

General Operational Standards For Landfill Units.

Any person or agency operating or planning to operate a landfill unit shall operate and maintain the facility consistent with this Division. General requirements for operating and maintaining an acceptable landfill unit shall be:

(1) General Operation.

(a) The operation and use of the landfill unit shall be as stipulated in the permit.

(b) Waste accepted at the facility shall be strictly ~~controlled so as to allow only waste stipulated on the permit or otherwise as may be approved by the department. The permittee~~ controlled so as to allow only waste stipulated in the permit or otherwise as may be approved by the Department. The permittee of any facility permitted under these rules must have in the operating record a plan describing procedures the permittee will implement for detecting and preventing the disposal of free liquids, regulated hazardous wastes, regulated medical wastes, and regulated PCB wastes at the facility. This plan must include at a minimum:

1. Random inspections of incoming loads to ensure that incoming loads do not contain free liquids, regulated hazardous wastes, regulated medical wastes, or regulated PCB wastes.

2. Inspection of suspicious loads.

3. Records of all inspections to include the origin of waste suspected to be regulated hazardous, regulated medical, or regulated PCB waste if known; transporters, to include transfer stations and all handlers of the waste en route to the disposal site; and any certifications from generators provided to the permittee or facility personnel. These records must be maintained on file in the operating record of the facility.

4. Training of facility personnel to recognize free liquids, regulated hazardous wastes, regulated medical wastes, and regulated PCB wastes.

5. Procedures for notifying the proper authorities if free liquids, regulated hazardous wastes, regulated medical wastes, or regulated PCB wastes are discovered at the facility.

6. Methods to identify all industrial users of the facility, producers of special wastes, and transporters of these wastes.

(c) Prior to disposal of industrial waste and/or medical waste, the permittee shall obtain from each generator a written certification that the material to be disposed does not contain free liquids, regulated hazardous wastes, regulated medical wastes, or regulated PCB wastes.

1. This certification may be based on laboratory analysis of the waste on a case-by-case basis, or documentation supporting the generator's knowledge of the wastestream(s), or as may be required by the Department.

2. Copies of the certification shall be submitted to the Department for disposal approval and for any specific requirements prior to disposal. After submittal of the required certification, the Department shall have five (5) working days to respond. If no response is given, the permittee may dispose of the material as proposed.

3. In the case of one-time emergency disposal requests, the permittee shall submit the required certification no later than five (5) days after the disposal of waste.

4. Certification shall be renewed or revised biennially (every two years) or at such time that operational changes at the point of generation could render the waste hazardous, whichever is more frequent and submitted to the Department for approval.

5. Copies of these certifications and approvals shall be maintained on file in the operating record of the facility and shall be made available for the Department upon request.

6. The above requirements notwithstanding and, as may otherwise be required, pursuant to Division 13 rules, generators will not be required to submit certification to the Department provided that:

(i) The waste will be disposed of at a non-commercial industrial waste landfill which has been permitted by the Department, and is owned either exclusively or mutually by the generator(s) of the waste, and which disposes of waste generated only by the owner(s);

(ii) The wastestream(s) to be disposed of are specifically described in the Solid Waste Landfill Permit issued by the Department or in the final application as referenced by the permit for the site designated to receive the waste;

(iii) The required certification, as described above, is maintained on-site by the owner(s) of the landfill; and

(iv) The required certification, as described above, is made available for inspection by the Department upon request.

(d) The landfill unit shall be operated in such a manner that there will be no water pollution or unauthorized discharge.

1. Any discharge resulting from a landfill unit or practice may require:

(i) A National Pollutant Discharge Elimination System (NPDES) permit under the Alabama Water Pollution Control Act as issued by the Department.

(ii) A dredge or fill permit from the Army Corps of Engineers as required under Section 404 of the Clean Water Act, as amended; or

(iii) That a non-point source of surface waters does not violate an area wide or statewide water quality management plan that has been approved under the Alabama Water Pollution Control Act.

2. The groundwater shall not be contaminated as specified by this Division.

(e) The historic and certified disposal areas shall be identified with a sufficient number of permanent markers which are at least visible from one marker to the next.

(f) Measuring or weighing devices shall be required for all municipal solid waste landfill units accepting solid waste. All solid waste shall be properly measured or weighed prior to disposal unless otherwise approved by the Department.

(g) Deep rooted vegetation (with roots that may grow below the six inch erosion layer) shall be prohibited as vegetative cover.

(h) With the exception of very small quantity generator waste disposed of in municipal solid waste landfills, regulated hazardous waste, as defined by Division 14 of the ADEM Administrative Code, is prohibited from disposal in a non-hazardous landfill unit.

(i) Except as provided in paragraph 1. below, a landfill shall not dispose of whole tires after December 31, 2026. Whole tires shall at a minimum be shredded or cut into quarters or smaller pieces prior to disposal.

1. Incidental whole tires received in loads of solid waste may be disposed, provided the whole tires constitute a de minimis portion of the overall load of waste.

2. "De minimis" refers to a small amount of material or number of items, as applicable, commingled and incidentally disposed of with other solid waste.

(2) Open Burning.

(a) Open burning of solid waste at any landfill unit is prohibited unless approved by the Department as follows:

1. Clearing debris at the landfill unit such as trees and stumps may be burned if prior approval is received from the Department and the Alabama Forestry Commission.

2. Emergency clean-up debris resulting from catastrophic incidents may be burned at a permitted landfill unit if consistent with the intent of this Division and air pollution control requirements. Prior approval must be received from this Department and other appropriate agencies.

3. If approved, the burning shall not occur over previously filled areas or within 200 feet of existing disposal operations unless otherwise specified by the Department and such burning shall not cause a public nuisance or pose a threat to public health.

(b) The person or agency requesting permission to burn solid waste shall apply in writing to the Department, outlining why a 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.

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335-13-4-.22

Specific Requirements For Municipal Solid Waste Landfills.

The following requirements in conjunction with 335-13-4-.21 shall be for operating and maintaining an acceptable MSWLF:

(1) Daily Operation.

(a) All waste shall be covered as follows:

1. A minimum of six inches of compacted earth or other alternative cover material that is approved by the Department shall be added at the conclusion of each day's operation or as otherwise approved by the Department to control disease vectors, fires, odors, blowing litter, and scavenging.

