

## **PRELIMINARY DETERMINATION**

### **PERMIT RENEWAL**

Madison County Commission  
266-C Shields Road  
Huntsville, Alabama 35811

Madison County District 2 Landfill  
Permit No. 45-05

July 22, 2020

The Madison County Commission submitted to the Alabama Department of Environmental Management (ADEM) an application to continue to operate a construction and demolition waste landfill known as the Madison County District 2 Landfill (Permit No. 45-05). The waste stream for the Madison County District 2 Landfill would remain nonputrescible and nonhazardous construction and demolition waste, rubbish as defined by Rule 335-13-1-.03 and tires. The service area for the Madison County District 2 Landfill would remain Madison County, Alabama. The maximum average daily volume of waste disposed at the Madison County District 2 Landfill would remain 100 cubic yards per day. The application requested that all previous conditions of the current permit for the Madison County District 2 Landfill be granted in the renewed permit.

The Madison County District 2 Landfill is described as being located in Southeast ¼ of Section 11, Township 3 South, Range 1 East in Madison County, Alabama. The Madison County District 2 Landfill facility consists of approximately 20 acres with 7 acres approved for disposal.

The Solid Waste Engineering Section has determined that the permit renewal application complies with the requirements of ADEM's Administrative Code Division 13 regulations for a construction and demolition waste landfill.

Technical Contact:

Mr. Jonathan Crosby  
Solid Waste Engineering Section  
Land Division



# SOLID WASTE DISPOSAL FACILITY PERMIT

**PERMITTEE:** Madison County Commission

**FACILITY NAME:** Madison County District 2 Landfill

**FACILITY LOCATION:** Southeast ¼ of Section 11, Township 3 South, Range 1 East in Madison County, Alabama. The permitted facility consists of approximately 20 acres with 7 acres for disposal.

**PERMIT NUMBER:** 45-05

**PERMIT TYPE:** Construction and Demolition

**WASTE APPROVED FOR DISPOSAL:** Nonputrescible and nonhazardous construction and demolition waste, rubbish as defined by Rule 335-13-1-.03 and tires.

**APPROVED WASTE VOLUME:** Maximum Average Daily Volume of 100 cubic yards per day.

**APPROVED SERVICE AREA:** Madison County, Alabama

*In accordance with and subject to the provisions of the Solid Wastes & Recyclable Materials Management Act, as amended, Code of Alabama 1975, SS 22-27-1 to 22-27-27 ("SWRMMA"), the Alabama Environmental Management Act, as amended, Code of Alabama 1975, SS 22-22A-1 to 22-22A-15, and rules and regulations adopted thereunder, and subject further to the conditions set forth in this permit, the Permittee is hereby authorized to dispose of the above-described solid wastes at the above-described facility location.*

**ISSUANCE DATE:** ???????????????

**EFFECTIVE DATE:** ???????????????

**EXPIRATION DATE:** ???????????????

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
SOLID WASTE PERMIT**

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Permittee: Madison County Commission  
Madison County Public Works  
266-C Shields Road  
Huntsville, Alabama 35811

Landfill Name: Madison County District 2 Landfill

Landfill Location: Southeast ¼ of Section 11, Township 3 South, Range 1 East in Madison County,  
Alabama.

Permit Number: 45-05

Landfill Type: Construction and Demolition Landfill

Pursuant to the Solid Wastes and Recyclable Materials Management Act, Code of Alabama 1975, Section 22-27-1, *et seq.*, as amended, and attendant regulations promulgated thereunder by the Alabama Department of Environmental Management (ADEM), this permit is issued to the Madison County Commission (hereinafter called the Permittee), to operate a solid waste disposal facility, known as the Madison County District 2 Landfill.

The Permittee must comply with all terms and conditions of this permit. This permit consists of the conditions set forth herein (including those in any attachments), and the applicable regulations contained in Chapters 335-13-1 through 335-13-16 of the ADEM Administrative Code (hereinafter referred to as the "ADEM Admin. Code"). Rules cited are set forth in this document for the purpose of Permittee reference. Any Rule that is cited incorrectly in this document does not constitute grounds for noncompliance on the part of the Permittee. Applicable ADEM Administrative Codes are those that are in effect on the date of issuance of this permit or any revisions approved after permit issuance.

This permit is based on the information submitted to the Department on February 20, 2020 and as amended, known as the Permit Application (hereby incorporated by reference and hereinafter referred to as the Application). Any inaccuracies found in this information could lead to the termination or modification of this permit and potential enforcement action. The Permittee must inform ADEM of any deviation from or changes in the information in the Application that would affect the Permittee's ability to comply with the applicable ADEM Admin. Code or permit conditions.

This permit effective as of ?????????????? and shall remain in effect until ?????????????? unless suspended or revoked.

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Alabama Department of Environmental Management

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Date Signed

## SECTION I. STANDARD CONDITIONS

### A. Effect of Permit

The Permittee is allowed to dispose of nonhazardous solid waste in accordance with the conditions of this permit and ADEM Administrative Code, Division 13. Issuance of this permit does not convey property rights of any sort or any exclusive privilege, nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local laws or regulations. Except for actions brought under Code of Alabama 1975, Section 22-27-1, *et seq.*, as amended, compliance with the conditions of this permit shall be deemed to be compliance with applicable requirements in effect as of the date of issuance of this permit and any future revisions.

### B. Permit Actions

This permit may be suspended, revoked or modified for cause. The filing of a request for a permit modification or the notification of planned changes or anticipated noncompliance on the part of the Permittee, and the suspension or revocation does not stay the applicability or enforceability of any permit condition.

### C. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

### D. Definitions

For the purpose of this permit, terms used herein shall have the same meaning as those in ADEM Administrative Code, Division 13, unless this permit specifically provides otherwise; where terms are not otherwise defined, the meaning associated with such terms shall be as defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

1. "EPA" for purposes of this permit means the United States Environmental Protection Agency.
2. "Permit Application" for the purposes of this permit, means all permit application forms, design plans, operational plans, closure plans, technical data, reports, specifications, plats, geological and hydrological reports, and other materials which are submitted to the Department in pursuit of a solid waste disposal permit.

