

PRELIMINARY DETERMINATION

PERMIT RENEWAL

Town of Lockhart, Alabama
P.O. Box 216
Lockhart, Alabama 36455

Lockhart C/D Landfill
Permit No. 20-04

March 22, 2021

The Town of Lockhart applied to the Alabama Department of Environmental Management (ADEM) for renewal of the Solid Waste Disposal Facility Permit for the Lockhart C/D Landfill. In addition, the facility has requested a variance from Rule 335-13-4-.12(2)(f) requiring a 100 foot buffer zone. All previous variances have been requested and shall be approved by the department. The waste stream for the Lockhart C/D Landfill would remain non-putrescible and non-hazardous construction and demolition waste, discarded tires, white goods, and rubbish as defined by ADEM Rule 335-13-1-.03. The service area for the Lockhart C/D Landfill would remain the Town of Lockhart in Covington County, Alabama. The maximum average daily volume of waste disposed at the Lockhart C/D Landfill would remain 70 cubic yards per day.

The landfill is located in SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 33, Township 1 North, Range 17 East in Covington County, Alabama. The permitted facility consists of approximately 5 acres with 0.4 acres for disposal operations.

The Land Division has determined that the renewal of the permit meets the applicable requirements of ADEM's Administrative Codes Division 13.

Technical Contact:

Mary Catherine Muscha
Solid Waste Engineering Section
Land Division
(334) 270-5651



ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

SOLID WASTE DISPOSAL FACILITY PERMIT

PERMITTEE:	Town of Lockhart
FACILITY NAME:	Lockhart C/D Landfill
FACILITY LOCATION:	Part of SE ¼ of SW ¼ of Section 33, Township 1 North, Range 17 East, in Covington County, Alabama. The total permitted area is approximately 5 acres with 0.4 acres approved for disposal.
PERMIT NUMBER:	20-04
PERMIT TYPE:	Construction/Demolition (C/D) Landfill
WASTE APPROVED FOR DISPOSAL:	Non-putrescible and non-hazardous construction and demolition waste, discarded tires, white goods, and rubbish as defined by ADEM Rule 335-13-1-.03.
APPROVED WASTE VOLUME:	Maximum Daily Volume of 70 cubic yards per day
APPROVED SERVICE AREA:	Town limits of Lockhart

In accordance with and subject to the provisions of the Alabama Solid Wastes and 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:	XXXXXXXXXX
EFFECTIVE DATE:	XXXXXXXXXX
EXPIRATION DATE:	XXXXXXXXXX

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

Permittee: Town of Lockhart
P.O. Box 216
Lockhart, Alabama 36455

Landfill Name: Lockhart C/D Landfill

Landfill Location: SE ¼ of the SW ¼ of Section 33, Township 1 North, Range 17 East in Covington County, Alabama.

Permit Number: 20-04

Landfill Type: Construction and Demolition Landfill

Pursuant to the Solid Wastes & Recyclable Materials Management Act, Code of Alabama 1975, §§22-27-1, *et seq.*, as amended (the "Act"), and attendant regulations promulgated thereunder by the Alabama Department of Environmental Management (ADEM), this permit is issued to Town of Lockhart (hereinafter called the Permittee), to operate a solid waste disposal facility, known as the Lockhart C/D 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 ADEM on August 4, 2015 for permit renewal and is 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 is effective as of **XXXXXXXX** and shall remain in effect until **XXXXXXXX**, unless suspended or revoked.

Alabama Department of Environmental Management

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 ADEM, 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. ADEM must inspect the constructed cells or phases before the owner or operator can commence waste disposal unless the Permittee is notified that ADEM 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 335-13.
 - 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.,I. The operating record shall include:
 - a. Documentation of inspection and maintenance activities.

