

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 335
Department or Agency: Alabama Department of Environmental Management Land Division - Solid Waste Program
Rule No.: 335-13-1-.03
Rule Title: Definitions
Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Jeffery W. Kitchens
Jeffery W. Kitchens

Date

Tuesday, March 18, 2025

REC'D & FILED
MAR 18, 2025
LEGISLATIVE SVC AGENCY

APA-2

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT LAND DIVISION - SOLID
WASTE PROGRAM

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-13-1-.03 Definitions

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Revisions to 335-13-1-.03 are being proposed to update, add, and clarify definitions.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held at 10:00 a.m., May 6, 2025, in the ADEM Main Hearing Room, 1400 Coliseum Boulevard, Montgomery, Alabama 36110. Attendance at the hearing is not necessary to present such data, views, arguments, or comments. All comments should be received by 5:00 p.m., May 6, 2025. Written submissions and other inquiries should be directed to: ADEM Hearing Officer, Office of General Counsel, Alabama Department of Environmental Management, P.O. Box 301463, Montgomery, AL 36130-1463 (street address: 1400 Coliseum Boulevard, Montgomery, AL 36110-2400) or by e-mail at hearing.officer@adem.alabama.gov.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, May 6, 2025

CONTACT PERSON AT AGENCY:

Lynn T. Roper, 334-271-7728

Jeffery W. Kitchens

Jeffery W. Kitchens

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

335-13-1-.03 Definitions.

For the purpose of these rules and regulations, the following words and phrases shall have the meanings ascribed to them in this rule and as ascribed by law unless the context of the regulations indicate differently.

(1) Act - the "Solid Wastes and Recyclable Materials Management Act", Act No. 151, Regular Session 2008 as amended (formerly the "Solid Waste Disposal Act, Act No. 771 Regular Session, 1969, as amended by Act No. 2247 Regular Session, 1971) Code of Ala-Alabama 1975, §22-27-1 et. seq.

(2) Active Life - the period of operation beginning with the initial receipt of solid waste and ending at completion of closure activities in accordance with the applicable requirements of rule 335-13-4-.20.

(3) Active Portion (or Active Footprint) - that part of a facility or unit that has received, is receiving, or is authorized and maintained as capable to receive wastes, and that has not been closed in accordance with the applicable requirements of rule 335-13-4-.20.

(4) Adjacent Property Owner - an owner whose property is adjacent to a proposed site.

(5) Agency - any controlling agency, public or private, elected, appointed or volunteer utilizing methods approved by the Health Department or the Department for the purpose of controlling and supervising the collection or management of solid wastes or recyclable materials.

(6) Airport - public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

(7) Alternative cover - material other than earth used to cover a landfill or sanitary landfill. An alternative cover shall be approved by the Department in compliance with federal law and the USEPA rules for guidance to achieve a level of performance equal to or greater than earthen cover material.

(8) Ambient - normal atmospheric conditions.

(9) Annular Space of a Well - the space between the bore hole and the casing.

(10) Aquifer - a geologic formation, group of formations or part of a formation capable of yielding a significant amount of groundwater to wells, springs or waters of the State.

(11) Areas Susceptible To Mass Movement - those areas of influence (i.e., areas characterized as having an active or substantial possibility of mass movement) where the movement of earth material at, beneath, or adjacent to the landfill unit, because of natural or man-induced events, results in the downslope transport of soil and rock material by means of gravitational influence. Areas of mass movement include, but are not limited to, landslides, avalanches, debris

slides and flows, soil fluctuation, block sliding, and rock fall.

(12) Ashes - the solid residue from burning of wood, coal, coke or other combustible material used for heating, the burning or incineration of solid wastes, or for the production of electricity at electric generating plants.

(13) ASTM International - American Society for Testing and Materials International. A not-for-profit standards development company with headquarters located at 100 Barr Harbor Drive (PO Box C700) in West Conshohocken, Pennsylvania, 19428-2959, which develops and publishes technical standards for materials, products, systems, and ~~serv~~services.

(14) Beach - ~~For this definition, refer to Division 8 of has~~ the same meaning as in ADEM Administrative Code r.335-8-1-.02.

(15) Bird Hazard - an increase in the likelihood of bird/ aircraft collisions that may cause damage to the aircraft or injury to its occupants.

(16) Bladeable - the physical condition of a sludge or similar waste. Physical conditions include, but are not limited to, the absence of free liquids and of a consistency that can be easily managed by heavy equipment normally utilized at a landfill unit.

(17) Bore Hole - a man-made hole in a geological formation which has been drilled, jetted, driven or made by other similar techniques.

(18) CCR unit - any CCR landfill, CCR surface impoundment, or lateral expansion of a CCR unit, or a combination of more than one of these units, based on the context of the paragraph(s) in which it is used. This term includes both new and existing units, unless otherwise specified.

(19) Cell - a volume of compacted solid waste that is covered by means of compacted earth or some other approved alternative cover usually on a daily or weekly basis in a landfill unit.

(20) Certification - a statement of professional opinion based upon knowledge and belief.

(21) CFR - Code of Federal Regulations.

(22) Closure - the process by which a landfill unit permanently ceases to accept waste, to include those actions taken by the permittee or owner of the facility to prepare the site for post-closure monitoring and maintenance or to make it suitable for other uses.

(23) Coal Combustion By-products - fly ash, bottom ash, boiler slag, or flue gas emission control by-products which result primarily from the combustion of coal or other fossil fuels at electric generating plants.

(24) Coastal Area - ~~for this definition, refer to Division 8 of~~ has the same meaning as in ADEM Administrative Code r. 335-8-1-.02.

(25) Coastal Waters - those waters adjacent to the shoreline, which contain a measurable quantity or percentage of seawater, including but not limited to, sounds, bays, lagoons, bayous, ponds and estuaries.

(26) Commercial Solid Waste - all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial wastes.

(27) Composite Liner - a system consisting of two components; the upper component must consist of a minimum 40 mil flexible membrane liner (FML), and the lower component must consist of at least a two-foot layer of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} cm/sec. FML components consisting of High Density Polyethylene (HDPE) shall be at least 60 mil thick. The FML component must be installed in direct and uniform contact with the compacted soil component.

(28) Composting or Compost Plant - an officially controlled method or operation whereby putrescible solid wastes are broken down through microbic action to a material offering no hazard or nuisance factors to public health or well-being.

(29) Construction/Demolition-Inert Landfill Unit (C/DLF) - a discrete area of land or an excavation that receives construction/demolition waste, and/or rubbish and/or water treatment (alum) sludge, foundry waste meeting rule 335-13-4-.26(3), and that is not a land application unit, surface impoundment, or injection well as those terms are defined in this rule.

(30) Construction/Demolition Waste - waste building materials, packaging, and rubble resulting from construction, remodeling, repair, or demolition operations on houses, commercial buildings, and other structures. Such wastes include, but are not limited to, masonry materials, sheet rock, roofing waste, insulation (not including asbestos), scrap metal, and wood products. Uncontaminated concrete, soil, brick, waste asphalt paving, ash resulting from the combustion of untreated wood, rock, and similar materials are excluded from this definition.

(31) Contingency Plan - a document setting out an organized, planned and coordinated course of action to be followed in case of a fire, explosion or release of solid waste which could threaten human health or the environment.

(32) Cover - soil or alternative material approved by the Department that is used to cover compacted solid waste in a landfill unit.

(33) Decontamination - a process of reducing or eliminating the presence of harmful substances, such as infectious agents, so as to reduce the likelihood of disease transmission from those substances.

(34) Department - the Alabama Department of Environmental Management as established by Code of Ala-Alabama 1975, §22-22A-4.

(35) Destruction or Adverse Modification - a direct or indirect alteration of critical habitat which appreciably diminishes the likelihood of the survival and recovery of threatened or endangered species using that habitat.

(36) Director - the Director of the Alabama Department of Environmental Management, appointed pursuant to Code of Ala-Alabama 1975, §22-22A-4, or his or her designee.

(37) Discarded Material - material thrown away, abandoned, disposed of, or otherwise given up without intent to reuse, recycle or reclaim.

(38) Discharge - the accidental or intentional spilling, leaking, pumping, emitting, emptying, or dumping of solid waste, including leachate, into or on any land or water.

(39) Disease Vector - an organism that is capable of transmitting a disease from one host to another.

(40) Displacement - the relative movement of any two sides of a fault measured in any direction.

(41) Disposal - the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including, but not limited to, ground waters.

(42) Disposal Area - that portion of the facility that is designated for disposal, as defined in 335-13-1-.03.

(43) Drill Cuttings - solid materials generated by subsurface drilling operations.

(44) Dune - (see definition of primary dune system)

~~(45) Endangered or Threatened Species - any species listed as such pursuant to Section 4 of the Endangered Species Act of 1973, as amended.~~

~~(46) Electric Generating Plants - an industrial site, or that portion of an industrial site, that produces electricity, to be used either on-site or off-site.~~

(46) Endangered or Threatened Species - any species listed as such pursuant to Section 4 of the Endangered Species Act of 1973, as amended.

(47) End-Use Manufacturing Facility - a site that converts a recovered or recyclable material to be utilized in place of a raw material and adds value as a final product or as an ingredient in a subsequent product. An end-use manufacturing facility is not a solid waste management facility; however,

any solid waste resulting from the operation of a facility shall be subject to all applicable laws and regulations relating to solid waste. An end-use manufacturing facility shall provide notification to the Department according to the rules adopted by the Department.

(48) Energy Recovery - refers to a series of processes designed to convert waste materials into usable forms of energy, typically electricity or heat. This also includes waste to energy.

(49) Energy Recovery Facility-a solid waste management facility that is a processor that is subject to 335-13-3-.06.

(50) Engineer - a person currently registered as a professional engineer with the State of Alabama Board of Registration for Professional Engineers and Land Surveyors.

~~(48)~~ (51) Explosive Gas - a gas that is explosive under ordinary conditions as used herein generally refers to methane- (CH₄).

~~(49)~~ (52) Facility - all contiguous land, structures and other appurtenances used for the processing, treatment, storage or disposal of solid waste, or the recovery of recyclable materials from solid waste, whether or not authorized or permitted, including, but not limited to, waste disposal areas and waste disposed therein.

~~(50)~~ (53) Facility Structures - any buildings and sheds or utility or drainage lines on the facility.

~~(51)~~ (54) Fault - a fracture or a zone of fractures in any material along which strata on one side have been displaced with respect to that on the other side.

~~(52)~~ (55) Financial Assurance - a financial arrangement by the owner or operator of a municipal solid waste landfill which guarantees the availability of funds which may be used to close, provide post-closure care, or conduct corrective action at that facility if the owner or operator fails to properly execute his or her responsibilities under this article and any rules promulgated by the Department for closure, post-closure care, or corrective action and the terms of any permit issued for operation of that facility.

~~(53)~~ (56) Floodplain - the lowland and relatively flat areas adjoining inland and coastal waters, including flood prone areas of offshore islands, which are inundated by the 100-year flood.

~~(54)~~ (57) Foundry Waste - waste, including but not limited to, slag, sand, baghouse dust, etc. generated from foundry smelting and metal casting processes.

~~(55)~~ (58) Free Liquids - liquids which readily separate from the solid portion of a waste under ambient temperature and pressure as determined by the Paint Filter Test referenced in USEPA Publication SW-846, Method 9095.

~~(56)~~ (59) Garbage - putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food, including, but not limited to, waste from markets, storage facilities, handling and sale of produce and other food products and excepting such materials that may be serviced by garbage grinders and handled as household sewage.

~~(57)~~ (60) Gas Condensate - the liquid generated as a result of the gas collection and recovery process at the landfill unit.

~~(58)~~ (61) Generation - the act or process of producing solid waste. Solid waste shall be considered to be generated at the point that waste materials are first discarded or collected, regardless of any subsequent materials recovery or recycling.

