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

CHAPTER 335-13-1
GENERAL PROVISIONS

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.

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