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

CHAPTER 335-13-5
PROCEDURES FOR OBTAINING PERMITS

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335-13-5-.01 Permits.

Solid waste management subject to this Division shall take place in a unit(s) permitted by the Department. Rules 335-13-5-.02 through 335-13-5-.07 establish the minimum requirements and procedures for obtaining a solid waste landfill permit, composting facility permit or CCR facility permit for existing and proposed facilities. The technical standards used to determine the requirements of a permit are set out in chapter 335-13-4 for landfills, 335-13-14 for composting facilities and 335-13-15 for CCR units.
Author: Russell A. Kelly, Heather M. Jones
Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-27-3, 22-27-5, 22-27-7.
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335-13-5-.02 Permit Application.

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

(1) Application Requirements.

(a) Solid Waste Landfills. Landfill units proposed after the effective date of this Division shall obtain permits to

construct and/or operate by submitting a permit application consisting of the following in order to request a permit:

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

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

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

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

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

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

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

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

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

7. The Department may waive certain requirements of (a)3. and 4. for those landfill units that will receive for disposal only construction and demolition type waste. A permit application for a C/DLF shall be submitted on a permit application form designated by the Department, which shall specify the minimum requirements for a complete application. The C/DLF permit application shall

also include statements signed by a professional engineer and a representative of the facility owner/operator certifying that the information being submitted is accurate and correct. The submittal of false or inaccurate information shall result in the C/DLF permit application being suspended or denied.

(b) Composting Facilities.

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

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

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

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

(iii) The operational capacity of the composting facility.

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

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

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

(vii) A fire prevention plan.

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

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

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

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

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

(c) CCR Facilities. All solid waste management of CCR generated from the combustion of coal at electrical utilities and independent power producers shall take place in a unit permitted by the Department. New and existing CCR landfills and surface impoundments shall obtain permits for construction, operation, closure and/or post-closure in accordance with the following:

1. Existing CCR Surface Impoundments. Except as provided in 335-13-5-.02(1)(c)3., for existing CCR surface impoundments, the owner or operator shall submit the following in order to request a permit:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(x) Quality assurance/quality control (QA/QC) plan for all components of the final cover system.

(xi) An operation plan that includes at a minimum:

(I) A CCR fugitive dust control plan developed in accordance with 335-13-15-.05(1).

(II) An inflow design flood control system plan developed in accordance with 335-13-15-.05(3).

(III) All technical reports, plans and specifications documenting compliance with the requirements of 335-13-15-.05(4) and 335-13-15-.05(6).

(IV) A detailed description of the groundwater monitoring and analysis program developed in accordance with 335-13-15-.06.

(V) Procedures for compliance with recordkeeping, notification and internet posting as required under 335-13-15-.08.

(VI) Procedures for updating all plans and assessments periodically as required by 335-13-15.

(xii) The written closure and post-closure or retrofit plan developed in accordance with 335-13-15-.07.

(xiii) Any additional information that may be required by the Department.

(xiv) The name and mailing address of all property owners whose property, per county tax records, is adjacent to the proposed site.

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

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

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

(ii) Technical report for the hazard potential classification as outlined in 335-13-15-.04(5)(a)2. and the Emergency Action Plan (EAP), if necessary, under 335-13-15-.04(5)(a)3.

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

(I) All the information required by 335-13-15-.04(5)(c)1.(i) through (xii).

(II) Results of the structural stability assessment as required by 335-13-15-.04(5)(d).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Permit Renewal Application Requirements.

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

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

2. Technical data, plans and reports as required under the following:

(i) 335-13-5-.02(1)(a)3. through 5., excluding 335-13-5-.02(1)(a)5.(ii), for landfills;

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

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

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

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

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

(4) Filing Deadline. Applications for an extension, renewal, or a new permit for any landfill facility, composting facility or CCR facility shall be filed with the Department by the owner or operator at least 180 days prior to the expiration date for existing permits or the proposed construction date for new

facilities. Applications for an initial permit for CCR facilities shall be filed with the Department within 180 days after the original effective date of 335-13-15.

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

(6) Effect of non-compliance.

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

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

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

2. The applicant could not comply with the permit as issued.

Author: Russell A. Kelly, Eric L. Sanderson, S. Scott Story, Heather M. Jones, Jason Wilson
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335-13-5-.03 Public Notice.

(1) Notice Requirements.

(a) The Department shall provide notice and an opportunity for a public hearing and comment on any solid waste landfill unit,

composting facility or CCR facility permit initial issuance, renewal, a modification listed in 335-13-5-.06(1), 335-13-5-.06(2)(b), or 335-13-5-.06(4)(b)2. to the facility permit, or if otherwise determined necessary to meet the requirements of this Division.