### E. Duties and Requirements

#### 1. Duty to Comply

The Permittee must comply with all conditions of this permit except to the extent and for the duration such noncompliance is authorized by a variance granted by the Department. Any permit noncompliance, other than noncompliance authorized by a variance, constitutes a violation of Code of Alabama 1975, Section 22-27-1 *et seq.*, as amended, and is grounds for enforcement action, permit suspension, revocation, modification, and/or denial of a permit renewal application.

#### 2. Duty to Reapply

If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must apply for and obtain a new permit. The renewal application must be submitted to the Department at least 180 days before this permit expires.

3. Permit Expiration

This permit and all conditions therein will remain in effect beyond the permit's expiration date if the Permittee has submitted a timely, complete application as required by Section I, Paragraph E, Subparagraph 2, and, through no fault of the Permittee, the Department has not made a final decision regarding the renewal application.

4. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of this permit.

5. Duty to Mitigate

In the event of noncompliance with this permit, the Permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

6. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of control (and related appurtenances) that are installed or used by the Permittee to achieve compliance with the conditions of this permit.

7. Duty to Provide Information

If requested, the Permittee shall furnish to ADEM, within a reasonable time, any information that ADEM may reasonably need to determine whether cause exists for denying, suspending, revoking, or modifying this permit, or to determine compliance with this permit. If requested, the Permittee shall also furnish the Department with copies of records kept as a requirement of this permit.

8. Inspection and Entry

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow the employees of the Department or their authorized representative to:

- a. Enter at reasonable times the Permittee's premises where the regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit.
- c. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.
- d. Sample or monitor, at reasonable times, any substances or parameters at any location for the purposes of assuring permit compliance or as otherwise authorized by Code of Alabama 1975, Section 22-27-1 *et seq.*

9. Monitoring, Corrective Actions, and Records

- a. Samples and measurements taken for the purpose of monitoring or corrective action shall be representative of the monitored activity. The methods used to obtain representative samples to be analyzed must be the appropriate method from Chapter 335-13-4 or the methods as specified in the Application and incorporated by reference. Laboratory methods must be those specified in Standard Methods for the Examination of Water and Wastewater (American Public Health

Association, latest edition), Methods for Chemical Analysis of Water and Wastes (EPA-600/4-79-020), Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (EPA Publication SW-846, latest edition), other appropriate EPA methods, or as specified in the Application. All field tests must be conducted using approved EPA test kits and procedures.

- b. The Permittee shall retain records, at the location specified in Section I, Paragraph I, of all monitoring, or corrective action information, including all calibration and maintenance records, copies of all reports and records required by this permit, and records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report or record or for periods elsewhere specified in this permit. These periods may be extended by the request of the Department at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility.
  - c. Records of monitoring and corrective action information shall include:
    - i. The exact place, date, and time of sampling or measurement.
    - ii. The individual(s) and company who performed the sampling or measurements.
    - iii. The date(s) analyses were performed.
    - iv. The individual(s) and company who performed the analyses.
    - v. The analytical techniques or methods used.
    - vi. The results of such analyses.
  - d. The Permittee shall submit all monitoring and corrective action results at the interval specified elsewhere in this permit.
10. Reporting Planned Changes
- The Permittee shall notify the Department, in the form of a request for permit modification, at least 90 days prior to any change in the permitted service area, increase in the waste received, or change in the design or operating procedure as described in this permit, including any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
11. Transfer of Permit
- This permit may be transferred to a new owner or operator. All requests for transfer of permits shall be in writing and shall be submitted on forms provided by the Department. Before transferring ownership or operation of the facility during its operating life, the Permittee shall notify the new owner or operator in writing of the requirements of this permit.
12. Certification of Construction
- The Permittee may not commence disposal of waste in any new cell or phase until the Permittee has submitted to the Department, by certified mail or hand delivery, a letter signed by both the Permittee and a professional engineer stating that the facility has been constructed in compliance with the permit.
- The Department must inspect the constructed cells or phases before the owner or operator can commence waste disposal unless the Permittee is notified that the Department will waive the inspection.

13. Compliance Schedules

Reports of compliance or noncompliance with or any progress reports on interim and final requirements contained in any compliance schedule required and approved by the Department shall be submitted no later than 14 days following each schedule date.

14. Other Noncompliance

The Permittee shall report all instances of noncompliance with the permit at the time monitoring reports are submitted.

15. Other Information

If the Permittee becomes aware that information required by the Application was not submitted or was incorrect in the Application or in any report to the Department, the Permittee shall promptly submit such facts or information. In addition, upon request, the Permittee shall furnish to the Department, within a reasonable time, information related to compliance with the permit.

F. Design and Operation of Facility

The Permittee shall maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or nonsudden release of contaminants (including leachate and explosive gases) to air, soil, groundwater, or surface water, which could threaten human health or the environment.

G. Inspection Requirements

1. The Permittee shall comply with all requirements of ADEM Administrative Code, Division 13.
2. The Permittee shall conduct random inspections of incoming loads.
3. Records of all inspections shall be included in the operating record.

H. Recordkeeping and Reporting

1. The Permittee shall maintain a written operating record at the location specified in Section I, Paragraph I. The operating record shall include:
  - a. Documentation of inspections and maintenance activities.
  - b. Daily Volume reports.
  - c. Personnel training documents and records.
  - d. Groundwater monitoring records if required.
  - e. Explosive gas monitoring records if required.
  - f. Copies of this Permit and the Application.
  - g. Copies of all variances granted by the Department, including copies of all approvals of special operating conditions.

2. Quarterly Volume Report

Beginning with the effective date of this permit, the Permittee shall submit, within thirty (30) days after the end of each calendar quarter, a report summarizing the daily waste receipts for the previous (just ended) quarter. Copies of the quarterly reports shall be maintained in the operating record.

3. Monitoring and Corrective Action Reports

The Permittee shall submit reports on all monitoring and corrective activities conducted pursuant to the requirements of this permit, including, but not limited to, groundwater, surface water, explosive gas and leachate monitoring. If groundwater monitoring is required in Section IV, groundwater monitoring shall be conducted in March and September of each year, or as directed by the Department, and the reports shall be submitted at least semi-annually, or as directed by the Department. The reports should contain all monitoring results and conclusions from samples and measurements conducted during the sampling period. Explosive gas monitoring must be conducted on an annual basis, and the reports should be submitted to the department and placed in the operating record within 30 days of the monitoring event. Copies of the groundwater and explosive gas monitoring reports shall be maintained in the operating record.

