

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control No.: 335

Department or Agency: Alabama Department of Environmental Management Land
Division - Scrap Tire Program

Rule No.: 335-4-1-.02

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

Friday, September 18, 2026

REC'D & FILED
SEP 18, 2026
LEGISLATIVE SVC AGENCY

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION - SCRAP TIRE PROGRAM

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-4-1-.02 Definitions

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Revisions are proposed to update definitions and to incorporate State of Alabama Legislative Act 2025-902. .

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., November 19, 2026, 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., November 19, 2026. 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:

Thursday, November 19, 2026

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)

335-4-1-.02**Definitions.**

For the purpose of these rules, the following words and phrases shall have the meanings given to them in this Rule and as given by law unless the context of 335-4 indicates differently.

(a) Accumulation - any of the following activities related to scrap tires at a particular location:

1. The amassing or gathering of scrap tires, for whatever purpose, not in accordance with the Act and 335-4, in a manner that poses a threat to human health and the environment.
2. The amassing or gathering of scrap tires by a permitted processor, registered receiver, or permitted landfill or solid waste disposal facility.

(b) Act - the "Alabama Scrap Tire Environmental Quality Act," Act No. 2003-332, Code of Ala. 1975, §22-40A-1 et seq [as amended](#).

(c) Approved - authorized, certified, permitted by, or meets standards of a regulatory authority.

(d) Baling - a method of volume reduction in which whole tires are compressed into bales.

(e) Beneficial Use of Processed Tire Material - the processed scrap tire material should meet all of the following conditions:

1. It must provide a functional benefit;
2. It must substitute for the use of a virgin material, conserving natural resources that would otherwise need to be obtained through practices, such as extraction;
3. It must meet relevant product specifications, regulatory standards or design standards when available, and when such standards are not available, the processed tire material is not used in excess quantities.

(f) Centers for Disease Control and Prevention (CDC) - an agency of the U.S. Department of Health and Human Services whose function is developing and applying disease prevention and control, environmental health, and health promotion and education activities designed to improve the health of the people of the United States.

(g) Cleanup - the cleaning up, remediation, control, or removal of scrap tires from the environment.

(h) Closure Plan - the plan for closing a processing facility prepared in accordance with 335-4-6-.06(b).

(i) Consumer - either a retail purchaser or a vehicle dealer who buys a tire to be installed on a vehicle for resale. A wholesale purchaser who buys tires for resale is not considered a consumer.

(j) Current Closure Cost Estimate - the most recent of the estimates prepared in accordance with 335-4-8-.03(2).

(k) Department or ADEM- the Alabama Department of Environmental Management as established by ~~Code of Alabama~~, 1975, §22-2-1 or its successor organization having similar responsibility.

(l) Department of Public Health (ADPH) - the Alabama Department of Public Health as defined by Code of Ala. 1975, §22-2-1, et seq~~r~~ as amended.

(m) Director - the Director of ADEM or a duly authorized representative.

(n) Disposal - the deposit of a tire in a permitted solid waste disposal facility or landfill.

(o) Duly Authorized Representative - a person or position designated by a responsible official to act in place of that responsible official. A person or position is a duly authorized representative if:

1. The authorization is made in writing by a responsible official and is submitted to ADEM. The written authorization shall specify the actions or activities the duly authorized representative has approval to conduct for the regulated facility or activity, and shall be updated in writing to accurately identify any changes to the authorized individual or position.

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity.

(p) Enforcement Officer - an employee of ADEM or the person appointed by the County Commission or Class 2 Municipality having a delegation agreement with ADEM to enforce the Act and 335-4, enforcement officers under the supervision of the

County or Class 2 Municipality Enforcement Officer, and persons authorized by law or regulation to enforce the Act and/or 335-4.

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

(r) Final Designated Facility - a person, as defined in 335-4-1-.02, indicated on a manifest as the last, or ultimate, recipient of the scrap tires or processed tire material to be recycled, reused or disposed.

(s) Fuel User - a processor that uses tire-derived fuel as a source of energy and has been permitted by ADEM or a local air pollution control agency for the use of tire-derived fuel.

(t) Ground or Crumb Rubber - a processed tire material resulting from the grinding or other processing of scrap tires whose particles have a diameter of less than 0.375 inches and are 98% wire free by weight.

(u) Individual Scrap Tire Generator - an individual who generates eight (8) or less scrap tires per year from his personal use vehicles. Not included in this definition are tires removed from a vehicle used in commerce or business by an individual, even if that vehicle is owned by the individual.

(v) Innocent Landowner - ~~one~~ a person who ~~meets~~ fulfills all ~~of the conditions of the criteria outlined in~~ either 335-4-1-.02 (v) ~~(1)~~ 1 or 335-4-1-.02 (v) ~~(2)~~ 2.

1. an owner of real property upon which there is located an accumulation of scrap tires.

(i) The scrap tires were disposed of on the property after the owner acquired title to or obtained financial interest in the property, or the scrap tires were 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 intestate succession or devise.

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

(iii) The owner did not participate in or consent to the disposal of scrap tires on the property.

(iv) The owner did not receive any financial benefit from the disposal of scrap tires on the property.

(v) Title to the property was not transferred to the owner for the purpose of evading liability for operating an unauthorized accumulation of scrap tires.

(vi) The person or persons responsible for disposing of the scrap tires on the property, in doing so, was not acting as an agent for the property owner or interest holder.

2. The State of Alabama shall be considered an innocent landowner for properties it owns or holds ~~upon which,~~ where scrap tires are disposed of, and in ~~in which disposal~~ neither participated in the disposal nor ~~the State did not participate nor to~~ which the State consented to it.

(w) Limited-Use Transporter Permit - a transporter permit that is valid for no longer than ninety (90) days and is only for the remediation of scrap tire sites or as approved by the Department.

