

**CERTIFICATION OF ADMINISTRATIVE RULES  
FILED WITH THE LEGISLATIVE SERVICES AGENCY  
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Friday, October 11, 2024, and filed with the agency secretary on Friday, October 11, 2024.

**AGENCY NAME:** Alabama Department of Environmental Management Land Division - Solid Waste Program

**INTENDED ACTION:** Amend

**RULE NO.:** 335-13-5-.04  
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

**RULE TITLE:** Public Hearing

**ACTION TAKEN:** State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

**Adopted without changes**

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLII, ISSUE NO. 9, AAM, DATED FRIDAY, JUNE 28, 2024.

**STATUTORY RULEMAKING AUTHORITY:** Ala. Code §§ 22- 22A- 5, 22- 22-A 6, 22- 22A-8, 22 -28 -14, (as amended) and Ala. Code §§ 41-22-4 and 41-22-5 (as amended)

**REC'D & FILED**  
(Date Filed)  
(For LRS Use Only)  
**OCT 11, 2024**  
**LEGISLATIVE SVC AGENCY**

Jeffery W. Kitchens  
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Certifying Officer or his or her Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

**335-13-5-.04      Public Hearing.**

(1) Authorization. The Department shall authorize a public hearing at its discretion, or upon receipt of a significant number of technical requests as provided in 335-13-5-.04(2).

(2) Procedures.

(a) Requests for public hearings shall be submitted in writing to the Department.

1. Frivolous or nontechnical requests shall be denied by the Department.

2. Requests for public hearings must be submitted within 35 days after the publication of the public notice and must contain the following:

(i) The name, address, and telephone number of the person requesting the hearing.

(ii) A brief statement of the person's interest and the information the person wishes to submit.

(iii) The person's signature, if an individual, or the signature of a responsible officer of an organization or legal entity.

(b) When a hearing has been authorized, the Department shall appoint a hearing officer to conduct the hearing and shall establish a time, date, and location for the hearing. The location for the hearing shall comply with the requirements of the Americans with Disabilities Act.

(c) The Department shall give notice of the public hearings in the manner set forth in 335-13-5-.03(1), and also to the persons requesting the hearing in 335-13-5-.04(2). The notice shall be given not less than 35 days prior to the time of the public hearing and shall include:

1. A summary of the proposed permitting action.

2. The place, time, and date of the hearing.

3. The name, address and telephone number of an office at which interested persons may receive further information.

(3) Departmental Action. After the public hearing and close of the comment period, the Department shall review, consider, and respond to comments received by the close of the comment period and take one of the following actions:

(a) Deny the permitting action, stating in writing the reasons for denial and inform the person requesting the permitting action of appeal procedures in chapter 335-2-1;

(b) Issue the permitting action, if the application complies with this Division; or

(c) Require additional information or additional elements of design for the facility. If required, the applicant must specify procedures for inclusion into the permit of any additional information prior to issuance of the permit action.

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**Statutory Authority:** Code of Ala. 1975, §§22-22A-5, 22-27-7.

**History:** Effective November 18, 1981. **Amended:** July 21, 1988.  
**Amended:** Filed September 28, 1993; effective November 2, 1993.  
**Amended:** Filed June 21, 1996; effective July 26, 1996.  
**Amended:** Filed April 24, 2018; effective June 8, 2018.  
**Amended:** Published October 29, 2021; effective December 13, 2021. **Amended:** Published October 31, 2024; effective December 15, 2024.