

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management  
Rule No. Rule 335-13-5-.03  
Rule Title: Public Notice

         New   X   Amend          Repeal          Adopt by Reference

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 and, if so, to what degree?          NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?          NO

Are all facets of the rulemaking 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.

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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         Maulz Elliott        

Date: February 20, 2019

(DATE FILED)  
(STAMP)

APA-2

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
LAND DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULE NO. & TITLE:

335-13-1-.03	<u>Definitions</u> (Amend)
335-13-4-.12	<u>Plans and Operational Reports</u> (Amend)
335-13-4-.21	<u>General Operational Standards for Landfill Units</u> (Amend)
335-13-4-.22	<u>Specific Requirements for Municipal Solid Waste Landfills</u> (Amend)
335-13-4-.23	<u>Specific Requirements for Inert-Construction/Demolition Landfills and Industrial Landfills</u> (Amend)
335-13-4-.27	<u>Groundwater Monitoring and Corrective Action</u> (Amend)
335-13-5-.02	<u>Permit Application</u> (Amend)
335-13-5-.03	<u>Public Notice</u> (Amend)
335-13-14-.07	<u>Permitting Requirements</u> (Amend)
335-13-15-.09	<u>Permit Application</u> (Amend)

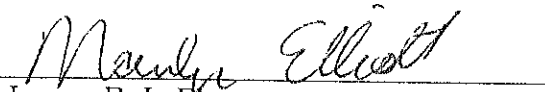
INTENDED ACTION: Revise Division 13 of the ADEM Administrative Code.

SUBSTANCE OR PROPOSED ACTION: Revise portions of Division 13 Regulations to incorporate changes to ensure consistency with State and Federal Statutes and provide clarification of State requirements for the management of solid waste.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Comments may be submitted in writing or orally at a public hearing to be held April 4, 2019 at 1:30 PM in the Main Hearing Room at the ADEM Central Office located at 1400 Coliseum Boulevard, Montgomery, Alabama 36110-2400.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: April 4, 2019

CONTACT PERSON AT AGENCY: Eric L. Sanderson, Chief of the Solid Waste Branch, ADEM Land Division (334-271-7755)

  
Lance R. LeFleur  
Director

**335-13-5-.03 Public Notice.**

(1) Notice Requirements.

(a) The Department shall provide notice and an opportunity for a public hearing on any landfill unit permit if determined necessary to meet the requirements of this Division.

(b) The following procedures shall be observed.

1. The Department shall notify interested and potentially interested persons of the proposed landfill unit by publishing a notice in a newspaper of general circulation in the area.

(i) The notice shall be given not less than 35 days prior to the proposed issuance of a permit.

(ii) The notice shall contain the specific type and nature of the landfill unit, the type of waste to be disposed, the person or agency requesting the permit, and the descriptive location of the landfill unit, address and telephone number of the Department, and that interested persons may request a public hearing on the proposed landfill unit.

2. ~~Landowners adjacent to a proposed landfill unit shall receive a copy of the public notice~~The Department shall send by certified mail, a written copy of the public notice to landowners adjacent to the subject landfill unit at the address as indicated on county tax records. The list and addresses of adjacent lawn owners, as provided in the permit application, shall be verified and/or updated 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. The Department shall take one of the following actions after the hearing:

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

(b) Issue the permit if the application complies with this Division; or

(c) Require additional information, elements of design for the facility, and specify procedures for inclusion into the permit prior to issuance of the permit.

**Author:** Russell A. Kelly; S. Scott Story.

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

**History:** Effective: November 18, 1981. **Amended:** Effective: July 21, 1988.

**Amended:** Effective: November 2, 1993. **Amended:** Effective: July 26, 1996.

**Amended:** Filed: April 24, 2018; Effective: June 8, 2018; Proposed: February 20, 2019.