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

CHAPTER 335-4-9
DELEGATION OF COUNTY ENFORCEMENT PROGRAMS

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335-4-9-.01 Delegation Procedures.

A County Commission 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 in a regularly scheduled meeting of the County Commission stating the Commission's desire for delegation.

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

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

1. A County Scrap Tire Enforcement Plan, which includes:

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

(ii) Number of scrap tire processors in the county.

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

(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 enforcement officers and their qualifications to act in this manner.

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

(d) ADEM shall review the delegation application and provide comments or questions to the County Commission. The County Commission 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 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 enforcement program.

2. ADEM activities to audit performance and success of the county 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 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 for approval and execution in a regularly scheduled meeting of the County Commission. Once executed the agreement shall be returned to ADEM for signature by the Director.

(g) If the County Commission 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 enforcement program that there are deficiencies in the program, ADEM shall notify the County Commission of its

findings and methods for the county to return to an acceptable enforcement program. If the County Commission does not address the findings of deficiency, ADEM may revoke the Delegation Agreement. ADEM shall notify the County Commission 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
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335-4-9-.02 Duties.

Enforcement officers of delegated counties 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 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.

(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 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.

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