(x) Manifest - a form used for identifying the quantity, composition, origin, routing and destination of scrap tires or processed tire material during its transportation from the point of origination to the final designated facility.

(y) Operating Record - a collection of documents relating to the permitting or operation of a scrap tire facility.

(z) Operator - the person responsible for the overall operation of a scrap tire facility, or a part of a facility, with the authority and knowledge to make and implement decisions, or whose actions or failure to act may result in noncompliance with the requirements of 335-4 or the Act.

(aa) Owner - The person who owns a scrap tire facility or part of a scrap tire facility.

(bb) Permit - written authorization granted to a person by ADEM to transport scrap tires in Alabama or to operate a scrap tire processing facility in Alabama.

(cc) Permitted Processor - a person engaged in the processing of tires, as defined in 335-4-1-.02, that has received the

proper permit from ADEM. A retreader or sorter is not considered a processor.

(dd) Permitted Transporter - a person who has received the proper transporter permit from ADEM.

(ee) Person - an individual, organization, business, or entity, whether or not organized for profit.

(ff) Processed Tire Material - a material produced from scrap tires through any chemical, physical, or thermal process, including, but not limited to, baling.

(gg) Processing - for purposes of tire processing, the term includes any of the following activities related to pneumatic tires:

1. The compression and binding of whole tires or processed tire material or baling.
2. Shredding, reducing, or altering tires by any physical, chemical, or thermal process, including, specifically, the burning of tires as fuel.
3. Incorporating whole scrap tires into any end use product or structure where the scrap tire is not deconstructed into its component parts.
4. Punching or stamping products from whole scrap tires or producing processed tire material, crumb, or ground rubber product, whether or not that product is held for sale or used in the facility to produce an end product.

(hh) Recall Tire - a scrap tire resulting from its replacement at no cost to the consumer due to a manufacturing defect and specifically recalled by the manufacturer or by the federal government.

(ii) ~~Registere~~Registered ~~d~~ Receiver - a person who generates or accumulates scrap tires, including the following:

1. Class One Receivers include retail tire dealers, retreaders, and used tire dealers.
2. Class Two Receivers include all other receivers of scrap tires, other than Class One Receivers, that generate or accumulate a minimum of ten (10) scrap tires in a year, specifically including, among others, a component of government, vehicle fleet maintenance or dismantling, rental or sales operations, or other

activity that generates scrap tires, whether or not organized for profit.

(jj) Recycling or Reuse - a use of scrap tires or processed tire material other than for land disposal, including, but not limited to, new products, rubber modified asphalt, civil engineering applications, or fuel use.

(kk) Remediation - this term is synonymous with "cleanup."

(ll) Replacement Tire - a pneumatic tire sold to the consumer regardless of whether or not it is mounted on a rim or wheel.

(mm) Responsible Official - means one of the following:

1. For a corporation, a president, vice-president, secretary, or treasurer of the corporation in charge of a principal business function, or other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of the person if the representative is responsible for the overall operation of one or more facilities applying for or subject to a permit/registration and either:

- (i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

- (ii) The delegation of authority to the representative is approved in advance by ADEM.

2. For a partnership, a general partner.

3. For a sole proprietorship, the proprietor.

4. For a limited liability company, a person as designated under the authority of Code of Ala. 1975, §10A-5A-1.02(2014) et seq, as amended.

5. For a municipality, state, federal, or other public agency, either a principal executive officer or ranking elected official. A principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

(nn) Responsible Party or Responsible Person- with respect to the remediation of any accumulation of scrap tires on any property, a person who meets one or more of the following conditions:

1. A person who deposited the scrap tires on the property, if other than the person who holds the title to or has a financial interest in the property.

2. A person who holds title to or has a financial interest in the property, and who does not qualify as an innocent landowner.

(oo) Retail Tire Dealer - a person selling replacement tires to the consumer whether or not mounted on a rim.

(pp) Retreaded Casing Replacement Tire - a retreaded casing sold to the consumer regardless of whether or not mounted on a rim or wheel.

(qq) Retreader - a person engaged in the retreading of casings.

(rr) Scrap Tire - any pneumatic tire no longer suitable or useable for its original purpose, and, in addition, includes but is not limited to, all tires with a manufacturing defect, except those that are in the process of being returned to the manufacturer for a refund.

(ss) Scrap Tire Commission (STC) - the commission established to review implementation of the Act and to recommend changes of the Act to the Legislature.

(tt) Scrap Tire Environmental Fee - the fee established by the Act, to be collected on the purchase of replacement tires by the Department of Revenue and deposited to the Scrap Tire Fund.

(uu) Scrap Tire Facility or Facility - all contiguous land, structures and other appurtenances thereto used for the accumulation, storage or processing of scrap tires or processed tire material.

(vv) Scrap Tire Fund (STF) - the separate fund established by the Act to fund the cleanup of scrap tire sites, the scrap tire program implemented by ADEM and other activities described in the Act.

(ww) Scrap Tire Site - a site or location where scrap tires or tire pieces are illegally stored or accumulated and is not in compliance with the Act or 335-4.

(xx) Solid Wastes and Recyclable Materials Management Act - Chapter 27 of Title 22, Code of Ala. 1975, as amended.

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

(zz) Thirty-Day Supply - the amount of scrap tires or processed tire material necessary to provide a thirty (30) calendar day supply for the indicated process.

(aaa) Threat - a condition creating a substantial probability of harm, where the probability and potential extent of harm makes it reasonably necessary to take immediate action to prevent, reduce, or mitigate damage to persons, property, the environment, natural resources, or the public health and safety.

(bbb) Tire Chips - A processed tire material resulting from the shredding or chopping of whole scrap tires whose pieces have a basic geometrical shape and are generally between one-half (0.5) inches and two (2) inches in size and have most of the wire removed.

(ccc) Tire Dealer - a person engaged in the sale of tires to the consumer, whether or not mounted on a rim or wheel.