2. In the event that erosion develops on previously covered disposal areas, or when covered waste otherwise becomes exposed, cover must be re-applied to comply with the minimum cover requirements of subparagraph (1)(a)1. of this section.

3. Final closure shall be carried out in accordance with rule 335-13-4-.20 of this Division.

(b) All waste shall be confined to as small an area as possible within a single working face and spread to a depth not exceeding two feet prior to compaction, and such compaction shall be accomplished on a face slope not to exceed 4 to 1 (25%) or as otherwise approved by the Department.

(c) All waste shall be thoroughly compacted with adequate landfill equipment before the daily cover is applied. A completed daily cell shall not exceed eight feet in vertical thickness measured perpendicular to the slope of the preceding cell.

(d) The site shall be operated in accordance with approved plans and permits.

(e) Adequate personnel shall be provided to ensure continued and smooth operation of the facility.

(f) Adequate equipment shall be provided to ensure continued operation in accordance with the permit and regulations.

(g) Provisions shall be made for disposal activities in adverse weather conditions.

(h) The site shall be adequately secured using artificial barriers, natural barriers, or both to prevent entry of unauthorized vehicular traffic.

(i) A sign outlining instructions for use of the site shall be posted at the entrance and shall include: name of facility, name of permittee and/or operating agency or person, days and hours of operation, disposal fees, and types of waste accepted if the site is available to the general public or commercial haulers.

1. Name of facility,
2. Name of permittee and/or operating agency or person,
3. Days and hours of operation,
4. Disposal fees, and

5. Types of waste accepted if the site is available ~~to the~~ general public or commercial haulers.

(j) Special provisions shall be made for handling ~~large dead~~ animals or highly putrescible waste. Immediately covering the waste with a minimum of 12 inches of cover in a ~~designated area~~ of the facility shall be included in these ~~provisions~~.

(k) Bulk or noncontainerized liquid waste, or containers capable of holding liquids, shall not be accepted at ~~a landfill unit unless:~~

1. The liquid is household waste other than septic ~~waste;~~

2. The liquid is leachate or gas condensate derived ~~from the~~ MSWLF unit, and the MSWLF unit is designed with a ~~minimum composite liner and leachate collection system or~~ approved equivalent liner and leachate collection system; or

3. The containers:

(i) Are similar in size to that normally found in ~~household waste;~~

(ii) Are designed to hold liquids for use other than ~~storage;~~
or

(iii) Contain household wastes.

(l) Empty containers larger in size than normally ~~found in~~ household waste must be rendered unsuitable for holding ~~liquids~~ prior to disposal in the landfill unit unless otherwise ~~approved by the Department.~~

(m) Unless otherwise provided by 335-13-4-.22(1)(k), ~~free~~ liquids are prohibited from disposal in the landfill unit.

(n) MSWLF units containing sewage sludge and failing ~~to satisfy~~ the criteria in this Division violate Sections 309 ~~and 405(e)~~ of the Clean Water Act.

(2) Routine Maintenance.

(a) Scavenging shall be prohibited and salvaging ~~operations~~ shall be controlled.

(b) Litter shall be controlled within the permitted facility.

(c) An all-weather access road shall be provided to the dumping face.

(d) Measures shall be taken to prevent the breeding ~~or~~ accumulation of disease vectors. If determined necessary by ~~the~~ Department or the State Health Department, additional ~~disease~~ vector control measures shall be conducted.

(e) Environmental monitoring and treatment structures ~~shall be~~ clearly marked and identified, protected and maintained ~~in good~~ repair and shall be easily accessible.

(f) Completed sites or portions of sites shall be ~~properly~~ closed as provided by this Division and approved ~~facility~~ plans.

(g) The average daily volume of waste received at a ~~MSWLF~~ shall be calculated by dividing the total month's receipts ~~by the~~ total number of days in the reporting month. Records ~~shall be~~ maintained on the average daily volume of waste ~~received at~~

MSWLFs. A quarterly report which summarizes the daily volumes, with volumes received reported in a format specified and approved by the Department, shall be submitted to the Department and maintained on file in the operating record of the facility by the permittee. If the average daily volume is exceeded for two or more consecutive quarters, by 20 percent or 100 tons/day, whichever is less, a modification would be required to adjust the permitted average daily volume.

(3) Additional Requirements.

(a) Owners or operators of all MSWLFs must ensure that the units do not violate any applicable requirements developed under a State Implementation Plan (SIP) approved or promulgated by the Administrator pursuant to Section 110 of the Clean Air Act, as amended.

(b) Notwithstanding this rule, additional requirements for operating and maintaining a MSWLF may be imposed by the Department, as deemed necessary, to comply with the Act and this Division.

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335-13-4-.23

**Specific Requirements For Inert-Construction/
Demolition Landfills And Industrial Landfills.**

The following requirements in conjunction with 335-13-4-.21 shall be for operating and maintaining an acceptable C/DLF or ILF:

(1) Operation.

(a) All waste shall be covered as follows:

1. A minimum of six inches of compacted earth or other alternative cover material that is approved by the Department shall be added at the conclusion of each week's operation or as otherwise specified by the Department to control disease vectors, fires, odors, blown litter and scavenging.
2. In the event that erosion develops on previously covered disposal areas, or when covered waste otherwise becomes exposed, cover must be re-applied to comply with the minimum cover requirements of subparagraph (1)(a)1. of this section.
3. Final closure shall be carried out in accordance with 335-13-4-.20 of this Division.

(b) All waste shall be thoroughly 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 as specified in 335-13-4-.23(1)(a)1., unless otherwise approved by the Department. Waste, such as construction/demolition waste and other types of waste, which cannot be managed by landfill equipment in this manner shall be managed in a manner approved

(c) All waste shall be confined to as small an area as possible within a single working face and placed onto an appropriate slope not to exceed 4 to 1 (25%) or as approved by the Department.

(d) The facility shall be operated in accordance with approved plans and permits.

(e) The site shall be adequately secured to prevent entry except by authorized person(s) unless an operator is on site.

(f) If the site is available to the public or commercial haulers, a sign shall be posted at the landfill stating:

1. Name of permittee,
2. Owner and/or operator,
3. Name of landfill,
4. Days and hours of operation,
5. Waste types accepted, and
6. Disposal fees for use of the landfill.