- b. Daily Volume reports.
 - c. Personnel training documents and records.
 - d. Solid/Hazardous Waste Determination Forms for Industrial Wastes, and associated ADEM disposal approval correspondence for industrial waste and special waste.
 - e. Groundwater monitoring records.
 - f. Explosive gas monitoring records.
 - g. Surface water and leachate monitoring records.
 - h. Copies of this Permit and the Application.
 - i. Copies of all variances granted by ADEM, 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. The groundwater monitoring shall be conducted in March and September of each year, or as directed by ADEM, and the reports shall be submitted at least semi-annually, or as directed by ADEM. The reports should contain all monitoring results and conclusions from samples and measurements conducted during the sampling period. Explosive gas monitoring must be submitted once each year, and the reports should be submitted to ADEM 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 335-13 must be furnished upon request, and made available at reasonable times for inspection by any officer, employee, or representative of ADEM.
 - b. All records, including plans, required under this permit or 335-13 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 ADEM.
 - c. A copy of records of waste disposal locations and quantities must be submitted to ADEM and local land authority upon closure of the facility.
- I. Documents to be Maintained by the Permittee. The Permittee shall maintain, at the Lockhart C/D Landfill, office 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:
1. Mailing Address.
Chief, Solid Waste Branch
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, AL 36130-1463
 2. Physical Address.
Chief, Solid Waste Branch
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 ADEM, 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 335-13.
- B. Open Burning. The Permittee shall not allow open burning without prior written approval from ADEM and other appropriate agencies. A burn request should be submitted in writing to ADEM 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 the 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. 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 Lockhart C/D Landfill is approximately 5 acres, with a disposal area of 0.4 acres.
- 3. The maximum average daily volume of waste disposed at the facility, as contained in the permit application, shall not exceed 70 cubic yards per day. Should the average daily volume exceed this value by 20% or 100 tons/day, whichever is less, for two (2) consecutive quarters the permittee shall be required to modify the permit in accordance with 335-13-5-.06(2)(a)5. The average daily volume shall be computed as specified by 335-13-5-.06(2)(a)5.(i).

B. Waste Streams. The Permittee may accept for disposal non-putrescible and non-hazardous construction and demolition waste, discarded tires, white good, and rubbish as defined by ADEM Rule 335-13-1-.03.

C. Service Area. The Permittee is allowed to receive for disposal waste from the Town of Lockhart located in Covington County.

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%). 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 ADEM shall be added at the conclusion of each week's operation. These are minimum requirements for waste placement, compaction and cover unless a variance is granted in Section VIII.

E. Liner Requirements. At this time, the Permittee shall not be required to install a liner system. **The bottom of the construction and demolition waste shall be a minimum of five (5) feet above the highest measured groundwater level.**

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

G. 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.

H. Adverse Weather Disposal. The Permittee shall provide for disposal activities in adverse weather conditions.

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

J. Environmental Monitoring and Treatment Structures. The Permittee shall provide protection and proper maintenance of environmental monitoring and treatment structures.

- K. Vector Control. The Permittee shall provide for vector control as required by ADEM Admin. Code 335-13.
- L. 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 335-13-4-.23(1)(j) are met.
- M. 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 ADEM.
- N. Other Requirements. ADEM may enhance or reduce any requirements for operating and maintaining the landfill as deemed necessary by the Land Division.
- O. Other Permits. The Permittee shall operate the landfill according to this and any other applicable permits.
- P. 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 ADEM.
- Q. 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 335-13-4-.23(1)(f).
- R. Litter Control. The Permittee shall control litter.
- S. 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. 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 335-13.

- 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.
- 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 ADEM of their intent to close the landfill prior to beginning closure.

- D. Completion of Closure Activities. The Permittee has been granted a variance allowing the landfill to remain active without accepting waste until the expiration of this permit. The Permittee must complete closure activities of each landfill unit in accordance with the Closure Plan within 180 days of submittal to the Department intent to close the landfill unit as described in Rule 335-13-4-.20(2)(e) or within 180 days of the landfill reaching final capacity in which the landfill cannot receive additional wastes (See Section VIII., 1.).
- E. Certification of Closure. Following closure of each unit, the Permittee must submit to ADEM 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. ADEM 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 ADEM unless all waste is removed and no unpermitted discharge to waters of the State have 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 ADEM 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 ADEM 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 ADEM within 120 days after permit expiration, revocation, or as directed by ADEM 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 ADEM.

SECTION VIII. VARIANCES

1. The Permittee is granted a variance from Rule 335-13-4-.20(2)(f) and (g) stating that the landfill unit must begin closure activities of each landfill unit no later than 30 days after the date of which the landfill unit receives the known final receipt of wastes, and the landfill must complete closure activities of each landfill unit no later than 180 days following the last known receipt of waste. The variance allows the landfill to remain active without accepting waste until the expiration of this permit provided that the landfill unit has the capacity to receive additional wastes and the Permittee takes all steps necessary to prevent threats to human health and the environment (See Section VII., D.).
2. **The permittee is granted a variance from Rule 335-13-4-.12(2)(f) requiring a 100 foot buffer zone.**

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 Renewal Application

Town Of Lockhart

Eugene R. Birge
Mayor
Barbara Roberts
Town Clerk
Dale Thames
Asst. Clerk
Greg Jackson
Police Chief



Council Members:
Richard Suggs
Willie Toles
Ramona Barrett
William Hall
William Phillips, Jr.

