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

CHAPTER 335-13-3
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 Purpose And Applicability.

(1) This chapter establishes the minimum notification, recordkeeping requirements, and operating standards applicable to Materials Recovery Facilities (MRF), Recovered Materials Processing Facilities (RMPF), Energy Recovery Facilities (ERF),and 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 divulgence of records, reports, or information, or particular parts thereof (other than emission, effluent, manifest or compliance data) to which the 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 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.

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335-13-3-.02 Recycling Exemptions.

(1) The following activities are exempt from the requirements imposed by 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 the 335-4 Regulations.

(e) The processing and/or recycling of used oil and/or wastes regulated under 335-14 regulations, to include universal waste, provided only used oil or wastes regulated under 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 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.
Author: Phillip D. Davis, M. Gavin Adams, Jason Wilson, Blake B. Pruitt
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335-13-3-.03 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."
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Statutory Authority: Code of Alabama 1975, §§22-27-12, 22-27-15, 22-27-16.
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335-13-3-.04 Materials Recovery Facility (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 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 not withstanding 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 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 Solid Waste Containing Recyclable Materials. A facility may accept materials 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 material(s) not previously listed in the registration. A registration modification application including the new type of material(s), and applicable fees, must be submitted electronically to the Department within thirty (30) days of initial receipt.

2. A facility regulated under these rules shall not accept solid waste containing recyclable materials without the proper 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) Material Segregation and Storage. Materials must be properly segregated according to material type and stored in accordance with this 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.

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.

3. 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 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.

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

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

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

2. All receptacles utilized to store recyclable materials and those utilized to store 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.

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.

4. Storage areas shall be maintained to prevent 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.

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.

(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 rule shall inspect the facility at least weekly. Such inspections shall be documented in an inspection log which includes date of inspection, person performing the inspection, areas of concern and corrective actions. Inspections shall include the following items:

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

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.

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.

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.

(g) Fencing and Security. Facilities registered pursuant to 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
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335-13-3-.05 Recovered Material Processing Facility (RMPF).

(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 form 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 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 recovered, 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-.05(3)(a)1.i., must be counted as received material in the following calendar year.

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 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-.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 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 an End-Use Manufacturing 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, 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)(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.

(4) Recordkeeping And Reporting Requirements.

(a) Except as provided in Rule 335-13-3-.05(4)(b), a record or log must be maintained 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 335-13-3-.05(3). 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 recovered 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 recovered materials or recyclable 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 delivered or 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-recovered materials removed from the facility by a solid waste collector/hauler and destined for disposal, 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 annual report.

4. A statement of compliance that the facility complied with the requirements of 335-13-3-.05(3).

(e) Annual reports containing the information required in 335-13-3-.05(4)(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.

(5) 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.

(6) 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:

(b) 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.

(c) 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 accumulation of solid wastes or recovered materials at the facility following closure, and the plans for disposition of such materials in compliance with applicable regulatory requirements.

(e) All solid waste and recovered materials shall be properly removed from the facility with appropriate documentation and a certification statement provided to 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 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 June 30, 2025; effective August 14, 2025.

335-13-3-.06 Energy Recovery Facility (ERF).

(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 June 30, 2025; effective August 14, 2025.

335-13-3-.07 End-Use Manufacturing Facility (EUMF).

(1) Registration. An End-Use Manufacturing Facility shall register with the Department.

(a) The owner or operator of each facility in existence on the effective date of this Rule shall register 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 register 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.

(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 a triennial 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) Triennial reports must be submitted to the Department between January 1 and February 15, beginning in calendar year 2029, 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, §§22-27-2, 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 June 30, 2025; effective August 14, 2025.

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: Amended: Published June 30, 2025; effective August 14, 2025.

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.
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: **Amended:** Published June 30, 2025; effective August 14, 2025.