

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control Rule No. 335 Department or Agency Environmental Management Rule Title: Variances

X New 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

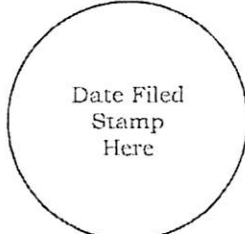
I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

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

<u>RULE NO. & TITLE:</u>	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-.10 Variances. The Department may grant individual variances only from specific provisions of this chapter that are in addition to or more stringent than federal regulations. The individual variances must be granted based upon the procedures of ADEM Admin. Code rs. 335-13-8-.02 through 335-13-8-.05 whenever it is found by the Department, upon presentation of adequate proof, that non-compliance with one or more of these provisions will not threaten the public health or unreasonably create environmental pollution.

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

History: Proposed: January 20, 2022