ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION - SCRAP TIRE PROGRAM
ADMINISTRATIVE CODE

CHAPTER 335-4-11
PROCEDURES FOR VARIANCES

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335-4-11-.01 Variances.

The Department may grant individual variances from the specific provisions in 335-4 based upon the procedures described in 335-4-11-.02 through 335-4-11-.04 whenever it is found by the Department, upon presentation of adequate proof, that non-compliance with the requirements of 335-4 will not threaten the public health or unreasonably create environmental pollution. Variances per se are not favored by the Department.
Author: Adam N. Rhodes
Statutory Authority: Code of Ala. 1975, §§22-40A-1 et seq.
History: **New Rule:** Published June 28, 2024; effective August 12, 2024.

335-4-11-.02 Petition For Variance.

(1) Applicability. Any person may request a variance from specific provisions of 335-4 by filing a Petition for Variance with the Department at least 120 days prior to the anticipated change and shall receive approval from the Department prior to implementation of the proposed change.

(2) 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 the 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 335-4 will not threaten the public health or unreasonably create environmental pollution.

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

Author: Adam N. Rhodes
Statutory Authority: Code of Ala. 1975, §§22-40A-1 et seq.
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335-4-11-.03 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 variance is no longer necessary or 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.

Author: Adam N. Rhodes
Statutory Authority: Code of Ala. 1975, §§22-40A-1 et seq.
History: **New Rule:** Published June 28, 2024; effective August 12, 2024.