

APA-1  
07/04

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

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

335-13-5-.02	<u>Permit Application</u> (Amend)
335-13-5-.03	<u>Public Notice</u> (Amend)
335-13-5-.04	<u>Public Hearing</u> (Amend)
335-13-5-.05	<u>Permit Denial, Suspension or Revocation</u> (Amend)
335-13-5-.06	<u>Permit Modification</u> (Amend)
335-13-5-.08	<u>Vertical Expansion</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.

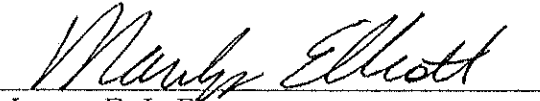
Additionally, the definition of "municipal solid waste landfill unit" is proposed to be amended in accordance with EPA's Hazardous Waste Generator Improvements Rule (81 FR 85805, November 28, 2016).

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

**335-13-5-.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.

(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 inform the person requesting the permit of appeal procedures in 335-13-1-.07;

(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:** November 18, 1981.

**Amended:** July 21, 1988; November 2, 1993; July 26, 1996; XXXXX, 2018.