

Alabama

Chapter Newsletter

Volume 3

June 2018

Alabama Adopts New CCR Rule

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In this Issue.

Alabama Adopts New CCR Rule 1

Save the Date- 2018 SS Conference 2-3

Upcoming Events 4

On April 20, 2018, the Alabama Environmental Management Commission adopted new regulations governing coal combustion residuals (CCR), as proposed by ADEM. Most of the new regulations are found in a new Chapter 335-13-15 and took effect on June 8, 2018.

Alabama's regulations largely follow the structure and content of the federal CCR rule (40 C.F.R. Part 257, Subpart D). Like the federal rule, the state rule includes standards for CCR unit design, operation, and location. The new rules require groundwater monitoring and include new provisions for closure and post-closure care, as well as the posting of compliance-related information to the internet.

The rule includes a number of risk-based provisions, which have been referenced as "flexibilities," that are drawn directly from the municipal solid waste landfill (MSWLF) regulations of ADEM and EPA. Those provisions are subject to limitations that they do not take effect until 45 days after EPA approves them. In the 2015 preamble to the federal rule, EPA indicated it did not include these flexibilities because federal law did not authorize direct regulation by EPA and the states. In the absence of direct oversight, EPA was concerned about the possibility of noncompliance. However, in December 2016, Congress amended the Resource Conservation and Recovery Act to authorize states to submit CCR permitting programs for EPA approval. This rule represents the first step in that process for ADEM.

The new ADEM regulations include a few other items that differ from the federal rule. Boron is included on both Appendix III and Appendix IV, providing constituents for detection and assessment monitoring, respectively. Boron appears only on Appendix III of the federal rule, although EPA is considering a proposed rule to add it to Appendix IV as well. The state regulations establish a permitting program, and permit applications for existing facilities are due 180 days after the effective date (December 8, 2018). Permit applications are subject to typical procedures including public notice and an opportunity to request a public hearing. The regulations authorize ADEM to grant variances, as long as they are "in addition to or more stringent than" federal requirements.

The next step to gain federal approval is for ADEM to submit a package to EPA. EPA is required to act on the submission within 180 days of receiving a complete submission.



AIR & WASTE MANAGEMENT
ASSOCIATION



Save The Date

AIR & WASTE MANAGEMENT ASSOCIATION SOUTHERN SECTION CONFERENCE

THE ROCKET CITY
HUNTSVILLE, ALABAMA

SEPTEMBER 26-28, 2018

The A&WMA Alabama Chapter is excited to be hosting the 2018 A&WMA Southern Section Annual Meeting & Conference. This event will be held at The Westin Huntsville in Huntsville, Alabama from September 26-28, 2018. We are still actively working on the agenda but we can give you a sneak peek at what to expect. Potential topics include EPA's e-manifest rule, the latest on coal combustion residuals (CCR), New Source Review (NSR) policy changes, and new ozone depleting substances regulations just to name a few. We are also working on a facility tour, a group tour of the Jack Daniels Distillery in Lynchburg, TN, a trip to the Huntsville Botanical Gardens and a golf tournament. So no matter your interests, we will have something that will appeal to you and offer great networking opportunities. And, of course, we are working to have a jam packed agenda full of current, useful information.

Would you like to present on an Air or Waste related topic?

The original deadline for abstracts was June 15th, but we may still have space on the agenda. If you are interested, and missed the deadline, please contact Steven Burns (sburns@balch.com) or Heather Jones (hjones@adem.alabama.gov).

Would you like to use the conference as an opportunity to network and adver- tise your product/company?

There are still exhibitor opportunities available. Standard booth rates are currently \$675...but the rate will increase after August 1st, so submit your application early.

OR you can visit our website (<http://www.ss-awma.org/alabama.html>) to register online to speak or exhibit.

THE WESTIN HUNTSVILLE

is located inside the
BRIDGE STREET
TOWN CENTRE

The Westin Huntsville is located in the Bridge Street Town Centre, which includes lots of shopping, twenty-eight restaurants/eateries and a movie theatre so there is plenty to occupy your time outside of the conference.

Visit www.bridgestreethuntsville.com for more information.



Upcoming Events

Mark Your Calendars Now

- ◆ June 21 Alabama Brownfields Association
 Summer Social
 The Porter Room-Dreamland BBQ
 Montgomery, Alabama
 (Montgomery Biscuits game to follow)
 Visit www.albfa.org for more information

- ◆ August 20-23 Power Plant Pollutant and Effluent Control
 Mega Symposium
 Baltimore, Maryland
 Visit www.awma.org/MEGA for more information

- ◆ Sept. 26-28 A&WMA Southern Section Conference
 The Westin
 Huntsville, Alabama

Be sure to visit our new website for the latest chapter news and upcoming events.

<http://www.ss-awma.org/alabama.html>