(ddd) Tire-Derived Fuel (TDF) - a scrap tire or processed tire material intended for use as fuel.

(eee) Tire Materials - either scrap tires, processed tire material, or both.

(fff) Tire Shreds - A processed tire material resulting from the shredding or chopping of whole scrap tires whose pieces have a basic geometrical shape and are generally between two (2) inches and twelve (12) inches in size.

(ggg) Used Replacement Tire or Used Tire - a pneumatic tire that is capable of reuse as a tire, directly or following repair, regrooving, or retread, excluding processed tire material, end-use products or by-products derived from scrap tires, that meets all of the following requirements:

1. If a tire is designed for highway use it shall still have more than two thirty-seconds (0.0625) inch of tread.
2. The tire is stored in a rack or a stack, but not in a pile, in a manner consistent with current National Fire Protection Association guidelines (including Chapter 33-34 and any other applicable chapters) for storage of rubber tires, as well as in a manner that minimizes vector breeding.

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control No.: 335

Department or Agency: Alabama Department of Environmental Management Land
Division - Scrap Tire Program

Rule No.: 335-4-2-.01

Rule Title: Remediation Of Sites

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

Friday, September 18, 2026

REC'D & FILED
SEP 18, 2026
LEGISLATIVE SVC AGENCY

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION - SCRAP TIRE PROGRAM

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-4-2-.01 Remediation Of Sites

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Revisions are proposed to include Class 2 Municipalities and to make general needed updates for clarity and consistency.

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., November 19, 2026, 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., November 19, 2026. 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:

Thursday, November 19, 2026

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)

(1) ADEM, ADPH, Class 2 Municipality, or delegated County Enforcement Officers may access property suspected of containing scrap tire sites for the purpose of evaluation of the threat to public health, the environment and safety.

(2) The responsible party for a scrap tire site shall be responsible for the remediation of the site. If the responsible party is not determined, the landowner shall be responsible for remediation of the site, unless the landowner qualifies as an innocent landowner as defined in 335-4-1-.02.

(3) If ADPH, County Health Departments or CDC determines that a significant threat to public health exists from disease vectors associated with the scrap tire site, ADEM can require the responsible party or landowner through an administrative or civil action to immediately implement vector control at the site. If the responsible party or landowner refuses to implement vector control measures, STF monies may be used for this purpose. ADEM may recover all costs associated with the vector control actions pursuant to a determination of a public health threat.

(4) Unless approved in advance by ADEM or the scrap tire site meets the requirements outlined in 335-4-2-.01(6), a person remediating a scrap tire site, whether on their own initiative or at the direction of ADEM, must submit a Remediation Plan prepared by ana professional engineer, which must be ~~used~~utilized to ~~direct~~guide remedial actions.

(5) If required by ADEM, the Remediation Plan must be approved by ADEM prior to initiating action, and must include the following as applicable:

(a) Remove all scrap tires from the site and transport to a permitted processor, solid waste transfer station or SWDF, unless otherwise approved by ADEM. Verification of removal and transport to an authorized facility shall be provided to ADEM. All other regulated solid waste at the site may be required to be removed in the same manner.

(b) Removal or treatment of substances that are a threat to human health and the environment that may have been released to the environment from accumulation, burning or processing scrap tires and other materials.

(c) Restoration of the site by placing backfill in excavated areas, sloping and landscaping to minimize erosion and establish a vegetative cover over the site, if required.

(d) Securing the site by a barricade or other device and posting signs indicating the ~~dump~~scrap tire site is closed and the location of the nearest ~~SWDF~~authorized facility when considered necessary by ADEM. The method or methods of securing the site shall be approved by ADEM.

(e) Estimated cleanup amounts along with the methods to remediate the site and to remove scrap tires and other wastes, to include:

1. An estimate of the quantity of whole tires, scrap tire material, or processed tire material to be removed.
2. An estimate of the type and quantity of other regulated wastes to be removed.
3. A list of equipment to be utilized.
4. Any processing of scrap tires on-site, and storage of processed tire material.

(f) Vector Control Plan.

(g) Stormwater runoff control.

(h) Access control.

(i) Fire protection measures.

(j) Key staff involved in the supervision and performance of the proposed work.

(k) A schedule of proposed work.

(l) Disposition of the scrap tires, processed tire materials and other materials removed from the site.

(m) Site restoration.

(n) The total cost of remediation, with a breakdown of costs estimated by the contractor, if the cost of remediation is to be paid from the STF.

(6) A Remediation Plan prepared by ~~an~~a professional engineer is not required when the total number of scrap tires at a site is less than 500. The responsible person or legal property owner at a site with less than 500 scrap tires shall submit a general description of work to be performed, the disposition of the scrap tires and other solid waste removed from the site, and restoration of the site.

(7) A landowner or the landowner's duly authorized representative who chooses to personally remove scrap tires or scrap tire material from a scrap tire site shall obtain a limited-use transporter permit, as defined in 335-4-1-.02, from ADEM to transport them to a permitted scrap tire processor or ~~SWME~~[SWDF](#).

Author: James L. Bryant; Michael J. Cruise

Statutory Authority: Code of Ala. 1975, §22-40A-1 et seq.

History: New Rule: Filed June 30, 2004; effective August 4, 2004. **Amended:** Filed February 27, 2007; effective April 3, 2007.

Amended: Published June 28, 2024; effective August 12, 2024.

Amended: Published ; effective .

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control No.: 335

Department or Agency: Alabama Department of Environmental Management Land
Division - Scrap Tire Program

Rule No.: 335-4-2-.04

Rule Title: Remediation Contracting

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
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ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION - SCRAP TIRE PROGRAM

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-4-2-.04 Remediation Contracting

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Revisions are proposed to update language to include Solicitation Notices and the use of Alabama's electronic procurement system, to clarify the deadlines for cost proposal and to clarify requirements for remediation contractors.

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., November 19, 2026, 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., November 19, 2026. Written submissions and other inquiries should be directed to:

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FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

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CONTACT PERSON AT AGENCY:

Lynn T. Roper, 334-271-7728

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

(1) Approved Contractors List.

(a) For large sites, remediation contractors who wish to perform work under the STF must demonstrate to the satisfaction of ADEM through the submittal of a technical proposal using ADEM Form 530, and any other documents as may be required by ADEM, that they have adequate staff and resources to perform scrap tire site remediation and that they have the legal standing to perform the work. The remediation contractor must provide services that include, but are not limited to, preparation of a remediation plan, site assessment, site security, excavation or processing of scrap tires or tire materials, vector control, transportation of tire materials, and site closure.

(b) ADEM will place a notice on the Department's website requesting technical proposals from prospective remediation contractors.

1. Completed proposals shall be independently evaluated by members of a Contractor Review Committee to establish an approved contractor list. The Review Committee shall consist of three (3) ADEM staff appointed by the Director and two (2) members of the STC appointed by the Chairperson of the STC. This process shall be repeated at intervals determined by ADEM to provide interested firms with the opportunity to submit qualifications to be included on the approved contractors list.

2. Contractors that have been approved will not be required to resubmit except under the provisions of 335-4-2-.04(1)(c).

3. Contractors who submitted technical proposals but were not approved may resubmit in response to the next request for proposals. Contractors will be notified in writing of the reasons why they were not approved.

4. A contractor shall not be eligible for payment of expenses from the STF if he is not on the approved contractors list.

5. Misrepresentation of any information in the technical proposal shall be cause for disqualification of the firm from further consideration or removal of the firm from the approved list.

(c) Remediation contractors that fail to satisfactorily maintain the requirements of 335-4-2-.04(1) will not be approved to perform remediation work utilizing the STF until a demonstration is made that satisfies the requirements of 335-4-2-.04(1).

1. A contractor may lose authorization to perform work for the STF if, due to the quality or timeliness of work performed by the contractor, progress in completing actions at STF-funded sites has been significantly delayed or inhibited.

2. A contractor removed from the approved contractor list may submit a request for evaluation as an approved contractor at the next notice of request for proposals as described in 335-4-2-.04(1)(b). This contractor shall satisfactorily demonstrate that steps have been taken to address the causes for losing approval. A satisfactory evaluation by the Contractor Review Committee will enable the contractor to perform STF work. Contractors will be notified in writing if they are approved.

(d) A remediation contractor may lose authorization to perform work under the Scrap Tire Fund if either of the following occurs:

1. The contractor is determined to be in significant noncompliance with any environmental permit, regulation, or statute; or

2. The contractor fails to meet applicable requirements of public contracts executed on behalf of the State of Alabama and its agencies, as determined by the Department.

(e) The approval of a remediation contractor shall in no way establish liability or responsibility on the part of ADEM, STC or the State of Alabama in regard to the services provided by the contractor or circumstances which may occur as a result of the services, nor guarantee that the contractor will receive STF funded work.

(2) Contractor Selection.

(a) Once a scrap tire site has been determined by ADEM to be eligible for STF remediation, ADEM shall issue a [Solicitation Notice/Request for Remediation Plans and cost proposal breakdown](#) from those contractors on the approved contractor list [utilizing Alabama's electronic procurement system in accordance with Code of Alabama 1975, §§41-4-110 to 41-4-176,](#)

Division of Purchasing. The Request for Remediation Plans shall identify the site, scope of work, and a deadline for submittals.

(b) Interested remediation contractors shall submit, as described in 335-4-1-.03, ~~one (1) set of its~~a Remediation Plan, prepared in accordance with 335-4-2-.01(5) for closure of the scrap tire site.

(c) Not later than thirty (30) days after the deadline for accepting remediation proposals and cost proposal breakdowns in 335-4-2-.04(2)(a), ADEM shall select the remediation contractor submitting the lowest bid meeting all requirements of the scope of work in the Solicitation Notice/Request for Remediation Plan.

(d) A contract between ADEM and the remediation contractor will be executed in compliance with State of Alabama contracting procedures. The contract shall contain:

1. Detailed scope of work.
2. Schedule for completion of the work.
3. Recordkeeping and reporting requirements.
4. Maximum amount of remediation cost reimbursement.
5. Methods of payment to the contractor.
6. Reserve to be held until completion of the work.
7. Provisions for removing the contractor for inadequate performance.

(3) Contractor Performance.

(a) A remediation contractor performing work payable by the STF shall not be required to obtain a scrap tire processor or scrap tire transporter permit.

(b) If the costs of completing the activities in the approved scope of work are estimated to exceed the amount of funds obligated from the STF, an amended Remediation Plan shall be submitted that details the cost increases proposed. ADEM shall review the amended Plan, and, if costs projections are justified, shall approve the amended Remediation Plan, modify the approved scope of work, and obligate more funds from the STF before the additional work may proceed. However, there shall be a presumption against allowing amendments to

Remediation Plans for failure to adequately estimate costs. To justify increased cost projections, extraordinary reasons must be shown to exist that were not known at the time the scope of work was approved by ADEM.

(c) The remediation activities shall be implemented consistent with the approved Remediation Plan in a manner acceptable to ADEM for the contractor to be reimbursed for all costs associated with those activities.

Author: James L. Bryant, M. Gavin Adams, Brent A. Watson; Michael J. Cruise

Statutory Authority: Code of Ala. 1975, §22-40A-1 et seq.

History: New Rule: Filed June 30, 2004; effective August 4, 2004. **Amended:** Filed February 27, 2007; effective April 3, 2007.

Amended: Filed February 23, 2010; effective March 30, 2010.

Amended: Published June 28, 2024; effective August 12, 2024.

