

APA-1  
07/04

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management

Rule No. 335-13-4-.13

Rule Title: Site Geology and Hydrology

         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

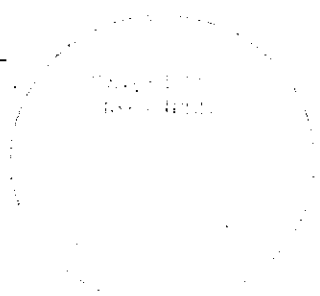
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of section 41-22-23, Code of Alabama 1975.

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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 Reference Service.

Signature of certifying officer         Marilyn 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)

  
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Lance R. Lefleur  
Director

**335-13-4-.13 Site Geology and Hydrology.**

(1) Site Hydrogeology. The site hydrogeology shall be established to the upper most aquifer and subsequent interconnecting aquifers.

(2) Hydrogeological Evaluation. The hydrogeological evaluation for a specific site, as required by the Department, may be provided for as follows:

(a) A hydrogeological evaluation performed by a firm or individual having expertise in hydrogeology. The expense of this evaluation shall be borne wholly by the applicant. The following shall be required on such evaluations made under this Rule:

1. The installation of a minimum of three exploration borings to include sampling and geologic logging and completion of these borings as piezometers. Subsequent establishment of the first saturated zone, the upper-most aquifer and subsequent underlying and interconnected aquifers, piezometer measuring point elevations, water table elevations and an estimate of groundwater flow direction and rate will be required.

2. A report shall be submitted to the Department which includes all items, information and analyses contained in 335-13-4-.13(2)(a)1.

3. Resumes and references, as necessary, to establish the qualifications of the firm or individual preparing the evaluation.

(b) A review of the information submitted under 335-13-4-.13(2)(a) shall be conducted by the Department.

(c) The requirement for a hydrogeological evaluation may be waived by the Department based on specific geology, hydrology, or waste types proposed for disposal.

(3) Department Action. The Department will conduct a site background hydrogeological evaluation and review all other related reports, plans or submittals.

(a) Expense for the background hydrogeological evaluation and reviews conducted by the Department shall be borne by the applicant in accordance with established procedures of the Department.

(b) The expense for soil borings, soil tests, piezometers, and other data as needed by the Department shall be borne by the applicant.

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