APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control No.: 420

Department or Agency: Alabama Department of Public Health Alabama State Committee of Public Health

Rule No.: 420-3-5-.11

Rule Title: Transfer Stations

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

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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: Sancha O. Howard
Sancha Howard

REC'D & FILED

Date: Monday, October 19, 2026 OCT 20, 2026

LEGISLATIVE SVC AGENCY

APA-2

ALABAMA DEPARTMENT OF PUBLIC HEALTH
ALABAMA STATE COMMITTEE OF PUBLIC HEALTH

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Public Health

RULE NO. & TITLE: 420-3-5-.11 Transfer Stations

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:
Amend to clarify only subsection 6 is confidential

TIME, PLACE AND MANNER OF PRESENTING VIEWS:
A public hearing will be held at the Alabama Department of Public Health, the RSA Tower, 201 Monroe Street, Suite 1540 Montgomery, AL 36104 on November 3, 2026 at 2:00 p.m. Public comments will be accepted until 5:00 p.m. December 4, 2026, at the contact information below.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Friday, December 4, 2026

CONTACT PERSON AT AGENCY:
Matt Conner, Bureau of
Environmental Services
201 Monroe Street, Suite 1250
Montgomery, AL 36104
(334) 206-5373

Sancha O. Howard
Sancha Howard

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

420-3-5-.11 Transfer Stations.

For applications submitted after the effective date of these rules and before making application to the LHD, the applicant shall obtain approval from the local governing body pursuant to Code of Ala. 1975, Section 22-27-48.1. Transfer stations shall meet all the requirements of these rules and shall be subject to inspection by the ~~Board~~Committee or LHD, at least semi-annually, to include inspections performed at the time a permit is issued or renewed. More frequent inspections may be performed if deemed necessary by the LHD. For purposes of this section, applicant means any persons, except public agencies applying for a permit to operate, construct, or modify a transfer station.

(1) **Permitting.** No person shall construct, operate, or materially alter or modify, excluding normal maintenance, a transfer station facility until he has applied for and received a Transfer Station Permit from the LHD, renewable annually on October 1.

(a) The application for a permit to establish, materially alter, or operate a transfer station shall be made on forms provided by the ~~Board~~Committee, which shall be submitted to the LHD with the following information attached:

1. Legal description of property or deed with any easements or Covenants Running with the Land attached.

2. A letter from each solid waste disposal facility that has agreed to accept waste from the transfer station and a listing of any conditions, including, but not limited to, the types of waste to be received, the types of waste that are prohibited, and the hours that waste will be received.

3. A letter from each solid waste handling or disposal facility that has agreed to accept waste should an emergency diversion become necessary and a listing of any conditions, including, but not limited to, the types of waste to be received, the types of waste that are prohibited, and the hours that waste will be received.

4. A site plan of the structures and utilities on a scale of sufficient detail to include features up to 500 feet beyond the facility boundaries. The site plan shall include:

(i) Lot dimensions/size, with property lines identified.

(ii) Property boundaries and fences.

(iii) The location of existing or proposed structures that will be used in the solid waste handling process to include scales, transfer building and foundation, compactor unit, transfer trailer bay, and storage containers (drawn to scale).

(iv) Surface waters.

(v) The location of sanitary sewer or onsite wastewater treatment system. Attach a letter from the local sanitary sewer authority authorizing discharge of wastewater to their wastewater treatment facility, or a copy of the permit to install an onsite sewage disposal system. If a holding tank will be used to capture and contain leachate, then also attach a copy of the contract with a company who will pump the tank.

5. A scaled, 1-mile radius area map showing the proposed site buildings and any residences, schools, recreational facilities, wells, caves, sinkholes, and any railroads and state and county maintained streets and roads.

6. A site plan of the facility to include, but not be limited to, the details of the scales, transfer building and foundation, compactor unit, floors and drains, curbing, plumbing, sewer lines and connections, water supply lines, traffic flow, offices, sanitary facilities, fences, roads, parking lots, onsite sewage disposal system, and storage containers.

7. A U.S. Geological Survey topographical map of the area, showing the transfer station boundaries, property boundaries, surface waters, natural and artificial drainage features, wells, base flood plains, protected natural resources, and natural geographic features located within 500 feet of the facility boundaries.