*1548 Chippeway Street; P.O. Box 216, Lockhart, AL 36455
Business # (334) 858-6744 Fax # (334) 858-2626*

September 14, 2020

Mr. Jared Kelly, Chief
Land Division
ADEM
P. O. Box 301463
Montgomery, AL 36130-1463

RE: Permit Renewal Application
Lockhart Construction and Demolition Landfill
Permit 20-04

Dear Mr. Kelly,

The Town of Lockhart hereby submits its Permit Renewal Application for our C/D Landfill. Enclosed with our application is a check for the permit renewal fee in the amount of \$5,400. If you have any questions regarding our application, please contact us.

Yours truly,

Eugene Birge, Mayor

Enclosure(s)

Form 305 (3x)

Check number 1578

**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)

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

SECTION I:

LANDFILL ACTION: _____ New Application
 x _____ Renewal Application, Permit Number 20-04
 _____ Modification Application, Permit Number _____

LANDFILL NAME: Lockhart C/D Landfill
 LANDFILL ADDRESS (MAILING): Town of Lockhart
 P. O. Box 216
 Lockhart, AL 36455

LANDFILL ADDRESS (PHYSICAL): Lockhart C/D Landfill
 Greasy Logging Road
 Lockhart, Al 36455

SECTION II:

APPLICANT/PERMITTEE:
 NAME: Town of Lockhart
 ADDRESS: P. O. Box 216
 Lockhart, AL 36455
 TELEPHONE: 334-858-6744

If applicant/permittee is a Corporation, please list officers:

SECTION III:

LANDFILL OPERATOR:

Name: (1) Town of Lockhart (2) _____
 Address: P. O. Box 216 _____
Lockhart, AL 36455 _____
 Telephone: 334-858-6744 _____

SECTION IV:

CONTACT PERSON(S):

Name: (1) Eugene R. Birge (2) Marshall Phililps
 Address: P. O. Box 216 P. O. Box 216
Lockhart, AL 36455 Lockhart, AL 36455
 Telephone: 334-858-6744 334-858-6744

SECTION V:

LANDOWNER(S):

Name: (1) _____ (2) _____
 Address: _____

 Telephone: _____

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

SECTION VI: Submitted as part of Original Application

ADJACENT LANDOWNER(S):

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

SECTION VII:

LOCAL APPROVAL: No Required (Yes or No)
 _____ 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:

Construction and demolition Debris
trees, limbs, stumps, leaves, yard waste, white goods, other non-household,
non industrial waste.

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

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

_____ tons per day 70 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.

- b. Location:

County: Covington
Part: SE 1/4 of SW 1/4 of Section(s): 33
Township(s): 1 North Range(s): 17 East

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

d. Size of permitted area: 5 acres

e. Size of disposal area: 0.4 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:
- 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)
- (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)
- 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)

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:

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

NO: x 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: x

Groundwater Elevations:

Has a minimum five-foot separation between the floor of the disposal cell and the groundwater been established? NO: YES: x

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 N/A (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):

Eugene R. Birge TITLE: Mayor
Eugene R. Birge DATE: 9-15-2020
(please print or type name)

SIGNATURE (Certifying Engineer):

Robert Q. Carter TITLE: P.E. No.: 12760
Robert Q. Carter, P.E. DATE: 9/14/2020
(please print or type name)

FIRM: _____ STAMP OR SEAL:



Civil and Environmental Engineering

201 East Troy Street
P.O. Box 610
Andalusia, Alabama 36420

Phone 334.222.1849
Fax 334.222.1869
www.dmdengineers.com



December 21, 2010

Mr. Rao Malladi
Senior Environmental Engineering Specialist
ADEM
P.O. Box 301463
Montgomery, Alabama 36130-1463

**Re: Variance Request
Permit No 20-04
Lockhart Construction/Demolition Landfill
Andalusia, Alabama**

Dear Mr. Malladi:

The Town of Lockhart's CD Landfill is not being used on a daily basis. It is the desire of the Town of Lockhart to keep said landfill open so that in the event they have a hurricane, tornado, or other natural disaster, they will be prepared to dispose of the storm debris. The existing landfill has approximately 4,000 CYs of airspace remaining and is currently in a stable condition. The current configuration is a zero entry on the West with sedimentation trap on the East.