Amended: Published ; effective .

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control No.: 335

Department or Agency: Alabama Department Of Environmental Management Land
Division - Scrap Tire Program

Rule No.: 335-4-3-.01

Rule Title: Registration Requirements

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

Friday, September 18, 2026

REC'D & FILED

SEP 18, 2026

LEGISLATIVE SVC AGENCY

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION - SCRAP TIRE PROGRAM

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-4-3-.01 Registration Requirements

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Revisions are proposed to change the length of valid registrations to five years and to clarify language for new registrations after a change of ownership.

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., November 19, 2026, 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., November 19, 2026. 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:

Thursday, November 19, 2026

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)

335-4-3-.01

Registration Requirements.

(1) The following scrap tire facilities are required to register with ADEM using ADEM Form 537 via the Department-approved electronic system:

(a) Class One and Class Two Receivers.

(b) Fuel users.

(c) Facilities that produce an end-use material or product from ground or crumb rubber derived from scrap tires purchased from another facility.

(d) Facilities using the component parts of tire materials as a substitute raw material.

(2) Scrap tire facilities, as described in 335-4-3-.01(1), shall apply for a registration at least forty-five (45) days prior to receiving tire material. Upon receipt of a complete application, ADEM shall provide the facility with its registration number and the accumulation limit of tire materials that the facility may accumulate or store.

(3) All new registrations issued after ~~the effective date of 335-4-3-.August 12, 2024,~~ but prior to May 1, 201(3)27, will be valid for three (3) years. All registrations issued on or after May 1, 2027, will be valid for five (5) years.

(4) All existing registered facilities, except for fuel users, as of ~~the effective date of 335-4-3-.August 12, 201(3)24,~~ and as described in 335-4-3-.01(1), shall submit an application for registration renewal in accordance with 335-4-1-.03(4) within one hundred eighty (180) days of ~~the effective date~~August 12, 2024, of these rules. 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 terminated.

(5) Registered facilities may request a modification to the registration approval to increase the accumulation limit of tire materials they may accumulate or store. The request shall be submitted to ADEM at least forty-five (45) days prior to the proposed change in operations utilizing ADEM Form 537 via the Department approved electronic system. Approval of the modification shall be at the sole discretion of ADEM.

(6) Registrations are not transferable. If a registered facility has a change in ownership, the new owner shall apply, as described in 335-4-1-.03, for a new registration ~~at least~~within

thirty (30) days ~~prior to~~^{of} assuming ownership or operational control of the facility, where such change was foreseen and advance notification was practical.

(7) If a scrap tire receiver is found to be in significant noncompliance with 335-4, the registration for the receiver may be revoked and deactivated by the Director. Within thirty (30) days of the date of the revocation, the receiver may request an informal hearing with ADEM to discuss the revocation by ADEM. Following this hearing, the Director shall advise the receiver of the final determination on the registration.

(8) Registered facilities that discontinue receiving, processing or utilizing tire materials shall notify ADEM, as described in 335-4-1-.03, within thirty (30) days of a change in operations and request that their registration be terminated. All tire materials shall be removed from the facility before ADEM will terminate the registration.

Author: James L. Bryant, M. Gavin Adams, Adam N. Rhodes. Blake B. Pruitt. Jason J. Wilson.

Statutory Authority: Code of Ala. 1975, §§22-40A-1 et seq.

History: New Rule: Filed June 30, 2004; effective August 4, 2004. **Amended:** Filed February 27, 2007; effective April 3, 2007.

Amended: Filed February 23, 2010; effective March 30, 2010.

Amended: Published June 28, 2024; effective August 12, 2024. __

Amended: Published _____ ; effective _____ .

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control No.: 335

Department or Agency: Alabama Department Of Environmental Management Land
Division - Scrap Tire Program

Rule No.: 335-4-3-.06

Rule Title: Changes To Permits

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

Friday, September 18, 2026

REC'D & FILED

SEP 18, 2026

LEGISLATIVE SVC AGENCY

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION - SCRAP TIRE PROGRAM

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-4-3-.06 Changes To Permits

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Revisions are proposed to change the owner's/operator's submission timeframe to 60 days for a renewal application.

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., November 19, 2026, 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., November 19, 2026. 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:

Thursday, November 19, 2026

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)

Subject to notice, hearing, and appeal rights of the owner/operator, ADEM may transfer, modify, or revoke and reissue a scrap tire permit during its term for cause, including but not limited to, the causes listed in 335-4-3-.06.

(a) Permit Transfers. A permit may be transferred to a new owner or operator only if the permit has been modified or revoked and reissued through electronic submission of a complete application to ADEM utilizing the appropriate ADEM Form and payment of fees in 335-1-6, unless new owner or operator is exempted from the payment of fees by 335-4.

1. If there are no changes in the operation of the scrap tire facility that affects the owner's/operator's ability to comply with the permit and if there are no changes in the design or operation of the facility, the permit may be transferred, provided that all of the following conditions are met:

(i) The current owner/operator and the prospective owner/operator shall electronically submit a complete application to transfer the permit at least thirty (30) days in advance of the change in owner or operator utilizing ADEM Form 330.

(ii) The application shall include a notarized written agreement between the existing and new permittees containing the specific date for transfer of permit responsibilities, coverage and liability.

(iii) Financial assurance requirements of 335-4-8 have been met by the new owner/operator and ADEM has been provided copies of and approved the financial instruments utilized.

2. If the transfer results in changes to the design or operation of the facility, the transfer of ownership may not commence until a new application has been submitted electronically to ADEM as required by 335-4-3-.04 and the permit has been modified accordingly.

3. All persons having or claiming an interest in the real property where the facility is located shall be notified by the applicant that change of owner/operator has been requested. The permit shall not be transferred until the applicant has provided verification to ADEM that these notices have been received by those persons.

