

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-13-16-.06
Rule Title: Reserved

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

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

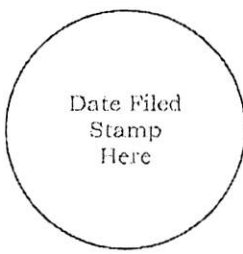
I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Nancy Elliott

Date January 20, 2022

REC'D & FILED

JAN 20 2022



ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE:

335-13-16-.02	Definitions (Amend)
335-13-16-.03	Specific Requirements for Land Application of By-Product Materials (Amend)
335-13-16-.04	Registration Application Requirements (Amend)
335-13-16-.05	Operating Criteria for Storage, Staging and Land Application of By-Product Materials (Amend)
335-13-16-.06	Operating Criteria for Mine-Land Recovery (Amend)
335-13-16-.07	Operating Criteria for Food Processing Residuals (Amend)
335-13-16-.08	Operating Criteria for Food Processing Residuals Treatment Impoundments (New)
335-13-16-.09	Recordkeeping and Reporting Requirements (New)
335-13-16-.10	Variances (New)
335-13-16-Appendix I	Constituent Concentration Limits (New)

INTENDED ACTION: The Alabama Department of Environmental Management proposes to amend rule 335-13-16-.02, 335-13-16-.03, 335-13-16-.04, 335-13-16-.05, 335-13-16-.06, 335-13-16-.07, 335-13-16-.08, 335-13-16-.09, 335-13-16-.10, and 335-13-16-Appendix I

SUBSTANCE OR PROPOSED ACTION:


Revisions to the ADEM Administrative Code Chapter 335-13-16 are being proposed to amend existing regulations for the beneficial use of by-product materials for the purpose of land application. In addition, new standards and procedures for the operating criteria for Food Processing Residuals (FPR) and FPR Treatment Impoundments are being added.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held at 9:30 a.m., March 17, 2022, in the ADEM Main Hearing Room, 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: March 17, 2022 at 5:00 PM

CONTACT PERSON AT AGENCY: Lynn T. Roper, (334) 271-7728



Lance R. LeFleur
Director

335-13-16-.06 ~~Recordkeeping and Reporting Requirements.~~[Reserved]

~~(1) Registrations issued under 335-13-16-.04 of these regulations are subject to annual reporting and re-registration requirements, which are as follows:~~

~~(a) The applicant to whom a Registration is issued shall be required to submit an annual report with the applicable re-registration fee to the Department. All annual reports and fees shall be submitted to the Department no later than February 28th of each year, for activity conducted during the previous calendar year. At a minimum, the report must contain the following information:~~

- ~~1. The quantity of the by-product materials handled during the previous calendar year;~~
- ~~2. An updated list of all the counties in which by-product materials were used and or/distributed for use during the previous calendar year;~~
- ~~3. A signed certification from the generator stating that the physical and chemical characteristics of the by-product materials are consistent with the information submitted in the approved application along with documentation of inconsistencies; if applicable and,~~
- ~~4. Compliance Certification. The applicant shall submit a complete and accurate compliance certification that shall include the following:
 - ~~(i) The identification of each term or condition that is the basis of the certification and method for determining compliance status;~~
 - ~~(ii)(i) The applicant's compliance status related to each term or condition and documentation of whether the compliance has been continuous or intermittent; and,~~
 - ~~(iii) Such other facts as the Department may require to determine the compliance status of the entity.~~~~

Author: S. Scott Story

Statutory Authority: Code of Alabama 1975, §22-27-9 and §22-27-12

History: Filed: February 28, 2020; Effective: April 13, 2020

Proposed: January 20, 2022