(g) Provisions shall be made for disposal activities in adverse weather conditions.

(h) Adequate personnel shall be provided to ensure continued and smooth operation of the site.
(i) Adequate equipment shall be provided to ensure continued operation in accordance with the permit and regulations.

(j) Bulk or non-containerized liquid waste, or containers capable of holding liquids, shall not be accepted at a C/DLF or ILF unless:

1. The liquid is leachate or gas condensate derived from the C/DLF or ILF unit, and
2. The C/DLF or ILF unit is designed with a minimum single liner and leachate collection system or approved equivalent liner and leachate collection system.

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

(l) Unless otherwise provided by 335-13-4-.23(1)(j), free liquids are prohibited from disposal in the landfill unit.

(2) Routine Maintenance.

(a) Scavenging shall not be permitted, and salvaging operations shall be controlled.

(b) Litter shall be controlled within the permitted facility.

(c) Completed sites or portions of sites shall be properly closed as provided by this Division and approved facility plans.

(d) An all-weather access road shall be provided to the dumping face.

(e) Environmental monitoring and treatment structures shall be protected and maintained in good repair and easily accessible.

(f) The average daily volume of waste received at a C/DLF or ILF shall be calculated by dividing the total month's receipts by the total number of days in the reporting month. Records shall be maintained on the average daily volume of waste received at C/DLFs and ILFs. A quarterly report which summarizes the daily volumes, with volumes received reported in a format specified and approved by the Department, shall be submitted to the Department and maintained on file in the operating record of the facility by the permittee. If the average daily volume is exceeded for two or more consecutive quarters, by 20 percent or 100 tons/day, whichever is less, a modification would be required to adjust the permitted average daily volume.

(g) Measures shall be taken to prevent the breeding or accumulation of disease vectors. If determined necessary by the Department or the State Health Department, additional disease vector control measures shall be conducted.

(3) Additional Requirements.

(a) Notwithstanding this rule, certain requirements for operating and maintaining a C/DLF or ILF may be enhanced or reduced by the Department as deemed necessary to comply with the Act and this Division.

(b) [Reserved].

(c) Industrial landfills which accept coal combustion residuals must also adhere to the applicable requirements of ADEM Admin. Code 335-13-15.

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Any person who requires a permit pursuant to this Division shall complete, sign, and submit to the Department an application for each permit required under 335-13-5-.01.

(1) Application Requirements.

(a) Solid Waste Landfills. Landfill units proposed after the effective date of this Division shall obtain permits to construct and/or operate by submitting a permit application consisting of the following in order to request a permit:

1. A completed application form designated by the Department, with applicable fees;

2. Documentation of host government approval, as provided in the Code of Ala. 1975, §22-27-48 and 48.1;

3. Facility design plans and operational procedures in accordance with Permit Application Procedures for Solid Waste Disposal Facilities as prepared by the Department;

4. Technical data and reports to comply with 335-13-4-.01, 335-13-4-.11 through 335-13-4-.24 and this Division; and

5. All technical reports, plans and specifications, plats, geological and hydrological reports required by this Division, prepared under the following:

(i) Plans, specifications, operational procedures, letters of final construction certification and other technical data, except as provided in 335-13-5-.02(1)(a)5.(ii) and (iii) for the construction and operation of a facility, shall be prepared by a professional engineer. The seal or signature and registration number of the design engineer shall be affixed to the plans, specifications and reports.

(ii) Reports, letters of certification and other documents and technical data concerning the siting standards of 335-13-4-.01 shall be prepared by a person with technical expertise in the field of concern.

(iii) Legal property descriptions and survey plats shall be prepared by a land surveyor with the seal or signature and registration number of the land surveyor affixed.

6. The name and mailing address of all property owners whose property, per county tax records, is adjacent to the proposed site shall be submitted as part of a landfill unit's permit application.

7. The Department may waive certain requirements of (a)3. and 4. for those landfill units that will receive for disposal only construction and demolition type waste. A permit application for a C/DLF shall be submitted on a permit application form designated by the Department, which shall specify the minimum requirements for a complete application. The C/DLF permit application shall also include statements signed by a professional engineer and a representative of the facility owner/operator certifying that the information being submitted

is accurate and correct. The submittal of false or inaccurate information shall result in the C/DLF permit application being suspended or denied.

(b) Composting Facilities.

1. The owner or operator of each composting facility in existence on April 3, 2012, shall file an application, including applicable fees, for a permit with the Department no later than June 1, 2012. The owner or operator of each new composting facility desiring to begin operation after April 3, 2012, shall obtain a permit prior to commencing composting activities.

2. Each owner or operator of a composting facility shall submit a permit application prepared by a professional engineer to the Department utilizing a form designated by the Department. In addition to the designated application form, the following information shall be submitted as part of the permit application:

(i) Documentation of host government approval as provided in the Code of Ala. 1975, §22-27-48 and 48.1.

(ii) List of feed stocks to be accepted at the composting facility.

(iii) The operational capacity of the composting facility.

(iv) Legal property description and plat prepared by a land surveyor with the seal or signature and registration number of the land surveyor affixed.

(v) Composting facility design plans and operational plans in accordance with 335-13-14. Design plans and operational plans shall be prepared by a professional engineer. The seal or signature and registration number of the design engineer shall be affixed to the plans.

(vi) A process flow diagram of the entire facility.

(vii) A fire prevention plan.

(viii) A closure plan that at a minimum includes:

(I) Information detailing the removal of all remaining solid waste material from the site as required by rule 335-13-14-.09;

(II) A detailed written estimate, in current dollars, of the cost required to complete closure of the composting facility in accordance with rule 335-13-14-.09; and

(III) A demonstration by the applicant of the ability to provide adequate financial coverage equal to the amount required in rule 335-13-5-.02(1)(b)2.(viii)(II) for the closure of the composting facility.

(ix) The names and mailing address of all property owners whose properties, per county tax records, are adjacent to the proposed site.

(c) CCR Facilities. All solid waste management of CCR generated from the combustion of coal at electrical utilities and independent power producers shall take place in a unit permitted by the Department. New and existing CCR landfills and surface

impoundments shall obtain permits for construction, operation, closure and/or post-closure in accordance with the following:
1. Existing CCR Surface Impoundments. Except as provided in 335-13-5-.02(1)(c)3., for existing CCR surface impoundments, the owner or operator shall submit the following in order to request a permit:

(i) A completed application form designated by the Department, with applicable fees.