4. Availability, Retention, and Disposition of Records

- a. All records, including plans, required under this permit or Division 13 must be furnished upon request, and made available at reasonable times for inspection by any officer, employee, or representative of the Department.
- b. All records, including plans, required under this permit or Division 13 shall be retained by the Permittee for a period of at least three years. The retention period for all records is extended automatically during the course of any unresolved enforcement action regarding the facility, or as requested by the Department.
- c. A copy of records of waste disposal locations and quantities must be submitted to the Department and local land authority upon closure of the facility.

I. Documents to be Maintained by the Permittee

The Permittee shall maintain, at the Madison County Public Works, the following documents and amendments, revisions and modifications to these documents until an engineer certifies closure.

1. Operating record.
2. Closure Plan.

J. Mailing Location

All reports, notifications, or other submissions which are required by this permit should be sent via signed mail (i.e. certified mail, express mail delivery service, etc.) or hand delivered to:

Mailing Address.  
Chief, Solid Waste Branch, Land Division  
Alabama Department of Environmental Management  
P.O. Box 301463  
Montgomery, AL 36130-1463



Physical Address.  
Chief, Solid Waste Branch, Land Division  
Alabama Department of Environmental Management  
1400 Coliseum Blvd.  
Montgomery, Alabama 36110-2400

K. Signatory Requirement

All applications, reports or information required by this permit, or otherwise submitted to the Department, shall be signed and certified by the owner as follows:

1. If an individual, by the applicant.
2. If a city, county, or other municipality or governmental entity, by the ranking elected official, or by a duly authorized representative of that person.
3. If a corporation, organization, or other legal entity, by a principal executive officer, of at least the level of Vice President, or by a duly authorized representative of that person.

L. Confidential Information

The Permittee may claim information submitted as confidential if the information is protected under Code of Alabama 1975 §§ 22-39-18, as amended.

M. State Laws and Regulations

Nothing in this permit shall be construed to preclude the initiation of any legal action or to relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation.

SECTION II. GENERAL OPERATING CONDITIONS

A. Operation of Facility

The Permittee shall operate and maintain the disposal facility consistent with the Application, this permit, and ADEM Administrative Code, Division 13.

B. Open Burning

The Permittee shall not allow open burning without prior written approval from the Department and other appropriate agencies. A burn request should be submitted in writing to the Department outlining why that burn request should be granted. This request should include, but not be limited to, specifically what areas will be utilized, types of waste to be burned, the projected starting and completion dates for the project, and the projected days and hours of operation. The approval, if granted, shall be included in the operating record.

C. Prevention of Unauthorized Disposal

The Permittee shall follow the approved procedures for detecting and preventing the disposal of free liquids, regulated hazardous waste, PCB's, and medical waste at the facility.

D. Unauthorized Discharge

The Permittee shall operate the disposal facility in such a manner that there will be no water pollution or unauthorized discharge to waters of the State. Any discharge from the disposal facility or practice thereof may require a National Pollutant Discharge Elimination System permit under the Alabama Water Pollution Control Act.

E. Industrial Waste Disposal

The Permittee shall not dispose of industrial process waste at this landfill. Only those wastes shown in Section III, Paragraph B are allowed for disposal in this landfill.

F. Boundary Markers

The Permittee shall ensure that the facility is identified with a sufficient number of permanent boundary markers that are at least visible from one marker to the next.

G. Certified Operator

The Permittee shall be required to have an operator certified by the Department on-site during hours of operation, in accordance with the requirements of ADEM Admin. Code 335-13-12.

SECTION III. SPECIFIC REQUIREMENTS FOR C/D LANDFILLS

A. Waste Identification and Management

1. Subject to the terms of this permit, the Permittee may dispose of the nonhazardous solid wastes listed in Section III, Paragraph B. Disposal of any other wastes is prohibited, except waste granted a temporary or one time waiver by the Director.
2. The total permitted area for the Madison County District 2 Landfill is approximately 20 acres with 7 acres permitted for disposal.
3. The maximum average daily volume of waste disposed at the facility shall not exceed 100 cubic yards/day, except as provided under Rule 335-13-5-.06(2)(a)5. The average daily volume shall be computed as specified by Rule 335-13-5-.06(2)(a)5.(i).

B. Waste Streams

The Permittee may accept for disposal nonputrescible and nonhazardous construction and demolition waste, rubbish as defined by Rule 335-13-1-.03 and tires.

C. Service Area

The Permittee is allowed to receive waste for disposal from Madison County, Alabama

D. Waste Placement, Compaction, and Cover

All waste shall be confined to an area as small as possible and placed onto an appropriate slope not to exceed 4 to 1 (25%) or as approved by the Department. All waste shall be spread in layers two feet or less in thickness and thoroughly compacted weekly with adequate landfill equipment prior to placing additional layers of waste or placing the weekly cover. A minimum of six inches of compacted earth or other alternative cover material approved by the Department shall be added at the conclusion of each week's operation unless a variance is granted in Section VIII.

E. Security

The Permittee shall provide artificial and/or natural barriers, which prevent entry of unauthorized vehicular traffic to the facility.

F. All Weather Access Roads

The Permittee shall provide an all-weather access road to the dumping face that is wide enough to allow passage of collection vehicles.

G. Adverse Weather Disposal

The Permittee shall provide for disposal activities in adverse weather conditions.

H. Personnel

The Permittee shall maintain adequate personnel to ensure continued and smooth operation of the facility.

I. Environmental Monitoring and Treatment Structures

The Permittee shall provide protection and proper maintenance of environmental monitoring and treatment structures.

J. Vector Control

The Permittee shall provide for vector control as required by ADEM Administrative Code, Division 13.

K. Bulk or Noncontainerized Liquid Waste

The Permittee shall not dispose of bulk or noncontainerized liquid waste, or containers capable of holding liquids, unless the conditions of Rule 335-13-4-.23(1)(j) are met.

L. Empty Containers

Empty containers larger than 10 gallons in size must be rendered unsuitable for holding liquids prior to disposal in the landfill unless otherwise approved by the Department.

M. Other Requirements

The Department may enhance or reduce any requirements for operating and maintaining the landfill as deemed necessary by the Land Division.

N. Other Permits

The Permittee shall operate the landfill according to this and any other applicable permits.

