



**House Economic Development and Tourism Reported  
Substitute for HB176**

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5 A BILL

6 TO BE ENTITLED

7 AN ACT

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9 Relating to recycling; to amend Section 22-27-12, Code  
10 of Alabama 1975, to require the Alabama Department of  
11 Environmental Management to adopt rules providing for the  
12 beneficial reuse of foundry sand; and to make nonsubstantive,  
13 technical revisions to update the existing code language to  
14 current style..

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 22-27-12, Code of Alabama 1975, is  
17 amended to read as follows:

18 "§22-27-12

19 (a) The department may do the following:

20 (1) Adopt rules to implement this article.

21 (2) a. Adopt rules establishing requirements and  
22 restrictions for the management of solid waste, excluding the  
23 collection and transportation of nonhazardous and nonmedical  
24 solid waste.

25 b. The rules may include factors such as the  
26 characteristics of the solid waste, the potential for  
27 contamination of soils or ground and surface waters, the  
28 design and operation of management facilities, the financial



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29 capabilities of the applicant, soil and geological  
30 considerations, human health, and other environmental  
31 considerations.

32 c. With respect to solid waste disposal or materials  
33 recovery facilities, the rules may also include factors such  
34 as the quantity, nature, and origin of solid wastes and  
35 recovered materials to be managed.

36 (3) The department may condition Condition the issuance  
37 of a permit for any solid waste management or materials  
38 recovery facility upon the facility being consistent with  
39 applicable rules as are necessary to carry out the intent of  
40 this article and the department's responsibilities under this  
41 article. Permits shall be issued for a period of time based on  
42 design life of ~~the~~ a facility and may include renewal periods  
43 as determined by rules ~~and~~ not inconsistent with federal law.

44 ~~(3)~~ (4) Issue permits, notices, and orders, specify the  
45 terms and conditions of permits or notices, conduct  
46 inspections, require that records be established and  
47 maintained, direct the abatement of unauthorized dumps or  
48 other public nuisances involving solid waste, and implement  
49 the rules and standards adopted pursuant to this article.

50 ~~(4)~~ (5) Require postclosure activities be conducted in  
51 accordance with the Alabama Uniform Environmental Covenants  
52 Act and the corresponding rules ~~developed adopted~~ by the  
53 department.

54 ~~(5)~~ (6) Require that solid waste management facilities  
55 identify the volumes and types of solid waste to be managed  
56 and the counties and state where ~~such~~ the solid waste will be



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57 generated.

58 ~~(6)~~(7) Enter upon, during reasonable hours, all solid  
59 waste management and materials recovery facilities owned and  
60 operated by persons subject to this chapter to inspect,  
61 investigate, obtain samples, monitor, or observe the transfer,  
62 treatment, storage, or disposal of solid waste and recovered  
63 materials, and~~to~~ examine or copy records to determine  
64 compliance with this article and the rules~~promulgated~~ adopted  
65 under this article.

66 ~~(7)~~(8) ~~No later than April 15, 2010, require~~ Require  
67 that operators of all public solid waste management facilities  
68 be certified. The department~~shall~~, by rule~~or regulation~~,  
69 shall establish qualifications for certification programs, ~~to~~  
70 include including variance procedures for existing programs  
71 ~~which~~ that meet the qualifications~~and~~ while taking into  
72 account the types of solid waste management facilities.

73 ~~(8)~~(9) Promote, initiate, conduct, and support  
74 research, demonstration projects, and investigations and  
75 participate in all state agency research programs pertaining  
76 to solid waste handling, disposal, materials recovery, and  
77 energy recovery systems.

78 ~~(9)~~(10) ~~Promulgate~~ Adopt rules to ban certain wastes  
79 from landfilling or incineration~~in order~~ to protect the  
80 public health and environment and to promote recycling.

81 ~~(10)~~(11) Regulate the management, including collection  
82 and transportation~~of~~ of all medical waste~~until~~ ~~such time as~~  
83 the United States Environmental Protection Agency~~may~~  
84 ~~establish~~ establishes specific rules~~which~~ that are applicable



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85 within the state for infectious waste under Subtitle C of the  
 86 federal Resource Conservation and Recovery Act of 1976, 42  
 87 U.S.C. §6901, et seq., as amended.

88 ~~(11) (12) Do Take any and all~~ other actions not  
 89 inconsistent with this article or other state law ~~which it~~  
 90 ~~that the department~~ deems necessary ~~and proper~~ for the  
 91 effective enforcement of this article and the rules  
 92 ~~promulgated adopted~~ pursuant to ~~it this article~~.

93 (b) (1) Not later than January 1, 2027, the department  
 94 shall adopt rules that provide for the beneficial reuse of  
 95 foundry sand. The rules shall provide that foundry sand may be  
 96 used for any of the following:

97 a. Raw material in the manufacture of asphalt, cement,  
 98 and concrete products.

99 b. Subbase for hard-surface road construction.

100 c. Fill Material.

101 d. Filler for sandbags used for emergency flood  
 102 control.

103 e. Leachate control drainage material at sanitary  
 104 landfills.

105 f. Alternative cover material at sanitary landfills.

106 g. Other uses that provide a functional benefit and are  
 107 substitutes for the use of a virgin material that must be  
 108 otherwise obtained.

109 (2) For purposes of this subsection, the term "foundry  
 110 sand" means spent green molding sand, resin bonded molding  
 111 sand, or core sand with primary components consisting of  
 112 combinations of silica sand, bentonite clay, and carbonaceous



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113 additives such as bituminous coal, gilsonite, and cellulose,  
114 including nominal quantities of spent molding aides such as  
115 riser sleeves and ceramic filters."

116           Section 2. This act shall become effective on June 1,  
117           2026.