(b) Modification or Revocation and Reissuance of Permits.
When ADEM receives information or an application for modification with fees as required in 335-1-6, it may determine whether or not cause for modification or revocation and reissuance exists. ADEM may modify or revoke and reissue the permit accordingly and may request an updated application. The owner/operator shall submit a complete application for modification or revocation and reissuance and shall provide justification of the request and clearly outline what parts of the permit are to be modified. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit may be reissued for a new term. If cause does not exist, ADEM shall not modify or revoke and reissue the permit.

1. The following are causes for modification:

(i) Material and substantial alterations or additions to the permitted facility that occurred after permit issuance.

(ii) Receipt of information not available at the time of permit issuance (other than revised regulations).

(iii) Changes by statute, promulgation of new or amended rules, or judicial decisions.

(iv) Changes to General Permit Provision.

(I) Administrative and informational changes.

(II) Changes to the financial assurance instruments.

(III) Changes to remove permit conditions that are no longer applicable.

(v) Changes to General Facility Standards:

(I) Changes to the amount or volume of tire materials that may be accumulated, stored, or processed that occur without a change or addition of processing equipment.

(II) Changes in procedures for maintaining the operating record.

(vi) A permit may be modified to correct typographical or technical mistakes associated with establishing permit conditions.

(vii) Other causes for modification not listed in 335-4-3-.06(b)1.(i) to (vi) may be considered by ADEM. The applicant or ADEM must justify why this modification is necessary.

2. Request for modification shall be made at least forty-five (45) days prior to the commencement of alterations or other changes that may affect operation of the facility.

(c) Termination of Permits or Denial of Permit Application. Any of the following are causes for terminating a permit during its term, or for denying an application for permit reissuance:

1. Substantial or continuing permit noncompliance.

2. The owner's/operator's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the owner's/operator's misrepresentation of relevant facts.

3. A change in a condition that requires either a temporary or a permanent cessation of activities controlled by the permit.

4. The owner's/operator's failure to submit a complete application electronically to include additional information or items requested by ADEM.

5. A determination that continued operation of the facility endangers human health or the environment.

6. The owner's/operator's failure to submit a complete renewal application electronically at least ~~12~~⁶⁰ days prior to permit expiration.

7. The owner's/operator's failure to maintain financial assurance as required in 335-4-8.

(d) Permit Suspension. When an owner/operator is not in compliance with a permit, the Director may suspend the permit until the permittee has taken the action(s) necessary to achieve compliance with the permit.

Author: James L. Bryant, M. Gavin Adams, Adam N. Rhodes. Blake B. Pruitt. Jason J. Wilson.

Statutory Authority: Code of Ala. 1975, §§22-40A-1 et seq.
History: New Rule: Filed June 30, 2004; effective August 4, 2004. **Amended:** Filed February 27, 2007; effective April 3, 2007.
Amended: Published June 28, 2024; effective August 12, 2024.____
Amended: Published ; effective .

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control No.: 335

Department or Agency: Alabama Department of Environmental Management Land
Division - Scrap Tire Program

Rule No.: 335-4-4-.04

Rule Title: Disposal In A SWDF

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

Friday, September 18, 2026

REC'D & FILED
SEP 18, 2026
LEGISLATIVE SVC AGENCY

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION - SCRAP TIRE PROGRAM

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-4-4-.04 Disposal In A SWDF

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Revisions are proposed to add for requirements for submission of a scrap tire semi-annual report.

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., November 19, 2026, 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., November 19, 2026. 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:

Thursday, November 19, 2026

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)

335-4-4-.04**Disposal In A SWDF.**

A SWDF permitted by ADEM under 335-13 does not have to obtain a new or different permit to accept tires for disposal if tires are an approved waste stream for that SWDF. Additional requirements for the SWDF include:

(a) Tire materials transported to a SWDF for disposal shall be placed directly in the landfill cell, unless the materials can be beneficially used, recycled, or further processed, and are managed as described in the SWDF permit and in accordance with 335-13.

(b) A SWDF may remove tires usable as used tires or casings for retreading and shall store the tires in accordance with 335-4-4-.02.

(c) Processed tire material delivered to a SWDF for engineered use shall not be stored within 200 feet of an active landfill cell, and shall be stored in accordance with 335-4-4-.02(2) except that an Emergency Response Plan is not required. There shall be no time limit for storage of processed tire material to be used in this manner.

(d) A SWDF shall submit a scrap tire semi-annual report in accordance with 335-4-1-.03, utilizing ADEM Form 539, for each six (6) month period of the calendar year (January through June and July through December). All reports shall be submitted to ADEM no later than the 28th day following the end of the reporting period.

Author: James L. Bryant, M. Gavin Adams Adam N. Rhodes. Blake B. Pruitt. Jason J. Wilson

Statutory Authority: Code of Ala. 1975, §§22-40A-1 et seq.

History: New Rule: Filed June 30, 2004; effective August 4, 2004. **Amended:** Filed February 27, 2007; effective April 3, 2007.

Amended: Published June 28, 2024; effective August 12, 2024.

Amended: Published ; effective .

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control No.: 335

Department or Agency: Alabama Department of Environmental Management Land
Division - Scrap Tire Program

Rule No.: 335-4-5-.01

Rule Title: General Requirements For Receivers

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

Friday, September 18, 2026

REC'D & FILED
SEP 18, 2026
LEGISLATIVE SVC AGENCY

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION - SCRAP TIRE PROGRAM

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-4-5-.01 General Requirements For Receivers

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Revisions are proposed to clarify language in 335-4-5-.01(4).

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., November 19, 2026, 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., November 19, 2026. Written submissions and other inquiries should be directed to:

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FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, November 19, 2026

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)

General Requirements For Receivers.

Amended: Published _____; effective _____.