(ii) Boundary plat and legal property description prepared, signed, and sealed by a land surveyor of the boundary of the facility and disposal area of the CCR unit.

(iii) Technical data and reports documenting compliance with the following location requirements:

(I) Five foot separation of the base of the CCR unit and the uppermost aquifer as specified in 335-13-15-.03(1);

(II) Wetland and endangered species requirements under 335-13-15-.03(2);

(III) Fault area requirements under 335-13-15-.03(3);

(IV) Seismic impact zones requirements under 335-13-15-.03(4);

(V) Unstable area requirements under 335-13-15-.03(5); and

(VI) The location requirements under 335-13-15-.01(2)(b) and 335-13-15-.03(6).

(iv) Detailed presentation of geological and hydrogeological units within the disposal site, with typical sections of disposal method and plan and profile sheets on all areas or trenches.

(v) Technical report of the determination of the liner design and type as required by 335-13-15-.04(2).

(vi) Technical report for the hazard potential classification as outlined in 335-13-15-.04(4)(a)2. and the Emergency Action Plan (EAP), if necessary, developed under 335-13-15-.04(4)(a)3.

(vii) For existing CCR surface impoundments that have a height of five feet or more and a storage volume of 20 acre-feet or more, or an existing surface impoundment with a height of 20 feet or more, the application shall include the following:

(I) All the information required by 335-13-15-.04(4)(c)1.(i) through (xii).

(II) Results of the structural stability assessment as required by 335-13-15-.04(4)(d).

(III) Results of the safety factor assessment as required by 335-13-15-.04(4)(e).

(viii) Sufficient control points on-site to provide for accurate horizontal and vertical control for facility construction, operation and closure and post-closure.

(ix) Topographical maps at contour intervals of not more than five feet for the existing ground surface elevation, initial disposal area elevation, and final disposal area elevation. The maps shall also show buffer zones.

- (x) Quality assurance/quality control (QA/QC) plan for all components of the final cover system.
- (xi) An operation plan that includes at a minimum:
 - (I) A CCR fugitive dust control plan developed in accordance with 335-13-15-.05(1).
 - (II) An inflow design flood control system plan developed in accordance with 335-13-15-.05(3).
 - (III) All technical reports, plans and specifications documenting compliance with the requirements of 335-13-15-.05(4) and 335-13-15-.05(6).
 - (IV) A detailed description of the groundwater monitoring and analysis program developed in accordance with 335-13-15-.06.
 - (V) Procedures for compliance with recordkeeping, notification and internet posting as required under 335-13-15-.08.
 - (VI) Procedures for updating all plans and assessments periodically as required by 335-13-15.
- (xii) The written closure and post-closure or retrofit plan developed in accordance with 335-13-15-.07.
- (xiii) Any additional information that may be required by the Department.
- (xiv) The name and mailing address of all property owners whose property, per county tax records, is adjacent to the proposed site.
- (xv) Plans, specifications, operational procedures, letters of final construction certification and other technical data required as part of the application, except as provided in 335-13-5-.02(1)(c)1.(ii) and (xiv), shall be certified by a professional engineer. The seal or signature and registration number of the design engineer shall be affixed to the plans, specifications and reports.

2. New CCR surface impoundments and any lateral expansion of a CCR surface impoundment. For new CCR surface impoundments and any lateral expansion of a CCR surface impoundment, the owner or operator shall submit the following in order to request a permit:

- (i) Except for the requirements of 335-13-5-.02(1)(c)1.(v), (vi), and (vii), the requirements for an existing CCR surface impoundment in 335-13-5-.02(1)(c)1.
- (ii) Technical report for the hazard potential classification as outlined in 335-13-15-.04(5)(a)2. and the Emergency Action Plan (EAP), if necessary, under 335-13-15-.04(5)(a)3.
- (iii) For new CCR surface impoundments that have a height of five feet or more and a storage volume of 20 acre-feet or more, or a surface impoundment with a height of 20 feet or more, the application shall include the following:
 - (I) All the information required by 335-13-15-.04(5)(c)1.(i) through (xii).
 - (II) Results of the structural stability assessment as required by 335-13-15-.04(5)(d).

(III) Results of the safety factor assessment as required by 335-13-15-.04(5) (e).

(iv) Design for the liner as required by 335-13-15-.04(3).

(v) Quality assurance/quality control (QA/QC) plan for all components of the liner.

(vi) Plans, specifications, operational procedures, letters of final construction certification and other technical data required as part of the application, except as provided in 335-13-5-.02(1)(c)1.(ii) and (xiv)., shall be certified by a professional engineer. The seal or signature and registration number of the design engineer shall be affixed to the plans, specifications and reports.

3. For existing CCR surface impoundments that have initiated closure or are otherwise subject to the closure requirements of 335-13-15-.07(2), the owner or operator shall submit all the information as required for an existing CCR surface impoundment in 335-13-5-.02(1)(c)1., except for the requirements of 335-13-5-.02(1)(c)1.(iii), (iv) and (v), to request a closure or post-closure permit or a permit for such operations as may be authorized by 335-13-15-.07(4).

4. Existing CCR Landfills. For existing CCR landfills, the owner or operator shall submit the following to request a permit:

(i) Except for the requirements of 335-13-5-.02(1)(c)1.(iii), (v), (vi), (vii) and (xi)(II) and (III), the requirements for an existing CCR surface impoundment in 335-13-5-.02(1)(c)1.

(ii) Technical data and reports documenting compliance with the following:

(I) Unstable area requirements in 335-13-15-.03(5);

(II) The location requirements under 335-13-15-.01(2)(b) and 335-13-15-.03(6);

(III) Cover requirements under 335-13-15-.05(7)(a);

(IV) Access control requirements of 335-13-15-.05(6)(e);

(iii) An operation plan that includes, at a minimum:

(I) A run-on and run-off control system plan developed in accordance with 335-13-15-.05(2)(c), which should include existing and proposed surface drainage patterns and control structures designed to handle run-on and run-off.

(II) Details of plans for permanent all weather access roads.

