

**SUMMARY OF REASONS/CHANGES
PROPOSED FOR DIVISION 13,
SOLID WASTE PROGRAM
ADEM ADMINISTRATIVE CODE**

As required by the Solid Wastes Disposal Act, Ala. Code § 22-27-45 (2006 Rplc. Vol.), and the ADEM Solid Waste regulations, the Department has revised the State Solid Waste Management Plan (SWMP) and is proposing that the Alabama Environmental Management Commission adopt the revised Plan through rulemaking. Public comments on the proposed revisions to the SWMP were accepted from February 15, 2008 through April 2, 2008.

<u>RULE</u>	<u>COMMENTS/REASONS FOR CHANGE</u>
335-13-9-.02	This rule is being revised to remove reference to Phase I of the 1991 State Solid Waste Management Plan. The revised rule would adopt the revised Plan into the ADEM regulations.
335-13-9-.03	This rule is being revised to remove reference to Phase II of the 1991 State Solid Waste Management Plan. This rule section is being reserved for future use.
335-13-9-.04	This rule is being revised to reflect the statutory requirements for updating and modifying the SWMP.

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION - SOLID WASTE PROGRAM**

**CHAPTER 335-13-9
STATE SOLID WASTE MANAGEMENT PLAN**

TABLE OF CONTENTS

- 335-13-9-.01 Purpose**
- 335-13-9-.02 ~~Phase I Plan~~ [State Solid Waste Management Plan](#)**
- 335-13-9-.03 ~~Phase II Plan~~ [\[RESERVED\]](#)**
- 335-13-9-.04 Updating and Modifying the State Solid Waste Management Plan**
- 335-13-9-.05 Regional Planning and Development Needs Assessments**
- 335-13-9-.06 Local Solid Waste Management Plans**

335-13-9-.01 Purpose. Pursuant to the provisions of Code of Alabama 1975, §§ 22-27-40 to 22-47-49, the Department is required to develop a comprehensive plan for managing solid waste in the state. Local authorities must develop solid waste management plans for their respective areas.

Author: James L. Bryant.

Statutory Authority: Code of Alabama 1975, §§ 22-22A-8(d); 22-27-40 et seq.

History: March 12, 2002.

Amended:

335-13-9-.02 ~~Phase I Plan~~ [State Solid Waste Management Plan](#). Pursuant to Code of Alabama 1975, § 22-27-45(4), ~~Phase I of~~ the Alabama Solid Waste Management Plan, dated ~~November 1989~~ [May 2008](#), and included in Appendix A of these regulations, is hereby adopted to the extent allowed by law.

Author: James L. Bryant; [Phillip D. Davis](#).

Statutory Authority: Code of Alabama 1975, §§ 22-22A-8(d); 22-27-40 et seq.

History: March 12, 2002; [XXXX XX, 2008](#).

Amended:

335-13-9-.03 ~~Phase II Plan~~ [\[RESERVED\]](#). Pursuant to ~~Code of Alabama 1975, § 22-27-45(4), Phase II of the Alabama Solid Waste Management Plan, dated April 1991, and included in Appendix B of these regulations, is hereby adopted to the extent allowed by law.~~

~~**Author:** James L. Bryant.~~

~~**Statutory Authority:** Code of Alabama 1975, §§ 22-22A-8(d); 22-27-40 et seq.~~

~~**History:** March 12, 2002.~~

~~**Amended:**~~

335-13-9-.04 Updating and Modifying the State Solid Waste Management Plan. The state solid waste management plan shall be subject to amendment and periodic revision.

(1) Each revision of the state solid waste management plan should address those items identified in Code of Alabama 1975, § 22-27-45(4)c. that the Department has statutory authority, at the time of revision, to control or regulate.

~~(2) Revisions of the state solid waste management plan are to be adopted not later than eighteen months after release of final decennial census information by the US Census Bureau. However, the first revision shall be completed not later than December 31, 2005.~~

(3) The state solid waste management plan may be amended at any time as deemed necessary by the Director.

Author: James L. Bryant; [Phillip D. Davis](#).

Statutory Authority: Code of Alabama 1975, §§ 22-22A-8(d); 22-27-40 et seq.

History: March 12, 2002; [XXXX XX, 2008](#).

Amended:

335-13-9-.05 Regional Planning and Development Needs Assessments.

(1) Each regional planning and development commission or council in the state shall prepare and adopt a regional needs assessment evaluating solid waste management needs in their respective regions as required by Code of Alabama 1975, §§ 22-27-46. The regional needs assessment shall be prepared each year and submitted to the Department and to local governments in their region.

(2) The regional needs assessment shall include, at a minimum, the following:

(a) An evaluation of the amount of solid waste generated within the region and the amount of remaining design disposal capacity, expressed in years, at each solid waste disposal facility within the region.

(b) An evaluation of the needs of all localities within the region as to the adequacy or inadequacy of solid waste collection, transportation and disposal within those localities.

(c) A projection of the expected population and business growth in the region, including specific estimates of the types of businesses which may be entering and leaving the region and the resulting impact these changes will likely have on waste volumes generated in the region.

(d) An evaluation of the environmental, economic and other relevant factors which would be implicated by acceptance of solid waste from beyond the boundaries of the region.

(3) Each landfill permitted by the Department must provide to the regional planning and development commission or council serving the county in which the facility is located the information as may be necessary to complete the annual regional needs assessment and shall be reported in the following manner:

(a) Information shall be reported using forms developed by the Department in consultation with the regional planning and development commission or council requesting the information.

(b) Information shall be submitted to the regional planning and development commission or council not later than March 31 of each calendar year for the immediate past calendar year. However, the first reported information will be due March 31, 2003.

(4) Annual needs assessments shall be prepared and submitted to the Department and to local governments in their region not later than November 16 of each calendar year. The needs of all governing bodies of the county or municipality with responsibility for solid waste management plans within the region of each regional planning and development commission or council shall be evaluated and reported. The first regional needs assessment utilizing data reported under 335-13-9-.05(3) shall be submitted to the Department and to local governments in their region not later than November 16, 2003.

Author: James L. Bryant.

Statutory Authority: Code of Alabama 1975, §§ 22-22A-8(d); 22-27-40 et seq.

History: March 12, 2002.

Amended:

335-13-9-.06 Local Solid Waste Management Plans.

(1) The governing body of a county or municipality has a responsibility for and the authority to assure the proper management of solid wastes generated within its jurisdiction in accordance with its solid waste management plan. Local solid waste management plans shall be developed pursuant to the guidance stated in Code of Alabama 1975, § 22-27-47(b).

(2) Local solid waste management plans shall be revised and submitted to the Department in accordance with Code of Alabama 1975, § 22-27-47. The governing body of the county or municipality with responsibility for its solid waste management plan shall consider the information provided in the annual regional needs assessment prepared in accordance with 335-13-9-.05 when revising its solid waste management plan. The first revised plan shall be submitted to the Department not later than September 30, 2004. After the first revision date, local plans shall be revised and submitted in accordance with Code of Alabama 1975, § 22-27-47(i).

Author: James L. Bryant.

Statutory Authority: Code of Alabama 1975, §§ 22-22A-8(d); 22-27-40 et seq.

335-13-9-.06

History: March 12, 2002.

Amended: