

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.: 335-13-12-.02
Rule Title: Training And Certification Requirements
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

Thursday, June 13, 2024

REC'D & FILED
JUN 13, 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: 335-13-12-.02 Training And Certification
Requirements

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Revisions to 335-13-12-.02 are being proposed to update the requirements for Landfill Operators, to amend rule citations, and to make 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. on August 8, 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., August 8, 2024.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, August 8, 2024

CONTACT PERSON AT AGENCY:

Lynn T. Roper, 334-271-7728

Jeffery W. Kitchens

Jeffery W. Kitchens

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

335-13-12-.02

Training And Certification Requirements.

(1) In addition to the requirements listed in rules 335-13-12-.02(2) and (3), all applicants for certification or re-certification under this chapter must complete a training course developed and provided by the Department. The curriculum of this training course will be tailored specifically to the requirements of this Division. The completion of this course will qualify towards the training requirements of rules 335-13-12-.02(2) (f) and (h), and of rules 335-13-12-.02(3) (d) and (f).

(2) Municipal Solid Waste (MSW) Landfill Operator Certification.

(a) The facilities subject to this chapter are required to have at least one operator holding certification from the Department.

(b) A person desiring to be certified or re-certified must file an application with the Department on a form provided by the Department, along with the appropriate application fee.

(c) At a minimum, the applicant must be a graduate of high school or an accredited GED program, and have worked at a MSW landfill ~~in the State of Alabama~~ for at least 3 years.

(d) The applicant must pass a written examination developed and given by the Department or, developed and given by another entity that has been approved by the Department.

(e) Any certificate granted under this rule shall be renewable every 3 years, unless revoked or invalidated for cause as determined by the Department.

(f) All persons required to obtain certification may become re-certified within 3 years by attending a total of at least 30 hours of Department approved training. The Department will maintain a list of training programs approved by the Department.

(g) An applicant who fails to pass an examination given by the Department may repeat the examination at the next regularly scheduled examination date. If the applicant again fails to pass, he may then reapply for the training and certification and pay the appropriate application fees.

(h) Exceptions.

1. An applicant for initial certification as an operator may request to be certified without meeting the requirements of either rule 335-13-12-.02 ~~(1)~~ (2) (c) or rule 335-13-12-.02(2) (d), provided the applicant has attended at least 15 hours of ADEM-approved training or continuing education courses ~~since April 15, 2008~~ within the past three years and can demonstrate at least 5 years of relevant experience working at MSW landfills; or

2. An applicant may request to be certified without meeting the requirements of both rule 335-13-12-.02(2) (c) and rule 335-13-12-.02(2) (d) by attending at least 15 hours of ADEM-approved training or continuing education courses ~~since April 15, 2008, and can demonstrate at least 8 years of~~ qualifying within the past three years, and can demonstrate at

least 8 years of relevant experience working at MSW landfills;
or

3. An applicant may request initial certification pursuant to the provisions of rule 335-13-12-.03.

(3) Construction/Demolition and Industrial Landfill Operator Certification.

(a) The facilities subject to this chapter are required to have at least one operator holding certification from the Department.

(b) A person desiring to be certified must file an application with the Department on a form provided by the Department, along with the appropriate application fee.

(c) At a minimum, the applicant must be a graduate of high school or an accredited GED program, and have worked at a landfill ~~in the State of Alabama~~ for at least 1 year.

(d) The applicant must have attended at least 10 hours of relevant training or continuing education courses approved by the Department ~~since April 15, 2008~~ within the past three years to receive certification.

(e) Any certificate granted under this rule shall be renewable every 3 years, unless revoked or invalidated for cause as determined by the Department.

(f) All persons required to obtain certification may become re-certified within 3 years by attending a total of at least 30 hours of Department approved training. The Department will maintain a list of approved continuing education training programs.

(g) Exceptions.

1. An applicant for initial certification as an operator may request to be certified without meeting the requirements of 335-13-12-.02(3)(c) provided the applicant can demonstrate at least 3 years of relevant experience; or

2. The applicant has passed an approved examination in accordance with rule 335-13-12-.02(2)(d); or

3. The applicant may request initial certification pursuant to the provisions of rule 335-13-12-.03.

Author: S. Scott Story, Phillip D. Davis, Jason Wilson, Jared Kelly, Heather M. Jones

Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-27-9, 22-27-12(7).

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