O. Scavenging and Salvaging Operations

The Permittee shall prevent scavenging and salvaging operations, except as part of a controlled recycling effort. Any recycling operation must be in accordance with plans submitted and approved by the Department.

P. Signs

If the landfill is available to the public or commercial haulers, the Permittee shall provide a sign outlining instructions for use of the site. The sign shall be posted and have the information required by Rule 335-13-4-.23(1)(f).

Q. Litter Control

The Permittee shall control litter.

R. Fire Control

The Permittee shall provide fire control measures.

SECTION IV. GROUNDWATER MONITORING REQUIREMENTS:

Groundwater monitoring is not being required at this landfill provided that the waste stream is in accordance with Section III, Paragraph B. Should any waste be disposed other than the waste streams indicated in Section III, Paragraph B, the Department may require that groundwater-monitoring wells be installed.

SECTION V. GAS MONITORING REQUIREMENTS

The permittee must install and maintain an explosive gas monitoring system in accordance with ADEM Administrative Code, Division 13.

SECTION VI. SURFACE WATER MANAGEMENT

The Permittee shall construct and maintain run-on and run-off control structures to control the discharge of pollutants to waters of the State during wet weather events. Any discharges from drainage control structures shall be permitted through a discharge permit issued by the ADEM Water Division.

SECTION VII. CLOSURE AND POST-CLOSURE REQUIREMENTS

The Permittee shall close the landfill and perform post-closure care of the landfill in accordance with Division 13.

A. Final Cover

The Permittee shall grade final soil cover such that surface water does not pond over the permitted area as specified in the Application. The final cover system shall comply with ADEM Administrative Code, Division 13.

B. Vegetative Cover

The Permittee shall establish a vegetative or other appropriate cover within 90 days after completion of final grading requirements in the Application. Preparation of a vegetative cover shall include, but not be limited to, the placement of seed, fertilizer, mulch and water.

C. Notice of Intent

The Permittee shall place in the operating record and notify the Department of their intent to close the landfill prior to beginning closure.

D. Completion of Closure Activities

The Permittee must complete closure activities of each landfill unit in accordance with the Closure Plan within 180 days of the last known receipt of waste.

E. Certification of Closure

Following closure of each unit, the Permittee must submit to the Department a certification, signed by an engineer, verifying the closure has been completed according to the Closure Plan.

F. Post-Closure Care Period

Post-closure care activities shall be conducted after closure of each unit throughout the life of this permit and continuing for a period of thirty (30) years following closure of the facility. The Department may shorten or extend the post-closure care period applicable to the solid waste disposal facility. The Permittee shall reapply in order to fulfill the post-closure care requirements of this permit.

G. Post-Closure Maintenance

The Permittee shall provide post closure maintenance of the facility to include regularly scheduled inspections. This shall include maintenance of the cover, vegetation, monitoring devices and pollution control equipment and correction of other deficiencies that may be observed by ADEM. Monitoring requirements shall continue throughout the post closure period as determined by the Department unless all waste is removed and no unpermitted discharge to waters of the State has occurred.

H. Post-Closure Use of Property

The Permittee shall ensure that post closure use of the property never be allowed to disturb the integrity of the final cover, liner, or any other component of the containment system. This shall preclude the growing of deep-rooted vegetation on the closed area.

I. Certification of Post-Closure

Following post-closure of each unit, the Permittee must submit to the Department a certification, signed by an engineer, verifying the post-closure has been completed according to the Post-Closure Plan.

J. Notice in Deed to Property

The Permittee shall record a notation onto the land deed containing the property utilized for disposal within 90 days after permit expiration, revocation or when closure requirements are achieved as determined by the Department as stated in the Application. This notation shall state that the land has been used as a solid waste disposal facility, the name of the Permittee, type of disposal activity, location of the disposal facility and beginning and closure dates of the disposal activity.

K. Recording Instrument

The Permittee shall submit a certified copy of the recording instrument to the Department within 120 days after permit expiration, revocation, or as directed by the Department as described in the Application.

L. Removal of Waste

If the Permittee, or any other person(s), wishes to remove waste, waste residues, or any liner or contaminated soils, the owner must request and receive prior approval from the Department.

### SECTION VIII. VARIANCES

There are no variances for the Madison County District 2 Landfill.

Any variance granted by the Department may be terminated by the Department whenever the Department finds, after notice and opportunity for hearing, that the petitioner is in violation of any requirement, condition, schedule, limitation or any other provision of the variance, or that operation under the variance does not meet the minimum requirements established by state and federal laws and regulations or is unreasonably threatening the public health.

# PERMIT APPLICATION

**SOLID WASTE DISPOSAL FACILITY  
CONSTRUCTION/DEMOLITION LANDFILL  
PERMIT APPLICATION PACKAGE**

January 16, 2018

**MEMORANDUM**

TO: Applicants Seeking a Permit for Solid Waste Facilities

FROM: Stephen A. Cobb, Chief  
Land Division  
Alabama Department of Environmental Management

RE: Processing Solid Waste Permits by ADEM

Any permit issued by ADEM must be in accordance with §22-27-48 and §22-27-48.1 Code of Alabama. This section indicates that ADEM may not consider an application for a new or modified permit unless such application has received approval by the affected unit of local government having an approved plan. ADEM, therefore, will require the following before it can process a new or modified permit application:

1. The local government having jurisdiction must approve the permit application in accordance with §22-27-48 and §22-27-48.1 Code of Alabama.
2. Local governments should follow the procedures outlined in §22-27-48 and §22-27-48.1 Code of Alabama and the siting standards included in the local approved plan in considering approval of a facility.

This procedure applies to applications for new or modified permits. ADEM cannot review an application unless it includes approval from the affected local government. This procedure shall not apply to exempted industrial landfills receiving waste generated on site only by the permittee.

Please contact the Solid Waste Branch of ADEM at (334) 274-4201 if there are any questions.