(b) The following procedures shall be observed:

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

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

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

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

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

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

5. The Department shall send by certified mail, a written copy of the public notice to landowners adjacent to the subject solid waste landfill, composting or CCR facility at the address as indicated on county tax records and provided by the applicant as part of the permit application. The list and addresses of adjacent land owners, as provided in the permit application, shall be verified and/or updated by the applicant and such

documentation shall be provided to the Department within 90 days prior to the public notice date. Documentation that notice was sent shall include copies of the signed receipts of certified mail delivery or a copy of any returned certified mail item, that is refused or otherwise undeliverable.

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

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

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

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

Author: Russell A. Kelly, S. Scott Story, Heather M. Jones, Jason Wilson
Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-27-7.
History: Effective November 18, 1981. **Amended:** July 21, 1988. **Amended:** Filed September 28, 1993; effective November 2, 1993. **Amended:** Filed June 21, 1996, effective July 26, 1996. **Amended:** Filed April 24, 2018; effective June 8, 2018. **Amended:** Filed June 25, 2019; effective August 9, 2019. **Amended:** Published October 29, 2021; effective December 13, 2021. **Amended:** Published October 31, 2024; effective December 15, 2024.

335-13-5-.04 Public Hearing.

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

(2) Procedures.

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

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

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

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

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

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

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

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

1. A summary of the proposed permitting action.

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

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

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

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

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

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

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335-13-5-.05 Permit Denial, Suspension Or Revocation.

(1) Conditions. The Department may deny, suspend or revoke any operating permit if:

(a) The permittee is found to be in violation of any of the permit conditions,

(b) The permittee fails to perform the permitted activity in accordance with the approved permit application, operational plan/narrative or engineering drawings;

(c) The permittee fails to seek a modification of the permit as required by 335-13-5-.06;

(d) An active solid waste landfill stops receiving waste as specified in 335-13-4-.20(2)(f);

(e) An active composting facility stops accepting and processing raw material as specified by 335-13-14-.09(2);

(f) An active CCR facility stops receiving waste as specified by 335-13-15-.07(3)(e); or

(g) The design and/or operations create a nuisance or is inconsistent with the Act or this Division.

(2) Written Notice. In the event of denial, suspension or revocation of an operating permit, the Department shall serve written notice of such action on the permittee and shall set forth in such notice the reason for such action.

(3) Closure. Upon revocation or suspension of the operating permit, or denial of the renewal of the permit, the permittee shall meet the closure requirements found in 335-13-4-.20 for solid waste landfill units, 335-13-14-.09 for composting facilities or 335-13-15-.07 for CCR units.
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335-13-5-.06 Permit Modification.

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

(1) Major Modifications.

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

1. There is any change in the permitted service area. The Director may temporarily or on a one-time basis waive permit modification requirements related to service area on a case-by-case basis, if it is demonstrated that a disposal alternative is needed immediately to protect human health or the environment.

2. Convert an industrial landfill (ILF) or construction/ demolition landfill (C/DLF) to a municipal solid waste landfill (MSWLF) or convert a construction/demolition landfill (C/DLF) to an industrial landfill (ILF).

3. Addition of a liner and/or leachate collection system or any design change in the existing permitted liner and/ or leachate collection system.

4. Addition of acreage to the facility boundary or addition of disposal acreage inside the permitted perimeter where design plans have not been previously submitted.

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

(2) Minor Modifications.

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

1. Correction of typographical errors and informational changes as requested by the permittee.

2. Changes to remove permit conditions to conform with revised Department guidance or regulations (i.e., permit conditions that are no longer applicable because the standards upon which they were based are no longer applicable to the facility).

3. Changes, by the permittee, to approved applicable plans, as included in the permit application, that increase the frequency, duration or stringency of the actions covered by the applicable plan(s).

4. Addition of a new groundwater monitoring well or replacement of an existing monitoring well (i.e., one that has been damaged or rendered inoperable, as close as possible to the original location, and of similar design and depth).

5. Changes in the statistical analysis method (e.g. changing from interwell or intrawell analysis).

6. Changes in the stormwater conveyance system including, but not limited to, the addition of a sedimentation basin.

7. Changes in fill sequence.

8. Modifications required by 335-13-5-.06(2)(a) are not subject to the provisions of 335-13-5-.03 and 335-13-5-.04, and do not require public notice or a public hearing.

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

1. Addition of a waste stream to an ILF, C/DLF or CCR unit.

2. An increase in the average daily volume specified by the permit for a landfill or CCR unit. The Director may temporarily or on a one-time basis waive permit modification requirements related to an increase in the average daily volume on a case-by-case basis, if it is demonstrated that a disposal alternative is needed immediately to protect human health or the environment.

3. Addition of an alternative cover material for daily or weekly cover.

4. For landfill or CCR units undergoing corrective action, incorporation of approved final remedies into the permit, or any changes to the approved final remedy.

5. Any changes to the permitted final fill elevations.

6. Any change to the approved final closure method, as detailed in the closure plan submitted with the approved permit application.

7. Addition of an on-site leachate treatment system or any design change in an existing permitted on-site leachate treatment system.

