

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. Rule 335-13-16-.05
Rule Title: Operating Criteria for Land Application of By-Product Materials

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: July 22, 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:

335-13-16-.01	<u>Purpose</u> (New)
335-13-16-.02	<u>Definitions</u> (New)
335-13-16-.03	<u>Specific Requirements for Land Application of By-Product Materials</u> (New)
335-13-16-.04	<u>Notification and/or Registration Application Requirements</u> (New)
335-13-16-.05	<u>Operating Criteria for Land Application of By-Product Materials</u> (New)
335-13-16-.06	<u>Recordkeeping and Reporting Requirements</u> (New)
335-13-16-.07	<u>Variances</u> (New)

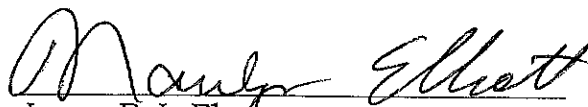
INTENDED ACTION: Revise Division 13 of the ADEM Administrative Code.

SUBSTANCE OR PROPOSED ACTION: The Alabama Department of Environmental Management proposes to amend the ADEM Administrative Code to adopt new standards for the beneficial use of by-product materials for the purpose of land application.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Comments may be submitted in writing or orally at a public hearing to be held September 5, 2019 at 10:30 AM 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: September 5, 2019

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


Lance R. LeFleur
Director

335-13-16-.05 Operating Criteria for Land Application of By-Product Materials.

(1) The by-product storage and land application areas shall be located a minimum of five hundred (500) feet from any inhabited building. The Department may require larger buffer zones at its discretion.

(2) The by-product storage and land application areas shall be located a minimum of one hundred (100) feet from any streams, ponds and lakes measured from the ordinary high water mark. The Department may require larger buffer zones at its discretion.

(3) Limitations may be placed on the agronomic rates by the Department when determined necessary to protect human health and the environment.

Author: S. Scott Story

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

History: Proposed: July 22, 2019.