



**FOR IMMEDIATE RELEASE**

Jan. 18, 2022

**CONTACT:** M. Lynn Battle, Chief  
Office of External Affairs  
mlb@adem.alabama.gov  
(334) 271-7955

## **ADEM Announces Comment Period and Public Hearing on Strengthened Rules for Land Application of By-Products**

**MONTGOMERY** – The Alabama Department of Environmental Management is in the process of adopting stronger state regulations governing the beneficial use of by-product materials for land application, such as biosolids and poultry processing residuals used as fertilizer, and has set a public comment period and public hearing on those draft changes.

**The comment period, which provides the public the opportunity to offer written comments about the draft regulations, runs January 16 through March 17. The public hearing, which will allow interested parties to make oral or written comments into the public hearing record, will be held March 17 at 9:30 a.m. at ADEM’s headquarters in Montgomery.**

ADEM adopted regulations in 2020 that for the first time created state guidelines governing the land application of by-products for beneficial use. These include by-products from chicken and other food-processing facilities, biosolids from wastewater treatment plants, and other materials. Prior to that, Alabama was dependent on the U.S. Environmental Protection Agency for the regulation of such use of biosolids, as most states were. However, the EPA regulations do not address the utilization of other by-product materials, including food processing residuals, leading to the adoption of state regulations, ADEM Director Lance LeFleur explained.

“Since our state regulations went into effect, ADEM has collected data and performed research to identify problems that continue to exist,” LeFleur said. “Based on that data and research, we have drafted revised rules that set tighter controls on the use of by-product materials and provide more protections for adjacent landowners and residents. Those revisions, designed to enhance the previously adopted regulations, are now available to the public for inspection, and we are accepting comments on them.”

Proposed updates to the regulations include:

- Additions and clarifications to better define terms including: Biosolids, Food Processing Residuals (FPR), FPR Treatment, FPR Treatment Facility, FPR Treatment Impoundment, Mine-Land Recovery, Residential End Users, Staging, Storage, & Treated FPR Material.

- Additional pollutant and pathogen testing requirements.
- Enhanced standards and operating criteria for land application.
- Additional requirements for use of specific food processing residuals.
- Extension of registration cycles from one year to three years.
- Addition of phosphorus nutrient application rates.
- Addition of pollutant concentration limits.
- Updated distributor notification requirements.
- Updated nutrient management plan and operating plan requirements.
- Addition of requirements for design and operation of food processing residual impoundments.

“ADEM empathizes with adjacent property owners and residents who have complained about offensive odors and other negative side-effects related to the application of by-products to land,” LeFleur said. “The Department investigated those complaints and used the information gathered in drafting the more stringent rules.”

“The Department will continue to evaluate the program and consider future enhancements to the regulations so that by-product materials are utilized in a safe, effective and responsible manner. The goal is to ensure that we have adequate safeguards in place, and the ability to enforce those safeguards, to protect property owners, residents and the environment.”

Because of the COVID-19 pandemic, special social distancing requirements will be in place for the public hearing. All attendees will be required to wear masks and will be subject to temperature screening prior to entering the location.

Attendance at the public hearing is not necessary in order to have comments included in the public hearing record. Written comments will also be considered. The deadline for written comments is 5 p.m. on March 17.

A copy of the public notice and proposed changes to these regulations, as well as directions on how to submit comments, may be viewed on the ADEM website at <http://www.adem.alabama.gov/newsEvents/publicNotices.cnt>.

###