

APA-1

TRANSMITTAL SHEET FOR NOTICE  
OF INTENDED ACTION

Control: 335

Department or Agency: ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT LAND  
DIVISION - SOLID WASTE PROGRAM

Rule No.: 335-13-13-.02

Rule Title: Statewide Solid Waste Reduction Goal

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

Wednesday, April 17, 2024

REC'D & FILED

APR 17, 2024

LEGISLATIVE SVC AGENCY

APA-2

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
LAND DIVISION - SOLID WASTE PROGRAM

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-13-13-.02 Statewide Solid Waste Reduction Goal

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Revisions to 335-13-13-.02 are being proposed to update the Statewide Solid Waste Reduction Goal and clarify language for general needed updates.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held at 1:30 p.m., June 20, 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., June 20, 2024.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, June 20, 2024

CONTACT PERSON AT AGENCY:

Lynn T. Roper, 334-271-7728

*Jeffery W. Kitchens*

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Jeffery W. Kitchens

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

**335-13-13-.02****Statewide Solid Waste Reduction Goal.**

There is hereby established a statewide solid waste reduction goal (G) of 40%. Attainment of this goal on an annual percentage basis shall be evaluated by comparing the statewide solid waste diversion rate of each year (G of 25%. Attainment of this goal (G) shall be determined on an annual percentage basis by use of year) to the statewide solid waste reduction goal (G):

[Added image:]

$$G \geq G_{year}$$

where  $G_{year}$  is calculated by using the following formula:

~~$$G = (R / (R + W)) \times 100$$~~

[Added image:]

$$G_{year} = \left( \frac{D}{D + W} \right) \times 100\%$$

where the amount of annual waste ~~reduction (R) shall be calculated by aggregating all reported quantities of recovered materials in tons processed for recycling or beneficial reuse,~~ diverted from landfills (D) shall be calculated by the summation of all reported quantities of recovered materials in tons processed for recyclable materials (R), scrap tires (S), and beneficial use materials (B) which are processed and diverted from landfills to end-use markets:

[Added image:]

$$D = R + S + B$$

And divided by the summation of all annual waste diverted from landfills (D) and the total annual statewide solid waste generation~~accepted for disposal~~ (W), which shall be determined in tons by data reported to the Department in accordance with 335-13-4-.22(2)(g) or 335-13-4-.23(2)(f) less any reported out of state waste accepted for disposal.

~~(a) By April 15, 2011 the Department shall calculate the statewide solid waste reduction percentage for the baseline calendar year of 2010. Annually, thereafter,~~ the Department shall replicate this calculation for the previous calendar year.

~~(b) The calculated annual statewide solid waste reduction percentage shall be posted on the departmental~~ diversion rate shall be posted on the Departmental internet website.

~~(c) The Department shall evaluate the percentage goal established in this rule on a triennial basis and, if warranted, shall revise the goal in order to promote increased recycling and beneficial reuse~~ diversion of recyclable materials, scrap tires, and beneficial use materials within the State.

(d) Any public or private entity involved in solid waste management within the State shall undertake measures to support the attainment of the statewide solid waste reduction goal, including but not limited to implementation of waste reduction and recycling programs through the approved local solid waste management plan, and the recordkeeping and reporting of the amounts of recycled or beneficially reused materials or scrap tires, as required under the State Solid Waste Management Plan established in ADEM Administrative Code 335-13-9.

**Author:** Phillip D. Davis. Jason J. Wilson, Blake B. Pruitt.

**Statutory Authority:** Code of ~~Ala.~~Alabama 1975, §§22-27-12, 22-27-15, 22-27-16.

**History: New Rule:** Filed October 20, 2009; effective November 24, 2009. **Amended:** Published ; effective .