(III) All technical reports, plans and specifications documenting compliance with the operational requirements of 335-13-15-.05(1)(d), 335-13-15-.05(5), (6) and (7).

5. New CCR Landfills and any lateral expansion of a CCR Landfill. In addition to the requirements listed in 335-13-5-.02(1)(c)4. above, applications for new CCR landfills and any lateral expansion of a CCR landfill shall include the following in order to request a permit:

(i) Technical data and reports documenting compliance with the following location requirements:

(I) Five foot separation of the base of the CCR unit above the uppermost aquifer as specified in 335-13-15-.03(1).

(II) Wetland and endangered species requirements under 335-13-15-.03(2).

(III) Fault area requirements under 335-13-15-.03(3).

(IV) Seismic impact zones under 335-13-15-.03(4).

(ii) Design of the liner and leachate collection and removal system as required by 335-13-15-.04(1), including a quality assurance/quality control (QA/QC) plan for all components of the liner, leachate collection, and final cover system.

(d) In addition to the requirements listed in 335-13-5-.02(1), the permit application shall also include statements signed by a professional engineer and a representative of the facility owner/operator certifying that the information being submitted is accurate and correct. The submittal of false or inaccurate information shall result in the permit application being suspended or denied.

(2) Permit Renewal Application Requirements.

(a) Permittees requesting to renew an existing permit must do so by submitting a permit renewal application consisting of the following:

1. A completed application form designated by the Department, with applicable fees;

2. ~~Updated technical data, plans or reports, where applicable,~~ Technical data, plans and reports as required under the following:

(i) 335-13-5-.02(1)(a)3. ~~and/or 4~~ through 5., excluding 335-13-5-.02(1)(a)5.(ii), for landfills;

(ii) 335-13-5-.02(1)(b)2. ~~(ii) through (viii)~~ (ii) through (ix) for composting facilities; and

(iii) 335-13-5-.02(1)(c) for CCR units.

3. The name and mailing address of all property owners whose property, per county tax records, is adjacent to the site shall be submitted as part of a renewal application.

4. All renewal applications and supporting documentation shall be prepared in accordance with 335-13-5-.02(1)(d).

(3) Permit Duration. Permits obtained in compliance with this Division shall be valid for the design life of the facility or as otherwise determined by the Department, but no longer than a period of ten years. Permits, however, are subject to revocation under 335-13-5-.05 of this Division.

(4) Filing Deadline. Applications for an extension, renewal, or a new permit for any landfill facility, composting facility or CCR facility shall be filed with the Department by the owner or operator at least 180 days prior to the expiration date for existing permits or the proposed construction date for new facilities. Applications for an initial permit for CCR facilities shall be filed with the Department within 180 days after the original effective date of 335-13-15.

(5) Modifications. Prior to any change listed in 335-13-5-.06(1) and (2), the permittee shall request a modification of the permit as described in 335-13-5-.06(3). A request for modification described in 335-13-5-.06(1) and (2) must be filed with the Department at least 120 days prior to the anticipated change and shall receive approval from the Department prior to the implementation of the proposed change.

(6) Effect of non-compliance.

(a) As determined by the Director, substantial non-compliance with Department regulations or permits at any facility owned or operated by the applicant, including any facility for which the pending permit application is requested, will be grounds for denial of the application, or alternatively, for suspension of further consideration of the application until such non-compliance is corrected.

(b) In addition to the foregoing, the Director may deny a permit application if:

1. The Director determines that a permit could not be issued that would result in compliance with applicable solid waste standards; or
2. The applicant could not comply with the permit as issued.

Author: Russell A. Kelly, Eric L. Sanderson, S. Scott Story, Heather M. Jones, [Jason Wilson](#)

Statutory Authority: Code of Ala. 1975, §§22-27-3, 22-27-5, 22-27-7, 22-27-48 and 48.1.

History: Effective November 18, 1981. **Amended:** March 31, 1988. (Emergency Regulations); July 21, 1988; October 2, 1990.

Amended: Filed September 28, 1993; effective November 2, 1993.

Amended: Filed June 21, 1996; effective July 26, 1996.

Amended: Filed April 24, 2018; effective June 8, 2018.

Amended: Filed June 25, 2019; effective August 9, 2019.

Amended: Published December 31, 2020; effective February 14, 2021. **Amended:** Published October 29, 2021; effective December 13, 2021. **Amended:** Published ; effective .

335-13-5-.03**Public Notice.**(1) Notice Requirements.

(a) The Department shall provide notice and an opportunity for a public hearing and comment on any solid waste landfill unit, composting facility or CCR facility permit initial issuance, renewal, a modification listed in 335-13-5-.06(1), 335-13-5-.06(2) (b), or 335-13-5-.06(4) (b) 2. ~~or (2) (b)~~ to the facility permit, or if otherwise determined necessary to meet the requirements of this Division.

(b) The following procedures shall be observed:

1. The Department shall send a copy of the notice to persons on a mailing list developed by:

(i) Including those who request in writing to be on the list;

(ii) Notifying the public of the opportunity to be put on the mailing list through the Department's website, periodic publication in the public press and in such publications as regional and state funded newsletters, environmental bulletins, or state law journals (the Director may update the mailing list from time to time by requesting written indication of continued interest from those listed and may delete from the list the name of any person who fails to respond to such a request);

2. The Department shall notify interested and potentially interested persons of the proposed permit action for a solid waste landfill, composting or CCR facility by posting a notice to the Department's website. The draft permit action shall be posted on the website for the duration of the public comment period.

3. The notice shall be given not less than 35 days prior to the proposed issuance of a permit action.

4. The notice shall contain the specific type and nature of the solid waste landfill, composting or CCR facility, the type of waste to be disposed or accepted, as applicable, the owner or operator requesting the permit action, and the descriptive location of the solid waste landfill, composting or CCR facility, address and telephone number of the Department, and how the public may submit comments and request a public hearing on the proposed permit action.

5. The Department shall send by certified mail, a written copy of the public notice to landowners adjacent to the subject solid waste landfill, composting or CCR facility at the address as indicated on county tax records and provided by the applicant as part of the permit application. The list and addresses of adjacent land owners, as provided in the permit application, shall be verified and/or updated by the applicant and such documentation shall be provided to the Department within 90 days prior to the public notice date. Documentation that notice was sent shall include copies of the signed receipts of certified mail delivery or a copy of any returned certified mail item, that is refused or otherwise undeliverable.