It is our understanding, from talking with Blake Holden of your office, that a variance is required to finalize this permit renewal. Please find attached a check in the amount of \$680 for a variance request to keep the Town of Lockhart's CD landfill "open". The Town of Lockhart will begin closure activities of this CD Landfill unit no later than 30 days after the landfill unit receives the final known receipt of wastes or uses the remaining airspace. The closed out Sanitary Landfill and existing CD Landfill will continue to be regularly monitored and maintained by the Town of Lockhart personnel to prevent threats to human health and the environment.

If you have any additional questions regarding this renewal please feel free to give me a call.

Sincerely,

DMD ENGINEERS, INC.

A handwritten signature in cursive script that reads "Jeremy McMath".

Jeremy McMath, P.E.
Project Engineer

Enclosure ~ \$680 Check

C: Mayor Eugene Birge

Professional....yet personal



LANCE R. LEFLEUR
DIRECTOR



KAY IVEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

January 19, 2021

The Honorable Eugene Birge, Mayor
Town of Lockhart
P. O. Box 216
Lockhart, Alabama 36455

RE: Permit Renewal-Request for Additional Information
Lockhart C/D Landfill
Permit Number 20-04

Dear Mayor Birge:

After review of the permit application for the above referenced landfill, it appears that the buffer zone around the C/D trench does not meet ADEM Rule 335-13-4-.12(2)(f) requiring a 100 foot buffer zone. ADEM requires that the Lockhart C/D Landfill (20-04) submit a request for variance from ADEM Rule 335-13-4-.12(2)(f) along the southwest border of the landfill boundary. Adjacent landowner permission for this variance must be obtained and submitted with the variance, along with the appropriate fee.

If you should have any questions, please contact Mary Catherine Muscha of the Solid Waste Engineering Section at (334) 270-5651.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared Kelly", is written over a faint, larger version of the signature.

Jared Kelly, Chief
Solid Waste Engineering Section
Land Division

JK/mcm

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
3664 Dauphin Street, Suite B
Mobile, AL 36608
(251) 304-1176
(251) 304-1189 (FAX)

Town Of Lockhart

Eugene R. Birge
Mayor
Dale Thames
Town Clerk



Council Members:
Richard Suggs
Willie Toles
Ramona Barrett
William Hall
William Phillips, Jr.

*1518 Chippeway Street; P.O. Box 216, Lockhart, AL 36455
Business # (334) 858-6744 Fax # (334) 858-2626*

March 23, 2021

ADEM
Land Division
Attn: Mary Catherine Muscha
P. O. Box 301463
Montgomery, Al. 36130

RE: Landfill Renewal Permit

Dear Ms. Muscha:

As part of the completion of the renewal of Permit 20-04R for the Lockhart C/D Landfill, the town would like to request a variance from rule 335-13-4-.12(2) (f). We are attaching an agreement letter the surrounding landowner has signed.

Thank you for your attention to this matter.

Sincerely,



R. Eugene Birge
Mayor, Town of Lockhart

LAND DIVISION
MAR 25 2021
RECEIVED

Town Of Lockhart

Eugene R. Birge
Mayor
Dale Thames
Town Clerk



Council Members:
Richard Suggs
Willie Toles
Ramona Barrett
William Hall
William Phillips, Jr.

*1518 Chippeway Street; P.O. Box 216, Lockhart, AL 36455
Business # (334) 858-6744 Fax # (334) 858-2626*

February 2, 2021

Forest Lands Capital Holdings, LLC
427 Park Street
Charlottesville, VA 22902

c/o Mr. T. R. Clark
F&W Forestry Services, Inc.
P.O. Box 250
Lafayette, AL 36862

Dear Sirs:

The Town of Lockhart owns and operates a Construction/Demolition landfill located in the SE 1/4, of the SW 1/4, Section 33, T1N, R17E, Covington County, Alabama. The landfill borders your property in Section 33, T1N, R17E Covington County, Alabama, on all four sides. The Town currently is applying to the Alabama Department of Environmental Management (ADEM) for a renewal of its operation permit. Since first being permitted, ADEM has revised its rules for landfills to require a 100-foot buffer zone on the inside perimeter of the landfill to separate the landfill operations from neighboring property. The Lockhart landfill was originally permitted with a 10-foot buffer zone. ADEM will agree to provide a variance to its new rule requiring the 100-foot buffer zone, provided the landfill's neighbors have no objections. By granting this variance, ADEM agrees the landfill may continue to operate under the rules by which it was originally permitted.