~~(59)~~ (62) Generator - any person who utilizes any process or conducts any activity which results in the production of solid waste.

~~(60)~~ (63) Groundwater - water below the land surface in the zone of saturation.

~~(61)~~ (64) Hazardous constituents - those substances listed in 335-14-2 Appendix VIII and/or 335-14-5 Appendix IX and include hazardous constituents released from solid waste, hazardous waste, or hazardous waste constituents that are reaction by-products.

~~(62)~~ (65) Hazardous Waste - those wastes defined in, and regulated under, Division 14 of the ADEM Administrative Code.

~~(63)~~ (66) Health Department - an approved county or district health department, including the Alabama State Department of Public Health and the affected state and county health department.

~~(64)~~ (67) Health Officer - the State or affected county health officer or his or her designee.

~~(65)~~ (68) Holocene - the most recent epoch of the Quaternary period, extending from the end of the Pleistocene Epoch, at 11,700 years before present, to the present.

~~(66)~~ (69) Household Waste - any solid waste, including, but not limited to, garbage, trash, and sanitary waste in septic tanks derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas. Sanitary waste in septic tanks shall be considered as household waste only when it is disposed in a landfill or unauthorized dump and its inclusion as a household waste shall in no way prohibit or supersede the authority of the Department or the Health Department to regulate onsite sewage systems or the management of sanitary waste in septic tanks.

~~(67)~~ (70) Incinerator or Combustion Unit - a device designed to burn that portion of garbage and rubbish which will be consumed at temperatures generally ranging 1600 degrees Fahrenheit or over. The unburned residue from an incinerator, including metal, glass, and the like shall be called ashes.

~~(68)~~ (71) Industrial Landfill (ILF) Unit - a discrete area of land or an excavation that receives industrial solid waste and may in addition receive construction/demolition waste and/or rubbish and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined in this rule.

~~(69)~~ (72) Industrial Solid Waste - solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under Chapters 22 to 30, inclusive, of Title 22, - Code of Ala. Alabama 1975, and the regulations promulgated thereunder.

~~(70)~~ (73) Infectious Agent - any organism (such as a virus or a bacterium) that is capable of causing disease or adverse health impacts in humans by invasion and multiplication in body tissues, fluids or secretions.

~~(71)~~ (74) Injection Well - a bored, drilled, or driven shaft or dug hole which is used for the injection of pollutants.

~~(72)~~ (75) Innocent Landowner - an owner of real property upon which there is located an unauthorized dump and who meets all of the following conditions:

(a) The solid waste was disposed of on the property after the owner acquired title to the property or the waste was disposed of before the owner acquired title to the property and the owner lacked actual knowledge of the waste after conducting reasonable due diligence or title was acquired by bequest or devise.

(b) The owner did not have knowledge that the waste was being disposed of on the property or the owner took steps, including, but not limited to, posting signs to prevent disposal on the property.

(c) The owner did not participate in or consent to the disposal of solid waste on the property.

(d) The owner did not receive any financial benefit from the disposal of solid waste on the property.

(e) Title to the property was not transferred to the owner for the purpose of evading liability for operating an unauthorized dump.

(f) The person or persons responsible for disposing of the solid waste on the property, in doing so, was not acting as an agent for the owner.

~~(73)~~ (76) Karst Terrains - areas where karst topography, with its characteristic surface and subterranean features, is developed as the result of dissolution of limestone,

dolomite, or other soluble rock. Characteristic physiographic features present in karst terrains include, but are not limited to, sinkholes, sinking streams, caves, large springs, and blind valleys.

~~(74)~~ (77) Land Application Unit - an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for agricultural purposes or for treatment and disposal.

~~(75)~~ (78) Landfill (LF) - a method of compaction and earth or alternative cover of solid wastes other than those containing garbage or other putrescible wastes, including, but not limited to, tree limbs and stumps, demolition materials, incinerator residues, and like materials not constituting a health or nuisance hazard, where cover need not be applied on a per day used basis.

~~(76)~~ (79) Landfill (LF) Unit - this term shall include MSWLF, C/DLF, ILF units.

~~(77)~~ (80) Land Surveyor - a person currently registered as a land surveyor with the State of Alabama Board of Registration for Professional Engineers and Land Surveyors.

~~(78)~~ (81) Lateral Expansion - a horizontal expansion of the waste boundaries of an existing landfill unit.

~~(79)~~ (82) Leachate - any liquid, including any soluble, suspended or miscible components in the liquid, that has percolated through or emerged from solid waste other than construction/demolition waste and or rubbish.

~~(80)~~ (83) Leachate Recirculation - the recycling or reintroduction of leachate into or on a landfill unit constructed with liners and leachate collection systems.

~~(81)~~ (84) Lift - the compacted vertical thickness of a horizontal series of cells which have been accumulated and covered with earth or some other approved alternative cover. The cover may be either daily, weekly, intermediate, or final as required.

~~(82)~~ (85) Liquid Waste - any waste material that is determined to contain "free liquids" as defined by Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846), and is not considered bladeable.

~~(83)~~ (86) Lithified Earth Material - all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. This term does not include man-made materials, such as fill, concrete, and asphalt, or unconsolidated earth materials, soil, or regolith lying at or near the earth surface.

~~(84)~~ (87) Lower Explosive Limit (LEL) - the lowest percent by volume of a mixture of explosive gases which will propagate a °flame in air at 25 C and atmospheric pressure. For methane (CH4) the LEL is considered to be 5 percent.

~~(85)~~ (88) Materials Recovery Facility - a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of those materials. A materials recovery facility shall be deemed to be a solid waste treatment facility.

~~(86)~~ (89) Maximum Contaminant Level (MCL) - the maximum permissible level of a contaminant allowed in the saturated zone unless occurring naturally or found to already exist during background sampling.

~~(87)~~ (90) Maximum Horizontal Acceleration in Lithified Earth Material - the maximum expected horizontal acceleration depicted on a seismic hazard map, with a 90 percent or greater probability that the acceleration will not be exceeded in 250 years, or the maximum expected horizontal acceleration based on a site-specific seismic risk assessment.

~~(88)~~ (91) Medical Waste - any infectious solid or liquid waste from a medical waste generator, as defined in chapter 335-17-1.

~~(89)~~ (92) Municipal Solid Waste Landfill (MSWLF) Unit - a discrete area of land or an excavation that receives household waste and that is not a land application unit, surface impoundment, injection well, or waste pile. A municipal solid waste landfill may also receive other types of solid wastes, such as commercial solid waste, nonhazardous sludge, very small quantity generator waste, industrial solid waste, construction/demolition waste, and rubbish. A municipal solid waste landfill is a sanitary landfill. Such a landfill may be publicly or privately owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit or a lateral expansion.

~~(90)~~ (93) Off-site - not a part of what is defined as on-site.

~~(91)~~ (94) On-site - the same or geographically contiguous property which may be divided by public or private right-of-way. Non-contiguous properties owned by the same person or entity connected by a right-of-way which he controls and to which the public does not have access, is also considered on-site property.

~~(92)~~ (95) One Hundred-Year flood - a flood that has a one percent or greater chance of recurring in any given year or a flood of a magnitude equaled or exceeded once in 100 years on the average over a significantly long period.

~~(93)~~ (96) Open Burning - the combustion of any material without the following characteristics:

(a) Control of combustion air to maintain adequate temperature for efficient combustion.

(b) Containment of the combustion-reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, and

(c) Control of emission of the gaseous combustion products.

~~(94)~~ (97) Operating Record - a collection of documents relating to the permitting or operation of any landfill unit as listed in rule 335-13-4-.29.

~~(95)~~ (98) Operator - the person(s) having direct supervision over and responsibility for the daily operation of a landfill unit or part of a landfill unit.

~~(96)~~ (99) Owner - the person(s) who owns a facility or part of a facility.

~~(97)~~ (100) Partial Closure - the closure of a discrete part of a facility in accordance with the applicable closure requirements of rule 335-13-4-.20. For example, partial closure may include the closure of a trench, a unit operation, a landfill cell or a pit, while other parts of the same facility continue in operation or will be placed in operation in the future.

~~(98)~~ (101) Permit - written authorization granted to a person by the Department to operate a solid waste management facility for the disposal of solid waste.

~~(99)~~ (102) Permittee - any person possessing a valid permit issued by the Department to dispose of solid waste. This person is responsible for the overall operation of a solid waste facility.

~~(100)~~ (103) Person - any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, agent, agency, association, State, municipality, commission, political subdivision of a state, any interstate body, or any other private or public legal entity.

~~(101)~~ (104) Personnel - all persons who work at or supervise the operations of a solid waste facility, and whose actions or inactions may be responsible for achieving compliance with the requirements of this Division.

~~(102)~~ (105) Petroleum Contaminated Waste (PCW) - any material, including but not limited to soil, debris, absorbent pads/booms, oil dry, etc., that has been exposed to petroleum products in such a manner that the petroleum product can be detected by a total petroleum hydrocarbon (TPH) analysis using Standard Method 503 D & E, EPA Methods 9071 or 418.1 (Spectrophotometric, Infrared, and that analysis exceeds 100 ppm TPH).

~~(103)~~ (106) Poor Foundation Conditions - those areas where features exist which indicate that a natural or man-induced event may result in inadequate foundation support for the structural components of a landfill unit.

~~(104)~~ (107) Post Closure - the activities, including monitoring and maintenance at the site, following completion of closure activities if solid waste will remain at the site after closure.

~~(105)~~ (108) Practice - any operating method, technique or procedure for the management of solid waste.

~~(106)~~ (109) Primary Dune System - ~~for this definition, refer to Division 8 of~~ has the same meaning as in ADEM Administrative Code r. 335-8-1-.02.

~~(107)~~ (110) Private Solid Waste Management Facility - a solid waste management facility that is operated exclusively by and for a private solid waste generator for the purpose of accepting solid waste generated on-site or by the permittee.

~~(108)~~ (111) Product - any material which is an intended output or result of a fabrication, manufacturing or production process, and is sold and distributed in the stream of commerce for consumption, use, or further processing into another desired commodity. ~~commodity~~ A product must be managed as an item of value in a controlled manner and is not to be managed as a discarded material.

~~(109)~~ (112) Proposed site - total acreage as identified by the legal survey included in the application submitted to the Department.

~~(110)~~ (113) Public Solid Waste Management Facility - a solid waste management facility that accepts solid waste from the public generally or for a fee, or any solid waste management facility that is not a private solid waste management facility.

~~(111)~~ (114) Qualified Groundwater Scientist - a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has sufficient training and experience in groundwater hydrology and related fields as may be demonstrated by state registration, professional certifications, or completion of accredited university programs that enable that individual to make sound professional judgments regarding groundwater monitoring, contaminant fate and transport, and corrective-action.

~~(112)~~ (115) Recovered Materials - those materials which have known recycling potential; which can be feasibly recycled; which have been diverted or removed from the solid waste stream for recycling, whether or not requiring subsequent separation and processing; and which have a substantial portion that are consistently used in the manufacture of products which may otherwise be produced from raw or virgin

materials. Recovered materials shall not include solvents or materials, except sawdust, bark, and paper materials that are destined for incineration, energy recovery, or any use which constitutes disposal. Recovered materials shall only be those materials for which during the calendar year (commencing on January 1), the amount of material recycled or diverted from the solid waste stream for recycling and transferred to a different site for recycling equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period.

~~(113)~~ (116) Recovered Materials Processing Facility - a facility primarily engaged in the storage, processing, and resale or reuse of recovered materials. A recovered materials processing facility is not a solid waste management facility; however, any solid waste resulting from the operation of a facility shall be subject to all applicable laws and regulations relating to solid waste and shall be deemed to be generated for purposes of reporting pursuant to solid waste reduction goals, at the point of collection of the recovered materials from which the solid waste resulted. A recovered material processing facility shall provide notification to the Department according to the rules adopted by the Department.

