

APA-1
07/04

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 335 Department or Agency Environmental Management
Rule No. 335-13-4-.26
Rule Title: Requirements for Management and Disposal of Special Waste

 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.

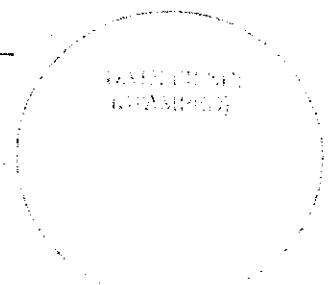
Certification of Authorized Official

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

Mandy Elbert

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.

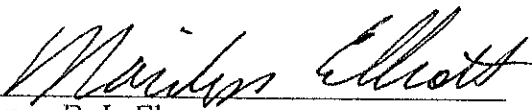
Additionally, the definition of "municipal solid waste landfill unit" is proposed to be amended in accordance with EPA's Hazardous Waste Generator Improvements Rule (81 FR 85805, November 28, 2016).

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-.26 Requirements for Management and Disposal of Special Waste.

(1) Exceptions.

(a) Requirements for the management and disposal of special waste at a landfill unit permitted by the Department shall meet the requirements of this Rule.

(b) Certain requirements may be modified by the Department as deemed necessary to comply with the Act and this Division.

1. Waste types for which specific rules and regulations under this Division have not been developed shall be managed and disposed of in a manner as determined by the Department to be consistent with the intent of the Act and this Division.

2. Generators of a special waste may be required by the Department to provide an analysis and certification that the waste is nonhazardous waste or treated medical waste.

(2) Disposal requirements for friable asbestos. Any person who generates, processes, treats, or disposes of friable asbestos shall comply with the following practices:

(a) Friable asbestos shall be disposed of in a facility permitted by the Department. The friable asbestos shall arrive at the landfill unit in properly labeled, leak-tight containers as determined by the Department's Air Division.

(b) Containers shall be placed intact in a specially prepared place and covered with a minimum of 12 inches of earth at the end of each working day. Asbestos waste may be landfilled in an excavation at the bottom of the operating face if no liner is present or the design depth restriction is not exceeded. The waste may also be placed in a separately designated area. If a separate area is utilized, it shall be clearly marked to prevent future excavation into the waste.

(c) Proper handling precautions shall be taken to ensure that containers are not ruptured prior to placing the required daily earth cover as noted in 335-13-4-.26(2)(b). No machinery shall be operated directly over uncovered containers.

(d) Final cover shall be as noted in 335-13-4-.20(2)(b).

(3) Disposal requirements for foundry wastes. Foundry waste which exhibits less than 50 percent of each of the TC Levels for metals as defined by the USEPA's Toxicity Characteristic Leaching Procedure (TCLP) may be managed in the following manner:

(a) Foundry waste may be managed in areas other than

1. Flood Plains;

2. Wetlands;

3. Residential zones; or

4. Areas less than 5 feet above the uppermost aquifer.

(b) Each foundry must maintain records at the manufacturing facility. These records must include:

1. A description of the site to within the $\frac{1}{4}$, $\frac{1}{4}$ Section of a specific Township and Range.
2. Volume of foundry waste disposed of at each location.

(c) The waste must be certified by the generator on a quarterly basis or whenever the process changes which would significantly alter the test results, whichever is more frequent. Certification of the foundry waste shall be accomplished by submitting the following:

1. A completed Solid/Hazardous Waste Determination Form.
2. A TCLP Analysis for metals.

(d) Each foundry must contact the Water Division of ADEM with regards to General Stormwater and/or NPDES permits.

(e) Foundry waste from two or more foundries may be managed at one location provided adequate documentation and record keeping is maintained for each foundry.

(f) Foundry waste not meeting the requirements of paragraph (3) of this rRule must be managed at an approved recycle/reuse facility or at a landfill unit approved for the disposal of foundry waste and permitted by the Department.

(4) Disposal requirements for petroleum contaminated waste. Any person who disposes of petroleum contaminated waste shall comply with the following practices:

(a) Petroleum contaminated waste must be disposed of in a MSWLF and/or a synthetically lined facility having a solid waste disposal permit issued by the Department and having groundwater monitoring wells.

