that prevents fires in accordance with the fire prevention plan.

(11) Open burning at any composting facility is prohibited except for burning resulting from land clearing activities at the site, if prior written approval is received from the Department and the Alabama Forestry Commission.

(12) Access to the facility shall be controlled so as to minimize the potential for scavenging of materials and unauthorized disposal of wastes.

(13) A sign shall be posted which identifies the composting facility owner or operator, hours of operation, waste that may be accepted, and the permit number.

Author: Phillip D. Davis; S. Scott Story.

Statutory Authority: Code of Alabama 1975, §§22-27-9 and 22-27-12.

History: April 3, 2012.

Amended: XXXXXX, 2018