

Beneficial Use of By-Product Materials for the Purpose of Land Application

If your facility generates and/or distributes by-product materials for land application, what do you need to be aware of to comply with these new regulations?

April 13th, 2020

ADEM Admin. Code chap. 335-13-16 becomes effective.

July 12th, 2020

Deadline for Initial Notifications.

All generators and distributors or suppliers that handle by-product material must notify ADEM in writing the quantity, type, and county of by-product material application for the previous calendar year (in dry tons).

October 10th, 2020

Deadline for Initial Applications.

All **generators** that handle 100 dry tons per year or more of by-product materials must submit the application form 569 and include the application fee (see ADEM Admin. Code r. 335-1-6-.07 Fee Schedule E) of \$1015 for the initial application. Generators must also include a list of distributors or suppliers that handle the by-product material as well as the Operations Plan of the distributor or supplier.

All **distributors or suppliers** that handle 100 dry tons per year or more of by-product materials must submit an application form 569 and include the application Fee (see ADEM Admin. Code r. 335-1-6-.07 Fee Schedule E) of \$1015 for the initial application. Distributors or suppliers must also include:

- A Nutrient Management Plan (NMP) that includes a property description; brief description of the operation; crops and soils information; yield goal information; the recommended nitrogen application rates for the crops to be grown on each application zone; timing and method of applications; and, best management practices to protect human health and the environment (*see exclusion*).
- An Operations Plan that minimizes vectors and birds; odors and fugitive air-borne dust; spills; and, the amount of time in transit.

February 28, 2021

Deadline for Annual Re-registrations

All registrants must submit an application for re-registration, which must include at the minimum:

- Re-registration fee of \$510
- The quantity of the by-product materials handled during the previous calendar year;
- An updated list of all the counties in which by-product materials were used and or/distributed for use during the previous calendar year;
- A signed certification from the generator stating that the physical and chemical characteristics of the by-product materials are consistent with the information submitted in the approved application along with documentation of inconsistencies; if applicable and,
- Compliance Certification.

By-product storage and application buffers shall include:

- 500 feet from inhabited building (*see exclusion*),
- 100 feet from surface water of the State, and
- 100 feet from property boundary.

Exclusions may include:

- NMP is not required for Class A biosolids and certain industrial by-products approved by the Department.
- 500 foot buffer from inhabited building not required if occupied by landowner or for Class A biosolids and certain industrial by-products approved by the Department.

Beneficial Use Definitions:

- Beneficial Use means the use of a by-product material as a soil amendment or fertilizer, where the by-product material replaces a natural or other resource material by its utilization.
- By-Product means a material that is generated as a result of water or wastewater treatment or residual materials from industrial or manufacturing processes that, barring any form of alternate or beneficial use of that material, would otherwise be discarded at a landfill or other solid waste disposal facility.
- Class A Biosolids is a designation for dewatered and heated sewage sludge that meets U.S. EPA guidelines for land application with no restrictions.
- Distributor or Supplier means the person, organization, or business who provides or resells by-product material to an applicator or end user.
- Generator means the person, organization, business, industry, agency or institution whose activities or business results in the generation of a by-product material.

EPA 503 Permit/Registration Holders:

Generators and distributors must obtain an ADEM registration even if they already have a permit or registration from the EPA's 503 regulations. ADEM's rules and regulations do not supersede any other state or federal regulations regarding beneficial use.

Out of State Generators or Distributors:

Generators and suppliers outside of the state of Alabama wanting to sell/distribute by-product material to be land-applied in the state of Alabama must abide by these requirements. Registration will only be valid for the state of Alabama.

Forms and Fees:

- The application form is posted on the ADEM website and can be found by going to: <http://www.adem.state.al.us/DeptForms/Form569.pdf>. You can email the application to Beneficialuse@adem.alabama.gov.
- Payments of fees for registration need to be included with registration application and submitted to ADEM's e-pay for the registration to be processed as per ADEM Admin. Code r. 335-1-6-.07.

Additional Information

ADEM Admin. Code Division 1: <http://adem.alabama.gov/alEnviroRegLaws/files/Division1.pdf>

ADEM Admin. Code Division 13:

<http://adem.alabama.gov/alEnviroRegLaws/files/Division13.pdf>

ADEM e-pay:

https://www.alabamainteractive.org/adem_general_payments/invoiceInformation_input.action

EPA Biosolids: <https://www.epa.gov/biosolids>