~~(114)~~ (117) Recyclable Materials - those materials which are capable of being recycled, whether or not the materials have been diverted or removed from the solid waste stream.

~~(115)~~ (118) Recycling - any process by which materials are collected, separated, stored, recovered, or processed and reused or returned to use in the form of raw materials or products, but does not include the use of materials as a fuel, or for any use which constitutes disposal.

~~(116)~~ (119) Relevant Point of Compliance - That point within the first saturated zone at which groundwater quality must be in compliance with water quality standards set forth by rule 335-13-4-.27. Groundwater monitoring wells are to be located in order to yield samples that are representative of the quality of groundwater passing the ~~relative~~relevant point of compliance.

~~(117)~~ (120) Representative Sample - a sample of a universe or whole (e.g., waste pile, lagoon, and groundwater) which can be expected to exhibit the average properties of the universe or whole. See EPA publication SW-846, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, Chapter 9 for a discussion and examples of representative samples.

~~(118)~~ (121) Responsible Official-the responsible official is defined as:

(a) For a corporation, a principal executive officer of a least the level of vice president, or his designee through a written delegation of this authority.

(b) For a partnership or limited partnership, a general partner.

(c) For a sole proprietorship, the proprietor.

(d) For a municipality, State, federal, or other public agency to include governmental non-profit organizations, either a principal executive or ranking elected official.

(e) For a limited liability company, a manager designated by the members of the limited liability company to manage the limited liability company as provided in the articles of organization.

(122) Rubbish - nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes. Combustible rubbish includes paper, rags, cartons, wood, furniture, rubber, plastics, and similar materials. Noncombustible rubbish includes glass, crockery, metal cans, metal furniture and like materials which will not burn at ordinary incinerator temperatures, not less than 1600 degree F. Uncontaminated concrete, soil, brick, waste asphalt paving, ash resulting from the combustion of untreated wood, rock, yard trimmings, leaves, stumps, limbs and similar materials are excluded from this definition.

~~(119)~~ (123) Run-Off - any rainwater, leachate, or other liquid that drains over land from any part of a facility.

~~(120)~~ (124) Run-On - any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

~~(121)~~ (125) Salvaging - the controlled removal for reuse of material from a solid waste landfill unit.

~~(122)~~ (126) Sanitary Landfill - a controlled area of land upon which solid waste is deposited and is compacted and covered with compacted earth or an alternative cover each day as deposited, with no on-site burning of wastes, and so located, contoured and drained that it will not constitute a source of water pollution as determined by the Department. See definition of "Municipal Solid Waste Landfill Unit."

~~(123)~~ (127) Sanitary Sewer - any device or system used in the treatment of municipal sewage or industrial waste of a liquid nature. This includes sewers, pipes or other conveyances only if they convey wastewater to a facility providing treatment.

~~(124)~~ (128) Saturated Zone - that part of the earth's crust in which all voids are filled with water.

~~(125)~~ (129) Scavenging - the unauthorized removal of solid waste from a landfill unit permitted under these regulations.

~~(126)~~ (130) Seismic Impact Zone - an area with a ten percent or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull (g), will exceed 0.10 g in 250 years.

~~(127)~~ (131) Service Area - the geographical area serviced by a solid waste facility from which solid waste is generated and collected, including any interim points, (i.e., transfer stations) at which the solid waste is repacked or reloaded onto vehicles or other methods of transport for delivery to that facility. For public solid waste management facilities, the service area is established as part of the local host government approval process, as described in Code of Ala. Alabama 1975, §22-27-48 and 48.1.

~~(128)~~ (132) Sludge - any nonhazardous, solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

~~(129)~~ (133) Solid Waste - any garbage, rubbish, construction or demolition debris, ash, or sludge from a waste treatment facility, water supply plant, or air pollution control facility, and any other discarded materials, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or community activities, or materials intended for or capable of recycling, but which have not been diverted or removed from the solid waste stream. The term "solid waste" does not include recovered materials, solid or dissolved materials in domestic sewage, solid or dissolved material in irrigation return flows, or industrial discharges which are point sources subject to the National Pollutant Discharge Elimination System permits under the Federal Water Pollution Control Act, as amended, or the Alabama Water Pollution Control Act, as amended, or source, special, nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended. Also excluded from this definition are land applications of crop residues, animal manure, and ash resulting exclusively from the combustion of wood during accepted agricultural operations, waste from silvicultural operations, or refuse as defined and regulated pursuant to the Alabama Surface Mining Act of 1969 (Article 1, Chapter 16, Title 9, Sections 9-16-1 to 9-16-15, - Code of Ala. Alabama 1975).

~~(130)~~ (134) Solid Waste Boundary - the outermost perimeter of the solid waste, projected in the horizontal plane, as it would exist at completion of the disposal activity.

~~(131)~~ (135) Solid Waste Disposal Facility - any landfill or part of a facility where final disposition of solid waste occurs and at which waste may remain after closure.

~~(132)~~ (136) Solid Waste Management - the systematic control of solid waste including its storage, processing, treatment, recovery of materials from solid waste, or disposal.

~~(133)~~ (137) Solid Waste Management Facility - any solid waste volume reduction plant, transfer station, material recovery facility, or other facility, the purpose of which is the storage, treatment, utilization, processing, disposal, or recovery of materials from solid waste, or any combination thereof.

~~(134)~~ (138) Special Waste - those wastes requiring specific processing, handling or disposal techniques as determined necessary by the Department which are different from the techniques normally utilized for handling or disposal. Examples of such waste types may include, but are not limited to: mining waste, fly ash, bottom ash, sludges, friable asbestos, industrial waste, liquid waste, large dead animals or large quantities of dead animals and residue, medical waste, foundry waste, petroleum contaminated wastes, municipal solid waste ash, or contaminated soil and water from the cleanup of a spill.

~~(135)~~ (139) Spill - the unplanned, accidental or unpermitted discharge, deposit, injection, leaking, pumping, pouring, emitting, dumping, placing or releasing of solid or medical waste, or materials which when spilled become solid or medical waste, into or on the land, the air or the water.

~~(136)~~ (140) State - the State of Alabama.

~~(137)~~ (141) State Health Department - the Alabama Department of Public Health as defined by §22-1-1, - Code of Ala. Alabama 1975.

~~(138)~~ (142) State Health Officer - the Health Officer for the State of Alabama as set out in §22-2-8, - Code of Ala. Alabama 1975, or his or her designee provided by law.

~~(139)~~ (143) Structural Components - liners, leachate collection systems, final covers, run-on/run-off systems, and any other component used in the construction and operation of the landfill unit that is necessary for protection of human health and the environment.

~~(140)~~ (144) Surface Impoundment or Impoundment - a facility or part of a facility that is a natural topographic depression, human-made excavation, or diked area formed primarily of earthen materials (although it may be lined with human-made materials), that is designed to hold an accumulation of liquid wastes or wastes containing free liquids and that is not an injection well. Examples of surface impoundments are holding storage, settling, and aeration pits, ponds and lagoons.

~~(141)~~ (145) Twenty-Four Hour, Twenty-Five Year Storm (24 hour, 25 year Storm) - the maximum 24 hour precipitation event with a probable reoccurrence interval of once in twenty-five years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U. S.", May 1961, and subsequent amendments or equivalent regional or rainfall probability information developed therefrom.

~~(142)~~ (146) Unauthorized Dump - any collection of solid wastes either dumped or caused to be dumped or placed on any public or private property, whether or not regularly used, and not having a permit from the Department. Abandoned automobiles, large appliances or similar large items of solid waste shall be considered as forming an unauthorized dump within the meaning of this Division. The careless littering of a relatively few, smaller individual items such as tires, bottles, cans and the like shall not be considered an unauthorized dump, unless the accumulation of the solid waste poses a threat to human health or the environment. An unauthorized dump shall also mean any solid waste disposal site which does not meet the regulatory provisions of this Division.

~~(143)~~ (147) Unstable Area - a location that is susceptible to natural or human-induced events or forces capable of impairing the integrity of some or all of the landfill structural components responsible for preventing releases from a landfill. Unstable areas can include poor foundation conditions, areas susceptible to mass movements, and karst terrains.

~~(144)~~ (148) Uppermost Aquifer - the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

~~(145)~~ (149) Washout - the carrying away of solid waste or cover by waters of a 100-year flood.

~~(146)~~ (150) Waste Management Unit Boundary - a vertical surface located at the hydraulically downgradient limit of the unit. This vertical surface extends down into the uppermost aquifer.

~~(147)~~ (151) Waste Pile or Pile - any noncontainerized accumulation of solid, non-flowing waste that is used for treatment or storage.

~~(148)~~ (152) Waters of the State (Waters) - all waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the State, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce.

~~(149)~~ (153) Wetlands - those areas as defined by the U.S. Army Corps of Engineers regulations.

~~(150)~~ (154) Wood Ash Waste - solid waste resulting from the burning of untreated wood with minimal amounts (<10% of total fuel based on a mass input basis) of other non-coal permitted solid fuels. Ash resulting exclusively from the combustion of non-processed and untreated wood is excluded from the definition of wood ash waste.

~~(151)~~ (155) Working Face - the area within a solid waste disposal facility that is actively receiving solid waste for compaction and cover.

(156) Whole Tire- has the same meaning as in ADEM Administrative Code r. 335-4-1-.02.

Author: Russell A. Kelly, Phillip D. Davis, James L. Bryant, Eric L. Sanderson, S. Scott Story, Heather M. Jones. Jason Wilson, Blake B. Pruitt.

Statutory Authority: Code of Ala. 1975, §§22-27-2, 22-27-7, 22-27-9, 22-27-12.

History: Effective: November 18, 1981; **Amended:** July 21, 1988; October 2, 1990. **Amended:** Filed September 28, 1993; effective November 2, 1993. **Amended:** Filed June 21, 1996; effective July 26, 1996. **Amended:** Filed June 28, 2010; effective August 2, 2010. **Amended:** Filed December 12, 2011; effective January 16, 2012. **Amended:** Filed February 23, 2016; effective April 8, 2016. **Amended:** Filed April 24, 2018; effective June 8, 2018.

Amended: Filed June 25, 2019; effective July 9, 2019. **Amended:** Published October 29, 2021; effective December 13, 2021. __

Amended: Published ; effective .

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 335
Department or Agency: Alabama Department of Environmental Management Land Division - Solid Waste Program
Rule No.: Chapter 335-13-3
Rule Title: Processing and Recycling
Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Jeffery W. Kitchens
Jeffery W. Kitchens

Date

Tuesday, March 18, 2025

REC'D & FILED
MAR 18, 2025
LEGISLATIVE SVC AGENCY

APA-2

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT LAND DIVISION - SOLID
WASTE PROGRAM

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: Chapter 335-13-3 Processing and Recycling

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Revisions to the ADEM Administrative Code Div. 335-13-3 are being proposed to clarify, modify, and add requirements for Materials Recovery Facilities (MRF), Recovered Materials Processing Facilities (RMPF), Energy Recovery Facilities (ERF), and End-Use Manufacturers (EUMF). These updates include information regarding the application process, requirements for notification and registration, variance requirements, and general needed updates to be consistent with the statute.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held at 10:00 a.m., May 6, 2025, in the ADEM Main Hearing Room, 1400 Coliseum Boulevard, Montgomery, Alabama 36110. Attendance at the hearing is not necessary to present such data, views, arguments, or comments. All comments should be received by 5:00 p.m., May 6, 2025. Written submissions and other inquiries should be directed to: ADEM Hearing Officer, Office of General Counsel, Alabama Department of Environmental Management, P.O. Box 301463, Montgomery, AL 36130-1463 (street address: 1400 Coliseum Boulevard, Montgomery, AL 36110-2400) or by e-mail at hearing.officer@adem.alabama.gov.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, May 6, 2025

CONTACT PERSON AT AGENCY:

Lynn T. Roper, 334-271-7728

Jeffery W. Kitchens

Jeffery W. Kitchens

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

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

CHAPTER 335-13-3

~~PROCESSING AND RECYCLING~~ GENERAL REQUIREMENTS FOR MATERIALS
RECOVERY FACILITIES, RECOVERED MATERIALS PROCESSING FACILITIES,
ENERGY RECOVERY FACILITIES, AND END-USE MANUFACTURING FACILITIES

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335-13-3-.01	<u>Purpose And Applicability.</u>

(1) This ~~regulation~~ chapter establishes the minimum notification, recordkeeping requirements, and operating standards applicable to Materials Recovery Facilities (MRF), Recoverable Materials Processing Facilities (RMPF), Energy Recovery Facilities (ERF), and other facilities End-Use Manufacturing Facilities (EUMF) as defined in 335-13-1-.03.

