APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 335

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

Rule No.: Chapter 335-4-7

Rule Title: Scrap Tire Transporters

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? No

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

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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: marilyn elliott
Marilyn Elliott

REC'D & FILED
JAN 19, 2024
LEGISLATIVE SVC AGENCY

Date: Friday, January 19, 2024

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 335-4-7 Scrap Tire Transporters

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:
Revisions to the ADEM Administrative Code Div. 335-4-7 are being proposed to add use of the Department-approved electronic system and update recordkeeping and storage requirements.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:
Comments may be submitted in writing or orally at a public hearing to be held at 9:30 a.m., March 21, 2024, 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., March 21, 2024.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Thursday, March 21, 2024

CONTACT PERSON AT AGENCY:
Lynn T. Roper (334) 271-7728

marilyn elliott

Marilyn Elliott

(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 335-4-7
SCRAP TIRE TRANSPORTERS

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335-4-7-.01 General Requirements For Transporters.

(1) A transporter shall only accept scrap tires or processed tire material from a registered receiver, a permitted processor, a SWDF or other persons approved by ADEM.

(2) Transporters may transport scrap tires or processed tire material to a registered receiver, a permitted or registered processor, a retreader or a SWDF.

(3) Transporters may only accept scrap tires or processed tire material manifested in accordance with 335-4-4-.05.

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

Author: James L. Bryant
Statutory Authority: Code of ~~Ala.~~Alabama 1975, §§22-40A-1 et seq.
History: **New Rule:** Filed June 30, 2004; effective August 4, 2004. **Amended:** Published ; effective .

335-4-7-.02 Decal Requirements.

Vehicles operated by the transporter or receiver shall exhibit a decal issued by ADEM. The transporter or receiver shall maintain a list of decal assignments to specific vehicles~~, and may request new decals~~ and may request new decals via the Department-approved electronic system, when additional vehicles are added.

(a) The decal shall be placed on each vehicle in the fleet and be clearly visible at all times. The decal shall be placed on the left side of the vehicle, either on the windshield or the side of the vehicle immediately behind the driver's side door and/or in accordance with U.S. Department of Transportation requirements.

(b) Numbered decals shall be provided by ADEM to the transporter who shall assign the decals to their vehicles. The transporter or receiver shall maintain a list of decals and the vehicle to which that decal is assigned. Decals are not transferable to another vehicle.

(c) The transporter or receiver may paint or scribe in some manner the decal information of the side of the vehicle immediately behind the driver’s side door if the information placed on the vehicle clearly provides all information on the ADEM decal. Letters and numbers placed on the vehicle in this manner shall be at least one (1) inch in height. Letters and numbers shall be enduring and not change appearance with time.

Author: James L. Bryant, M. Gavin Adams. Adam N. Rhodes
Statutory Authority: Code of ~~Ala.~~Alabama 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 _____; effective _____.

335-4-7-.03 Reporting.

(1) A transporter shall submit a scrap tire ~~quarterly~~semi-annual report as described in 335-4-1-.03, utilizing ADEM Form 539, for each ~~quarter~~six (6)-month period of the calendar year (January through ~~March, April through~~ June, July ~~through September, and October~~ through December). All reports shall be submitted to ADEM no later than the 28th day following the end of the reporting period.~~.~~

(2) If a permitted vehicle of the transporter is involved in a motor vehicle accident while transporting tire materials and tire materials are spilled, the transporter shall notify ADEM, as described in 335-4-1-.03, ~~in writing~~ within seventy-two (72) hours of the accident. The notification shall provide the following information:

(a) Date, time, and location of the accident.

(b) Amount of tire materials spilled from the vehicle involved in the accident.

(c) The disposition of spilled tire materials and tire materials remaining in or on the vehicle.

Author: James L. Bryant, M. Gavin Adams. Adam N. Rhodes
Statutory Authority: Code of ~~Ala.~~Alabama 1975, §§22-40A-1 et seq.
History: **New Rule:** Filed June 30, 2004; effective August 4, 2004. **Amended:** Filed February 23, 2010; effective March 30, 2010. **Amended:** Published _____; effective _____.

335-4-7-.04 Recordkeeping Requirements.

An operating record for the transporter shall be maintained at a facility located in Alabama or in an alternate location approved by ADEM.

(a) The following information shall be placed in the operating record as it becomes available:

1. The permit application and permit as issued by ADEM.

2. Financial Assurance or insurance documentation.

3. Appropriate information on all vehicles transporting tire materials, to include vehicle identification number, make/model, and license number, and decal numbers assigned to those vehicles.

4. Reports or documentation generated during the normal operation of the transporter including, but not limited to:

(i) Manifests of tire materials transported.

(ii) ~~Quarterly Reports~~Semi-annual reports utilizing ADEM Form 539.

(iii) Arrangement for fire protection services, if applicable.

(iv) Accident reports.

(v) Vector Control Plan as referenced in 335-4-1-.0~~4~~5(5).

(vi) Any other report or document generated in the normal operation of the facility that is submitted to ADEM.

5. Electronic versions of records listed in 335-4-7-.04 may be maintained in the operating record as allowed in 335-4-1-.0~~4~~5(7).

(b) All information contained in the operating record shall be retained for at least three (3) years. Records relating to a violation or enforcement action shall not be removed from the Operating Record for at least three (3) years and, until all these matters are resolved.

Author: James L. Bryant, M. Gavin Adams. Adam N. Rhodes
Statutory Authority: Code of ~~Ala.~~Alabama 1975, §§22-40A-1 et seq.
History: **New Rule:** Filed June 30, 2004; effective August 4, 2004. **Amended:** Filed February 23, 2010; effective March 30, 2010. **Amended:** Published ; effective .