(2) Departmental Action. After the comment period closes, the Department shall review, consider and respond to all public comments received by the close of the comment period and take one of the following actions:

(a) Deny the permitting action, stating in writing the reasons for denial and informing the person requesting the permitting action of appeal procedures in chapter 335-2-1;

(b) Issue the permitting action if the application complies with this Division; or

(c) Require additional information or additional elements of design for the facility. If required, the applicant must specify procedures for inclusion into the permit of any additional information prior to issuance of the permit action.

Author: Russell A. Kelly, S. Scott Story, Heather M. Jones, [Jason Wilson](#)

Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-27-7.

History: Effective November 18, 1981. **Amended:** July 21, 1988.

Amended: Filed September 28, 1993; effective November 2, 1993.

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335-13-5-.04 Public Hearing.

(1) Authorization. The Department shall authorize a public hearing at its discretion, or upon receipt of a significant number of technical requests as provided in 335-13-5-.04(2).

(2) Procedures.

(a) Requests for public hearings shall be submitted in writing to the Department.

1. Frivolous or nontechnical requests shall be denied by the Department.

2. Requests for public hearings must be submitted within 35 days after the publication of the public notice and must contain the following:

(i) The name, address, and telephone number of the person requesting the hearing.

(ii) A brief statement of the person's interest and the information the person wishes to submit.

(iii) The person's signature, if an individual, or the signature of a responsible officer of an organization or legal entity.

(b) When a hearing has been authorized, the Department shall appoint a hearing officer to conduct the hearing and shall establish a time, date, and location for the hearing. The location for the hearing shall comply with the requirements of the Americans with Disabilities Act.

(c) The Department shall give notice of the public hearings in the manner set forth in 335-13-5-.03(1), and also to the persons requesting the hearing in 335-13-5-.04(2). The notice shall be given not less than 35 days prior to the time of the public hearing and shall include:

1. A summary of the proposed permitting action.

2. The place, time, and date of the hearing.

3. The name, address and telephone number of an office at which interested persons may receive further information.

(3) Departmental Action. After the public hearing and close of the comment period, the Department shall review, consider, and respond to comments received by the close of the comment period and take one of the following actions:

(a) Deny the permitting action, stating in writing the reasons for denial and inform the person requesting the permitting action of appeal procedures in chapter 335-2-1;

(b) Issue the permitting action, if the application complies with this Division; or

(c) Require additional information or additional elements of design for the facility. If required, the applicant must specify procedures for inclusion into the permit of any additional information prior to issuance of the permit action.

Author: Russell A. Kelly, S. Scott Story, Heather M. Jones, Jason Wilson

Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-27-7.

History: Effective November 18, 1981. **Amended:** July 21, 1988.
Amended: Filed September 28, 1993; effective November 2, 1993.
Amended: Filed June 21, 1996; effective July 26, 1996.
Amended: Filed April 24, 2018; effective June 8, 2018.
Amended: Published October 29, 2021; effective December 13, 2021. **Amended:** Published ; effective .

335-13-5-.06**Permit Modification.**

The Department may modify any permit after receiving a satisfactory request for modification that is found in compliance with ADEM rules and regulations. Permit modifications shall be requested in writing utilizing application forms designated by the Department (ADEM Form 439 for ~~MSWLFs, ILFs and CCR facilities, ADEM Form 305 for C/DLFs~~ landfills and CCR facilities, or ADEM Form 018 for composting facilities) when the permittee proposes to modify its operation in any of the ways listed in 335-13-5-.06(1) or (2). The Department may administratively modify a permit as described in 335-13-5-.06(4).

(1) Major Modifications.

(a) Major modifications are limited to the following actions:

1. There is any change in the permitted service area. The Director may temporarily or on a one-time basis waive permit modification requirements related to service area on a case-by-case basis, if it is demonstrated that a disposal alternative is needed immediately to protect human health or the environment.
2. Convert an industrial landfill (ILF) or construction/demolition landfill (C/DLF) to a municipal solid waste landfill (MSWLF) or convert a construction/demolition landfill (C/DLF) to an industrial landfill (ILF).
3. Addition of a liner and/or leachate collection system or any design change in the existing permitted liner and/or leachate collection system.
4. Addition of acreage to the facility boundary or addition of disposal acreage inside the permitted perimeter where design plans have not been previously submitted.

(b) Modifications required under this paragraph are subject to the provisions of rules 335-13-5-.03 and §335-13-5-.04, which require a public notice and may require a public hearing.

(2) Minor Modifications.

(a) Except as provided in 335-13-5-.06(2)(b), minor modifications are limited to the following actions:

1. Correction of typographical errors and informational changes as requested by the permittee.
2. Changes to remove permit conditions to conform with revised Department guidance or regulations (i.e., permit conditions that are no longer applicable because the standards upon which they were based are no longer applicable to the facility).
3. Changes, by the permittee, to approved applicable plans, as included in the permit application, that increase the frequency, duration or stringency of the actions covered by the applicable plan(s).
4. Addition of a new groundwater monitoring well or replacement of an existing monitoring well (i.e., one that has been damaged or rendered inoperable, as close as possible to the original location, and of similar design and depth).

5. Changes in the statistical analysis method (e.g. changing from interwell or intrawell analysis).
6. Changes in the stormwater conveyance system including, but not limited to, the addition of a sedimentation basin.
7. Changes in fill sequence.
8. Modifications required by 335-13-5-.06(2) (a) are not subject to the provisions of 335-13-5-.03 and 335-13-5-.04, and do not require public notice or a public hearing.