(2) Information submitted by a facility may be considered confidential by the Department in accordance with the requirements of 335-1-1-.06, upon a showing, in writing, satisfactory to the Director, that ~~receive, store, process and sale recovered materials that are not used on any on-site, end-use manufacturing process. These regulations further~~ establish divulgence of records, reports, or information, or particular parts thereof (other than emission, effluent, manifest

~~or compliance data) to which the minimum reporting and recordkeeping requirements necessary for subject facilities. Subject facilities are those that initially obtain recyclable materials~~Department has access, if made public, would divulge production of sales figures or methods, processes, or production unique to such person, or otherwise tend to affect adversely the competitive position of such person by revealing trade secrets. Information submitted to the Department which ~~have been removed from the solid waste stream and determined~~is requested to be ~~recyclable~~held confidential in nature may be utilized by the ~~generator~~Department in conjunction with other submitted data such that the information is not attributable to a specific facility. Such use may include the generation of ~~those materials. The requirements~~Departmental reports or other summaries of this Chapter are not applicable to end-use facilities where ~~recyclable~~a regional or recovered materials are received by that facility strictly for use in its manufacturing process as a fuel, raw material or as a substitute for a commercial product~~statewide nature.~~

Author: Phillip D. Davis, M. Gavin Adams. Jason Wilson, Blake B. Pruitt.

Statutory Authority: Code of ~~Ala.~~Alabama, 1975, §§8-27-1 to 8-27-6, 22-27-12, 22-27-15, 22-27-16.

History: Repealed: June 21, 1996; effective July 26, 1996. **New**

Rule: Filed June 28, 2010; effective August 2, 2010. Amended:
Published ; effective .

335-13-3-.02 ~~Facility Registration~~Recycling Exemptions.

~~(1) No person may receive, store, process or transfer recyclable material without being properly registered with the Department, except as described in Rule 335-13-3-.02(3). Any person who operates a Materials Recovery Facility or a Recovered Materials Processing Facility, without having applied for registration with the Department shall be considered to be operating an unpermitted solid waste facility and shall be subject to enforcement action in accordance with this Division.~~

~~(2) The owner or operator of each facility in existence on the effective date of this Rule shall file an application for registration with ADEM not later than October 1, 2010. The owner or operator of each new Materials Recovery Facility or Recovered Materials Processing Facility desiring to begin operation after the effective date of this Chapter shall file an application for registration at least forty-five (45) days prior to receiving materials, or by October 1, 2010, whichever is later.~~

~~(a) Each owner or operator of a subject facility shall register with ADEM utilizing a form designated by the Department. In addition to the designated form, the following information shall be submitted:~~

~~1. An initial listing of the types of material or materials to be received, stored, processed or transferred by the facility in a manner to be specified by the Department.~~

~~2. A general description of the plans for end market uses of all materials to be collected, stored and processed. Such plans are not required to include specific information on quantities to be shipped to specific facilities, names of facilities or other information that may be deemed business confidential by the registrant.~~

~~3. Statement that the siting of the facility is on property whose local zoning permits such use, if applicable.~~

~~4. Site access controls to be utilized at the facility.~~

~~5. A site plan map which identifies and plots the location of all equipment, buildings, activities and areas related to the receipt, storage, processing, and transferring of all unprocessed and processed recyclable materials.~~

~~6. A statement that the facility is in compliance with the applicable requirements of ADEM Administrative Code Division 335-6, including but not limited to, permitting and best management practices (BMP).~~

~~7. An operations plan which shall include, at a minimum, the following:~~

~~(i) Days and hours of operation of the facility and a description of when facility personnel will be on-site during hours of operation. If the facility is to include a drop-off point for after-hours operation or periods when facility will be unstaffed, a description of methods to prevent drop-off of non-acceptable or non-recoverable materials must be included.~~

~~(ii) A general listing of material types and anticipated tonnages to be received by the facility on a monthly basis and any size, weight or other restrictions placed on materials to be accepted.~~

~~(iii) A written narrative description of facility operation from receipt of recyclable materials to the point of transfer to end-users.~~

~~(iv) The maximum amount of each material to be stored or stockpiled at the facility. Owners/operators maintaining this information in volume shall convert and indicate the conversion methodology to weight.~~

~~(v) A description of major equipment to be utilized for the receipt, storage, processing or transfer of each material type.~~

~~(vi) Methods utilized to weigh or estimate weight of materials received.~~

~~(vii) A description of the storage areas utilized for recovered materials to include indoor or outdoor, surfaces of storage areas, and methods to segregate materials to facilitate end use.~~

~~(viii) A statement indicating that the facility meets local fire codes, where applicable.~~

~~(ix) A description of methods used to control vectors of public health importance which shall include, but not be limited to, rodents, flies and mosquitoes, and dust and litter at the facility. Such control shall be consistent with the administrative rules of the Health Department and the Department.~~

~~(b) Registrations are not transferable.~~

~~1. If a registered facility has a change in ownership, the prospective new owner shall register with the Department at least thirty (30) days prior to assuming ownership of the facility.~~

~~2. Changes in the name of a facility also require notification to the Department thirty (30) days prior to the effect of the name change, and may require the payment of fees associated with such change that are required by Departmental regulations.~~

~~(c) If a materials recovery facility is found to be in significant noncompliance with the requirements of this Division, the registration for the facility may be revoked or the application for registration denied by the Director.~~

~~1. The facility may request an informal conference with ADEM to discuss the revocation or denial by ADEM. Following this informal conference, the Director shall advise the facility of the final determination on the registration.~~

~~2. The registrant shall be responsible for the compliance of the registered facility with all applicable rules not withstanding the performance of compliance-related duties by independent contactors or agents.~~

~~(d) A registered facility that discontinues receiving, processing or utilizing recovered materials shall notify ADEM within thirty (30) days of a change in operations and request that their registration be terminated. A closure plan for the facility must be submitted in accordance with Rule 335-13-3-.07. All recovered materials and solid wastes shall be removed from the facility before ADEM will terminate the registration. Such removal shall be in accordance with all applicable regulations regarding recycling or disposal.~~

~~(e) The Department may specify in the registration for a facility the quantity and nature of recovered materials to be managed, in accordance with the application.~~

~~(3) Exemptions. The following activities are exempt from the registration requirements imposed by this Chapter. A facility engaged only in these activities is not required to register with ADEM under this Chapter. 335-13-3:~~

(a) The receipt of source-separated recyclable asphalt and pre-consumer asphalt shingles or other asphalt based roofing, or a combination thereof by an asphalt manufacturing plant prior to its introduction into the asphalt manufacturing process.

(b) The recycling or reuse of materials which are generated, processed, and reused as a product, raw material or fuel exclusively at the point of generation by facility personnel, owned or operated by the same company, or on-site contractor operations which are directly related to the operation of the facility.

(c) The receipt, storage, processing or transfer of grass clippings or other yard wastes, branches, stumps, limbs, brush, wood chips or bark derived from tree parts, and/or other non-putrescible, non-food wastes which is regulated separately by ADEM under regulations regarding composting facilities and/or is specifically exempted from solid waste regulations.

(d) Scrap tire processing regulated under ~~Division~~the 335-4 Regulations.

(e) The processing and/or recycling of used oil and/or wastes regulated under ~~Division~~ 335-14 regulations, to include universal waste, provided only used oil ~~and~~-or wastes regulated under ~~Division~~ 335-14 are processed.

(f) Construction or contracting activities which, through the course of such activities generate source-separated recyclable materials to include asphalt, concrete, brick, or block, may store, process, or transfer the material provided all of the following apply:

1. The company or contractor is the generator of the materials.
2. Materials are stored in compliance with all applicable laws and regulations, including stormwater ~~BMP~~.BMPs as required under 335-6, and
3. Materials are stored on-site for a period not to exceed the shorter of one- (1) year from generation or the completion of the construction project.

~~(g) Solid waste incinerators and waste-to-energy facilities that are regulated subject to the~~Author: Phillip D. Davis, M. Gavin Adams. Jason Wilson. Blake B. Pruitt.
~~requirements~~Statutory Authority: Code of ~~Division 3 of the ADEM Administrative Code, or similar local air pollution control regulations. These~~Alabama 1975, §§22-27-12, 22-27-15, 22-27-16.
~~facilities shall be subject to the requirements of~~History:
Repealed: June 21, 1996; effective July 26, 1996. New Rule:
Filed June 28, 2010; effective August 2, 2010. Amended:
Published _____ ; effective _____ .

~~335-13-3-.04.~~
~~(4)3~~ 3 ~~Variances.~~
~~(a)~~
Requests

~~variances from the requirements of this Chapter must be made in writing to ADEM and shall include sufficient documentation and information to allow ADEM to make a final determination on the variance request. Such documentation and information may include, but not be limited to:~~

- ~~1. A clear and complete statement of the precise extent of the relief sought including specific identification of the particular provisions of the regulations from which the variance is sought.~~
- ~~2. A concise factual statement with supporting evidence, environmental, economic and/or otherwise that establishes the need for the variance.~~
- ~~3. A statement of the impact that the variance will impose on public health and the environment.~~
- ~~4. A description of how granting of the variance will affect operations at the facility.~~
- ~~5. Any additional information as may be requested by the Department as necessary to evaluate the variance request.~~
- ~~6. The timeframe for which the variance is sought, if less than the applicable 3 year period as specified in Rule 335-13-3-.02(4)(d).~~

~~(b) ADEM will terminate review of the request if sufficient information is not submitted with the application.~~

~~(c) After review of the variance request, ADEM shall notify the applicant of its final decision regarding the request.~~

~~(d) A variance granted by ADEM shall be valid for a period of three (3) years. Application for renewal shall be made in writing and submitted to ADEM at least thirty (30) days prior to the expiration date of the current exemption.~~

~~(e) If processes or conditions that warranted the variance for the facility change during the term, the facility shall~~

~~notify ADEM within thirty (30) days of the change. ADEM may terminate the variance on substantive changes to conditions upon which the original variance was granted.~~
~~(5) Certification.~~

(1) All applications, reports, requests for variances or exemption shall be signed by a responsible official or representative as follows:

(a) For a corporation, by a principal executive officer of at least the level of vice president, or his designee through a written delegation of this authority.

(b) For a partnership or limited partnership, by a general partner.

(c) For a sole proprietorship, by the proprietor.

(d) For a municipality, State, federal or other public agency to include governmental non-profit organizations, by either a principal executive or ranking elected official.

(e) For a limited liability company, by a manager designated by the members of the limited liability company to manage the limited liability company as provided in the articles of organization.

(f) All applications, reports, requests for variance or exemption shall contain the following statement, to be signed by a responsible official or representative:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Author: Phillip D. Davis, M. Gavin Adams. [Jason Wilson, Blake B. Pruitt.](#)

Statutory Authority: Code of ~~Ala.~~[Alabama](#) 1975, §§22-27-12, 22-27-15, 22-27-16.