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control No.: 335

Department or Agency: Alabama Department of Environmental Management Land
Division - Scrap Tire Program

Rule No.: 335-4-6-.01

Rule Title: General Requirements For Processors

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

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Signature of certifying officer

Jeffery W. Kitchens
Jeffery W. Kitchens

Date

Friday, September 18, 2026

REC'D & FILED
SEP 18, 2026
LEGISLATIVE SVC AGENCY

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION - SCRAP TIRE PROGRAM

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-4-6-.01 General Requirements For Processors

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Revisions are proposed to update language for accumulating and removing tire materials within 30 days.

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., November 19, 2026, 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., November 19, 2026. Written submissions and other inquiries should be directed to:

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(Signature of officer authorized
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335-4-6-.01

General Requirements For Processors.

(1) A processor shall not ~~store~~accumulate tire materials in excess of the accumulation limit approved by ADEM. If the excess amount has not been eliminated within thirty (30) days of the date the accumulation limit was exceeded, the processor shall notify ADEM as described in 335-4-1-.03 and shall immediately begin to remove the tire materials from the facility to a permitted processor or SWDF.

(2) A processor shall have all necessary processing equipment in operating condition prior to receiving scrap tires for processing. Equipment must be maintained in an operable condition for the duration of the permit. If equipment is inoperable for more than fourteen days, no other comparable equipment is available, and the ability of the facility to continue to process tire materials is interrupted, the facility shall cease receiving tire material until the equipment is repaired and shall remove all accumulated tire materials if the interruption of service is expected to be more than thirty (30) days.

(3) Processors shall utilize manifests and comply with requirements of 335-4-4-.05 for shipment of tire materials.

(4) Processors are required to maintain financial assurance in accordance with 335-4-8.

(5) Fuel users and processors exempt in 335-4-3-.02 are subject to the requirements for processors in accordance with 335-4-6-.02, 335-4-6-.03, and 335-4-6-.04.

Author: James L. Bryant, Adam N. Rhodes. Blake B. Pruitt. Jason J. Wilson.

Statutory Authority: Code of Ala. 1975, §§22-40A-1 et seq.

History: New Rule: Filed June 30, 2004; effective August 4, 2004. **Amended:** Published June 28, 2024; effective August 12, 2024. Amended: Published ; effective .

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control No.: 335

Department or Agency: Alabama Department of Environmental Management Land
Division - Scrap Tire Program

Rule No.: 335-4-6-.06

Rule Title: Closure Of Facilities

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

Friday, September 18, 2026

REC'D & FILED
SEP 18, 2026
LEGISLATIVE SVC AGENCY

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION - SCRAP TIRE PROGRAM

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-4-6-.06 Closure Of Facilities

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Revisions are proposed to change the length of time for updates to the Closure Plan to five years.

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., November 19, 2026, 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., November 19, 2026. 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:

Thursday, November 19, 2026

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)

Processors discontinuing their operations or those not meeting the requirements of 335-4-6 shall discontinue receiving tire materials and shall close the facility.

(a) The processor shall submit a Closure Plan to ADEM as a part of the permit application.

(b) The Closure Plan shall provide for the following if applicable:

1. A narrative description of the closure process to be implemented and a schedule for closure.
2. Removal of all tire materials to a permitted processor, end user, or SWDF.
3. Removal of all other regulated solid waste accumulated at the facility for disposal through a permitted solid waste transfer station or in a SWDF.
4. A Vector Control Plan.
5. Restriction of access to preclude delivery of additional tire materials.
6. A plan for site remediation if a contaminant or other threat to public health or the environment resulting from routine operations, or a fire or other emergency is identified.
7. An estimate of the cost for closure of the facility according to the Closure Plan.

(c) The Closure Plan shall be updated every ~~three (3)~~five (5) years or when conditions change at the processor that may affect the current closure plan. The updated plan, the new closure cost estimate based on the revised closure plan, and an updated financial assurance instrument shall be submitted to ADEM for review.

(d) The processor shall notify ADEM, as described in 335-4-1-.03, when all closure requirements have been implemented. If ADEM determines closure has been completed according to the Closure Plan as required by 335-4-6-.06, the financial assurance instruments shall be released within thirty (30) days.

Author: James L. Bryant, Adam N. Rhodes, Blake B. Pruitt. Jason J. Wilson.

Statutory Authority: Code of Ala. 1975, §§22-40A-1 et seq.
History: New Rule: Filed June 30, 2004; effective August 4, 2004. **Amended:** Published June 28, 2024; effective August 12, 2024. **Amended:** Published ; effective .

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control No.: 335

Department or Agency: Alabama Department of Environmental Management Land
Division - Scrap Tire Program

Rule No.: Chapter 335-4-9

Rule Title: Delegation of County Enforcement Programs

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

Friday, September 18, 2026

REC'D & FILED
SEP 18, 2026
LEGISLATIVE SVC AGENCY

APA-2

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION - SCRAP TIRE PROGRAM**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: Chapter 335-4-9 Delegation of County Enforcement Programs

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Revisions are proposed to amend 335-4-9 to incorporate State of Alabama Legislature Act#2025-202.

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., November 19, 2026, 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., November 19, 2026. 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:

Thursday, November 19, 2026

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 - SCRAP TIRE PROGRAM
ADMINISTRATIVE CODE**

**CHAPTER 335-4-9
DELEGATION OF COUNTY ENFORCEMENT PROGRAMS**

TABLE OF CONTENTS

335-4-9-.01	Delegation Procedures
335-4-9-.02	Duties

335-4-9-.01 Delegation Procedures.

A County Commission or the governing body of a Class 2 municipality may request delegation for enforcement of the Act and 335-4.

(a) The application for delegation shall include a resolution adopted by the County Commission or the governing body of the Class 2 municipality in a regularly scheduled meeting of the County Commission or the governing body of the Class 2 municipality stating the Commission's or the governing body of the Class 2 municipality's desire for delegation.