(b) Prior to disposing of a petroleum contaminated waste in accordance with subparagraph (a) of this paragraph, the generator of the waste must provide the Department with a written certification that the waste is non-hazardous.

1. The generator of a petroleum contaminated waste may use his knowledge of the processes producing the waste to certify that the waste is non-hazardous; however the Department, on a case-by-case basis, may require additional information and/or laboratory analyses to support the generator's certification.

2. The written certification that the waste is non-hazardous must include laboratory analysis for metals if the source of the petroleum contamination is leaded gasoline, used automotive crank case oil, or if the generator has reason to believe that the source contains TCLP metals.

(c) Small quantities of petroleum contaminated waste may be disposed in MSWLFs, C/DLFs, or ILFs, and shall not require approval and/or testing, provided that the waste:

1. Contains less than twenty-five (25) gallons of petroleum; and
2. Total material (i.e., soil, rags, sorbent, etc.) is less than five (5) cubic yards per occurrence.

(5) Disposal requirements for municipal solid waste ash. Municipal solid waste ash shall be disposed of at a MSWLF meeting at a minimum the design criteria established under 335-13-4-.18. Alternative disposal methods or uses must be approved by the Department prior to implementation.

(6) Disposal requirements for wood ash waste. Wood ash waste which exhibits less than 50 percent of each of the TC Levels for metals as defined by the USEPA's Toxicity Characteristic Leaching Procedure (TCLP) may be managed in the following manner:

(a) Wood ash waste may be managed in areas other than

1. Flood Plains;
2. Wetlands;
3. Residential zones; or
4. Areas less than 5 feet above the uppermost aquifer.

(b) Facilities managing wood ash waste in an area that is not a permitted landfill unit, not within the property boundaries of the generator, and meets the requirements of 335-13-4-.26 (6)(a) must maintain records at the facility that include the following:

1. A description of the site to within the $\frac{1}{4}$, $\frac{1}{4}$ Section of a specific Township and Range.
2. Volume of the wood ash waste disposed of at each location on a quarterly basis.
3. Certification of the wood ash waste on a quarterly basis or whenever the waste generating process changes which would significantly alter the test results, whichever is more frequent. Certification of the wood ash waste must be accomplished by submitting the following:

——(i) A completed Solid/Hazardous Waste Determination Form.

——(ii) A TCLP Analysis for metals.

(c) Facilities managing wood ash waste in an area that is not a permitted landfill unit, within the property boundaries of the generator, and meets the requirements of 335-13-4-.26 (6)(a) must maintain records at the facility that include the following:

1. Certification of the wood ash waste on a two (2) year basis or whenever the waste generating process changes which would significantly alter the test results,

whichever is more frequent. Certification of the wood ash waste must be accomplished by submitting the following:

——(i) A completed Solid/Hazardous Waste Determination Form.

——(ii) A TCLP Analysis for metals.

(d) Each facility managing wood ash waste in accordance with 335-13-4-.26(6) shall submit an annual report on or before January 31st of each year utilizing a format approved by the Department which contains the following:

1.— Summary of the components of 335-13-4-.26(6)(b) and/or (c).

2. Documentation of the non-coal permitted fuel burned on a quarterly basis to include the type, quantity (mass input basis), and the percentage of total fuel, of each type of fuel burned.

(e) Facilities managing wood ash waste in an area that is not a permitted landfill unit and meets the requirements of 335-13-4-.26 (6)(a) must contact the Water Division of the ADEM with regards to NPDES requirements for waste management areas.

(f) Wood ash waste from two or more facilities may be managed at one location provided adequate documentation and record keeping is maintained for each generator.

(g) Wood ash waste not meeting the requirements of paragraph (6) of this Rule must be managed at a landfill unit approved for the disposal of wood ash waste and permitted by the Department.

Author: Russell A. Kelly, Eric L. Sanderson; S. Scott Story.

Statutory Authority: Code of Alabama 1975, §§ 22-27-3, 22-27-4, 22-27-7.

History: July 21, 1988.

Amended: October 2, 1990; November 2, 1993; July 26, 1996, April 8, 2016; XXXXX, 2018.