

APA-1  
07/04

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control No. 335 Department or Agency Environmental Management

Rule No. 335-13-14-.03

Rule Title: Applicability

         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 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 Reference Service.

Signature of certifying officer         Marilyn Elliott        

Date October 20, 2017



APA-2  
11/96

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
LAND DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULE NO. & TITLE:

335-13-14-.01	<u>Purpose</u> (Amend)
335-13-14-.02	<u>Definitions</u> (Amend)
335-13-14-.03	<u>Applicability</u> (Amend)
335-13-14-.04	<u>Application Requirements</u> (Amend)
335-13-14-.05	<u>Design Criteria</u> (Amend)
335-13-14-.06	<u>Operating Criteria</u> (Amend)
335-13-14-.07	<u>Permitting Requirements</u> (Amend)
335-13-14-.10	<u>Public Notice</u> (Amend)
335-13-14-.11	<u>Public Hearing</u> (Amend)

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

SUBSTANCE OR PROPOSED ACTION:

Revisions to the Division 13 are being proposed to amend the solid waste permitting application regulations to incorporate a statutory change to the Code of Alabama to update the local host governmental approval process.

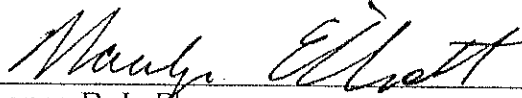
Additionally, the definition of "municipal solid waste landfill unit" is proposed to be amended in accordance with EPA's Hazardous Waste Generator Improvements Rule (81 FR 85805, November 28, 2016).

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held Wednesday, December 6, 2017 at 10:30 AM in the Main Hearing Room at the ADEM Central Office located at 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: December 6, 2017

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

A handwritten signature in cursive script, appearing to read "Lance R. LeFleur", written over a horizontal line.

Lance R. LeFleur  
Director

**335-13-14-.03 Applicability.**

(1) The following requirements shall be for operating and maintaining an acceptable "Composting Facility" as defined by Rule 335-13-14-.02.

(2) No person may operate a composting facility without a permit from the Department, except as defined by Rule 335-13-14-.03(3).

(3) Exceptions.

(a) Composting of agricultural waste as defined by Rule 335-6-7-.02 are regulated by the requirements of that chapter.

(b) On-site composting as defined by Rule 335-13-14-.02. However, if any on-site compost is used for revenue generation, then the generator is not exempt and shall comply with the requirements of this chapter.

(c) Facilities that receive solid waste and generate compost for use solely at their site.

(d) Facilities in operation on or before the effective date of this rule, shall be exempt from the requirements of Rules 335-13-14-.04(3)(a) and 335-13-14-.05, except for any major modifications that may occur after said date.

**Author:** Phillip D. Davis; S. Scott Story.

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

**History:** April 3, 2012.

**Amended:** ~~XXXXXX~~, 2018.