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3 AMENDMENT TO HB140
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8 On page 11, after line 20, insert a new Section 2 to
9 read as follows, and renumber the subsequent section
10 accordingly:

11 Section 2. (a) For purposes of this section, an
12 alternative cover is any cover placed onto a landfill,
13 including a sanitary landfill, that is composed of any
14 substance other than earth.

15 (b) Any alternative cover shall be approved by the
16 United States Environmental Protection Agency prior to use
17 within the state.

18 (c) A landfill seeking to use an alternative cover,
19 prior to installing the alternative cover, shall file a plan
20 with the Alabama Department of Environmental Management. This
21 plan shall include all of the following:

22 (1) An attestation that the alternative cover has
23 been approved by the United States Environmental Protection
24 Agency.

25 (2) A comprehensive analysis of how the performance
26 of the alternative cover would compare with earth in terms of

1 environmental safety, considering both the contents of the
2 landfill and the proximity of residences and other property.

3 (3) An attestation by the Director of the Alabama
4 Department of Environmental Management that, in his or her
5 opinion, the alternative cover would effectively protect
6 public health.

7 (d) Prior to approving any plan for an alternative
8 cover, the Alabama Department of Environmental Management
9 shall schedule and hold a public hearing on the matter. Notice
10 of the hearing shall be given at least three weeks in advance.
11 Notice shall include, but not be limited to, publication on
12 the department's website. All interested persons shall have a
13 reasonable opportunity to submit data, views, or arguments,
14 orally or in writing. The department shall consider all oral
15 and written submissions relating to the plan for an
16 alternative cover. No sooner than 14 days after the conclusion
17 of the public hearing, but no longer than 90 days after the
18 conclusion of the public hearing, the department shall issue
19 and publish on its website a written order either approving or
20 rejecting the plan for an alternative cover.

21 (d) Notwithstanding any provision of law to the
22 contrary, coal ash shall not be used as an alternative cover
23 or as part of any alternative cover in this state.