8. A statement that addresses the setback distances from the transfer station buildings to the nearest

surface water, well, sinkholes, and caves and the impact that the construction and operating of the transfer station will have on each feature.

9. A statement from the Army Corps of Engineers stating that the construction and operation of the transfer station will not adversely impact a federally protected wetland.

10. Source of water supply.

11. Documents verifying that the control and disposal of wastewater, washdown water, and leachate directly into a public or private sewer system via connection, or indirectly by pumping and hauling, and the control and disposal of stormwater, have been approved by the Department or the LHD, as appropriate; or documents verifying that such approval is not required.

12. An Operation Manual, prepared in accordance with subparagraph (4) of this rule.

(b) The applicant shall employ the services of a registered engineer to prepare the application.

(c) The application for permit renewal shall be made on forms provided by the ~~Board~~Committee and shall be accompanied by any attachments which have been revised since the last permit issuance or renewal or any new information concerning compliance with these rules.

(d) Applicants shall submit a disclosure statement in accordance with subparagraph (6) of this rule

(2) **Location.** The location of a transfer station shall meet the following siting requirements:

(a) The facility shall be surrounded by buffer zones of the following proportions unless such facility is located in an area zoned industrial or commercial. Measurements will be taken from the tipping floor.

1. One hundred feet from all public roads and other property boundaries.

2. Five hundred feet from the nearest residence, school, recreational park, day care facility, or food service or food handling establishment in existence at the time the application is filed.

(b) Facilities located in urbanized areas or other locales that require the use of a small acreage lot may obtain approval from the ~~Board~~Committee for a reduced buffer zone, provided operations are enclosed and do not create a public health nuisance or hazard, and all other Environmental Protection Agency requirements for an urban transfer station are adhered to.

(c) The applicant shall employ the services of a registered engineer to determine setback distances between the facility and the nearest well, surface water, sinkhole, or cave necessary to prevent contamination of surface or ground water. For setback distances of less than 500 feet, approval shall be obtained from the ~~Board~~Committee.

(d) The transfer station, or its construction, shall not be located in, on, over, or result in the destruction or adverse modification of:

1. A protected natural resource.

2. The critical habitat of any endangered or threatened species of plants, fish, or wildlife as identified in 50 CFR Part 17, entitled "Wildlife and Fisheries."

(e) Location of the transfer station shall be adjacent to access roads, which are capable of withstanding anticipated load limits under all weather conditions.

(f) The transfer station shall not be located in areas subject to the base flood, reduce the temporary water storage capacity of a floodplain, or result in washout of solid waste.

(g) Transfer stations shall not be sited in areas determined by the Alabama Historical Commission to be archaeological or historically sensitive locations at the time of initial application.

(3) **Design.** The design of a transfer station shall adhere to the following requirements:

(a) The applicant shall employ the services of a registered engineer to design the facility, such that it will not create a source of contamination of ground or surface waters, or create a nuisance or hazard to public health or the environment.

(b) The transfer station shall have sufficient capability to handle, in a nuisance-free manner, all waste unloaded at the facility at all times.

(c) The transfer station shall be enclosed within a chain link fence, or other fence material, with a gate(s) that can be secured, in order to effectively prevent access to the facility while the facility is unattended or not operating, and to contain windblown litter inside the facility boundaries.

(d) Access to and from the transfer station and vehicular flow shall minimize traffic congestion, dust, and noise at all times, including during adverse weather conditions.

(e) Sanitary facilities, including rest rooms and hand wash basins, shall be provided for use by transfer station personnel as is recommended by the Southern Standard Plumbing Code.

(f) Compactors and other equipment shall be cleanable and shall be equipped with drains that are connected to a sanitary sewer system or equivalent.

(g) Waste tipping, loading, and unloading areas shall be roofed and floors shall be constructed of an impervious material, which is readily cleanable. Such surfaces shall be equipped with drains that are connected to a sanitary sewer system or equivalent.

(h) Roofs shall be designed, constructed, and maintained in a manner that prevents exposure of the waste thereunder to the elements.