History: Repealed: June 21, 1996; effective July 26, 1996. **New Rule:** Filed June 28, 2010; effective August 2, 2010. **Amended:** Published _____ ; effective _____ .

335-13-3-.034 **Materials Recovery Facility Design And Operation (MRF)** .

(1) Registration. A Materials Recovery Facility, as defined in 335-13-1-.03, may not receive, store, process, or transfer solid waste containing recyclable material without being properly registered with the Department.

(a) Any person who operates a Materials Recovery Facility, without having registered, shall be considered to be operating an unpermitted solid waste management facility or an unauthorized dump as defined in 335-13-1-.03, and shall be subject to enforcement action in accordance with 335-13.

(2) The owner or operator of each new Materials Recovery Facility ~~Design~~desiring to begin operation after the effective date of this Chapter shall file an application for registration at least forty-five (45) days prior to receiving materials. All registered Materials Recovery facilities will be subject to periodic renewal of the initial registration issued by the Department. Within one hundred eighty (180) days of the effective date of these regulations, all existing registered facilities shall submit an application for registration renewal on a form designated by Department. Facilities that do not submit an application for registration renewal within one hundred eighty (180) days of the effective date of these regulations, shall have their registration deactivated.

(3) Each registration issued will be valid for five (5) years. Registration renewals shall be submitted at least sixty (60) days prior to the expiration date.

(4) The following information shall be submitted electronically by the owner or operator of the Materials Recovery Facility on a form designated by the Department:

(a) An accurate physical address, latitude and longitude of the front access gate of the facility, mailing address (if different from physical address), owner or operator information, and facility contact information.

(b) A listing of the types of recovered materials (e.g. plastics, paper, cardboard, ferrous metals, non-ferrous metals, glass,

rubber, electronics, batteries, etc.) to be received, stored, processed or transferred by the facility.

(c) A general description of the plans for further processing or uses of all materials to be collected, stored and processed. Such plans are not required to include specific information on quantities to be shipped to specific facilities, names of facilities or other information that may be established as business confidential by the registrant pursuant to 335-1-1-.06.

(d) Documentation of host government approval as provided in Code of Alabama, 1975, §§ 22-27-48 and 48.1.

(e) Verification of site access controls to be utilized at the facility, e.g. gates, fencing, natural barriers, etc.

(f) A site plan map which identifies and plots the location of all equipment, buildings, activities and areas related to the receipt, storage, processing, and transferring of all unprocessed and processed recyclable materials.

(g) A list of Departmental Permits, Registrations, and Certifications along with their respective Department assigned ID numbers, as applicable.

(h) An operations plan which shall include, at a minimum, the following:

1. Normal hours of operation of the facility.

2. A general description of facility operation from receipt of solid waste and recyclable materials to the point of transfer to recovered material processing facility, energy recovery facilities, end-use manufacturing facilities, or disposal facilities.

3. Anticipated maximum amount of each material type expected to be stored or stockpiled at the facility in tons.

4. Methods utilized to weigh or estimate weight of materials received.

5. A description of methods used to control vectors of public health importance which shall include, but not be limited to, rodents, flies and mosquitoes, and dust and litter at the facility. Such control shall be consistent with the administrative rules of the Health Department and the Department.

(5) Registrations are not transferable.

(a) If a registered facility has a change in ownership or operator, the new owner or operator shall register with the Department within thirty (30) days of assuming ownership or operation of the facility.

(b) Changes in the name of a facility also require notification to the Department within thirty (30) days of the effective date of the name change, and payment of fees specified in 335-1.

(6) If a Materials Recovery Facility is found to be in significant noncompliance with the requirements of Chapter 335-13-3, the registration for the facility may be revoked or the application for registration denied by the Director.

(a) The facility may request an informal conference with ADEM to discuss the revocation or denial by ADEM. Following this informal conference, the Director shall advise the facility of the final determination on the registration.

(b) The registrant shall be responsible for the compliance of the registered facility with all applicable rules notwithstanding the performance of compliance-related duties by independent contactors or agents.

(c) A registered facility that discontinues receiving, processing or utilizing recovered materials shall notify ADEM within thirty (30) days of such a change in operations and request that the registration be deactivated. All recovered materials and solid wastes shall be removed from the facility before ADEM will deactivate the registration. Such removal shall be in accordance with all applicable regulations regarding recycling or disposal.

(7) The Department may specify in the registration for a facility the quantity and nature of recovered materials to be managed, in accordance with the application.

(8) Facility Operation. Registered Materials Recovery ~~and Recovered Materials Processing~~ Facilities shall be ~~designed and~~ operated according to this ~~section~~rule in order to remain a properly registered facility. ~~Registered facilities that hold a valid NPDES permit shall be exempt from the facility design requirements of this Section.~~

(a) Failure to maintain minimum standards and operational requirements may result in revocation of the registration and may cause the facility to be subject to additional requirements of 335-13 and regulated ~~under this Chapter~~ as a Solid Waste Disposal Facility as defined in 335-13-1-.03 or an unauthorized dump in accordance with 335-13-1-.13.

~~(b) Any facility in existence prior to the effective date of these regulations has one (1) year from the effective date of these regulations to comply with provisions for facility design and operation.~~

~~(2) Acceptance of Solid Waste Containing Recyclable Materials.~~ A facility may accept materials in accordance with the terms of ~~its~~the registration and in accordance with the materials listing provided by the facility with its registration application.

~~(a) 1.~~ Each facility shall notify the Department upon accepting any ~~material~~type of material(s) not previously ~~approved~~listed in the registration. ~~Such notification shall~~A registration modification application including the new type of material(s), and applicable fees, must be made in writing and be signed ~~by~~submitted electronically to the ~~owner/operator or other responsible official as designated in the registration application.~~ Notification is not required before accepting materials not designated in the registration application, but ~~should be made as soon as practicable after materials acceptance~~Department within thirty (30) days of initial receipt.

~~(b) 2.~~ A facility regulated under ~~this Chapter~~these rules shall not accept solid waste containing recyclable materials without the proper ~~receipt and documentation~~records as required under 335-13-3-.04(10).

3. A facility shall maintain compliance with Code of Alabama, 1975, §§13A-8-30 to 13A-8-39, as amended.

~~(c) No facility may accept, receive, purchase, or acquire any charred metal wire unless the registrant can demonstrate through receipts or other documentation that the material originated from a facility properly operating in accordance with applicable air pollution control requirements, including necessary permits and processing equipment with appropriate emission control devices.~~

~~(3) Recyclable Materials —~~ Material Segregation and Storage. ~~Recyclable materials accepted by a facility~~Materials must be properly segregated according to material type and stored in accordance with this ~~section~~rule. Storage of recyclable materials shall be in a manner to protect the integrity of the materials.

1. A receptacle or area, such as a tipping pad/floor, shall be designated for the receiving of incoming materials. The designated receptacle or area should be constructed in such a manner as to prevent exposure to precipitation and migration of materials off-site due to stormwater runoff, wind, or track-out by vehicles entering or leaving the facility ~~site~~.

~~(a)~~2. All receptacles or storage areas utilized for the storage of recyclable materials and/or solid waste materials should be separated from other receptacles or storage areas by a buffer such that all equipment for the movement of such materials may operate without migration of materials away from the receptacle or storage areas.

~~1. Buffers between storage and/or processing areas should be sufficient to minimize the commingling or combining of segregated material types to the extent that would adversely impact the ability to recycle the materials.~~

23. Unless specified differently in a facility's approved BMP plan, a buffer of no less than fifty (50) feet in width should be established and maintained between areas utilized for facility operations and the property boundaries in order to ~~minimize~~prevent migration of solid wastes or recyclable materials off-site. This buffer requirement shall not apply to materials located within enclosed warehouses or other buildings, nor to materials to be utilized on-site in the facility's manufacturing or processing activities.

~~(b)~~4. Materials received by the facility shall be moved to the appropriate segregated storage area within seven (7) days of receipt.

~~(4)~~ (d) Recyclable Materials - Receptacles. Each facility should store materials in receptacles ~~where necessary~~ to protect the integrity and/or marketability of accepted materials and to prevent migration of materials off-site.

~~(a)~~ ~~If necessary, all~~1. All loose, lightweight, unbaled ~~newsprint, materials such as~~ paper, ~~and corrugated paper~~plastic, and cardboard should be stored in ~~closed containers unless stored under a structure suitable~~manner to prevent ~~intrusion of rainwater and stormwater, and protected from the elements~~wind dispersal.

~~(b)~~2. All receptacles utilized to store recyclable materials and those utilized to store ~~contaminated and/or~~ non-recyclable materials generated or received by the facility as a small portion of recyclable shipments or drop-offs shall be clearly marked with the type of material to be deposited. No material other than that specified shall be deposited or stored therein.

~~(e)~~3. Exceptions to the requirement for receptacle storage may include the storage of materials which have been baled or otherwise bound to prevent migration of materials off-site.

~~(5) Storage Areas~~⁴. Storage areas shall be maintained to prevent ~~contamination~~comingling of segregated materials. Materials not intended for recycling and destined for disposal shall be stored separately. Materials received or to be shipped shall be segregated and stored to prevent track-off and migration off-site.

~~(6) Signage. Each facility shall have and maintain at least one sign, clearly visible and legible from off-site, which states the name, address and telephone number of the registrant or owner/operator if different than the registrant contact, the types of materials accepted by the facility, the hours during which the facility shall be open to the public, and the name of the nearest permitted solid waste disposal facility and/or alternate materials recovery facility.~~

~~(7) Storage Areas to Be Kept Clean~~⁵. The area surrounding receptacles or storage areas whether indoors or outdoors, should at all times be maintained in a clean manner. No recyclable or waste materials of any kind should be allowed to overflow from or accumulate around any receptacles or storage areas.

~~(8)~~(e) Signage. Each facility shall have and maintain at least one (1) sign, clearly visible and legible from off-site, which states the name, address and telephone number of the registrant, recycling registration number, the types of materials accepted by the facility and, the hours during which the facility shall be open to the public.

(f) Inspection by Owner/Operator or Responsible Person. The owner, operator or designated responsible person of each facility regulated under this ~~Chapter~~rule shall inspect the facility at least weekly. Such inspections shall be documented in an inspection log by which includes date of inspection, person performing the inspection, areas of concern and corrective actions. Inspections shall include the following items:

~~(a)~~1. Existence of cross-contamination in segregated storage areas. ~~Included shall be~~which includes material storage areas containing more than one recyclable material type, and contamination of recyclables by solid wastes intended for disposal.

~~(b)~~2. Existence or the potential for recyclable material, or solid wastes intended for disposal, to migrate off-site either through stormwater runoff, wind or track-off by vehicular or equipment traffic.

~~(c)~~3. Unauthorized drop-off of wastes or materials not properly delivered to the facility such as those placed outside the

facility boundary or any existing secured areas, and materials not accepted by the facility for recycling.

~~(d)~~4. Documentation of inspection findings requiring corrective action, including a description of the action taken and the date and time of the corrective action. Such corrective actions should be initiated within 48 hours of discovery.

~~(9)~~(g) Fencing and Security. Facilities registered pursuant to ~~this Chapter~~these rules shall be secured by fencing or utilize other means of access control as necessary to prevent unauthorized disposal or removal of recyclable materials or solid wastes.

(9) Storage And Accumulation Limitations. As determined on a yearly basis (January through December), each registered facility shall transfer at least 75% of the amount of recovered material by weight or volume of that material accumulated that is recycled or diverted from the solid waste stream or processed for recycling to a Recovered Materials Processing Center or End-Use Manufacturing Facility. Each new facility beginning operation on the effective date of these regulations shall meet this accumulation limit for that portion of the year in which the facility begins receiving materials for recycling or processing. The following conditions must be met in order to satisfy the 75% accumulation limitation requirement:

(a) Speculative accumulation means a material that is accumulated before being recycled. Speculative accumulation of recovered materials is not allowed.

