

Division 335-13 – Recycling Program Rulemaking Fact Sheet

Objectives:

- Enhance recycling practices and encourage recycling markets within the state to increase economic value of commodities to reduce the need for Department initiated remediation efforts.
- Improve reporting requirements to allow for enhanced detailed reporting of landfill diversion activities including recycling.
- Increase the State Solid Waste Reduction Goal.
- Align regulations with the Departments updated operating system.

Proposed Changes

OVERALL

1. Correct typographical errors
2. Update formatting as necessary, including justification of left and right margins
3. Update any needed numbering/nomenclature to align with required outline formatting

CHAPTER 1 GENERAL PROVISIONS

1. Update purpose in .01 to include Recycling/Materials Management and Beneficial Use
2. Add/Update/Clarify Definitions in .03:
 - Clarify (85) “Materials Recovery Facility”
 - Clarify (112) “Recovered Materials”
 - Clarify (113) “Recovered Materials Processing Facility”
 - Clarify (114) “Recyclable Materials”
 - Clarify (115) “Recycling”
 - Clarify (133) “Solid Waste Management Facility”
 - Add and define “End Use manufacturing facility/End Use facility”
 - Add and define “Commercial Recycling”
 - Add and define “Residential Recycling”
 - Add and define “Diversion Goal/Rate”
 - Add and define “Diverter”
 - Add and define “Recycler”
 - Add and define “Contractual Waste or Recycling Hauler”
 - Add and define “Materials Brokers”

CHAPTER 3 PROCESSING AND RECYCLING

1. Update and clarify the Purpose and Applicability
2. Update the use of a form to apply for registration.
3. Clarify and update regulations to require renewal after 3 years.
4. Define registration modification and associated processes.
5. Require End Use Facilities, Diverters, Reducers, etc. facilities to register.
6. Add requirements relative to State Agencies and Educational Institution Registration requirements.
7. Update regulations to require weight to be measured in tons.

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8. Update Exemptions to include de minimus amounts of recycling and specific types of operations. Allow for voluntary registration if exempt by rule.
9. Consider reporting of materials to count toward the diversion rate for those items that meet .02(3)(e).
10. Consider registration requirements for solid waste incinerators and waste to energy facilities and subject to Division 3 primarily for diversion reporting data.
11. Update Variances to be in line with current variance language.
12. Correct Terminology and usage of Revocation, Termination throughout the rules.
13. Consider the meaning of relative exemption allowed for holding an NPDES permit.
14. Allow for the coordination with other cooperative agencies to gain more complete data and/or to discontinue redundant data reporting.
15. Add details to define and detail BMPs for tipping onto a floor along with managing recyclables/contamination (most specifically at a permitted landfill).
16. Update the requirements to require less information on signage.
17. Update the storage limit requirements to speculative accumulation requirements listed in ADEM Admin. Code Div. 14.
18. Update rules relative to accumulation time frame to require certification (of compliance) on an annual basis.
19. Update reporting requirements from semiannual to annual reporting including details such as where the material was collected (drop-off, curbside, etc.).
20. Add requirement to track and report contamination rates.
21. Update closure situations.

CHAPTER 10 ALABAMA RECYCLING FUND GRANTS PROGRAM

1. Update Purpose to include Public Schools, Partnerships, and Universities
2. Update to include AEPACS for submissions.
3. Add details for multi-year phased grant applications.
4. Add details on amending/modifying awarded grants.
5. Update to ensure the SWMP includes focus on recycling.
6. Update relative to awarded grant amendments.
7. Update to ensure that “advanced funds” term is used consistently.
8. Update to a lower household threshold for category applications.
9. Update to change percentages for funds available for Category 1 and Category 2 applicants but include language that provides the Director enhanced flexibility to adjust the percentages of Category 1 and Category 2 funds if requests do not meet these thresholds.
10. Add “grant limited equipment” details for an entity that has received grant awards that has the closed/stopped recycling activities and define “Grant Limited Equipment”.

CHAPTER 13 STATEWIDE SOLID WASTE REDUCTION GOAL

1. Update Purpose for possible inclusion in this chapter for conducting a comprehensive MSW study on a periodic basis to determine makeup of disposal stream.
2. Include in reduction calculation: scrap tire recycling, beneficial use land application, etc.
3. Update the Reduction Goal to 35% from 25%
4. Add details regarding the calculation of a recycling rate which should be a subset of the reduction goal.

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5. Update to better define when the reduction goal evaluation should be conducted.
Consider review at the Biennial Report time versus triennial basis.

Opportunity for Stakeholder input:

The Department is soliciting input from various stakeholders regarding the above rulemaking effort. If your organization would like to further discuss these or other potential updates to the Division 13 regulations, please contact Lauren Grace Johnson at laurengrace.mcgee@adem.alabama.gov or at 334-279-3045 by COB November 30th, 2023.