# ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT LAND DIVISION - SOLID WASTE PROGRAM ADMINISTRATIVE CODE

## CHAPTER 335-13-1 GENERAL PROVISIONS

### TABLE OF CONTENTS

**335-13-1-.01 Purpose**
**335-13-1-.02 Statutory Authority**
**335-13-1-.03 Definitions**
**335-13-1-.04 Limitations**
**335-13-1-.05 Communications**
**335-13-1-.06 Penalty For Violations**
**335-13-1-.07 Appeals**
**335-13-1-.08 Severability**
**335-13-1-.09 Repealer**
**335-13-1-.10 Effective Date**
**335-13-1-.11 General**
**335-13-1-.12 [Reserved]**
**335-13-1-.13 Unauthorized Dump**

### 335-13-1-.01 Purpose.

The purpose of this Division is to establish minimum criteria for use under the Act, as amended, primarily for the disposal of solid waste and the design, location and operation of landfill and CCR units.
**Author:** Russell A. Kelly, S, Scott Story
**Statutory Authority:** Code of Ala. 1975, §22-27-7.
**History:** Effective: November 18, 1981; **Amended:** July 21, 1988: November 2, 1993. **Amended:** Filed June 21, 1996; effective July 26, 1996. **Amended:** Filed April 24, 2018; effective June 8, 2018.

### 335-13-1-.02 Statutory Authority.

The Department is authorized to promulgate these rules and regulations under and by virtue of authority granted in the Code of Ala. 1975, §§22-27-7, 22-27-9, 22-27-12, 22-22A-5 and 22-22A-8.
**Author:** Phillip D. Davis
**Statutory Authority:** Code of Ala. 1975, §§22-27-7, 22-27-9, 22-27-12, 22-22A-5, 22-22A-8.
**History:** Effective: November 18, 1981; **Amended:** July 21, 1988. **Amended:** June 26, 1996; effective July 26, 1996. **Amended:** Filed June 28, 2010; effective August 2, 2010.

**335-13-1-.03 Definitions.**

For the purpose of these rules and regulations, the following words and phrases shall have the meanings ascribed to them in this rule and as ascribed by law unless the context of the regulations indicate differently.

(1) Act - the "Solid Wastes and Recyclable Materials Management Act", Act No. 151, Regular Session 2008 as amended (formerly the "Solid Waste Disposal Act, Act No. 771 Regular Session, 1969, as amended by Act No. 2247 Regular Session, 1971) Code of Alabama 1975, §22-27-1 et seq.

(2) Active Life - the period of operation beginning with the initial receipt of solid waste and ending at completion of closure activities in accordance with the applicable requirements of rule 335-13-4-.20.

(3) Active Portion (or Active Footprint) - that part of a facility or unit that has received, is receiving, or is authorized and maintained as capable to receive wastes, and that has not been closed in accordance with the applicable requirements of rule 335-13-4-.20.

(4) Adjacent Property Owner - an owner whose property is adjacent to a proposed site.

(5) Agency - any controlling agency, public or private, elected, appointed or volunteer utilizing methods approved by the Health Department or the Department for the purpose of controlling and supervising the collection or management of solid wastes or recyclable materials.

(6) Airport - public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

(7) Alternative cover – material other than earth used to cover a landfill or sanitary landfill. An alternative cover shall be approved by the Department in compliance with federal law and the USEPA rules for guidance to achieve a level of performance equal to or greater than earthen cover material.

(8) Ambient - normal atmospheric conditions.

(9) Annular Space of a Well - the space between the bore hole and the casing.

(10) Aquifer - a geologic formation, group of formations or part of a formation capable of yielding a significant amount of groundwater to wells, springs or waters of the State.

(11) Areas Susceptible To Mass Movement - those areas of influence (i.e., areas characterized as having an active or substantial possibility of mass movement) where the movement of earth material at, beneath, or adjacent to the landfill unit, because of natural or man-induced events, results in the downslope transport of soil and rock material by means of gravitational influence. Areas of mass movement include, but are not limited to, landslides, avalanches, debris slides and flows, soil fluctuation, block sliding, and rock fall.

(12) Ashes - the solid residue from burning of wood, coal, coke or other combustible material used for heating, the burning or incineration of solid wastes, or for the production of electricity at electric generating plants.

(13) ASTM International - American Society for Testing and Materials International. A not-for-profit standards development company with headquarters located at 100 Barr Harbor Drive (PO Box C700) in West Conshohocken, Pennsylvania, 19428-2959, which develops and publishes technical standards for materials, products, systems, and services.

(14) Beach - has the same meaning as in ADEM Administrative Code r.335-8-1-.02.

(15) Bird Hazard - an increase in the likelihood of bird/ aircraft collisions that may cause damage to the aircraft or injury to its occupants.

(16) Bladeable - the physical condition of a sludge or similar waste. Physical conditions include, but are not limited to, the absence of free liquids and of a consistency that can be easily managed by heavy equipment normally utilized at a landfill unit.

(17) Bore Hole - a man-made hole in a geological formation which has been drilled, jetted, driven or made by other similar techniques.

(18) CCR unit – any CCR landfill, CCR surface impoundment, or lateral expansion of a CCR unit, or a combination of more than one of these units, based on the context of the paragraph(s) in which it is used. This term includes both new and existing units, unless otherwise specified.

(19) Cell - a volume of compacted solid waste that is covered by means of compacted earth or some other approved alternative cover usually on a daily or weekly basis in a landfill unit.

(20) Certification - a statement of professional opinion based upon knowledge and belief.

(21) CFR - Code of Federal Regulations.

(22) Closure - the process by which a landfill unit permanently ceases to accept waste, to include those actions taken by the permittee or owner of the facility to prepare the site for post-closure monitoring and maintenance or to make it suitable for other uses.

(23) Coal Combustion By-products – fly ash, bottom ash, boiler slag, or flue gas emission control by-products which result primarily from the combustion of coal or other fossil fuels at electric generating plants.

(24) Coastal Area - has the same meaning as in ADEM Administrative Code r.335-8-1-.02.

(25) Coastal Waters - those waters adjacent to the shoreline, which contain a measurable quantity or percentage of seawater, including but not limited to, sounds, bays, lagoons, bayous, ponds and estuaries.

(26) Commercial Solid Waste - all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial wastes.

(27) Composite Liner - a system consisting of two components; the upper component must consist of a minimum 40 mil flexible membrane liner (FML), and the lower component must consist of at least a two-foot layer of compacted soil with a hydraulic conductivity of no more than 1 x 10-7 cm/sec. FML components consisting of High Density Polyethylene (HDPE) shall be at least 60 mil thick. The FML component must be installed in direct and uniform contact with the compacted soil component.

(28) Composting or Compost Plant - an officially controlled method or operation whereby putrescible solid wastes are broken down through microbic action to a material offering no hazard or nuisance factors to public health or well-being.

(29) Construction/Demolition-Inert Landfill Unit (C/DLF) - a discrete area of land or an excavation that receives construction/demolition waste, and/or rubbish and/or water treatment (alum) sludge, foundry waste meeting rule 335-13-4-.26(3), and that is not a land application unit, surface impoundment, or injection well as those terms are defined in this rule.

(30) Construction/Demolition Waste - waste building materials, packaging, and rubble resulting from construction, remodeling,

repair, or demolition operations on houses, commercial buildings, and other structures. Such wastes include, but are not limited to, masonry materials, sheet rock, roofing waste, insulation (not including asbestos), scrap metal, and wood products. Uncontaminated concrete, soil, brick, waste asphalt paving, ash resulting from the combustion of untreated wood, rock, and similar materials are excluded from this definition.

(31) Contingency Plan - a document setting out an organized, planned and coordinated course of action to be followed in case of a fire, explosion or release of solid waste which could threaten human health or the environment.

(32) Cover – soil or alternative material approved by the Department that is used to cover compacted solid waste in a landfill unit.

(33) Decontamination - a process of reducing or eliminating the presence of harmful substances, such as infectious agents, so as to reduce the likelihood of disease transmission from those substances.

(34) Department - the Alabama Department of Environmental Management as established by Code of Alabama 1975, §22-22A-4.

(35) Destruction or Adverse Modification - a direct or indirect alteration of critical habitat which appreciably diminishes the likelihood of the survival and recovery of threatened or endangered species using that habitat.

(36) Director - the Director of the Alabama Department of Environmental Management, appointed pursuant to Code of Alabama 1975, §22-22A-4, or his or her designee.

(37) Discarded Material - material thrown away, abandoned, disposed of, or otherwise given up without intent to reuse, recycle or reclaim.

(38) Discharge – the accidental or intentional spilling, leaking, pumping, emitting, emptying, or dumping of solid waste, including leachate, into or on any land or water.

(39) Disease Vector - an organism that is capable of transmitting a disease from one host to another.

(40) Displacement - the relative movement of any two sides of a fault measured in any direction.

(41) Disposal - the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including, but not limited to, ground waters.

(42) Disposal Area – that portion of the facility that is designated for disposal, as defined in 335-13-1-.03.

(43) Drill Cuttings - solid materials generated by subsurface drilling operations.

(44) Dune - (see definition of primary dune system)

(45) Electric Generating Plants – an industrial site, or that portion of an industrial site, that produces electricity, to be used either on-site or off-site.

(46) Endangered or Threatened Species - any species listed as such pursuant to Section 4 of the Endangered Species Act of 1973, as amended.

(47) End-Use Manufacturing Facility - a site that converts a recovered or recyclable material to be utilized in place of a raw material and adds value as a final product or as an ingredient in a subsequent product. An end-use manufacturing facility is not a solid waste management facility; however, any solid waste resulting from the operation of a facility shall be subject to all applicable laws and regulations relating to solid waste. An end-use manufacturing facility shall provide notification to the Department according to the rules adopted by the Department.

(48) Energy Recovery - refers to a series of processes designed to convert waste materials into usable forms of energy, typically electricity or heat. This also includes waste to energy.

(49) Energy Recovery Facility-a solid waste management facility that is a processor that is subject to 335-13-3-.06.

(50) Engineer - a person currently registered as a professional engineer with the State of Alabama Board of Registration for Professional Engineers and Land Surveyors.

(51) Explosive Gas - a gas that is explosive under ordinary conditions as used herein generally refers to methane ($CH_4$).

(52) Facility - all contiguous land, structures and other appurtenances used for the processing, treatment, storage or disposal of solid waste, or the recovery of recyclable materials from solid waste, whether or not authorized or permitted, including, but not limited to, waste disposal areas and waste disposed therein.

(53) Facility Structures - any buildings and sheds or utility or drainage lines on the facility.

(54) Fault - a fracture or a zone of fractures in any material along which strata on one side have been displaced with respect to that on the other side.

(55) Financial Assurance – a financial arrangement by the owner or operator of a municipal solid waste landfill which guarantees the availability of funds which may be used to close, provide post-closure care, or conduct corrective action at that facility if the owner or operator fails to properly execute his or her responsibilities under this article and any rules promulgated by the Department for closure, post-closure care, or corrective action and the terms of any permit issued for operation of that facility.

(56) Floodplain - the lowland and relatively flat areas adjoining inland and coastal waters, including flood prone areas of offshore islands, which are inundated by the 100-year flood.

(57) Foundry Waste - waste, including but not limited to, slag, sand, baghouse dust, etc. generated from foundry smelting and metal casting processes.

(58) Free Liquids - liquids which readily separate from the solid portion of a waste under ambient temperature and pressure as determined by the Paint Filter Test referenced in USEPA Publication SW-846, Method 9095.

(59) Garbage - putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food, including, but not limited to, waste from markets, storage facilities, handling and sale of produce and other food products and excepting such materials that may be serviced by garbage grinders and handled as household sewage.

(60) Gas Condensate - the liquid generated as a result of the gas collection and recovery process at the landfill unit.

(61) Generation – the act or process of producing solid waste. Solid waste shall be considered to be generated at the point that waste materials are first discarded or collected, regardless of any subsequent materials recovery or recycling.

(62) Generator - any person who utilizes any process or conducts any activity which results in the production of solid waste.

(63) Groundwater - water below the land surface in the zone of saturation.

(64) Hazardous constituents – those substances listed in 335-14-2 Appendix VIII and/or 335-14-5 Appendix IX and include hazardous constituents released from solid waste, hazardous

waste, or hazardous waste constituents that are reaction by-products.

(65) Hazardous Waste - those wastes defined in, and regulated under, Division 14 of the ADEM Administrative Code.

(66) Health Department – an approved county or district health department, including the Alabama State Department of Public Health and the affected state and county health department.

(67) Health Officer – the State or affected county health officer or his or her designee.

(68) Holocene - the most recent epoch of the Quaternary period, extending from the end of the Pleistocene Epoch, at 11,700 years before present, to the present.

(69) Household Waste - any solid waste, including, but not limited to, garbage, trash, and sanitary waste in septic tanks derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas. Sanitary waste in septic tanks shall be considered as household waste only when it is disposed in a landfill or unauthorized dump and its inclusion as a household waste shall in no way prohibit or supersede the authority of the Department or the Health Department to regulate onsite sewage systems or the management of sanitary waste in septic tanks.

(70) Incinerator or Combustion Unit - a device designed to burn that portion of garbage and rubbish which will be consumed at temperatures generally ranging 1600 degrees Fahrenheit or over. The unburned residue from an incinerator, including metal, glass, and the like shall be called ashes.

(71) Industrial Landfill (ILF) Unit - a discrete area of land or an excavation that receives industrial solid waste and may in addition receive construction/demolition waste and/or rubbish and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined in this rule.

(72) Industrial Solid Waste - solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under Chapters 22 to 30, inclusive, of Title 22, Code of Alabama 1975, and the regulations promulgated thereunder.

(73) Infectious Agent - any organism (such as a virus or a bacterium) that is capable of causing disease or adverse health impacts in humans by invasion and multiplication in body tissues, fluids or secretions.

(74) Injection Well - a bored, drilled, or driven shaft or dug hole which is used for the injection of pollutants.

(75) Innocent Landowner – an owner of real property upon which there is located an unauthorized dump and who meets all of the following conditions:

(a) The solid waste was disposed of on the property after the owner acquired title to the property or the waste was disposed of before the owner acquired title to the property and the owner lacked actual knowledge of the waste after conducting reasonable due diligence or title was acquired by bequest or devise.

(b) The owner did not have knowledge that the waste was being disposed of on the property or the owner took steps, including, but not limited to, posting signs to prevent disposal on the property.

(c) The owner did not participate in or consent to the disposal of solid waste on the property.

(d) The owner did not receive any financial benefit from the disposal of solid waste on the property.

(e) Title to the property was not transferred to the owner for the purpose of evading liability for operating an unauthorized dump.

(f) The person or persons responsible for disposing of the solid waste on the property, in doing so, was not acting as an agent for the owner.

(76) Karst Terrains - areas where karst topography, with its characteristic surface and subterranean features, is developed as the result of dissolution of limestone, dolomite, or other soluble rock. Characteristic physiographic features present in karst terrains include, but are not limited to, sinkholes, sinking streams, caves, large springs, and blind valleys.

(77) Land Application Unit - an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for agricultural purposes or for treatment and disposal.

(78) Landfill (LF) – a method of compaction and earth or alternative cover of solid wastes other than those containing garbage or other putrescible wastes, including, but not limited to, tree limbs and stumps, demolition materials, incinerator residues, and like materials not constituting a health or nuisance hazard, where cover need not be applied on a per day used basis.

(79) Landfill (LF) Unit - this term shall include MSWLF, C/DLF, ILF units.

(80) Land Surveyor - a person currently registered as a land surveyor with the State of Alabama Board of Registration for Professional Engineers and Land Surveyors.

(81) Lateral Expansion - a horizontal expansion of the waste boundaries of an existing landfill unit.

(82) Leachate - any liquid, including any soluble, suspended or miscible components in the liquid, that has percolated through or emerged from solid waste other than construction/demolition waste and or rubbish.

(83) Leachate Recirculation - the recycling or reintroduction of leachate into or on a landfill unit constructed with liners and leachate collection systems.

(84) Lift - the compacted vertical thickness of a horizontal series of cells which have been accumulated and covered with earth or some other approved alternative cover. The cover may be either daily, weekly, intermediate, or final as required.

(85) Liquid Waste - any waste material that is determined to contain "free liquids" as defined by Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846), and is not considered bladeable.

(86) Lithified Earth Material - all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. This term does not include man-made materials, such as fill, concrete, and asphalt, or unconsolidated earth materials, soil, or regolith lying at or near the earth surface.

(87) Lower Explosive Limit (LEL) - the lowest percent by volume of a mixture of explosive gases which will propagate a °flame in air at 25 C and atmospheric pressure. For methane ($CH_4$) the LEL is considered to be 5 percent.

(88) Materials Recovery Facility - a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of those materials. A materials recovery facility shall be deemed to be a solid waste treatment facility.

(89) Maximum Contaminant Level (MCL) – the maximum permissible level of a contaminant allowed in the saturated zone unless

occurring naturally or found to already exist during background sampling.

(90) Maximum Horizontal Acceleration in Lithified Earth Material - the maximum expected horizontal acceleration depicted on a seismic hazard map, with a 90 percent or greater probability that the acceleration will not be exceeded in 250 years, or the maximum expected horizontal acceleration based on a site-specific seismic risk assessment.

(91) Medical Waste – any infectious solid or liquid waste from a medical waste generator, as defined in chapter 335-17-1.

(92) Municipal Solid Waste Landfill (MSWLF) Unit - a discrete area of land or an excavation that receives household waste and that is not a land application unit, surface impoundment, injection well, or waste pile. A municipal solid waste landfill may also receive other types of solid wastes, such as commercial solid waste, nonhazardous sludge, very small quantity generator waste, industrial solid waste, construction/demolition waste, and rubbish. A municipal solid waste landfill is a sanitary landfill. Such a landfill may be publicly or privately owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit or a lateral expansion.

(93) Off-site - not a part of what is defined as on-site.

(94) On-site - the same or geographically contiguous property which may be divided by public or private right-of-way. Non-contiguous properties owned by the same person or entity connected by a right-of-way which he controls and to which the public does not have access, is also considered on-site property.

(95) One Hundred-Year flood - a flood that has a one percent or greater chance of recurring in any given year or a flood of a magnitude equaled or exceeded once in 100 years on the average over a significantly long period.

(96) Open Burning - the combustion of any material without the following characteristics:

(a) Control of combustion air to maintain adequate temperature for efficient combustion.

(b) Containment of the combustion-reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, and

(c) Control of emission of the gaseous combustion products.

(97) Operating Record - a collection of documents relating to the permitting or operation of any landfill unit as listed in rule 335-13-4-.29.

(98) Operator - the person(s) having direct supervision over and responsibility for the daily operation of a landfill unit or part of a landfill unit.

(99) Owner - the person(s) who owns a facility or part of a facility.

(100) Partial Closure - the closure of a discrete part of a facility in accordance with the applicable closure requirements of rule 335-13-4-.20. For example, partial closure may include the closure of a trench, a unit operation, a landfill cell or a pit, while other parts of the same facility continue in operation or will be placed in operation in the future.

(101) Permit - written authorization granted to a person by the Department to operate a solid waste management facility for the disposal of solid waste.

(102) Permittee - any person possessing a valid permit issued by the Department to dispose of solid waste. This person is responsible for the overall operation of a solid waste facility.

(103) Person - any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, agent, agency, association, State, municipality, commission, political subdivision of a state, any interstate body, or any other private or public legal entity.

(104) Personnel - all persons who work at or supervise the operations of a solid waste facility, and whose actions or inactions may responsible for achieving compliance with the requirements of this Division.

(105) Petroleum Contaminated Waste (PCW) - any material, including but not limited to soil, debris, absorbent pads/ booms, oil dry, etc., that has been exposed to petroleum products in such a manner that the petroleum product can be detected by a total petroleum hydrocarbon (TPH) analysis using Standard Method 503 D & E, EPA Methods 9071 or 418.1 (Spectrophotometric, Infrared, and that analysis exceeds 100 ppm TPH.

(106) Poor Foundation Conditions - those areas where features exist which indicate that a natural or man-induced event may result in inadequate foundation support for the structural components of a landfill unit.

(107) Post Closure - the activities, including monitoring and maintenance at the site, following completion of closure activities if solid waste will remain at the site after closure.

(108) Practice - any operating method, technique or procedure for the management of solid waste.

(109) Primary Dune System - has the same meaning as in ADEM Administrative Code r. 335-8-1-.02.

(110) Private Solid Waste Management Facility – a solid waste management facility that is operated exclusively by and for a private solid waste generator for the purpose of accepting solid waste generated on-site or by the permittee.

(111) Product – any material which is an intended output or result of a fabrication, manufacturing or production process, and is sold and distributed in the stream of commerce for consumption, use, or further processing into another desired commodity. A product must be managed as an item of value in a controlled manner and is not to be managed as a discarded material.

(112) Proposed site - total acreage as identified by the legal survey included in the application submitted to the Department.

(113) Public Solid Waste Management Facility - a solid waste management facility that accepts solid waste from the public generally or for a fee, or any solid waste management facility that is not a private solid waste management facility.

(114) Qualified Groundwater Scientist - a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has sufficient training and experience in groundwater hydrology and related fields as may be demonstrated by state registration, professional certifications, or completion of accredited university programs that enable that individual to make sound professional judgments regarding groundwater monitoring, contaminant fate and transport, and corrective-action.

(115) Recovered Materials – those materials which have known recycling potential; which can be feasibly recycled; which have been diverted or removed from the solid waste stream for recycling, whether or not requiring subsequent separation and processing; and which have a substantial portion that are consistently used in the manufacture of products which may otherwise be produced from raw or virgin materials. Recovered materials shall not include solvents or materials, except sawdust, bark, and paper materials that are destined for

incineration, energy recovery, or any use which constitutes disposal. Recovered materials shall only be those materials for which during the calendar year (commencing on January 1), the amount of material recycled or diverted from the solid waste stream for recycling and transferred to a different site for recycling equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period.

(116) Recovered Materials Processing Facility - a facility primarily engaged in the storage, processing, and resale or reuse of recovered materials. A recovered materials processing facility is not a solid waste management facility; however, any solid waste resulting from the operation of a facility shall be subject to all applicable laws and regulations relating to solid waste and shall be deemed to be generated for purposes of reporting pursuant to solid waste reduction goals, at the point of collection of the recovered materials from which the solid waste resulted. A recovered material processing facility shall provide notification to the Department according to the rules adopted by the Department.

(117) Recyclable Materials - those materials which are capable of being recycled, whether or not the materials have been diverted or removed from the solid waste stream.

(118) Recycling - any process by which materials are collected, separated, stored, recovered, or processed and reused or returned to use in the form of raw materials or products, but does not include the use of materials as a fuel, or for any use which constitutes disposal.

(119) Relevant Point of Compliance - That point within the first saturated zone at which groundwater quality must be in compliance with water quality standards set forth by rule 335-13-4-.27. Groundwater monitoring wells are to be located in order to yield samples that are representative of the quality of groundwater passing the relevant point of compliance.

(120) Representative Sample - a sample of a universe or whole (e.g., waste pile, lagoon, and groundwater) which can be expected to exhibit the average properties of the universe or whole. See EPA publication SW-846, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, Chapter 9 for a discussion and examples of representative samples.

(121) Responsible Official-the responsible official is defined as:

(a) For a corporation, a principal executive officer of a least the level of vice president, or his designee through a written delegation of this authority.

(b) For a partnership or limited partnership, a general partner.

(c) For a sole proprietorship, the proprietor.

(d) For a municipality, State, federal, or other public agency to include governmental non-profit organizations, either a principal executive or ranking elected official.

(e) For a limited liability company, a manager designated by the members of the limited liability company to manage the limited liability company as provided in the articles of organization.

(122) Rubbish - nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes. Combustible rubbish includes paper, rags, cartons, wood, furniture, rubber, plastics, and similar materials. Noncombustible rubbish includes glass, crockery, metal cans, metal furniture and like materials which will not burn at ordinary incinerator temperatures, not less than 1600 degree F. Uncontaminated concrete, soil, brick, waste asphalt paving, ash resulting from the combustion of untreated wood, rock, yard trimmings, leaves, stumps, limbs and similar materials are excluded from this definition.

(123) Run-Off - any rainwater, leachate, or other liquid that drains over land from any part of a facility.

(124) Run-On - any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

(125) Salvaging - the controlled removal for reuse of material from a solid waste landfill unit.

(126) Sanitary Landfill - a controlled area of land upon which solid waste is deposited and is compacted and covered with compacted earth or an alternative cover each day as deposited, with no on-site burning of wastes, and so located, contoured and drained that it will not constitute a source of water pollution as determined by the Department. See definition of "Municipal Solid Waste Landfill Unit."

(127) Sanitary Sewer - any device or system used in the treatment of municipal sewage or industrial waste of a liquid nature. This includes sewers, pipes or other conveyances only if they convey wastewater to a facility providing treatment.

(128) Saturated Zone - that part of the earth's crust in which all voids are filled with water.

(129) Scavenging - the unauthorized removal of solid waste from a landfill unit permitted under these regulations.

(130) Seismic Impact Zone - an area with a ten percent or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull (g), will exceed 0.10 g in 250 years.

(131) Service Area - the geographical area serviced by a solid waste facility from which solid waste is generated and collected, including any interim points, (i.e., transfer stations) at which the solid waste is repacked or reloaded onto vehicles or other methods of transport for delivery to that facility. For public solid waste management facilities, the service area is established as part of the local host government approval process, as described in Code of Alabama 1975, §22-27-48 and 48.1.

(132) Sludge - any nonhazardous, solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

(133) Solid Waste - any garbage, rubbish, construction or demolition debris, ash, or sludge from a waste treatment facility, water supply plant, or air pollution control facility, and any other discarded materials, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or community activities, or materials intended for or capable of recycling, but which have not been diverted or removed from the solid waste stream. The term "solid waste" does not include recovered materials, solid or dissolved materials in domestic sewage, solid or dissolved material in irrigation return flows, or industrial discharges which are point sources subject to the National Pollutant Discharge Elimination System permits under the Federal Water Pollution Control Act, as amended, or the Alabama Water Pollution Control Act, as amended, or source, special, nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended. Also excluded from this definition are land applications of crop residues, animal manure, and ash resulting exclusively from the combustion of wood during accepted agricultural operations, waste from silvicultural operations, or refuse as defined and regulated pursuant to the Alabama Surface Mining Act of 1969 (Article 1, Chapter 16, Title 9, Sections 9-16-1 to 9-16-15, Code of Alabama 1975).

(134) Solid Waste Boundary - the outermost perimeter of the solid waste, projected in the horizontal plane, as it would exist at completion of the disposal activity.

(135) Solid Waste Disposal Facility – any landfill or part of a facility where final disposition of solid waste occurs and at which waste may remain after closure.

(136) Solid Waste Management – the systematic control of solid waste including its storage, processing, treatment, recovery of materials from solid waste, or disposal.

(137) Solid Waste Management Facility – any solid waste volume reduction plant, transfer station, material recovery facility, or other facility, the purpose of which is the storage, treatment, utilization, processing, disposal, or recovery of materials from solid waste, or any combination thereof.

(138) Special Waste - those wastes requiring specific processing, handling or disposal techniques as determined necessary by the Department which are different from the techniques normally utilized for handling or disposal. Examples of such waste types may include, but are not limited to: mining waste, fly ash, bottom ash, sludges, friable asbestos, industrial waste, liquid waste, large dead animals or large quantities of dead animals and residue, medical waste, foundry waste, petroleum contaminated wastes, municipal solid waste ash, or contaminated soil and water from the cleanup of a spill.

(139) Spill - the unplanned, accidental or unpermitted discharge, deposit, injection, leaking, pumping, pouring, emitting, dumping, placing or releasing of solid or medical waste, or materials which when spilled become solid or medical waste, into or on the land, the air or the water.

(140) State - the State of Alabama.

(141) State Health Department - the Alabama Department of Public Health as defined by §22-1-1, Code of Alabama 1975.

(142) State Health Officer - the Health Officer for the State of Alabama as set out in §22-2-8, Code of Alabama 1975, or his or her designee provided by law.

(143) Structural Components - liners, leachate collection systems, final covers, run-on/run-off systems, and any other component used in the construction and operation of the landfill unit that is necessary for protection of human health and the environment.

(144) Surface Impoundment or Impoundment - a facility or part of a facility that is a natural topographic depression, human-made excavation, or diked area formed primarily of earthen materials (although it may be lined with human-made materials), that is designed to hold an accumulation of liquid wastes or wastes containing free liquids and that is not an

injection well. Examples of surface impoundments are holding storage, settling, and aeration pits, ponds and lagoons.

(145) Twenty-Four Hour, Twenty-Five Year Storm (24 hour, 25 year Storm) - the maximum 24 hour precipitation event with a probable reoccurrence interval of once in twenty-five years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U. S.", May 1961, and subsequent amendments or equivalent regional or rainfall probability information developed therefrom.

(146) Unauthorized Dump - any collection of solid wastes either dumped or caused to be dumped or placed on any public or private property, whether or not regularly used, and not having a permit from the Department. Abandoned automobiles, large appliances or similar large items of solid waste shall be considered as forming an unauthorized dump within the meaning of this Division. The careless littering of a relatively few, smaller individual items such as tires, bottles, cans and the like shall not be considered an unauthorized dump, unless the accumulation of the solid waste poses a threat to human health or the environment. An unauthorized dump shall also mean any solid waste disposal site which does not meet the regulatory provisions of this Division.

(147) Unstable Area - a location that is susceptible to natural or human-induced events or forces capable of impairing the integrity of some or all of the landfill structural components responsible for preventing releases from a landfill. Unstable areas can include poor foundation conditions, areas susceptible to mass movements, and karst terrains.

(148) Uppermost Aquifer - the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

(149) Washout - the carrying away of solid waste or cover by waters of a 100-year flood.