1. A material is not speculatively accumulated if the person accumulating it can show that the material is potentially recyclable, has a feasible means of being recycled and adheres to the following requirements:

i. During the calendar year (commencing on January 1) the amount of material that is recycled, recovered, or transferred to a different site for further recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the year.

ii. The accumulation period must be documented through an inventory log or other appropriate method.

iii. Any remaining material at the end of the calendar year, beyond that calculated in the 75 percent requirement as described in 335-13-3-.04(9) (a)1.i., must be counted as received material in the following calendar year.

iv. The accumulated volume of unprocessed recovered material shall not exceed the amount which can be processed within a one (1) year period.

v. All unprocessed solid waste containing recyclable material must be managed as items of value (e.g. prevent deterioration and breakdown, protection from the elements, runoff prevention, prevent wind dispersion, and fire protection).

vi. Upon processing, all non-recyclable materials shall be promptly disposed of in accordance with 335-13. According to the provisions of Code of Alabama 1975, §22-22A-4(i), regulations addressing the collection and transportation of solid waste remain within the function of the State Health Department pursuant to Code of Alabama 1975, §§22-22A-5, 22-22A-8, and 22-27-9.

(b) For the purposes of this rule the term "year" shall be the calendar year commencing on January 1 and ending on December 31.

(c) Each facility in operation on the effective date of these regulations shall demonstrate, through certification of annual reports utilizing the language from 335-13-3-.04(9)(e)3., that it is in compliance with the 75% requirement for the year of the effective date of these regulations.

(d) Extensions of the time to recycle, recover, or transfer 75% of the material accumulated at the beginning of the period, not to exceed one (1) year, may be granted by the Department for just cause (e.g. End User Manufacturing Facility shutdown, change in market conditions, etc.).

(e) A registered facility may request a temporary exemption from this requirement by submitting a written request to the Department at least fifteen (15) days before the accumulation time-frame has been exceeded. Such request shall contain the following:

1. Material(s) type, quantity, and current method of segregation and storage.

2. Efforts to move material to a Recovered Material Processing Facility for further processing, to an End-Use Manufacturing Facility, or an Energy Recovery Facility.

3. The following statement, certified by the responsible official or representative:

"I hereby certify as an owner, operator, representative, or responsible official associated with the named facility, that the

information supplied and statements made in this request are true and accurate to the best of my ability, and that failure to comply with the 75% requirement is not due to speculative accumulation or in violation of other requirements of this Chapter. Furthermore, I understand that continued non-compliance with the 75% requirement may result in the facility registration being revoked, and/or enforcement action by the Department, including substantial civil penalties being imposed."

(f) Exemptions granted pursuant to 335-13-3-.04(9)(e) shall be valid for a period determined by the Department, but not to exceed one (1) year.

(g) Continued non-compliance with the storage time limit requirement may result in the revocation of the facility registration and/or enforcement action by the Department which may include civil penalties and/or a requirement for disposal of the accumulated materials in accordance with 335-13-3.

(10) Recordkeeping And Reporting Requirements.

(a) Except as provided in Rule 335-13-3-.04(10)(b), a record or log must be completed for each shipment of materials received or shipped by the registered facility so that the Department can verify facility compliance with the seventy-five (75) percent rate required by 335-13-3-.04(9). Copies of all records maintained by the facility shall be available for inspection by the Department, and shall be utilized to generate annual reports as required by this rule. All records must contain the following information:

1. Description of materials received listed by material type.
2. Weight of each material type.

(b) The requirement for a record shall not apply to recyclable materials accepted in the following cases:

1. Materials delivered by a person in quantities as can be expected from normal individual household generation.
2. Materials delivered to an unmanned drop-off or collection box location where no personnel would be available to complete a record.

(c) Records required in accordance with 335-13-3 shall be maintained at the facility for a minimum of three (3) years and made available for inspection by ADEM personnel upon request.

(d) Each facility subject to 335-13-3 shall prepare and submit an annual report in a form designated by the Department. The report shall include all recyclable materials or recovered materials transferred, sold, or conveyed out of state, to further processors, to materials brokers in the State of Alabama, or to End-Use Manufacturing Facilities in Alabama. These reports shall indicate the following:

1. The amount of each material received at the facility during the reporting period, by type and quantity, expressed in tons. Owners/operators maintaining this information in cubic yards shall convert and indicate the conversion methodology to tons for the purposes of the annual report.

2. The amount of each material type expressed in tons transported to further processors or End-Use Manufacturing Facilities. Owners/operators maintaining this information in cubic yards shall convert and indicate the conversion methodology to tons for the purposes of the annual report.

3. The type and quantity of material, expressed in tons, to include residues or non-recyclable materials removed from the facility by a solid waste collector/hauler and destined for disposal, energy recovery, or further processing and the name, address and telephone number of the hauler. Owners/operators maintaining the quantity information in cubic yards shall convert and indicate the conversion methodology to tons for the purposes of the annual report.

(e) Annual reports containing the information required in 335-13-3-.04(10) (d) above shall be submitted to the Department between January 1 and February 15 with the previous calendar year's information. Annual reports must be certified by the responsible official or representative of the facility and shall include a statement that all materials accepted or generated by the facility which were not sent to an End-Use Manufacturing Facility or reused on-site were properly disposed of in accordance with 335-13.

(11) Inspection Of Facilities.

(a) A facility registered under this rule shall, upon request of a duly authorized representative of the Department, permit the representative to enter, at all reasonable times, property and buildings to inspect facility operations, records and equipment, and to conduct monitoring or sampling activities as necessary to evaluate the facility's compliance with the requirements of these rules.

(b) The registrant, owner or operator shall assure that all records and documentation as may be required to determine compliance with these rules are available for inspection and/or audit upon request by the Department.

(c) The Department may require the registrant to prepare materials for inspection.

(12) Closure Of Facilities.

(a) No person shall close a registered facility without submitting notification to the Department within thirty (30) days of the closure. Such notification shall contain the following:

1. Name, address, telephone number, and registration number of the facility and name, address, and telephone number of the owner, operator, or responsible person following facility closure.

2. Plans for notifying the facility's customers of the closure. Such notification to customers shall include the placement of signs of suitable size at the entrance to the facility indicating the closure date of the facility and/or last date materials to be accepted, if different than the closing date. Such notification shall also include the location of the nearest available recycling and/or solid waste disposal facility.

3. Plans and methods for the prevention of recyclable materials and other solid wastes to accumulate at the facility following closure, and the plans for disposition of such materials in compliance with applicable regulatory requirements.

(b) All solid waste and recyclable materials shall be properly removed from the facility with appropriate documentation and a certification statement provided to the Department of such removal prior to closure, potential nuisance conditions shall be addressed, and, if necessary, the site shall be stabilized to prevent migration of sediment off-site due to stormwater runoff.

Author: Phillip D. Davis, M. Gavin Adams. Jason Wilson, Blake B. Pruitt.

Statutory Authority: Code of ~~Ala.~~Alabama, 1975, §§22-27-9, 22-27-12, 22-27-15, 22-27-16, 22-27-48, 22-27-48.1.

History: Repealed: June 21, 1996; effective July 26, 1996. **New**

Rule: Filed June 28, 2010; effective August 2, 2010. **Amended:**
Published ; effective .

(1) Registration. A Recovered Material Processing Facility, as defined in 335-13-1-.03, is "a facility primarily engaged in the storage, processing, and resale or reuse of recovered materials. A Recovered Materials Processing Facility is not a solid waste management facility; however, any solid waste resulting from the operation of a facility shall be subject to all applicable laws and regulations relating to solid waste and shall be deemed to be generated for purposes of reporting pursuant to solid waste reduction goals, at the point of collection of the recovered materials from which the solid waste resulted". A Recovered Material Processing Facility may not receive, store, process or transfer recovered material without being properly registered with the Department.

(a) Any person who operates a Recovered Material Processing Facility without having applied for registration with the Department may be considered to be operating an unauthorized dump as defined in 335-13-1-.03, and may be subject to enforcement action in accordance with 335-13.

1. The owner or operator of each new Recovered Material Processing Facility desiring to begin operation after the effective date of this Chapter shall file an application for registration at least forty-five (45) days prior to receiving materials. All registered Recovered Material Processing facilities will be subject to periodic renewal of the initial registration issued by the Department. Within one hundred eighty (180) days of the effective date of these regulations, all existing registered facilities shall submit an application for registration renewal on a form designated by the Department. Facilities that do not submit an application for registration renewal within one hundred eighty (180) days of the effective date of these regulations, shall have their registration deactivated.

2. Each registration issued will be valid for five (5) years. Registration renewals shall be submitted at least sixty (60) days prior to the expiration date.

3. The following information shall be submitted electronically by the owner or operator of the Recovered Material Processing Facility on a form designated by the Department:

i. An accurate physical address, latitude and longitude of the front access gate of the facility, mailing address (if different from physical address), owner or operator information, and facility contact information.

ii. A listing of the types of recovered materials (e.g. plastics, paper, cardboard, ferrous metals, non-ferrous metals, glass, rubber, electronics, batteries etc.) to be received, stored, processed or transferred by the facility.

iii. Verification of site access controls utilized at the facility, e.g. gates, fencing, natural barriers, etc.

iv. A general description of the facility operations to collect, store, and process materials.

v. A list of Departmental Permits, Registrations, and Certifications along with their respective Department assigned ID numbers, as applicable.

vi. Statement to the Department of normal hours of operation of the facility for purposes of facilitating inspection by the Department.

vii. Methods utilized to weigh or estimate weight of materials received.

(b) Registrations are not transferable.

1. If a registered facility has a change in ownership or operator, the new owner or operator shall register with the Department within thirty (30) days of assuming ownership or operation of the facility.

2. Changes in the name of a facility also require notification to the Department within thirty (30) days of the effective date of the name change, and payment of fees specified in 335-1.

(c) If a Recovered Material Processing Facility is found to be in significant noncompliance with the requirements of 335-13-3, the registration for the facility may be revoked or the application for registration denied by the Director.

1. The facility may request an informal conference with ADEM to discuss the revocation or denial by ADEM. Following this informal conference, the Director shall advise the facility of the final determination on the registration.

2. The registrant shall be responsible for the compliance of the registered facility with all applicable rules.

(d) A registered facility that discontinues receiving, processing or utilizing recovered materials shall notify ADEM within thirty (30) days of such a change in operations and request that their registration be deactivated. All recovered materials and solid wastes shall be removed from the facility before ADEM will deactivate the registration. Such removal shall be in accordance with all applicable regulations regarding recycling or disposal.

(2) Facility Operation. Registered Recovered Materials Processing Facilities shall be operated according to this rule in order to remain a properly registered facility.

(a) Failure to maintain minimum standards and operational requirements may result in revocation of the registration and may cause the facility to be subject to additional requirements of 335-13 and regulated as a Solid Waste Disposal Facility as defined in 335-13-1-.03 or an unauthorized dump in accordance with 335-13-1-.13.

(b) Acceptance of Recovered Materials. A facility may accept material(s) in accordance with the terms of the registration and in accordance with the materials listing provided by the facility with its registration application.

1. Each facility shall notify the Department upon accepting any type of materials not previously listed in the registration. A registration modification application including the new type of material(s) must be submitted electronically to the Department within thirty (30) days of initial receipt.

2. A facility regulated under these rules shall not accept recovered materials without the proper records as required under 335-13-3-.05(4).

3. A facility shall maintain compliance with Code of Alabama, 1975, §§13A-8-30 to 13A-8-39, as amended.

(c) Recovered Materials - Material Segregation and Storage.

