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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 hearing 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 given not less than 35 days prior to the time of the public hearing shall include:

1. A summary of the proposed permit.

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. The Department shall take one of the following actions after the hearing:

(a) Deny the permit, stating in writing the reasons for denial and inform the person requesting the permit of appeal procedures in 335-13-1-.07;

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

(c) Require additional information, elements of design for the facility, and specify procedures for inclusion into the permit prior to issuance of the permit.

Author: Russell A. Kelly.
Statutory Authority: Code of Alabama 1975, §§ 22-22A-5 and 22-27-7.
History: November 18, 1981.
Amended: July 21, 1988; November 2, 1993; July 26, 1996.

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

(1) Conditions. The Department may deny, suspend or revoke any 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 operational narrative or engineering drawings,

(c) the permittee fails to seek a modification of the permit as required by the Rules,

(d) an active site stops receiving waste for more than one year, or

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(e) the design operations creates a nuisance or is inconsistent with the Act or this Division.

(2) Written Notice. In the event of denial, suspension or revocation of a 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 permit, or denial of the renewal of the permit, the permittee shall meet the closure requirements found in 335-13-4-.20.

Author: Russell A. Kelly.
Statutory Authority: Code of Alabama 1975, §§ 22-22A-5, 22-27-3, 22-27-5, and 22-27-7.
History: November 18, 1981.
Amended: March 31, 1988 (Emergency Regulations); July 21, 1988; October 2, 1990; November 2, 1993; July 26, 1996.

335-13-5-.06 Permit Modification. The Department may modify any permit after receiving a satisfactory application that is found in compliance with ADEM rules and regulations.

(1) Major Modifications.

(a) Permit modification shall be requested utilizing forms designated by the Department when the permittee proposes to modify its operation in any of the following ways:

1. There is any change in the permitted service area. The Director may temporarily or on a one-time basis waive permit modification requirements on a case-by-case basis for special waste or other solid waste if it is demonstrated that a disposal alternative is needed immediately to protect 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 leachate collection system or any design change in existing permitted liner and leachate collection system.

4. 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.

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(2) Minor Modifications.

(a) A permit modification shall be required, utilizing forms designated by the Department, when the permittee proposes to modify its operations or design in any of the following ways:

1. Addition of a waste stream to a ILF or C/DLF.

2. Addition or relocation of a monitoring well.

3. Addition of sedimentation basins.

4. Any change in the permitted final fill elevations.

5. The average daily volume of waste specified by the permit for a landfill unit is proposed to be exceeded, or is exceeded for two or more consecutive reporting quarters, by 20 percent, or 100 tons/day, whichever is less.

(i) The average daily volume of waste received at a landfill unit shall be calculated by dividing the total month's receipts by the total number of days in the reporting month.

(ii) Volumes received shall be reported to the Department in a format specified by the Department.

(b) Modification required this paragraph are not subject to the provision of Rules 335-13-5-.03 and 335-13-5-.04, and do not require public notice or public hearing.

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

(a) Submit a request for modification to the Department at least 90 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) Receive approval from the Department prior to implementing modification.

Author: Russell A. Kelly.
Statutory Authority: Code of Alabama 1975, §§ 22-22A-5, 22-27-3, 22-27-5, and 22-27-7.
History: November 2, 1993.
Amended: July 26, 1996.

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