SAC/sss/abj



CONSTRUCTION AND DEMOLITION LANDFILL  
SITING AND HYDROGEOLOGICAL EVALUATION SHEET  
(SUPPLEMENT TO C/D APPLICATION)

All of the following items should be included with a construction and demolition landfill permit application:

1.     •Local Approval  
       •Fees
2.     Map showing flood prone areas.
3.     Evaluation of land use:
  - Wetlands determination by U.S.A. Corps of Engineers
  - Endangered species determination by U.S. Fish and Wildlife Service
  - Habitat
  - Archaeologically sensitive areas determined by Alabama Historical Commission.
4.     Site geology using borings, exploration pits, or hydrogeologic mapping for the purposes of determining the minimum 5-foot separation between groundwater and the cell bottom.
5.     Location of borings, pits, and sections on a map.
6.     Log of pits and borings.
7.     A map showing geology and structural features such as sink holes and faults.
8.     Engineer's stamp on plans.
9.     A Certification Letter, signed by a registered professional engineer, verifying the accuracy of the submitted permit application.

PERMIT APPLICATION  
SOLID WASTE DISPOSAL FACILITY  
CONSTRUCTION/DEMOLITION LANDFILL  
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
(Submit in Triplicate)

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The following application, with all required attachments, must be submitted before the Department will begin its review.

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SECTION I:

LANDFILL ACTION:                      \_\_\_\_\_  New Application  
  \_\_\_\_\_  X          Renewal Application, Permit Number     45-05  
  \_\_\_\_\_  Modification Application, Permit Number \_\_\_\_\_

LANDFILL NAME:     Madison County District 2 (Stone) Landfill  
LANDFILL ADDRESS (MAILING):   Chuck Faulkner, P.E., County Engineer  
  \_\_\_\_\_  Madison County Public Works  
  \_\_\_\_\_  266-C Shields Road  
  \_\_\_\_\_  Huntsville, AL 35811  
LANDFILL ADDRESS (PHYSICAL):   325 Homer Nance Road  
  \_\_\_\_\_  Huntsville, AL 35811  
  \_\_\_\_\_  West Northeast of Section  
  \_\_\_\_\_  Township South, Range East

SECTION II:

APPLICANT/PERMITTEE:  
NAME:                 Madison County Commission  
ADDRESS:            Chuck Faulkner, P.E., County Engineer, Madison County Public Works  
                          \_\_\_\_\_  266-C Shields Road, Huntsville, AL 35811  
TELEPHONE:         256-746-2900

If applicant/permittee is a Corporation, please list officers:  
N/A  
\_\_\_\_\_

SECTION III:

LANDFILL OPERATOR:

Name: (1) Madison County Commission (2) \_\_\_\_\_  
 Address: District Three \_\_\_\_\_  
4273 Hwy 72 East \_\_\_\_\_  
Brownsboro, AL 35741 \_\_\_\_\_  
 Telephone: 265-776-2475 \_\_\_\_\_

SECTION IV:

CONTACT PERSON(S):

Name:	(1) <u>Chuck Faulkner, P.E.</u>	(2) <u>Alex Wynboom</u>
Address:	<u>Madison County Public Works</u>	<u>Madison County Public Works</u>
	<u>266-C Shields Road</u>	<u>266-C Shields Road</u>
	<u>Huntsville, AL 35811</u>	<u>Huntsville, AL 35811</u>
Telephone:	<u>256-746-2900</u>	<u>256-746-2900</u>

SECTION V:

LANDOWNER(S):

Name: (1) McMullen Farms (2) \_\_\_\_\_  
 Address: 722 McMullen Lane \_\_\_\_\_  
Owens Crossroads, AL 35763 \_\_\_\_\_  
 Telephone: 256-776-2972 \_\_\_\_\_

Attach copy of agreement from landowner giving permission to use site for disposal if landowner is different from applicant. Attached

SECTION VI:

ADJACENT LANDOWNER(S):

- a. Submit a list of all adjacent landowners including name and current mailing address. Attached
- b. Submit a drawing/map identifying the proposed disposal site and the properties of all adjacent landowners listed in "a" above. Attached

SECTION VII:

LOCAL APPROVAL: No Required (Yes or No)  
N/A Date Received if needed (attach copy of resolution and proof of publishing public notice)

SECTION VIII:

WASTE DESCRIPTION:

a. Describe and list all waste streams/types to be accepted at landfill:

Inert materials only; including, but not limited to, nonputrescible and nonhazardous construction/demolition wastes, wood, trees, brush, stumps, and rocks.

b. List proposed service area (geographic area or location(s)):

Madison County (Primarily District Three)

c. What is the maximum daily volume of waste to be received at the landfill? (Select One)

\_\_\_\_\_ tons per day      100      \_\_\_\_\_ cubic yards per day

SECTION IX:

SITE DESCRIPTION:

a. Attach location map with the site clearly identified. Acceptable maps include a USGS 7.5 or 15 minute series, a county highway map published by the Alabama Department of Transportation.

**Attached**

b. Location:

County: Madison  
Part: Southeast 1/4 of Section(s): 11  
Township(s): 3 South Range(s): 1 East

c. Attach legal property description and boundary plat of the permitted area and disposal area prepared and signed by a licensed land surveyor.

**Attached**

d. Size of permitted area: 20 acres

e. Size of disposal area: 7 acres

**NOTE: APPROXIMATE DISPOSAL AREA FOR VERTICAL EXPANSION IS 7 ACRES**

**SECTION X:**

This Section is to be completed by the applicants/permittees. A copy of all concurrence letters must be attached to this application upon submittal to the Department.

Location Standards (Rule 335-13-4-.01(1)):

a. Is the landfill located in the 100-year flood plain? (need to have flood plain map)

NO: \_\_\_ YES:  Attached

b. Does the proposed landfill disposal area:

(1.) Jeopardize the continued existence of endangered or threatened species protected under the Endangered Species Act of 1973?

NO:  YES: \_\_\_ (Attach letter from U.S. Dept. of Interior or Alabama Fish and Wildlife) \* SEE NOTE

(2.) Result in the destruction or adverse modification of critical habitats protected under the Endangered Species Act of 1973?

NO:  YES: \_\_\_ (Attach letter from U.S. Dept. of Interior or Alabama Fish and Wildlife) \* SEE NOTE

c. Is the proposed landfill located in a zone of active faults, seismic impact zones and unstable areas?

NO:  YES: \_\_\_

(If YES then all required seismic studies should be submitted to the Department.)

d. Is the proposed landfill located in an area that is archaeologically sensitive?

NO:  YES: \_\_\_ (Attach letter from State Historic Preservation Officer) \* SEE NOTE

Water Quality Standards (Rule 335-13-4-.01(2)):

(ADEM Water Division should be contacted to determine if permit is required)

a. Will the proposed landfill discharge pollutants to waters of the State in violation of requirements of the National Pollutant Discharge Elimination System (NPDES) Permit?