1. All loose, lightweight, unbaled materials such as paper, plastic, and cardboard should be stored in a manner to prevent wind dispersal.

2. Materials not intended for recycling and destined for disposal shall be stored separately.

(d) Signage. Each facility which accepts materials from the general public shall have and maintain at least one (1) sign clearly visible and legible from off-site, which states the name,

address and telephone number of the registrant, and recycling registration number.

(3) Storage ~~Limit~~ And Accumulation Limitations. As determined on a yearly basis (January through December), each registered facility shall transfer at least 75% of the amount of recovered material by weight or volume of that material accumulated that is recycled or diverted from the solid waste stream or processed for recycling to a Recovered Materials Processing Center or End-Use Manufacturing Facility. Each new facility in beginning operation on the effective date of these regulations shall ~~demonstrate through sufficient documentation that it is in compliance with the 75% requirement for the year of the effective date of these regulations. Each new facility beginning operation after the effective date of these regulations shall~~ meet this storage accumulation limit for that portion of the year in which the facility begins receiving materials for recycling or processing. The following conditions must be met in order to satisfy the 75% accumulation limitation requirement:

(a) ~~Each facility shall maintain records~~ Speculative accumulation means a material that is accumulated before being recycled. Speculative accumulation of recovered materials is not allowed.

1. A material is not speculatively accumulated if the person accumulating it can show that the material is potentially recovered, has a feasible means of ~~all materials received by being recycled~~ and ~~shipped from~~ adheres to the ~~facility~~ ~~regardless~~ following requirements:

i. During the calendar year (commencing on January 1) the amount of material ~~type, origin~~ that is recycled, recovered, or ~~destination~~ transferred to a different site for further recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the year.

ii. The accumulation period must be documented through an inventory log or other appropriate method.

iii. Any remaining material at the end of the calendar year, beyond that calculated in ~~accordance with the requirements of Rule~~ 75 percent requirement as described in 335-13-3-.045(3) (a)1.i., must be counted as received material in the following calendar year.

~~(b) Such records~~ iv. All unprocessed recovered material must be managed as items of value (e.g. prevent deterioration and breakdown, protection from the elements, runoff prevention, prevent wind dispersion, and fire protection).

v. Upon processing, all non-recoverable materials shall be available for inspection by the Department. Upon written notice, copies promptly disposed of these records shall be submitted in accordance with 335-13. According to the provisions of Code of Alabama 1975, §22-22A-4(i), regulations addressing the collection and transportation of solid waste remain within the function of the State Health Department pursuant to Code of Alabama 1975, §§22-22A-5, 22-22A-8, and 22-27-9.

~~(e)~~ (b) For the purposes of this section rule the term "year" shall be the calendar year commencing on January 1 and ending on December 31.

~~(2)~~ (c) Each facility in operation on the effective date of these regulations shall demonstrate, through certification of annual reports utilizing the language from 335-13-3-.05(3)(e)3., that it is in compliance with the 75% requirement for the year of the effective date of these regulations.

(d) Extensions of the time to recycle, recover, or transfer 75% of the material accumulated at the beginning of the period, not to exceed one (1) year, may be granted by the Department for just cause (e.g. End-User Manufacturing Facility shutdown, change in market conditions, etc.).

(e) A registered facility may request a temporary exemption from this requirement, by submitting ~~such~~ a written request to the Department ~~within forty-five (45)~~ at least fifteen (15) days ~~after~~ before the accumulation time-frame has been exceeded. Such request shall contain the following:

~~(a)~~ 1. Material(s) type, quantity, and current method of segregation and storage.

~~(b)~~ 2. Efforts to move material to an ~~end-use destination including names and phone numbers of end-user contacts~~ End-User Manufacturing Facility.

~~(c)~~ Estimate of additional quantities of material(s) type to be accepted 3.

~~(d)~~ The following statement, certified by the responsible official or representative:

"I hereby certify as an owner, operator, representative, or responsible person official associated with the named facility, that the information supplied and statements made in this request are true and accurate, and that failure to comply with the 75% requirement is not due to speculative accumulation or in violation of other requirements of this Chapter. Furthermore, I

understand that continued non-compliance with the 75% requirement may result in the facility registration being revoked, and/or enforcement action by the Department, including substantial civil penalties being imposed.”

~~(f) Exemptions granted pursuant to 335-13-3-.05 (3) —Such exemption (e) shall be valid for a period determined by the Department, but not to exceed one year. Extensions of the exemption beyond one (1) year are subject to review and approval by the Department and must be requested in writing by the registered facility in accordance with the requirements of Rule 335-13-3-.04(2).~~

~~(4) (g) Continued non-compliance with the storage time limit requirement may result in the revocation of the facility registration and/or enforcement action by the Department which may include civil penalties and/or a requirement for disposal of the accumulated materials in accordance with this Chapter 335-13-3.~~

~~(5) Records (4) Recordkeeping And Reporting Requirements.~~

~~(a) Except as provided in Rule 335-13-3-.05(4) (b), a record or log must be maintained in a sufficient manner as to be used to for each shipment of recovered and non-recovered materials received or shipped by the registered facility so that the Department can verify facility compliance with the seventy-five percent (75%) rate required by this section.~~

~~Author: Phillip D. Davis, M. Gavin Adams~~

~~Statutory Authority: Code of Ala. 1975, §§22-27-12, 22-27-15, 22-27-16.~~

~~History: Repealed: June 21, 1996; effective July 26, 1996. New Rule: Filed June 28, 2010; effective August 2, 2010.~~

~~335-13-3-.05 Recordkeeping And Reporting Requirements.~~

~~(1) Except as provided in Rule 335-13-3-.05 (3), no materials may be accepted by a facility registered under this Chapter from any person or entity without the completion of a receipt documenting the material acceptance. A receipt must be completed for each shipment of materials received by the registered facility. A copy of each receipt shall be provided to the person or entity delivering the materials, and a copy maintained by the registered facility. Copies of all receipts records maintained by the facility shall be available for inspection by the Department, and shall be utilized to generate semi-annual reports as required by~~

this ~~section~~rule. All ~~receipts~~records must contain the following information:

~~(a)~~1. Description of materials received listed by material type.

~~(b)~~2. Weight of each material type ~~in 335-13-3-.04(1)(b) above,~~
~~expressed in tons.~~

~~(2) A receipt shall be completed for the total shipment of materials where:~~

~~(a) Materials are delivered by a contractual waste or recycling hauler.~~

~~(b) Materials are delivered where collected from drop-off boxes or publicly accessible drop-off centers.~~

~~(c) Materials are delivered where collected during public recycling events.~~

~~(3) The requirement for a ~~receipt~~record shall not apply to ~~recyclable~~recovered materials accepted in the following cases:~~

~~(a)~~1. Materials delivered by a person in quantities as can be expected from normal individual household generation.

~~(b)~~2. Materials delivered to an unmanned drop-off or collection box location where no personnel would be available to complete a ~~receipt~~record.

~~(4)(c) Records required in accordance with 335-13-3 shall be maintained at the facility for a minimum of three (3) years and made available for inspection by ADEM personnel upon request.~~

~~(d) Each facility subject to ~~this Chapter~~335-13-3 shall prepare ~~semi-~~and submit an annual reports-of-report in a form designated by the Department. The report shall include all ~~recyclable~~recovered materials or ~~recovered~~recyclable materials transferred, sold, or conveyed out of state, to further processors, to materials brokers in the State of Alabama, or to ~~end-use manufacturers~~End-Use Manufacturing Facilities in Alabama ~~who use the materials as a fuel, raw material, or as a substitution for a commercial product.~~ These reports shall indicate the following:~~

~~(a) A record of the amounts~~1. The amount of each material ~~accepted from~~received at the ~~initial generators~~facility during the reporting period, by type and quantity, expressed in tons. Owners/operators maintaining this information in cubic yards shall convert and indicate the conversion methodology to tons for the purposes of the ~~semi-~~annual report.

~~(b)2.~~ The amount of each material type expressed in tons delivered or transported to further processors or ~~end-market users.~~ ~~End-Market users which recycle or re-process their own materials generated on-site or materials received from generators in quantities as can be expected from normal individual household generation, shall report the amounts of each material type~~ recycled Use Manufacturing Facilities. Owners/operators maintaining this information in cubic yards shall convert and indicate the conversion methodology to tons for the purposes of the ~~semi~~-annual report.

~~(e)3.~~ The type and quantity of material, expressed in tons, to include residues or non-~~recyclable~~ recovered materials removed from the facility by a solid waste collector/hauler and destined for disposal, ~~and the name, address and telephone number of the hauler~~ energy recovery, or further processing. Owners/operators maintaining the quantity information in cubic yards shall convert and indicate the conversion methodology to tons for the purposes of the ~~semi~~-annual report.

~~(5) Each~~ 4. A statement of compliance that the facility ~~registered pursuant to this Chapter shall~~ complied with the requirements of 335-13-3-.05(3).

~~(e) Annual reports~~ submit a semi-annual report containing the ~~totals and monthly summaries of the information provided~~ required in ~~subparagraphs (a), (b), and (c) of Rule 335-13-3-.05(4) (d)~~ above shall be submitted to the Department ~~on or before~~ between January 1 and February 15 and August 15 of each year ~~for~~ with the ~~preceding six month periods of July 1 – December 31 and January 1 – June 30, respectively. Semi-annual~~ previous calendar year's information. Annual reports must be ~~signed~~ certified by the responsible official or representative of the facility and shall include a statement that all materials accepted or generated by the facility which were not sent to an ~~end-user~~ End-Use Manufacturing Facility or reused on-site were properly disposed of in accordance with ~~this Division.~~

~~(6) Each facility exempt from registration in accordance with Rule 335-13-3-.02(3) shall submit a semi-annual report containing the applicable information as specified in subparagraphs (a) and (b) of Rule 335-13-3-.05(4) above. These reports shall be submitted to the Department in accordance with the requirements of Rule 335-13-3-.05(5).~~

~~(7) Information submitted by a facility may be considered confidential by the Department in accordance with the requirements of Rule 335-1-1-.06, if requested by the facility in writing. Information submitted to the Department which is requested to be held confidential in nature may be utilized by~~

~~the Department in conjunction with other submitted data such that the information is not attributable to a specific facility. Such use may include the generation of Departmental reports or other summaries of a regional or statewide nature.~~ (5)

~~(8) Records required by this Chapter shall be maintained at the facility for a minimum of three (3) years, and made available for inspection by ADEM personnel upon request.~~

~~**Author:** Phillip D. Davis, M. Gavin Adams~~

~~**Statutory Authority:** Code of Ala. 1975, §§22-27-12, 22-27-15, 22-27-16.~~

~~**History: Repealed:** June 21, 1996; effective July 26, 1996. **New**~~

~~**Rule:** Filed June 28, 2010; effective August 2, 2010.~~

~~335-13-3-.06~~

Inspection Of Facilities.

~~(1)~~ (a) A facility registered under this ~~Chapter~~rule shall, upon request of a duly authorized representative of the Department, permit the representative to enter, at all reasonable times, property and buildings to inspect facility operations, records and equipment, and to conduct monitoring or sampling activities as necessary to evaluate the facility's compliance with the requirements of ~~this Chapter and the ADEM Administrative Code~~these rules.

~~(2)~~ (b) The registrant, owner or operator shall assure that all records and documentation as may be required to determine compliance with ~~this Chapter~~these rules are available for inspection and/or audit upon request by the Department.