(b) Other Minor Modifications. Modifications not explicitly listed in 335-13-5-.06(1), 335-13-5-.06(2) (a), 335-13-5-.06(4) (a)1., or 335-13-5-.06(4) (b)1. ~~or (2) (a)~~, will be considered a minor modification that would be subject to the provisions of 335-13-5-.03 for public notice and may require a public hearing under 335-13-5-.04. Applicable actions include, but are not limited to, the following:

1. Addition of a waste stream to an ILF, C/DLF or CCR unit.
2. An increase in the average daily volume specified by the permit for a landfill or CCR unit. The Director may temporarily or on a one-time basis waive permit modification requirements related to an increase in the average daily volume on a case-by-case basis, if it is demonstrated that a disposal alternative is needed immediately to protect human health or the environment.
3. Addition of an alternative cover material for daily or weekly cover.
4. For landfill or CCR units undergoing corrective action, incorporation of approved final remedies into the permit, or any changes to the approved final remedy.
5. Any changes to the permitted final fill elevations.
6. Any change to the approved final closure method, as detailed in the closure plan submitted with the approved permit application.
7. Addition of an on-site leachate treatment system or any design change in an existing permitted on-site leachate treatment system.

(c) For any proposed change covered under 335-13-5-.06(2) (b), the permittee may request a determination by the Department that the modification application should be reviewed and approved as a minor modification under 335-13-5-.06(2) (a). To do so, the permittee must provide the Department with the necessary information to support the requested classification. In determining the appropriate classification for a specific modification, the Department shall consider:

1. The similarity of the modification to other modifications listed in 335-13-5-.06(2) (a); and
2. The criteria that the modification(s) apply only to changes that:

(i) Keep the permit current with routine changes to the facility or its operation; and

(ii) Do not substantially alter the permit conditions.

(3) Procedures. The Permittee shall request a permit modification in accordance with the following procedures:

- (a) Submit a request for modification to the Department at least 120 days prior to the anticipated change.
- (b) Identify each and every part of the permit or plans to be modified.
- (c) Submit revised plans and narratives as required by the Department.
- (d) For those modifications subject to the provisions of 335-13-5-.03 for public notice that may require a public hearing under 335-13-5-.04, the name and mailing address of all property owners whose property, per county tax records, is adjacent to the site shall be submitted as part of the permit modification application.
- (e) Receive approval from the Department prior to implementing the modification.

(4) Agency Initiated Modifications.

(a) Administrative modifications may be initiated by the Department if any of the following conditions exist:

- 1. The Department has determined there are typographical or informational errors that need to be corrected;
- 2. Reserved.

(b) Modifications for cause may be initiated by the Department when:

- 1. The Department has received supplemental information from a previously approved permitting action that was not available at the time of permit issuance (other than revised regulations, guidance or test methods);
- 2. The standards or rules on which the permit was based have been changed by statute, through promulgation of new or amended standards or rules, or by judicial decision after the permit was issued.

(c) Agency initiated modifications listed in 335-13-5-.06(4)

(a)1. and 335-13-5-.06 (4)(b)1. would be considered a minor modification that may be initiated with the concurrence of the permittee and are not subject to the provisions of 335-13-5-.03 and 335-13-5-.04, and do not require public notice or a public hearing.

(d)Administrative modifications listed in 335-13-5-.06(4)(b)2. would be considered minor modifications that would be subject to the provisions of 335-13-5-.03 for public notice and may require a public hearing under 335-13-5-.04.

Author: Russell A. Kelly, S. Scott Story. Jared Kelly, Heather M. Jones, Jason Wilson

Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-27-3, 22-27-5, 22-27-7.

History: New Rule: Filed September 28, 1993; effective November 2, 1993. **Amended:** Filed June 21, 1996; effective July 26, 1996. **Amended:** Filed April 24, 2018; effective June 8,

2018. **Amended:** Published October 29, 2021; effective December 13, 2021. **Amended:** Published _____ ; effective _____ .

335-13-8-.05

Termination Of Variance.

Any variance granted by the Department may be terminated by the Department whenever the Department finds, after notice ~~and opportunity for hearing~~to the petitioner, 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. Any variance granted by the Department may also be terminated after notice to and concurrence from the petitioner that the variance is no longer necessary or applicable.

Author: Heather M. Jones, Jason Wilson

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

History: Effective November 18, 1981. **Amended:** July 21, 1988.

Amended: Published ; effective .

335-13-11-.05

Remediation Contracting.

(1) The Department will ~~provide notice of requests for proposals from remediation contractors by publication of a legal advertisement~~ extend an Invitation to Bid to prospective remediation contractors by posting the solicitation on the Department's website and other media as required by the State of Alabama's contracting laws and rules.

~~(a) The Request for Proposals shall identify the site, scope of work, and a deadline for submittal of bids~~ Invitation to Bid shall identify the site, scope of work, and a deadline for submitting of bid proposals.

~~(b) Interested remediation contractors shall submit three sets of their bids in response to the Request for Proposals. Submittals shall also~~ submitting bid proposals shall include:

1. A remediation plan prepared in accordance with ~~rule 335-13-11-.03(4)~~ for closure of the unauthorized dump, if required; and

2. Documentation of all required licenses, bonds, or other documents or approvals necessary to perform work under applicable Alabama contracting laws and regulations.

~~(c) Not later than sixty days after the deadline for accepting remediation~~ No later than sixty days after the deadline for accepting bid proposals, the Department shall select the remediation contractor submitting the lowest responsible bid proposal that meets all requirements of the scope of work in the ~~Request for Proposals~~ Invitation to Bid.

(d) A contract between the Department and the remediation contractor will be executed in compliance with State of Alabama contracting procedures. The contract shall contain the following items:

1. Detailed scope of work.

2. Schedule for completion of the work.

3. Recordkeeping and reporting requirements.

4. Maximum amount of remediation cost reimbursement.

5. Methods of payment to the contractor.

6. Provisions for removing the contractor for inadequate performance.

7. Financial assurance for the completion of the contract, if required by the Department.

8. Provisions for monetary penalties for failure to complete the work as stipulated in the contract in a timely manner.

(e) The Department may utilize processes available under state law for contractor selection and contract execution.

~~(2) Misrepresentation of any information in the proposal may be cause for disqualification of the contractor from further consideration on~~
Misrepresenting any information in the bid proposal may be cause to disqualify the contractor from future unauthorized dump remediation projects.

(3) A contractor may lose authorization to perform work under the Solid Waste Fund if the contractor fails to make progress in completing work at funded sites due to poor quality or untimely work, or if they are found to be significantly noncompliant~~progress in completing actions at funded sites has been significantly delayed or inhibited due to the quality or timeliness of work performed by the contractor, or if the contractor is determined to be in significant noncompliance~~ with any environmental regulation or statute.