(i) The applicant shall employ the services of a registered engineer to certify that the facility was constructed in accordance with all the requirements of these Rules and conditions of the permit, and with the design approved by the LHD.

(4) **Operations.** The Operation Manual for the transfer station shall contain:

(a) A statement explaining how access to the transfer station by unauthorized persons will be restricted.

(b) A statement of maximum waste handling and storage capacity as determined by the engineer.

(c) A plan for managing vegetation on and around the transfer station.

(d) The operation, management, and closure of a transfer station shall not cause a nuisance or hazard to public health or the environment, and shall be accomplished pursuant to the following requirements:

1. A transfer station shall not accept or receive solid waste from persons other than permitted solid waste collectors or solid waste transporters unless said persons have obtained a Certificate of Exception.

2. A transfer station shall not receive or accept waste, nor shall any person deposit waste at a transfer station, if such waste is composed of or contains regulated hazardous waste, infectious waste, or explosive material or debris.

3. The operator of a transfer station shall immediately notify the LHD and other appropriate regulatory authorities when any waste, prohibited from being deposited at a transfer station by these rules, is delivered to or discovered at the facility. The operator shall record the following information concerning such incident:

(i) The date and time the prohibited waste was discovered.

(ii) The date and times the LHD and other authorities were notified.

(iii) The quantity of the waste.

(iv) The place where the waste was generated.

(v) The name, address, phone number, and permit number of person who deposited such waste, if known.

(vi) The type of waste discovered.

(vii) Other information concerning the incident that is known by the operator.

(e) The storage of solid waste at the facility and the storage containers shall adhere to requirements of Rule 420-3-5-.09 of these Rules.

(f) The transfer station shall be maintained in a sanitary manner to prevent the harborage of vermin or vectors and to prevent the creation of a public health nuisance. Required maintenance shall include, but is not limited to, the following:

1. The facility and equipment used for handling or storing solid waste shall be cleaned regularly.

2. Windblown litter and other debris shall be cleaned from around the facility on a daily basis.

3. Vermin and vectors shall be controlled in a manner acceptable to the LHD and through a person licensed or certified by the Alabama Department of Agriculture and Industries to perform pest control services.

4. Weeds, grass, and other vegetation shall be trimmed regularly.

5. Dust, noise, and odor shall be minimized.

(g) All washdown water, leachate, waste water, and storm and surface water shall be managed and disposed of by methods as approved under the permit. Holding tanks, if used, shall be of sufficient capacity and maintained in such a manner that allows the facility to be flushed and cleaned in accordance with subparagraph (3)(a) of this rule.

(h) The operator shall provide and maintain in good repair, access roads at the facility.

(i) Equipment at the transfer station shall always be sufficient to handle all solid waste received at the facility. The operator shall provide for routine maintenance and safety checks of all equipment. In the event of equipment failure, or other cause of work stoppage, the facility shall have access to back-up equipment to handle all waste effectively, or the operator shall provide for the diversion of all solid waste to other approved facilities. The operator shall notify the LHD of any significant work stoppage or other emergency as soon as possible, but no later than 24 hours after such stoppage or emergency occurs, and shall provide any information requested by the LHD pertaining to such emergency.

(j) An attendant who meets the requirements of subsection (g) below shall be on duty at the facility during all operating hours.

(k) An operation manual shall be prepared and maintained which describes the facility's current policies, practices, and emergency procedures at the facility. It shall address all the operating requirements of this rule. The manual shall be made available to all facility personnel.

(l) The permittee shall provide for the instruction of facility personnel, at least semi-annually, on the operating manual and on matters related to worker safety, health, and hygiene. In order to prevent the transmission of human pathogens:

1. Eating, drinking, smoking, vaping, and the use of smokeless tobacco shall be prohibited at those work stations where employees have physical contact with solid waste. Warning signs shall be posted at prominent locations at such stations stating that eating, drinking, smoking, vaping, and the use of smokeless tobacco are prohibited in that area. Transfer station operators shall post signs in prominent locations, reminding employees to wash their hands before eating, drinking, smoking, vaping, or using smokeless tobacco.

2. The operator shall, at the start of each workshift, assure that each employee who will have physical contact with solid waste at the transfer station is provided with and uses protective clothing or gear which will provide a barrier between the employee and solid waste and which is acceptable to the LHD. Such clothing or gear shall be removed by the employee prior to leaving the facility at any time.