(b) Execution or approval of a delegation agreement by ADEM does not entitle the County or the governing body of the Class 2 municipality to receive STF monies dedicated to county or Class 2 municipality enforcement activities.

(c) The delegation application shall provide information on how the County Commission or the governing body of the Class 2 municipality will enforce the Act and the requirements of 335-4. ADEM shall provide the information to the County Commission or the governing body of the Class 2 municipality on all registered receivers, known illegal tires sites, permitted transporters and processors. The application shall include:

1. A County or a Class 2 municipality Scrap Tire Enforcement Plan, which includes:

(i) Number of Class One and Class Two Receivers in the county or Class 2 municipality.

(ii) Number of scrap tire processors in the county or Class 2 municipality.

(iii) Location of known illegal scrap tire piles and an estimate of the total number of scrap tire sites in the county or Class 2 municipality.

(iv) Estimated personnel to conduct the enforcement program, position descriptions of these persons, and estimated man-hours committed per year per person.

(v) Estimated annual cost of scrap tire enforcement activities.

(vi) Procedures to perform the duties listed in 335-4-9-.02.

(vii) Procedures for tracking and reporting scrap tire enforcement activities to ADEM.

2. A list of personnel who will act as county or Class 2 municipality enforcement officers and their qualifications to act in this manner.

3. A description of all County or Class 2 municipality scrap tire activities and how the County or Class 2 municipality will conduct independent inspections of its operations.

(d) ADEM shall review the delegation application and provide comments or questions to the County Commission or the governing body of the Class 2 municipality. The County Commission or the governing body of the Class 2 municipality will have thirty (30) days to respond to ADEM. Once ADEM has determined that a delegation agreement can be prepared, it shall submit a draft of the agreement to the County Commission or the governing body of the Class 2 municipality for review.

(e) The delegation agreement shall specify the following, at a minimum:

1. Investigation and reporting procedures to be utilized, and duties of the county or Class 2 municipality enforcement program.

2. ADEM activities to audit performance and success of the county or Class 2 municipality enforcement program.

3. The term of the delegation agreement shall not exceed three (3) years from the date of execution by ADEM of the final Delegation Agreement.

(f) The County Commission or the governing body of the Class 2 municipality shall provide comments on the draft delegation agreement to ADEM within thirty (30) days of receipt. Upon resolution of all comments, ADEM shall submit the final Delegation Agreement to the County Commission or the governing body of the Class 2 municipality for approval and execution in a regularly scheduled meeting of the County Commission or the governing body of the Class 2 municipality. Once executed the agreement shall be returned to ADEM for signature by the Director.

(g) If the County Commission or the governing body of the Class 2 municipality desires to extend the Delegation Agreement, it shall submit an application to extend at least ninety (90) days prior to the expiration of the agreement. The application to extend shall update information or data that may be different from the original delegation application.

(h) If ADEM determines through an audit of the county or Class 2 municipality enforcement program that there are deficiencies in the program, ADEM shall notify the County Commission or the governing body of the Class 2 municipality of its findings and methods for the county or Class 2 municipality to return to an acceptable enforcement program. If the County Commission or the governing body of the Class 2 municipality does not address the findings of deficiency, ADEM may revoke the Delegation Agreement. ADEM shall notify the County Commission or the governing body of the Class 2 municipality of its intention to revoke the Delegation Agreement at least thirty (30) days prior to revoking the Delegation Agreement. Actions by ADEM to revoke the Delegation Agreement are subject to appeal in accordance with 335-2.

Author: James L. Bryant, M. Gavin Adams, Adam N. Rhodes. Blake B. Pruitt. Jason J. Wilson.

Statutory Authority: Code of Ala. 1975, §§22-40A-1 et seq.

History: New Rule: Filed June 30, 2004; effective August 4, 2004. **Amended:** Filed February 27, 2007; effective April 3, 2007.

Amended: Published June 28, 2024; effective August 12, 2024. __

Amended: Published ; effective .

335-4-9-.02 Duties.

Enforcement officers of delegated counties or Class 2 municipality shall be accorded the authority to implement the provisions of 335-4 when conducting inspections or reviewing records for compliance with the requirements of 335-4 and the

Act. County or Class 2 municipality enforcement officers shall perform all of the following duties:

- (a) Investigate illegal dumping of scrap tires.
- (b) Investigate reports and complaints regarding scrap tires in the county or Class 2 municipality.
- (c) Inspect tire dealers, receivers, and transporters, to include:

- 1. Manifests of scrap tire shipments.
- 2. Registration of the receiver with ADOR for payment of the Scrap Tire Environmental Fee.
- 3. Scrap tire accumulation and storage areas.
- 4. Transporter decals as prescribed by ADEM.
- 5. Operating record.

- (d) Inspect permitted scrap tire processors, to include:

- 1. Manifests of scrap tire shipments.
- 2. Scrap tire accumulation and storage areas.
- 3. Operating record.

- (e) Provide comprehensive investigation reports electronically to ADEM within ten (10) days of the initial investigation or inspection.

- (f) Take legal actions to enforce the requirements of 335-4 as allowed in the Act.

- (g) Provide semi-annual reports electronically to ADEM on all scrap tire activities within that six month period of the calendar year (January through June, July through December) on a form provided by ADEM. The semi-annual report shall be submitted electronically to ADEM by the 28th day following the end of each reporting period.

- (h) Investigation reports and semi-annual reports shall be completed and submitted to the Department electronically to TireMail@adem.alabama.gov by the county enforcement program.

Author: James L. Bryant, Adam N. Rhodes. Blake B. Pruitt. Jason J. Wilson.

Statutory Authority: Code of Ala. 1975, §§22-40A-1 et seq.

History: **New Rule:** Filed June 30, 2004; effective August 4, 2004. **Amended:** Published June 28, 2024; effective August 12, 2024. **Amended:** Published _____; effective _____.