~~(3)~~ (c) The Department may require the registrant to prepare materials for inspection. ~~Such preparation may include, but not be limited to the disassembly of bales, or spreading of segregated materials to facilitate inspection.~~

~~**Author:** Phillip D. Davis, M. Gavin Adams~~

~~**Statutory Authority:** Code of Ala. 1975, 7;§22-27-12, 22-27-15, 22-27-16.~~

~~**History: Repealed:** June 21, 1996; effective July 26, 1996. **New**~~

~~**Rule:** Filed June 28, 2010;~~

(6) effective August 2, 2010.

~~335-13-3-.07~~

Closure Of Facilities.

~~(1)~~ (a) No person shall close a registered facility without submitting ~~written~~ notification to the Department ~~at least~~ within thirty (30) days ~~in advance~~ of the closure. Such ~~written~~ notification shall contain the following ~~:~~:

~~(a)~~ (b) Name, address, telephone number, and ~~telephone~~ registration number of the facility and ~~of the location~~ name, address, and telephone number of the owner, operator, or responsible person following facility closure.

~~(b) Reason for closure to include factor(s) leading to the closure decision.~~

(c) ~~Written plans~~ Plans for notifying the facility's customers of the closure. Such notification to customers shall include the placement of signs of suitable size at the entrance to the facility indicating the closure date of the facility and/or last date materials to be accepted, if different than the closing date. Such notification shall also include the location of the nearest available recycling facility and/or solid waste disposal facility.

(d) Plans and methods for the prevention of ~~recyclable materials and other~~ accumulation of solid wastes ~~to accumulate or recovered~~ materials at the facility following closure, and the plans for disposition of such materials in compliance with applicable regulatory requirements.

~~(2)~~ (e) All solid waste and ~~recyclable~~ recovered materials shall be properly removed from the facility ~~prior~~ with appropriate documentation and a certification statement provided to ~~closure~~ the Department of such removal, potential nuisance conditions shall be addressed, and, if necessary, the site shall be stabilized to prevent migration of sediment off-site due to stormwater runoff.

Author: Phillip D. Davis, M. Gavin Adams. Jason Wilson, Blake B. Pruitt

Statutory Authority: Code of ~~Ala.~~ Alabama, 1975, §§22-27-9, 22-27-12, 22-27-15, 22-27-16.

History: Repealed: June 21, 1996; effective July 26, 1996. **New**

Rule: Filed June 28, 2010; effective August 2, 2010. **Amended:** Published _____; effective _____.

(1) Registration. An Energy Recovery Facility, as defined in 335-13-1-.03, may not receive, store, process or transfer solid wastes for energy recovery without being properly registered with the Department.

(a) Any person who operates an Energy Recovery Facility without having applied for registration with the Department may be considered to be operating an unauthorized dump as defined in 335-13-1-.03, and may be subject to enforcement action in accordance with 335-13.

1. The owner or operator of each facility in existence on the effective date of this Rule shall file an application for registration with ADEM within 180 days. The owner or operator of each new Energy Recovery Facility desiring to begin operation after the effective date of this Chapter shall file an application for registration at least forty-five (45) days prior to receiving materials.

2. The following information shall be submitted electronically by the owner or operator of the Energy Recovery Facility. Each owner or operator of a subject facility shall register with ADEM on a form designated by the Department. In addition to the designated form, the following information shall be submitted:

i. An accurate physical address, latitude and longitude of the front access gate of the facility, mailing address (if different from physical address), owner or operator information, and facility contact information.

ii. A general description of the energy recovery process or uses of all solid waste to be received, stored, processed or transferred by the facility in a manner to be specified by the Department.

iii. A general description of the facility operations to collect, store, and process materials.

iv. A list of Departmental Permits, Registrations, and Certifications along with their respective Department assigned ID numbers, as applicable, including specific Air permits related to Energy Recovery operations.

v. Methods utilized to weigh or estimate weight of solid waste received.

(b) Registrations are not transferable.

1. If a registered facility has a change in ownership or operator, the new owner or operator shall register with the Department within thirty (30) days of assuming ownership or operation of the facility.

2. Changes in the name of a facility also require notification to the Department within thirty (30) days of the effective date of the name change, and payment of fees specified in 335-1.

(c) If an Energy Recovery Facility is found to be in significant noncompliance with the requirements of Division 335-13-3, the registration for the facility may be revoked or the application for registration denied by the Director.

1. The facility may request an informal conference with ADEM to discuss the revocation or denial by ADEM. Following this informal conference, the Director shall advise the facility of the final determination on the registration.

2. The registrant shall be responsible for the compliance of the registered facility with all applicable rules.

(d) A registered Energy Recovery Facility that discontinues receiving, processing or utilizing solid waste shall notify ADEM within thirty (30) days of such a change in operations and request that the registration be deactivated. All solid wastes shall be removed from the facility before ADEM will deactivate the registration.

(2) Recordkeeping And Reporting Requirements.

(a) A record or daily log must be maintained for the receipt of all materials received by the facility. Copies of all records maintained by the facility shall be available for inspection by the Department, and shall be utilized to generate annual reports as required by this rule. All records must contain the following information:

1. Weight of each material type.

(b) Records required in accordance with 335-13-3-.06 shall be maintained at the facility for a minimum of three (3) years and made available for inspection by ADEM personnel upon request.

(c) Each facility subject to 335-13-3 shall prepare and submit an annual report in a form designated by the Department. Owners/operators maintaining this information in cubic yards shall convert and indicate the conversion methodology to tons for the purposes of the annual report. These reports shall indicate the following:

1. A record of the amounts of solid waste received for energy recovery, expressed in tons for each month from both in the State of Alabama and out of state.

2. A record of the amounts of solid waste processed for energy recovery, expressed in tons for each month from both in the State of Alabama and out of state.

3. The amount of each material type expressed in tons for each month transported to a solid waste disposal facility.

4. A statement of compliance that the facility has complied with the requirements of 335-13-3.

(d) Annual reports containing the information required above must be submitted to the Department between January 1 and February 15 with the previous calendar year's information.

(e) Annual reports must be certified by the responsible official or representative of the facility and shall include a statement that all solid wastes accepted or generated by the facility which were not processed for energy recovery were properly disposed of in accordance with 335-13.

(3) Closure Of Facilities.

(a) No person shall close a registered facility without submitting notification to the Department within thirty (30) days of the closure. Such notification shall contain the following:

1. Name, address, telephone number, and registration number of the facility and name, address, and telephone number of the owner, operator, or responsible person following facility closure.

2. Documentation and a statement certifying that all solid waste has been properly removed or processed from the facility prior to closure.

Author: Phillip D. Davis, M. Gavin Adams. Jason Wilson, Blake B. Pruitt.

Statutory Authority: Code of Alabama, 1975, §§22-27-12, 22-27-15, 22-27-16.

History: Repealed: June 21, 1996; effective July 26, 1996. **New Rule:** Filed June 28, 2010; effective August 2, 2010. **Amended:** Published ; effective .

(1) Registration. An End-Use Manufacturing Facility may not receive, store, process or transfer recovered material without being properly registered with the Department.

(a) The owner or operator of each facility in existence on the effective date of this Rule shall file an application for registration with ADEM within 180 days. The owner or operator of each new End-Use Manufacturing Facility desiring to begin operation after the effective date of this Chapter shall file an application for registration at least forty-five (45) days prior to receiving materials.

(b) The following information shall be submitted electronically by the owner or operator of the End-Use Manufacturing Facility. Each owner or operator of a subject facility shall register with ADEM on a form designated by the Department. In addition to the designated form, the following information shall be submitted:

1. An accurate physical address, latitude and longitude of the front access gate of the facility, mailing address (if different from physical address), owner or operator information, and facility contact information.

2. An initial listing of the types of recovered or recyclable materials (e. g. plastics, paper, cardboard, ferrous metals, non-ferrous metals, glass, rubber, etc.) to be utilized in place of raw materials.

(c) Registrations are not transferable.

1. If a registered facility has a change in ownership or operator, the new owner or operator shall register with the Department within thirty (30) days of assuming ownership or operation of the facility.

2. Changes in the name of a registered facility requires notification to the Department within thirty (30) days of the effective date of the name change, and payment of fees specified in 335-1.

(d) A registered facility that discontinues utilizing recovered materials in place of raw materials shall notify ADEM within thirty (30) days of such a change in operation and request that the registration be deactivated.

(2) Reporting Requirements.

(a) Each registered facility shall prepare and submit an annual report in a form designated by the Department. The report shall include a record of the types of recovered and recyclable materials received for utilization of raw materials. The registered facility may voluntarily include in the annual report any additional information about the facility's receipt and/or utilization of recovered and recyclable materials.

(b) Annual reports must be submitted to the Department between January 1 and February 15 with the previous calendar year's information.

(3) Closure Of Facilities.

(a) Each registered facility shall submit notification to the Department within thirty (30) days of closure to deactivate their registration. Such notification shall contain the following:

1. Name, address, telephone number, and registration number of the facility and name, address, and telephone number of the owner, operator, or responsible person following facility closure.

2. A statement certifying that all recovered material has been or will be properly utilized or removed from the facility.

Author: Jason Wilson, Blake B. Pruitt

Statutory Authority: Code of Alabama, 1975, §§22-27-12, 22-27-15, 22-27-16.

History: Repealed: June 21, 1996; effective July 26, 1996. **New**

Rule: Filed June 28, 2010; effective August 2, 2010. **Amended:** Published ; effective .

335-13-3-.08

Variances.

(1) The Department may grant individual variances from the specific provisions in 335-13-3 based upon the procedures described in 335-13-3-.03 whenever it is found by the Department, upon presentation of adequate proof, that non-compliance with the requirements of 335-13-3 will not threaten the public health or unreasonably create environmental pollution. Variances per se are not favored by the Department.

(2) Applicability. Any person may request a variance from specific provisions of 335-13-3 by filing a Petition for Variance with the Department.

(3) Variance petition requirements. To enable the Department to rule on the petition for variance, the following information shall be included in the petition:

(a) A clear and complete statement of the precise extent of the relief sought; including specific identification of the particular provisions of the regulations from which the variance is sought.

(b) An assessment, with supporting factual information, of the impact that the variance will impose on public health and the environment in the affected area.

(c) Any additional information requested by the Department as necessary to evaluate the variance request.

(d) A concise factual statement of the reasons the petitioner believes that non-compliance with the particular provisions listed in 335-13-3 will not threaten the public health, disrupt the orderly management of recyclable materials, or unreasonably create environmental pollution.

(e) Applicable fees in accordance with 335-1.

(4) Termination of Variance. Any variance granted by the Department may be terminated by the Department whenever the Department finds, after notice to the facility, that the petitioner is in violation of any requirement, condition, schedule, limitation or any other provision of the variance or that operation under the variance does not meet the minimum requirements established by the state and federal laws and regulations or is unreasonably threatening the public health or the environment.

Author: Phillip D. Davis, M. Gavin Adams, Jason Wilson, Blake B. Pruitt.

Statutory Authority: Code of Alabama 1975, §§22-27-12, 22-27-15, 22-27-16.

History: New Rule: Published _____ ; effective _____ .

335-13-3-.09

State Agency Reporting.

(1) The Department shall assess the status of recycling efforts for solid waste generated by the operations of state agencies and public school systems. The Department shall evaluate existing programs and assist in development of necessary new programs for recycling to reduce the generation of solid waste by the state.

(2) Each agency shall submit electronically a report annually (January through December) by February 15th to the Department on the implementation and results of its program. Reports shall be submitted on forms provided by the Department.

(3) State agencies and public school systems are encouraged to coordinate their efforts to assure the maximum benefit of recycling efforts and to increase access to markets for recyclable materials. State agencies and public school systems may jointly enter into contracts with one another or third parties for the management of recyclable materials as provided herein.

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Author: Jason Wilson, Blake B. Pruitt

Statutory Authority: Code of Alabama 1975 , §§22-22-B-3, 22-27-12, 22-27-15 and 22-27-16.

History: New Rule: Published _____ ; effective _____ .