(m) The permittee shall provide sufficient fire extinguishing equipment and shall adopt fire prevention practices to the satisfaction of the local fire marshal. Arrangements shall be made with the local fire department for the provision of emergency services.

(n) Plumbing shall be properly maintained and floors shall be well drained and free of standing water.

(o) Sanitary facilities shall be maintained in good operational condition.

(p) A statement of the days and hours of operation shall be posted at the entrance of the facility, and access shall be limited to those times when authorized personnel are on duty.

(q) Operation and management shall be under the direct supervision and control of an individual qualified to operate transfer stations by training, education, or experience, including, but not limited to, the following:

1. Complete a course or program developed by the Solid Waste Association of North America or an equivalent organization or industry that qualifies an individual to manage a transfer station, as approved by the ~~Board~~Committee.

2. Knowledge of the emergency procedures of the local governing body and the local emergency management agency.

3. Knowledge of the transfer station management plan.

4. Hold a certification or license authorizing said person to identify hazardous waste.

5. Basic knowledge of the usage of facility equipment.

(r) Open burning of any type is prohibited at a transfer station.

(s) Solid waste shall not remain at a transfer station longer than 24 hours after it is received or deposited. A permit holder may obtain approval from the LHD to retain garbage longer than 24 hours if the facility is equipped to contain garbage in a manner that will not create odors or provide harborage for vermin or vectors.

(t) Scavenging at a transfer station is prohibited.

(5) **Closure.** The transfer station permittee shall notify the LHD at least 90 days in advance of the proposed date of closure of the facility. The operator shall submit a closure plan to the LHD at the time of such notification. The permittee shall also notify all facility users at least 90 days in advance of the proposed closure date. Closure of the transfer station may not proceed until the closure plan, as submitted by the operator, has been approved by the LHD.

Closure of the transfer station shall be accomplished in accordance with the following requirements:

(a) Within 24 hours of the termination of operations, the transfer station permittee shall remove, or cause to be removed, all solid waste, debris, and residue and dispose of same at an approved handling or disposal facility. The permittee shall ensure that the site in its entirety is left in such a manner so as to not cause a public's health nuisance or the environment and in a manner that is acceptable to the LHD.

(b) After closure, access to the facility shall be restricted and signs shall be posted stating the facility is closed and gives the location of the nearest approved transfer station or disposal facility. The depositing of solid waste at a closed facility is prohibited.

(c) The applicant shall employ the services of a registered engineer to certify that the transfer station has been closed in accordance with the approved closure plan and the requirements of these rules.

(d) Solid waste deposited at the facility after closure is the responsibility of the permittee or property owner and shall be removed to an approved solid waste handling or disposal facility.

(e) The transfer station permittee shall retain records of all activities occurring at the facility for at least 2 years. Additionally, such records shall be retained longer than 2 years if such records are under dispute. Such records shall be made available upon request to the LHD, and shall, at a minimum, include the following information:

1. The quantity of solid waste, in tons per day, delivered to and received by the facility each day.

2. The quantity of solid waste, in tons per day, moved from the transfer station each day for delivery to a handling or disposal facility.

3. The county, city, or other point of generation, date, and quantity, in tons, of each shipment of solid waste deposited at the facility, and the name and permit number of the solid waste collector or other authorized user who deposited such waste.

4. The receipts containing waste quantities, dates, etc., from handling or disposal facilities at which each shipment of solid waste from the transfer station has been deposited.

5. The facility's sanitation and management practices, including vermin and vector control practices. Site maintenance and other items which substantiate fulfillment of the operations plan.

6. Other operational and management information as it relates to the protection of public health that the LHD may require.

(6) **Disclosure of Records.** It is the permittee's continuing duty to disclose information as required by these rules, after the issuance of any transfer station permit.

