

SUMMARY OF REASONS/CHANGES
PROPOSED FOR DIVISION 13
SOLID WASTE PROGRAM
ADEM ADMINISTRATIVE CODE

The Alabama Department of Environmental Management (ADEM) is proposing that the Environmental Management Commission adopt regulations reflecting changes made to EPA's regulations for the management and disposal of coal combustion residuals from electric utilities. These changes include adoption of the federal Holistic Approach to Closure Part A rule, published on August 28, 2020 (85 FR 53516). These revisions also include removing provisions that were proposed by EPA previously, but that were never promulgated. The Department is also proposing to correct a number of typographical and citation errors in the existing regulations.

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RULE	COMMENTS/REASONS FOR CHANGE
335-13-5-.02	Changed “highest measured groundwater level” to “uppermost aquifer”.
335-13-15-.02	Added clarifying language to make it clear that definitions that appear in Chapter 15 may differ from those definitions listed in Chapter 1. Those definitions that appear in Chapter 15 apply to CCR only. Added additional definitions in accordance with EPA Part A Final Rule (85 FR 53516, August 28, 2020) and renumbered subsequent definitions.
335-13-15-.03	Changed “highest measured groundwater level” to “uppermost aquifer”. Added language to allow for flexibility in groundwater measurement collection times.
335-13-15-.04	Revised in accordance with EPA Part A Final Rule (85 FR 53516, August 28, 2020) making clay-lined surface impoundments classified as unlined surface impoundments.
335-13-15-.05	Corrected typographical error.
335-13-15-.06	Removed provisions proposed/suggested by EPA but were never finalized. Revised in accordance with EPA Part A Final Rule (85 FR 53516, August 28, 2020). Moved requirement for semi-annual groundwater monitoring report, now making it a requirement during all stages of monitoring. Removed alternative list for detection monitoring and all references to such. Added specific limits for constituents with no MCL. Corrected other technical and typographical errors.
335-13-15-.07	Corrected technical errors. Revised in accordance with EPA Part A Final Rule (85 FR 53516, August 28, 2020), thereby extending deadline for closure or retrofit of unlined surface impoundments and providing for alternative closure requirements. Removed provisions proposed/suggested by EPA but were never finalized.
335-13-15-.08	Added requirement for owner/operator to place semi-annual groundwater monitoring report in the operating record. Revised in accordance with EPA Part A Final Rule (85 FR 53516, August 28, 2020).
335-13-15-.09	Changed “highest measured groundwater level” to “uppermost aquifer” and corrected typographical errors.
335-13-15-Appendix IV	Removed boron from Appendix IV.