NO:  YES: \_\_\_

b. Will the proposed landfill violate any requirement of an area wide or Statewide water quality plan that has been approved under the Alabama Water Pollution Control Act?

NO:  YES: \_\_\_

c. Will any part of the landfill, including buffer zone, be located in wetlands, beaches, dunes?

NO:  YES: \_\_\_

\* SENT WITH PREVIOUS APPLICATION

d. Will solid waste be disposed in any location which will significantly degrade wetlands, beaches, or dunes?

NO:  YES:

e. Will the proposed landfill be located outside the boundaries of the coastal area? (If not, then all demonstrations should be submitted to the Department for review.)

NO:  YES:

Groundwater Elevations:

Has a minimum five-foot separation between the floor of the disposal cell and the groundwater been established?

NO:  YES:

7 ACRE DISPOSAL AREA IS ON TOP OF PREVIOUSLY TRENCH-FILLED AREAS.

SECTION XI:

GENERAL COMMENTS:

All materials listed in Rules 335-13-4-.12 to 335-13-4-.17, Rules 335-13-4-.19 to 335-13-4-.20, and Rule 335-13-4-.23 shall be kept at the landfill office along with a copy of the engineering drawings which must be submitted to the Department for review.

The applicant/permittee is responsible for obtaining a copy of the Division 13 regulations and complying with all Rules related to construction/demolition landfill units.

SECTION XII:

CERTIFICATION OF LOCAL GOVERNMENT APPROVAL:

Upon submittal of this application, we the undersigned certify that local approval has been obtained from Madison County Commission (city/county). Evidence of this local approval is contained in documents which are on file at the permit applicant's business address.

CERTIFICATION OF COMPLIANCE:

Upon submittal of this application, we the undersigned certify that this document and all attachments submitted are to the best of our knowledge and belief, true, accurate, and complete. We also understand that if any of the material certified to above has not been received, or is not complete or is not accurate, that shall be grounds for the Department to revoke the landfill permit if issued.

SIGNATURE (Responsible official of permit applicant):

Dale W. Strong  
(please print or type name)

TITLE: Madison County Commission Chairman

DATE: February 5, 2020

SIGNATURE (Certifying Engineer):

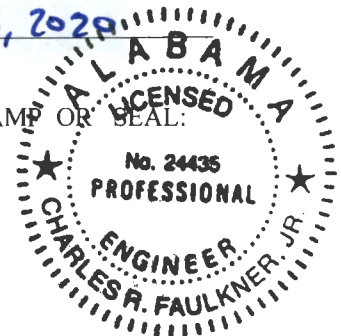
Chuck Faulkner, P.E.  
(please print or type name)

TITLE: County Engineer

DATE: February 18, 2020

FIRM: Madison County Public Works

STAMP OR SEAL:



# **SUPPORTING DOCUMENTS**

SECTION V: LANDOWNER(S)

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- a. Lease Agreement with McMullen Farms



STATE OF ALABAMA

MADISON COUNTY

LEASE

This lease made and entered into as of the 1<sup>st</sup> day of November 2002, by and between Madison County, Alabama, hereinafter referred to as "Madison County" and Blake McMullen and wife, Lyla Mann McMullen, hereinafter referred to as "McMullens."

WITNESSETH: McMullens do hereby lease to Madison County and Madison County does hereby lease from McMullens the tract of land of twenty acres, more or less, described on "Exhibit A" which is attached hereto and made a part hereof as if set out in fully herein, lying and being in Madison County, Alabama.

The term of this lease shall be for twenty years beginning on the first day of November, 2002, and ending on the 31<sup>st</sup> day of October, 2022. McMullens covenant to keep Madison County in the quiet possession of the premises during the aforesaid term, provided Madison County shall comply with all stipulations of this lease.

The terms and conditions of this lease are as follows:

1. Rent. Madison County agrees to pay McMullens as rent the sum of \$18,000.00 per year payable annually in advance with the first payment due on the 1<sup>st</sup> day of November, 2002, and each annual payment due on the 1<sup>st</sup> day of November each year thereafter.
2. Use of Premises: The leased premises are to be used as a land fill for inert materials only to include items such as brush, limbs, debris from storm damage and demolition materials.
3. APPROVAL: The leased premises are currently approved by the necessary state and local authorities for use as a landfill. If Madison County is unable to obtain the reissuance by local and state authorities of the permit to operate the said leased premises as a landfill through no

fault of Madison County or, through no fault of Madison County, the leased premises can no longer be use as a landfill for inert materials, this lease shall be null and void and Madison County shall not be obligated to pay McMullens any further sum of money and any rent paid in advance shall be refunded to Madison County on a pro rata basis. Madison County shall do all things required by local and state authorities to maintain the rights to use the leased premises as a landfill for inert materials.

4. ADDITIONAL RIGHTS: McMullens hereby grant to Madison County the right of ingress and egress to the leased premises across other lands owned by McMullens. Such right of ingress and egress is limited, however, to existing roadways.

5. INDEMNITY: Madison County shall, during the term of this lese, indemnify McMullens and shall hold them harmless against all claims, demands and judgments, for loss, damage or injury to property or persons, resulting or accruing solely by reason of the use and occupancy of the leased premises by Madison County.

6. CONDEMNATION: In the event the whole of the leased premises, or such portion thereof as will make the premises unusable for a landfill, be taken by a public authority under the power of eminent domain, or like power, then in either of such events, this lease shall terminate effective as of the date possession thereof shall be required to be delivered, and any rent paid in advance shall be refunded to Madison County on a pro rata bases.

7. ASSIGNMENT OR SUBLETTING: Madison County shall not have the right to assign this lease or sublet the premises without first obtaining the written consent of McMullens, which consent shall not be unreasonably withheld.

8. DEFAULT: In the event Madison County fails to pay any installments of rent as they become due, as aforesaid, McMullens may without notice or legal proceedings, terminate this lease or reenter the leased premises, or otherwise expel and remove all property therefrom but

Madison County shall remain liable for the equivalent of the amount of all rent reserved herein, less the avails of reletting. In the event of employment of an attorney by McMullens on account of the violation of or in an endeavor to enforce any of the terms or the conditions of this lease by Madison County, Madison County hereby agrees that it shall be taxed with reasonable attorney's fees provided the right of McMullens prevail.