(a) Applicants for the issuance or renewal of a transfer station permit shall submit, at the time of initial application or permit renewal, a disclosure statement to: Alabama Department of Public Health, Office of General Counsel, 201 Monroe Street, Montgomery, Alabama 36130-3017. The statement shall contain the following information:

1. The full name, business address, home address, date of birth, social security number or federal employer identification number of the applicant; which shall include any directors, partners, or key employees with respect to the proposed solid waste operations; any member of a public or semi-public entity such as an authority, board, commission or council that applies for such permit and all persons or business concerns holding more than 5 percent of the equity in or debt liability of that business, unless the debt liability is held by a charter lending institution.

2. The full name and business address of any company that handles or disposes of solid, hazardous, or infectious waste in which the applicant holds a significant financial interest.

3. A list and explanation of any felony convictions, any criminal convictions of environmental laws, and any adjudicated civil or administrative violations of environmental laws administered by the ~~Board~~Committee or other state agencies, the state, other states, the United States, or another country

against any person named in subparagraphs (a)1 or (a)2 above. All convictions and civil or administrative adjudications referenced herein, excluding those involving public corruption or violations of environmental laws, which occurred more than 7 years prior to the submission of a transfer station do not require disclosure~~,~~.

4. A list and explanation of any ongoing court proceeding or any ongoing administrative enforcement action not already provided under subparagraph (a)3 of this Rule in which any person named in subparagraphs (a)1 or (a)2 above is or was a party and which concerns environmental laws administered by the ~~Board~~Committee, other state agencies, the state, other states, the United States, or another country.

5. A list of any persons outside of Alabama who have regulatory responsibilities over the applicant in connection with the handling or disposal of solid wastes.

6. A list and explanation of administrative consent agreements or consent decrees entered by any person named in subparagraphs (a)1 or (a)2 above for violations of environmental laws administered by the ~~Board~~Committee or other state agencies, the state, other states, the United States, or another country.

(b) Records disclosed under this rule shall be reviewed by the ~~Board~~Committee, in accordance with criteria approved by the ~~Board~~Committee. It is the permittee's continuing duty to disclose information as required by these rules, after the issuance of any transfer station permit.

(c) The ~~Board~~Committee may deny, suspend, or revoke a permit for a transfer station regulated under these rules if it finds that the owner, the operator, or any person having a significant financial interest in the facility had been convicted of any felony violations or any criminal violation of environmental laws or has been adjudicated to have committed any civil or administrative violation of environmental laws administered by the ~~Board~~Committee, or other environmental laws or rules of the state, other states, the United States, or another country. In making this determination, the ~~Board~~Committee shall consider the following facts:

(i) The nature and responsibilities of the position that the individual held at the time of the offense, and the position that the individual will hold.

(ii) The nature and seriousness of the offense.

(iii) The date and circumstances under which the offense occurred.

(iv) Whether the offense was an isolated or repeat incident.

(v) Changes in management personnel, which have occurred in the organization since the offense was committed.

(vi) Any evidence of rehabilitation.

(d) In the case of any person convicted of violating any federal or state environmental laws, the ~~Board~~Committee shall consider whether such person has made all reasonable efforts to remediate or mitigate any environmental damage caused by such violation, or has made restitution to injured parties.

(e) The ~~Board~~Committee may deny, suspend, or revoke a permit if the applicant refuses to comply with the requirements of this rule, or if the information supplied is untrue or misleading as to the facts pertaining to any criminal or civil records reported, as required by this rule.

(f) ~~Records~~Disclosure statements received under ~~provisions~~subsection 6 of this rule are ~~to be considered~~ confidential and are not subject to review by the general public.

Author: Phyllis C. Mardis; Dillon Bullard; Matthew Conner; Ken Stephens; Thad Pittman

Statutory Authority: Code of Ala. 1975, §§22-2-2(6), 22-10-1 et seq., 22-27-1, et seq.

History: Adopted June 15, 1988; Filed June 20, 1988; effective July 25, 1988. Emergency Repeal and **New Rule:** Filed May 20, 1994; effective May 27, 1994. **Repealed and New Rule:** Filed October 20, 1994; effective November 24, 1994. Emergency Repeal and **New Rule:** Filed November 20, 1997. **Repealed and New Rule:** Filed January 21, 1998; effective February 25, 1998. **Repealed and New Rule:** Filed April 20, 2017; effective June 4, 2017. **Amended:** Published September 30, 2021; effective November 14, 2021. **Amended:** Published _____; effective _____.