

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-.04
Rule Title: Revocation Of Certificate
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-.04 Revocation Of Certificate

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Revisions to 335-13-12-.04 are being proposed to update the language for revocation of a certificate.

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*

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Jeffery W. Kitchens

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

**335-13-12-.04****Revocation Of Certificate.**

Following a hearing before the Director or his designated representative, the Director may revoke or suspend a certificate if it is found that the operator:-

- ~~(a)~~ (1) Has practiced fraud or deception in obtaining the certificate or in the performance of his duties as an operator;
- ~~(b)~~ (2) Has not used reasonable care, judgment, or the application of his knowledge or ability in the performance of his duties;
- ~~(c)~~ (3) Is incompetent or unable to perform his duties as an operator;
- ~~(d)~~ (4) Has knowingly submitted incorrect or falsified operational data or information;
- ~~(e) Has consistently failed to submit operational data as required by the department~~ (5) Has consistently failed to submit operational data as required by the Department; or
- ~~(f) Has violated the requirements of this chapter~~ (6) Has violated the requirements of 335-13-12.

**Author:** S. Scott Story, Phillip D. Davis, Jason Wilson, 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 .