9. WAIVER: The failure of McMullens or Madison County to insist upon strict performance of any of the covenants and conditions of this lease, or in any one or more incidences, shall not be construed as a waiver or relinquishment of any such covenants, or conditions, but the same shall be and remain in full force and effect.

10. LEASE BINDING: It is agreed that this lease shall be binding upon the parties hereto, their heirs, personal representatives, assigns and successors, subject, however to the limitation upon Madison County, as set out above.

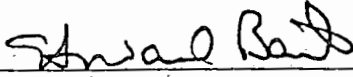
11. At the termination of this lease for any reason Madison County agrees to level the tract of land hereby leased and sow it in permanent grass such as Fescue, Timothy, Orchard grass, etc.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the date first above written.

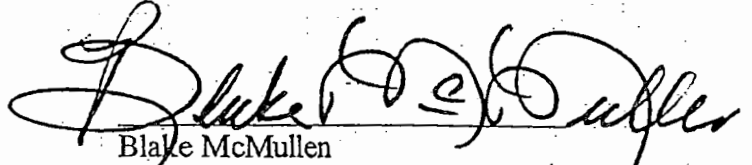
MADISON COUNTY, ALABAMA

By: Mike Gillespie  
Mike Gillespie, Chairman  
Madison County Commission

ATTEST:



Howard Baites  
County Administrator



Blake McMullen



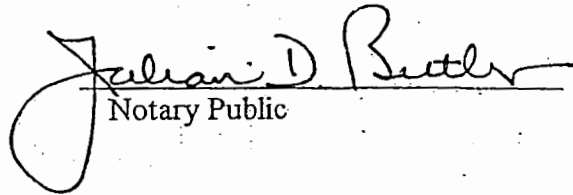
Lyla McMullen

STATE OF ALABAMA

MADISON COUNTY

I, the undersigned, a Notary Public in and for said County and State, hereby certify that Mike Gillespie, as Chairman of the Madison County Commission, and whose name is signed to the foregoing lease and who is known to me, acknowledged before me on this day that, being informed of the contents of the lease, he, as such officer and with full authority, executed the same voluntarily for and as the act of the Madison County Commission.

Given under my hand and official seal this the 5th day of June, 2003.

  
Notary Public

STATE OF ALABAMA

MADISON COUNTY

I, the undersigned, a Notary Public in and for said County and State, hereby certify that Blake McMullen and wife, Lyla Mann McMullen, whose names are signed to the foregoing lease and who are known to me, acknowledged before me on this day that, being informed of the contents of the lease, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 3 day of June 2003



Notary Public

DESCRIPTION FOR A 20 ACRE PARCEL OF LAND  
Section 11, Township 3 South, Range 1 East  
Madison County, Alabama

All that part of the Southeast Quarter of Section 11, Township 3 South, Range 1 East of the Huntsville Meridian, Madison County, Alabama, particularly described as follows:

Beginning at a point that is located due East, 945.85 feet from the center of above said Section 11, said point being the point of true beginning for the parcel herein described;

Thence from the point of beginning continue due East, 1,104.15 feet to a point;

Thence South  $01^{\circ} - 00'$  West, 200.0 feet to a point;

Thence South  $12^{\circ} - 30'$  West, 370.0 feet to a point;

Thence South  $29^{\circ} - 00'$  West, 325.0 feet to a point;

Thence due West 863.01 feet to a point;

Thence due North 845.45 feet to the point of true beginning and containing 20.08 acres more or less.

EXHIBIT



SECTION VI: ADJACENT LANDOWNERS

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a. Names and Mailing Addresses

**Madison County Board of Education**

1275 F Jordan Road  
Huntsville, AL 35811

**McMullen Farms LLC**

722 McMullen Lane  
Owens Cross Roads, AL 35763


**Mitchell S. Howie**

1997 Jordan Road NE  
Huntsville, AL 35811

b. Drawing identifying landfill and adjacent landowners

**ATTACHED**

**Legend**

 Landfill Site

HOMER NANCE RD

MCGUILEN  
FARMS LLC

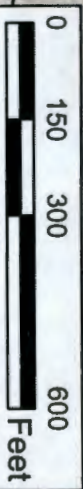
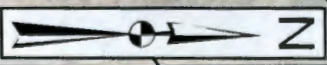
MADISON  
COUNTY BOARD  
OF EDUCATION

HOWIE, S  
MITCHELL

MCGUILEN  
FARMS LLC

HOWIE, S  
MITCHELL

HOWIE, S  
MITCHELL



C:\Users\awynboom\Documents\ArcGIS\Projects\Basemap\Landfill Sites.aprx

User: awynboom

1/24/2020 8:14 AM



**MADISON COUNTY PUBLIC WORKS**  
 District Two (Stone) Landfill Adjacent Property Owners  
 325 Homer Nance Road, Huntsville, AL 35811

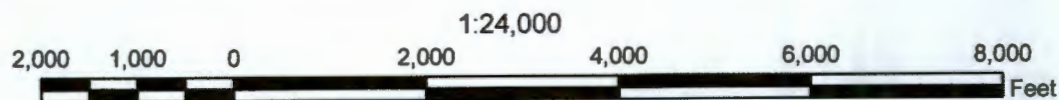


## SECTION IX: SITE DESCRIPTION

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- a. Location Map
  
- b. Legal Property Description
  
- c. Landfill Drawing

# Location Map District Two (Stone) Landfill Madison County, Alabama Maysville USGS 1:24,000 Topographic Map



1 inch equals 2,000 feet

DESCRIPTION FOR A 20 ACRE PARCEL OF LAND  
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Madison County, Alabama

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Thence South  $29^{\circ} - 00'$  West, 325.0 feet to a point;

Thence due West 863.01 feet to a point;

Thence due North 845.45 feet to the point of true beginning and containing 20.08 acres more or less.

