

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.: 335-13-5-.03
Rule Title: Public Notice
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: 335-13-5-.03 Public Notice

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

Revisions to 335-13-5-.03 are being made to provide 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)

335-13-5-.03

Public Notice.

(1) Notice Requirements.

(a) The Department shall provide notice and an opportunity for a public hearing and comment on any solid waste landfill unit, composting facility or CCR facility permit initial issuance, renewal, a modification listed in 335-13-5-.06(1), 335-13-5-.06(2) (b), or 335-13-5-.06(4) (b)2. ~~or (2) (b)~~ to the facility permit, or if otherwise determined necessary to meet the requirements of this Division.

(b) The following procedures shall be observed:

1. The Department shall send a copy of the notice to persons on a mailing list developed by:

(i) Including those who request in writing to be on the list;

(ii) Notifying the public of the opportunity to be put on the mailing list through the Department's website, periodic publication in the public press and in such publications as regional and state funded newsletters, environmental bulletins, or state law journals (the Director may update the mailing list from time to time by requesting written indication of continued interest from those listed and may delete from the list the name of any person who fails to respond to such a request);

2. The Department shall notify interested and potentially interested persons of the proposed permit action for a solid waste landfill, composting or CCR facility by posting a notice to the Department's website. The draft permit action shall be posted on the website for the duration of the public comment period.

3. The notice shall be given not less than 35 days prior to the proposed issuance of a permit action.

4. The notice shall contain the specific type and nature of the solid waste landfill, composting or CCR facility, the type of waste to be disposed or accepted, as applicable, the owner or operator requesting the permit action, and the descriptive location of the solid waste landfill, composting or CCR facility, address and telephone number of the Department, and how the public may submit comments and request a public hearing on the proposed permit action.

5. The Department shall send by certified mail, a written copy of the public notice to landowners adjacent to the subject solid waste landfill, composting or CCR facility at the address as indicated on county tax records and provided by the applicant as part of the permit application. The list and addresses of adjacent land owners, as provided in the permit application, shall be verified and/or updated by the applicant and such documentation shall be provided to the Department within 90 days prior to the public notice date. Documentation that notice was sent shall include copies of the signed receipts of certified mail delivery or a copy of any returned certified mail item, that is refused or otherwise undeliverable.

(2) Departmental Action. After the comment period closes, the Department shall review, consider and respond to all public 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 informing 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.

Author: Russell A. Kelly, S. Scott Story, Heather M. Jones, [Jason Wilson](#)

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: Filed June 25, 2019; effective August 9, 2019.

Amended: Published October 29, 2021; effective December 13, 2021. **Amended:** Published _____ ; effective _____ .