The purpose of this letter is to request your permission for ADEM to grant this variance to the Lockhart landfill. If you have no objections, please sign the agreement statement below and return an executed copy to the Town of Lockhart, and the Town's Engineer, Mr. Bob Carter at bob.carter@gmcnetwork.com. Mr. Carter can be reached at 334-504-1928.

Sincerely, *Eugene Birge* (MAYOR)

Eugene Birge, Mayor
Town of Lockhart, Alabama



I hereby assent to the "Buffer Zone Variance" being requested by the Town of Lockhart in the renewal of its ADEM construction/demolition Landfill Permit No. 20-04.

Signature: *Jan. B. Murphy*

Title: Manager

TITLE	Lockhart Landfill
FILE NAME	2021-02-04_variance on letterhead.pdf
DOCUMENT ID	5ec3f5611793a93e890f567cee8cb40476a6be78
AUDIT TRAIL DATE FORMAT	MM / DD / YYYY
STATUS	• Completed

Document History

 SENT	03 / 16 / 2021 20:29:31 UTC	Sent for signature to Jim Murray (jmurray@courtsquareventures.com) from alessandra@fryspath.com IP: 71.207.151.178
 VIEWED	03 / 16 / 2021 22:33:16 UTC	Viewed by Jim Murray (jmurray@courtsquareventures.com) IP: 67.76.168.136
 SIGNED	03 / 16 / 2021 22:33:47 UTC	Signed by Jim Murray (jmurray@courtsquareventures.com) IP: 67.76.168.136
 COMPLETED	03 / 16 / 2021 22:33:47 UTC	The document has been completed.

FEE SHEET FOR SOLID WASTE PERMITS

ADEM No.: _____

Applicant: Town of Lockhart

Location: Greasy Log Road (Covington County Hwy 61)
Lockhart, AL 36445

Coordinates: 31.00310133, -86.35561327

Permit No.: 20-04

Date Application Received: 09/22/20

Permit Fees Required	Initial Issuance	Modification	Reissuance	Total
Municipal Solid Waste Landfill	\$83,880		\$37,270	
Minor Modification ¹		\$3,275		
Major Modification ²		\$32,615		
Construction/Demolition Landfill	\$7,145		\$5,400	\$5,400
Minor Modification ¹		\$1,460		
Major Modification ²		\$2,915		
Industrial Landfill	\$12,670		\$8,150	
Minor Modification ¹		\$1,460		
Major Modification ²		\$4,375		
Compost Facility	\$4,860		\$3,670	
Minor Modification ¹		\$1,225		
Major Modification ²		\$1,945		
Environmental Covenants				
Engineering Controls	\$6,425	\$1,610		
Registry Fee for Class 1 Controls	\$13,705	\$635		
Registry Fee for Class 2 Controls	\$9,420	\$635		
Registry Fee for Class 3 Controls	\$5,245	\$635		

Additional Fees				
Geological Review:	\$4,865	\$3,275	\$3,275	
Greenfield Site:	\$1,610			
Public Hearing:	\$8,450	\$8,450	\$8,450	
Name Change/Transfer:		\$800		
Variance Request	\$1,460	\$1,460	\$1,460	
Solid Waste Disposal Notification	\$215	\$215	\$215	

¹ These are modifications as included in ADEM Admin. Code Rule 335-13-5-.06(2)

² These are modifications as included in ADEM Admin. Code Rule 335-13-5-.06(1)

Total Fee Due:	\$5,400
Amount Submitted with Application:	\$5,400
Amount Received:	\$5,400
Amount to be Billed:	\$0
Amount Received:	
Date Received:	<u>10/20/20</u>
Amount to be Refunded:	

Fee Schedule Prepared by: TFC Date: 10/14/20
 Fee Schedule Reviewed by: JK Date: 10/14/20

ck# 1578