P.O.B. T.B.M. TOP OF CONC. MON.  
ELEVATION = 664.36

S90°00'00"E  
1104.15'

2ND PHASE OF VERTICAL EXPANSION DISPOSAL  
AREA - 7 ACRES

S01°00'00"W  
200.00'

S12°30'00"W  
370.00'

River

S29°00'00"W  
325.00'

Flint

S90°00'00"W  
863.01'

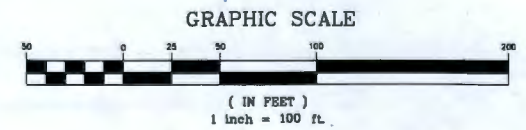
**NOTES:**

UNDER THE CURRENT VERTICAL EXPANSION PHASE 1, THE FINISHED ELEVATIONS WILL BE BETWEEN 665' AND 670' (THE REMAINING AREA TO FILL CAN BE SEEN ON THE SOUTHWEST CORNER OF THE DISPOSAL AREA)

FOR 2ND PHASE OF VERTICAL EXPANSION, THE FINAL ELEVATIONS WILL NOT EXCEED 685'

THE 2ND PHASE (SHOWN IN RED) ESSENTIALLY ADDS ANOTHER "TIER" FOR WASTE DISPOSAL; THE WASTE WILL BE PLACED IN MULTIPLE CELLS

OPERATORS WILL SLOPE FINAL GRADE FOR PROPER DRAINAGE - TO AVOID PONDING ON TOP OF CELLS



DESIGNED BY:	SUPERVISOR:	CHECKED BY:	APPROVED BY:	CAD FILE NAME:	MADISON COUNTY DEPT. OF PUBLIC WORKS 266 - C SHIELDS ROAD, HUNTSVILLE, ALABAMA 35811 COUNTY ENGINEER: RICHARD G. GRACE, P.E., P.L.S. PH: 256.746.2905 FX: 256.746.2905	PROJECT NO.	SURVEYED BY	SHEET TITLE: DISTRICT 2 LANDFILL - PERMIT 45-05	SHEET NO.
DATE:	DATE:	DATE:	DATE:					PROJECT DESCRIPTION: VERTICAL EXPANSION PHASE 2- PROPOSED ELEVATIONS	1 OF 1

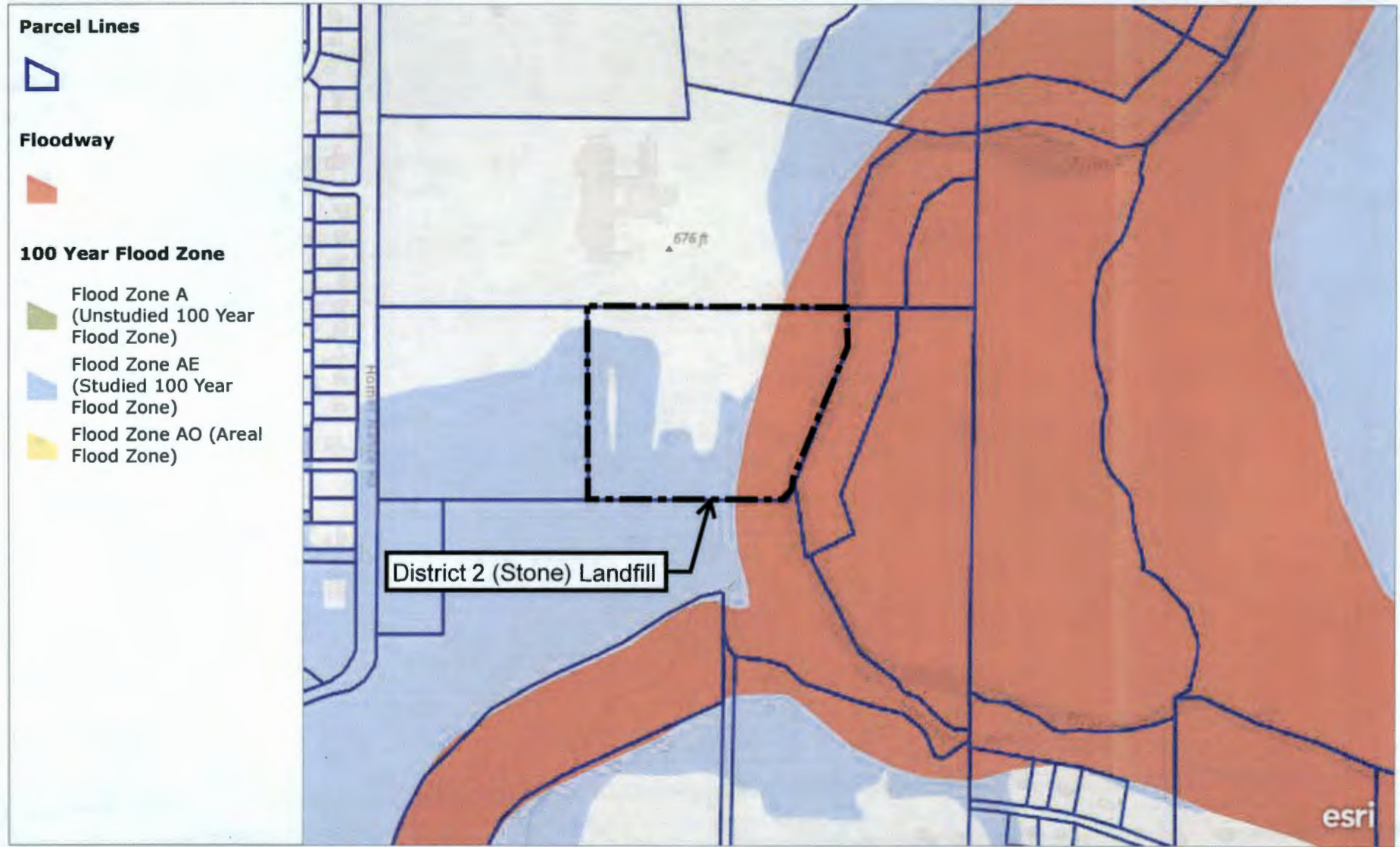
SECTION X:

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Location Standards:

- a. 100-Year Flood Plain Map

# 2018 Current Effective Flood Zone



Esri, HERE, Garmin, NGA, USGS | Esri Community Maps Contributors, City of Huntsville, Madison County, AL, BuildingFootprintUSA, Esri, HERE, Garmin, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

**Madison County District 2 Landfill  
Adjacent Landowner List**

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1275 F Jordan Road  
Huntsville, Alabama 35811

McMullen Farms, LLC  
722 McMullen Lane  
Owens Cross Roads, Alabama 35763

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