

APA-1
07/04

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management
Rule No. 335-13-4-.29
Rule Title: Recordkeeping Requirements

 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.

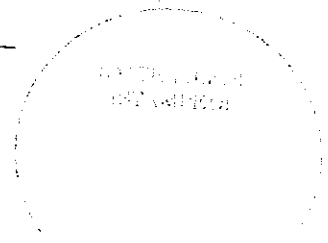
Certification of Authorized Official

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

Marky 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.

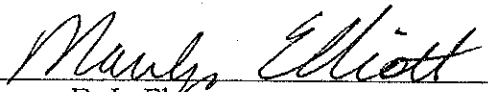
Additionally, the definition of "municipal solid waste landfill unit" is proposed to be amended in accordance with EPA's Hazardous Waste Generator Improvements Rule (81 FR 85805, November 28, 2016).

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-.29 Recordkeeping Requirements. Recordkeeping shall be maintained as follows:

(1) Operating Record. The owner or operator of a MSWLF, C/DLF or ILF unit must record and retain in an operating record at the facility, or in an alternative location approved by the Department, the following information as it becomes available:

(a) Solid Waste Disposal Facility Permit as issued by the Department.

(b) Permitted application, operational narrative, and engineering drawings. This may include, but is not limited to:

1. Any location restriction demonstration required under 335-13-4-.01 of this Division;

2. Any MSWLF unit design documentation for placement of leachate or gas condensate in a MSWLF unit as required under 335-13-4-.22(1)(k) of this Division;

3. Closure and post closure care plans as required by 335-13-4-.20 of this Division;

4. Explosive gas monitoring plans as required by 335-13-4-.16 of this Division;

5. Corrective action plan, if necessary, which includes detection in assessment monitoring;

6. Any other documentation submitted to the Department during the permitting process.

(c) Reports or documentation generated during the normal operation of the facility may include, but are not limited to:

1. Gas monitoring results from monitoring and any remediation plans required by 335-13-4-.16;

2. Inspection records, training procedures, notification procedures, and other information required in 335-13-4-.21(1)(b);

3. Any monitoring, testing, or analytical data as required by 335-13-4-.20 of this Division concerning closure;

4. Any demonstration, certification, finding monitoring, testing, or analytical data required by 335-13-4-.27 concerning groundwater monitoring and corrective action;

5. Quarterly volume reports as required in 335-13-4-.22(2)(g) or 335-13-4-.23(2)(f) of this Division;

6. Waste certifications as required by 335-13-4-.21(1)(c) of this Division;

7. Any other report or document generated in the normal operation of the facility which is submitted to the Department.

(d) Any cost estimates and financial assurance documentation required by 40 CFR 258, Subpart G 335-13-4-.28.

(2) Department notification. The owner/operator must notify the Department when the documents from subparagraph (1)(b) of this rRule have been placed or added to the operating record, and all information contained in the operating record must be furnished upon request to the Department or be made available at all reasonable times for inspection by the Department.

(3) Alternative schedules. The Department can set alternative schedules for recordkeeping and notification requirements as specified in paragraphs (1) and (2) of this rRule, except for notification requirements in 335-13-4-.01(1)(c) and 335-13-4-.27(4)(g)3.(iii).

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

Statutory Authority: Code of Alabama 1975, §§ 22-22A-8, 22-27-7.

History: November 2, 1993.

Amended: July 26, 1996; XXXXX, 2018.