

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 335
Department or Agency: Alabama Department of Environmental Management Land Division - Solid Waste Program
Rule No.: 335-13-4-.22
Rule Title: Specific Requirements For Municipal Solid Waste Landfills
Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Jeffery W. Kitchens
Jeffery W. Kitchens

Date

Thursday, June 13, 2024

REC'D & FILED
JUN 13, 2024
LEGISLATIVE SVC AGENCY

APA-2

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT LAND DIVISION - SOLID
WASTE PROGRAM

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-13-4-.22 Specific Requirements For Municipal
Solid Waste Landfills

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Revisions to 335-13-4-.22 are being proposed to make general needed updates.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held at 1:30 p.m. on August 8, 2024, in the ADEM Main Hearing Room, 1400 Coliseum Boulevard, Montgomery, Alabama 36110. Attendance at the hearing is not necessary to present such data, views, arguments, or comments. All comments should be received by 5:00 p.m., August 8, 2024.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, August 8, 2024

CONTACT PERSON AT AGENCY:

Lynn T. Roper, 334-271-7728

Jeffery W. Kitchens

Jeffery W. Kitchens

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

335-13-4-.22

Specific Requirements For Municipal Solid Waste Landfills.

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

(1) Daily Operation.

(a) All waste shall be covered as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. The containers:

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

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

(iii) Contain household wastes.

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

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

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

(2) Routine Maintenance.

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

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

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

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

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

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

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

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

(3) Additional Requirements.

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

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

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

Statutory Authority: Code of Ala. 1975, §§22-27-3, 22-27-4, 22-27-7.

History: 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 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 ; effective .