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

1. The similarity of the modification to other modifications listed in 335-13-5-.06(2)(a); and

2. The criteria that the modification(s) apply only to changes that:

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

(ii) Do not substantially alter the permit conditions.

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

(a) Submit a request for modification to the Department at least 120 days prior to the anticipated change.

(b) Identify each and every part of the permit or plans to be modified.

(c) Submit revised plans and narratives as required by the Department.

(d) For those modifications subject to the provisions of 335-13-5-.03 for public notice that may require a public hearing under 335-13-5-.04, the name and mailing address of all property owners whose property, per county tax records, is adjacent to the site shall be submitted as part of the permit modification application.

(e) Receive approval from the Department prior to implementing the modification.

(4) Agency Initiated Modifications.

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

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

2. Reserved.

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

1. The Department has received supplemental information from a previously approved permitting action that was not available at the time of permit issuance (other than revised regulations, guidance or test methods);

2. The standards or rules on which the permit was based have been changed by statute, through promulgation of new or amended standards or rules, or by judicial decision after the permit was issued.

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

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

Author: Russell A. Kelly, S. Scott Story, Jared Kelly, Heather M. Jones, Jason Wilson
Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-27-3, 22-27-5, 22-27-7.
History: **New Rule:** Filed September 28, 1993; effective November 2, 1993. **Amended:** Filed June 21, 1996; effective July 26, 1996. **Amended:** Filed April 24, 2018; effective June 8, 2018. **Amended:** Published October 29, 2021; effective December 13, 2021. **Amended:** Published October 31, 2024; effective December 15, 2024.

335-13-5-.07 Transfer Of Permit.

Permits are not transferable except as follows:

(1) A notification must be submitted to and approved by the Department prior to any proposed transfer from one person or company to another or for the name change of any permitted facility.

(a) The notification must be submitted to the Department at least 30 days prior to the proposed transfer or name change.

(b) Information regarding the transfer or name change must be submitted on form(s) designated by the Department.

(2) [Reserved]

Author: Russell A. Kelly, Heather M. Jones
Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-27-7.
History: Effective: November 18, 1981; **Amended:** March 31, 1988. (Emergency Regulations); July 21, 1988. **Amended:** Filed September 28, 1993; effective November 2, 1993. **Amended:** Published October 29, 2021; effective December 13, 2021.

335-13-5-.08 Vertical Expansion.

(1) Applicability. Existing MSWLF units may continue to operate past October 8, 1993, or the effective date of §258.1 of 40 CFR 258, Solid Waste Disposal Criteria, whichever is later, provided that an adequate application request is submitted and approval is granted by the Department.

(2) Application Requests. A vertical expansion application request must be submitted to the Department. The application, at a minimum, shall include the following:

(a) An assessment of the existing groundwater data and groundwater monitoring system. The assessment shall include:

1. Submittals of past groundwater data and conclusions as to whether or not the groundwater has been impacted by the landfill.

2. Monitoring well data such as: well logs, total well depth, screen depth, depth to water level, indication/ documentation of upgradient or downgradient well location, numbering sequence, etc. and conclusions as to whether or not the groundwater monitoring system is adequate.

(b) A plat or engineering drawing, designating the active footprint; i.e., area where waste has previously been disposed and has not reached final closure elevations. Areas that have

the final closure cap in place will not be considered active areas.

(3) Approval Criteria. In determining whether to approve or deny the vertical expansion request, the Department shall consider the following criteria:

(a) If the groundwater analysis indicates no significant impact to the groundwater, the MSWLF will be allowed to fill vertically over the active footprint, according to the approved plans, until final closure elevations are reached, provided the active footprint is over a lined area with a leachate collection system. If the approved active footprint is over an unlined area, the MSWLF may not expand vertically past October 8, 1997.

(b) If the groundwater analysis indicates an increase over the background data (initial sampling data), and no sampling data has exceeded primary drinking water standards, unlined MSWLFs will be allowed to expand vertically until October 8, 1995 and MSWLFs operating over liners and leachate collection systems may operate according to the approved plans until final closure elevations are reached.

(c) If the groundwater analysis indicates an increase over the background data and exceeds the primary drinking water standards, the MSWLF must perform a groundwater assessment. After Departmental review of the groundwater assessment, a remediation plan (if required) must be submitted to and approved by the Department prior to October 9, 1993, or the effective date of §258.1 of 40 CFR 258, Solid Waste Disposal Criteria, whichever is later. If a remediation plan is approved by ADEM and implemented by the MSWLF unit, the facility may expand vertically until October 8, 1995.

(d) The active footprint shall be determined by the Department.

Author: Russell A. Kelly, S. Scott Story
Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-27-4, 22-27-7.
History: **New Rule:** Filed September 28, 1993; effective November 2, 1993. **Amended:** Filed June 21, 1996; effective July 26, 1996. **Amended:** Filed April 24, 2018; effective June 8, 2018.