(4) The acceptance of a bid proposal from a remediation contractor shall in no way establish liability or responsibility on the part of the Department or the State of Alabama with regard to the services provided by the contractor or circumstances ~~which~~that may occur as a result of the services, nor shall it guarantee that the contractor will receive future Solid Waste Fund work.

(5) Contractor Performance.

(a) ~~The remediation activities shall be implemented consistent with the approved Remediation Plan in a manner acceptable to the Department in order for the contractor to be reimbursed for all costs associated with those activities~~
contractor must follow the approved Remediation Plan to be reimbursed for all associated costs by the Department.

(b) If, after the contract is executed, the Department determines that the activities in the approved scope of work need to be revised, an amended Remediation Plan shall be submitted that details the additional efforts that are to be undertaken to accomplish the revised remediation activities and the estimated cost increases proposed. The Department shall

review the amended Plan, and, if ~~costs projections are justified, shall approve the amended Remediation Plan~~cost projections are justified, shall approve the amended remediation plan, modify the approved scope of work, and obligate more funds from the Fund before the additional work may proceed. However, there shall be a presumption against allowing amendments to Remediation Plans for failure to adequately estimate costs.

Author: Phillip D. Davis, Brent A. Watson. Michael J. Cruise

Statutory Authority: Code of ~~Ala.~~Alabama 1975, §§22-27-7, 22-27-10, 22-27-12.

History: Amended: Filed April 21, 2009; effective May 26, 2009. Amended: Published _____ ; effective _____ .

335-13-12-.02

Training And Certification Requirements.

(1) In addition to the requirements listed in rules 335-13-12-.02(2) and (3), all applicants for certification or re-certification under this chapter must complete a training course developed and provided by the Department. The curriculum of this training course will be tailored specifically to the requirements of this Division. The completion of this course will qualify towards the training requirements of rules 335-13-12-.02(2) (f) and (h), and of rules 335-13-12-.02(3) (d) and (f).

(2) Municipal Solid Waste (MSW) Landfill Operator Certification.

(a) The facilities subject to this chapter are required to have at least one operator holding certification from the Department.

(b) A person desiring to be certified or re-certified must file an application with the Department on a form provided by the Department, along with the appropriate application fee.

(c) At a minimum, the applicant must be a graduate of high school or an accredited GED program, and have worked at a MSW landfill ~~in the State of Alabama~~ for at least 3 years.

(d) The applicant must pass a written examination developed and given by the Department or, developed and given by another entity that has been approved by the Department.

(e) Any certificate granted under this rule shall be renewable every 3 years, unless revoked or invalidated for cause as determined by the Department.

(f) All persons required to obtain certification may become re-certified within 3 years by attending a total of at least 30 hours of Department approved training. The Department will maintain a list of training programs approved by the Department.

(g) An applicant who fails to pass an examination given by the Department may repeat the examination at the next regularly scheduled examination date. If the applicant again fails to pass, he may then reapply for the training and certification and pay the appropriate application fees.

(h) Exceptions.

1. An applicant for initial certification as an operator may request to be certified without meeting the requirements of either rule 335-13-12-.02 ~~(1)~~ (2) (c) or rule 335-13-12-.02(2) (d), provided the applicant has attended at least 15 hours of ADEM-approved training or continuing education courses ~~since April 15, 2008~~ within the past three years and can demonstrate at least 5 years of relevant experience working at MSW landfills; or

2. An applicant may request to be certified without meeting the requirements of both rule 335-13-12-.02(2) (c) and rule 335-13-12-.02(2) (d) by attending at least 15 hours of ADEM-approved training or continuing education courses ~~since April 15, 2008, and can demonstrate at least 8 years of~~ qualifying within the past three years, and can demonstrate at

least 8 years of relevant experience working at MSW landfills;
or

3. An applicant may request initial certification pursuant to the provisions of rule 335-13-12-.03.

(3) Construction/Demolition and Industrial Landfill Operator Certification.

(a) The facilities subject to this chapter are required to have at least one operator holding certification from the Department.

(b) A person desiring to be certified must file an application with the Department on a form provided by the Department, along with the appropriate application fee.

(c) At a minimum, the applicant must be a graduate of high school or an accredited GED program, and have worked at a landfill ~~in the State of Alabama~~ for at least 1 year.

(d) The applicant must have attended at least 10 hours of relevant training or continuing education courses approved by the Department ~~since April 15, 2008~~ within the past three years to receive certification.

(e) Any certificate granted under this rule shall be renewable every 3 years, unless revoked or invalidated for cause as determined by the Department.

(f) All persons required to obtain certification may become re-certified within 3 years by attending a total of at least 30 hours of Department approved training. The Department will maintain a list of approved continuing education training programs.

(g) Exceptions.

1. An applicant for initial certification as an operator may request to be certified without meeting the requirements of 335-13-12-.02(3)(c) provided the applicant can demonstrate at least 3 years of relevant experience; or

2. The applicant has passed an approved examination in accordance with rule 335-13-12-.02(2)(d); or

3. The applicant may request initial certification pursuant to the provisions of rule 335-13-12-.03.

Author: S. Scott Story, Phillip D. Davis, Jason Wilson, Jared Kelly, Heather M. Jones

Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-27-9, 22-27-12(7).

History: New Rule: Filed October 20, 2009; effective November 24, 2009. Amended: Published ; effective .

335-13-12-.04**Revocation Of Certificate.**

Following a hearing before the Director or his designated representative, the Director may revoke or suspend a certificate if it is found that the operator:-

- ~~(a)~~ (1) Has practiced fraud or deception in obtaining the certificate or in the performance of his duties as an operator;
- ~~(b)~~ (2) Has not used reasonable care, judgment, or the application of his knowledge or ability in the performance of his duties;
- ~~(c)~~ (3) Is incompetent or unable to perform his duties as an operator;
- ~~(d)~~ (4) Has knowingly submitted incorrect or falsified operational data or information;
- ~~(e)~~ Has consistently failed to submit operational data as required by the department (5) Has consistently failed to submit operational data as required by the Department; or
- ~~(f)~~ Has violated the requirements of this chapter (6) Has violated the requirements of 335-13-12.

Author: S. Scott Story, Phillip D. Davis, Jason Wilson, Heather M. Jones.

Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-27-9, 22-27-12(7).

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