(150) Waste Management Unit Boundary - a vertical surface located at the hydraulically downgradient limit of the unit. This vertical surface extends down into the uppermost aquifer.

(151) Waste Pile or Pile - any noncontainerized accumulation of solid, non-flowing waste that is used for treatment or storage.

(152) Waters of the State (Waters) - all waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the State, natural or

artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce.

(153) Wetlands - those areas as defined by the U.S. Army Corps of Engineers regulations.

(154) Wood Ash Waste – solid waste resulting from the burning of untreated wood with minimal amounts (<10% of total fuel based on a mass input basis) of other non-coal permitted solid fuels. Ash resulting exclusively from the combustion of non-processed and untreated wood is excluded from the definition of wood ash waste.

(155) Working Face – the area within a solid waste disposal facility that is actively receiving solid waste for compaction and cover.

(156) Whole Tire- has the same meaning as in ADEM Administrative Code r. 335-4-1-.02.

**Author:** Russell A. Kelly, Phillip D. Davis, James L. Bryant, Eric L. Sanderson, S. Scott Story, Heather M. Jones. Jason Wilson, Blake B. Pruitt
**Statutory Authority:** Code of Ala. 1975, §§22-27-2, 22-27-7, 22-27-9, 22-27-12.
**History:** Effective: November 18, 1981; **Amended:** 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 June 28, 2010; effective August 2, 2010. **Amended:** Filed December 12, 2011; effective January 16, 2012. **Amended:** Filed February 23, 2016; effective April 8, 2016. **Amended:** Filed April 24, 2018; effective June 8, 2018. **Amended:** Filed June 25, 2019; effective July 9, 2019. **Amended:** Published October 29, 2021; effective December 13, 2021. **Amended:** Published June 30, 2025; effective August 14, 2025.

**335-13-1-.04 Limitations.**

Nothing in these rules and regulations shall be construed to limit the authority of municipal and county governments, solid waste authorities, Local Health Officer or State Health Department from adopting more stringent solid waste management requirements than those set forth in this Division.
**Author:** Phillip D. Davis
**Statutory Authority:** Code of Ala. 1975, §§22-22A-4, 22-27-3, 22-27-5, 22-27-6, 22-27-7, 22-27-9, 22-27-10, 22-27-11, 22-27-12, 22-27-13, 22-27-14.
**History:** Effective: November 18, 1981; **Amended:** July 21, 1988; October 2, 1990. **Amended:** Filed June 28, 2010; effective August 2, 2010.

**335-13-1-.05 Communications.**

All official communications, reports, and correspondence concerning this Division shall be addressed to the ADEM, Land Division, 1400 Coliseum Boulevard, Montgomery, Alabama 36110-2400 or P.O. Box 301463, Montgomery, Alabama 36130-1463.
**Author:** Russell A. Kelly, Phillip D. Davis, S. Scott Story
**Statutory Authority:** Code of Ala. 1975, §§22-27-7, 22-27-11, 22-27-12.
**History:** **New Rule:** Filed June 21, 1996; effective July 26, 1996. **Amended:** Filed June 28, 2010; effective August 2, 2010. **Amended:** Filed April 24, 2018; effective June 8, 2018.

**335-13-1-.06 Penalty For Violations.**

No person shall violate any of the provisions of these rules and regulations. Violation of these rules and regulations shall be deemed to be a violation of the Act, Code of Ala. 1975, §§22-27-7 and 22-27-11, and shall be punishable as provided therein or by other applicable penalties which may be more stringent.
**Author:** Russell A. Kelly, Phillip D. Davis
**Statutory Authority:** Code of Ala. 1975, §§22-22A-5, 22-27-7. 22-27-11, 22-27-12.
**History:** **New Rule:** Filed June 21, 1996; effective July 26, 1996. **Amended:** Filed June 28, 2010; effective August 2, 2010.

**335-13-1-.07 Appeals.**

Any person aggrieved by any administrative action of the Department, with respect to these regulations, is entitled to a hearing before the Commission and has the right of appeal in accordance with procedures established in chapter 335-2-1 of the ADEM Administrative Code.
**Author:** Russell A. Kelly, Phillip D. Davis, Heather M. Jones
**Statutory Authority:** Code of Ala. 1975, §§22-27-7, 22-27-12, 22-22A-7.
**History:** **New Rule:** Filed June 21, 1996; effective July 26, 1996. **Amended:** Filed June 28, 2010; effective August 2, 2010. **Amended:** Filed April 24, 2018; effective June 8, 2018. **Amended:** Published October 29, 2021; effective December 13, 2021.

**335-13-1-.08 Severability.**

The chapters, rules, paragraphs and provisions of this Division are severable. Should any portion thereof be ruled unconstitutional or unenforceable by any court, the said ruling shall not affect any other provisions of this Division not ruled upon.
**Author:** Russell A. Kelly, S. Scott Story
**Statutory Authority:** Code of Ala. 1975, §§22-22A-5, 22-22A-8, 22-27-6.
**History:** **New Rule:** Filed June 21, 1996; effective July 26, 1996.
**Amended:** Filed April 24, 2018; effective June 8, 2018.

