

APA-1  
07/04

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management  
Rule No. 335-13-4-.01  
Rule Title: Landfill Unit Siting Standards

         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.

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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 Reference Service.

Signature of certifying officer         Mandy Elliott        

Date October 20, 2017

APA-2  
11/96

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
LAND DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULE NO. & TITLE:

335-13-4-.01 Landfill Unit Siting Standards (Amend)  
335-13-4-.12 Plans and Operational Reports (Amend)  
335-13-4-.13 Site Geology and Hydrology (Amend)  
335-13-4-.16 Explosive Gases (Amend)  
335-13-4-.18 Liners and Leachate Collection (Amend)  
335-13-4-.20 Closure and Post-Closure (Amend)  
335-13-4-.21 General Operational Standards for Landfill Units (Amend)  
335-13-4-.22 Specific Requirements for Municipal Solid Waste Landfills (Amend)  
335-13-4-.23 Specific Requirements for Inert- Construction/Demolition Landfills  
and  
Industrial Landfills (Amend)  
335-13-4-.26 Requirements for Management and Disposal of Special Waste  
(Amend)  
335-13-4-.27 Groundwater Monitoring and Corrective Action (Amend)  
335-13-4-.28 Financial Assurance Criteria (Amend)  
335-13-4-.29 Recordkeeping Requirements (Amend)  
335-13-4-APPENDIX II List of Hazardous Inorganic and Organic  
Constituents (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)



Lance R. LeFleur  
Director

**335-13-4-.01 Landfill Unit Siting Standards.** New or existing landfill units shall comply with the following standards in order to prevent adverse effects on health or the environment. As part of the application, the owner/operator must submit documentation addressing to the satisfaction of the Department the following siting standards.

(1) Location Standards.

(a) A facility located in a floodplain shall not restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain, or result in washout of solid waste, so as to pose a hazard to human health and the environment.

(b) A facility shall be located in consideration of the following:

1. A facility shall not jeopardize the continued existence of endangered or threatened species protected under the Endangered Species Act of 1973.

2. The facility shall not result in the destruction or adverse modification of critical habitats protected under the Endangered Species Act of 1973.

(c) A MSWLF unit shall not be sited within 10,000 feet of any airport runway end. Owners or operators proposing to renew existing or site new MSWLF units located within a five-mile radius of any airport runway must notify the affected airport and the Federal Aviation Administration (FAA).

(d) Zones of active faults, seismic impact zones, and unstable areas shall be avoided in locating facilities and practices unless a site specific evaluation as described below, demonstrates minimum potential for adverse effects upon waters of the State.

1. Site specific evaluations for geology and hydrology shall comply with 335-13-4-.11 through 335-13-4-.14.

2. Site specific evaluation shall include minimum design parameters necessary to protect the waters of the State and human health to include minimum requirements of 335-13-4-.15 through 335-13-4-.24.

3. Landfill units shall not be located within 200 feet of a fault that has had displacement within the Holocene epoch unless the owner or operator demonstrates to the Department that an alternative setback distance of less than 200 feet will not result in damage to the structural integrity of the facility and will be protective of human health and the environment.

4. Landfill units shall not be located in seismic impact zones, unless the owner or operator demonstrates to the Department that all containment structures, including liners, leachate collection systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site.

5. Landfill units shall not be located in an unstable area unless engineering measures have been incorporated in the design of the facility to ensure that the integrity

of the structural components of the facility will not be disrupted. The following factors, at a minimum, must be considered when determining whether an area is unstable:

(i) On-site or local soil and subsurface conditions that may result in significant differential settling;

(ii) On-site or local geologic or geomorphologic features; and

(iii) On-site or local human-made features or events (both surface and subsurface).

(e) Landfill units shall not be located on a site that is archaeologically or historically sensitive as determined by the Alabama Historical Commission. Written certification must be provided from the State Historic Preservation Officer.

(2) Water Quality Standards. A facility shall be located so as to not adversely impact water quality by complying with the following:

(a) A facility shall not cause a discharge of pollutants into waters of the State, including wetlands, that is in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES), Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 and/or section 404 of the Clean Water Act, as amended.

(b) A facility shall not cause non-point source pollution of waters of the State, including wetlands, that violates any requirements of an area wide and statewide water quality management plan that has been approved under the Alabama Water Pollution Control Act.

(c) Landfill units including buffer zones shall not be permissible in wetlands, beaches or dunes.

(d) Landfill units shall not be permissible in any location where the disposal of solid waste would significantly degrade wetlands, beaches or dunes.

(e) Landfill units shall be located outside the boundaries of the coastal area, unless no other reasonable alternative is available. If a site within the coastal area is proposed for development as a landfill unit, it shall be demonstrated to the satisfaction of the Department that siting, design, construction, and operation will ensure that present levels of coastal plants and animals will be maintained.

(3) Other Requirements. Solid Waste Disposal Facilities must comply with any other applicable State or Federal rules, laws, regulations or other requirements.

**Author:** Russell A. Kelly; S. Scott Story.

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

**History:** November 18, 1981.

**Amended:** July 21, 1988; November 2, 1993; July 26, 1996; XXXXX, 2018.