**335-13-1-.09 Repealer.**

(REPEALED)
**Author:** Russell A. Kelly
**Statutory Authority:** Code of Ala. 1975, §22-27-7.
**History:** **New Rule:** Filed June 21, 1996; effective July 26, 1996.
**Repealed:** Published October 29, 2021; effective December 13, 2021.

**335-13-1-.10 Effective Date.**

Reserved
**Author:** Russell A. Kelly, Phillip D. Davis
**Statutory Authority:** Code of Ala. 1975, §§22-22A-5, 22-22A-8, 22-27-7.
**History:** **New Rule:** Filed June 21, 1996; effective July 26, 1996.
**Repealed:** Filed June 28, 2010; effective August 2, 2010.

**335-13-1-.11 General.**

(1) All solid waste shall be disposed of in a manner consistent with the requirements of this Division.

(2) Duty to provide information. Any owner or operator subject to the requirements of this Division shall furnish to the Department, within a reasonable time, any relevant information which the Department may request to determine compliance with this Division. The owner or operator shall also furnish to the Department, upon request, copies of records required to be kept by any requirement of this Division.
**Author:** Russell A. Kelly, Heather M. Jones

**Statutory Authority:** Code of Ala. 1975, §§22-22A-4, 22-22A-5, 22-27-7.
**History:** Effective: November 18, 1981; **Amended:** July 21, 1988; October 2, 1990. **Amended:** September 28, 1993; effective November 2, 1993. **Amended:** Published October 29, 2021; effective December 13, 2021.

**335-13-1-.12 [Reserved].**
**Author:**
**Statutory Authority:** Code of Ala. 1975, §22-27-2, 22-27-7.
**History:** Effective: November 18, 1981; **Amended:** July 21, 1988; October 2, 1990. **Repealed:** Filed September 28, 1993; effective November 2, 1993.

**335-13-1-.13 Unauthorized Dump.**

(1) Prohibition.

(a) Unauthorized dumps are prohibited by this Division, and are a violation of the Act.

(b) Unpermitted solid waste landfill units failing to satisfy the Division 13 regulations constitute unauthorized dumps, which are prohibited, and must be closed in accordance with Rule 335-13-1-.13(2) or rule 335-13-4-.20.

(2) Closure. An agency or person discontinuing the use of an unauthorized dump, whether on his or her own initiative or at the direction of the Department, shall take one of the following actions as determined to be necessary by the Department:

(a) Remove all the solid waste from the site and place in an approved landfill unit, a registered recycling facility or an otherwise appropriate beneficial reuse in accordance with a clean-up, site restoration and monitoring plan, as approved by the Department. In accordance with ADEM Division 335-6, Water Quality Program, the Department may also require monitoring of the site for unpermitted discharges to waters of the state as defined by the Alabama Water Pollution Control Act and other sources as may be necessary to protect public health and the environment; or,

(b) Undertake closure of the unauthorized dump subject to any or all of the following actions as determined necessary by the Department:

1. Prepare and submit a site closure plan, subject to approval by the Department.

2. Barricade and secure entrance.

3. Implement effective rodent or vector controls, including baiting for at least two weeks after closing, to prevent rodent migration to adjacent properties and spraying of containers to control mosquitoes, or other measures as determined necessary by the Department.

4. Compact and cover existing solid waste. Final cover for the entire area shall be two feet or more of compacted earth or as otherwise determined by the Department. Earth cover shall be of a quality to be easily managed and with sufficient clay content to provide an adequate seal on the waste. The uppermost 6" of cover shall support an adequate stand of vegetation.

5. The establishment of a vegetative or some other appropriate cover to minimize erosion and, when applicable, maximize evapotranspiration shall be established. Within 30 days after completion of final grading, the owner or operator of the dump shall prepare the final cover for the establishment of a vegetative or approved alternative cover. For the establishment of a vegetative cover, such preparation shall include, but not be limited to:

(i) Placement of appropriate species of grass seed, fertilizer and mulch; and

(ii) Watering and maintenance necessary such that germination can reasonably be anticipated.

6. Implement and maintain erosion control measures by grading and re-establishing vegetative cover as needed or determined necessary.

7. Post signs indicating the dump site closure and location of the nearest approved disposal site when deemed necessary by the Department.

8. Based on site geology, hydrology or waste types, the Department may require additional measures, which may include but shall not be limited to, groundwater monitoring.

9. For all unauthorized dumps closed in accordance with the requirements of Rule 335-13-1-.13(2)(b), the landowner shall enter into an Environmental Covenant in accordance with Division 335-5, Uniform Environmental Covenants Program.

(c) If all solid wastes are removed from the site according to subparagraph (a) of this rule, the environmental covenant in subparagraph (b)9 of this rule will not be required.

**Author**: Russell A. Kelly, Phillip D. Davis, S. Scott Story
**Statutory Authority**: Code of Ala. 1975, §§22-27-4, 22-27-7, 22-27-10, 22-27-11, 22-27-12.
**History**: Effective: November 18, 1981. **Amended**: Filed April 12, 1988; effective May 17, 1988. **Amended**: 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 June 28, 2010; effective August 2, 2010. **Amended**: Filed April 24, 2018; effective June 8, 2018.