

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management
Rule No. 335-14-4-.05
Rule Title: Transfer Facility Requirements

 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

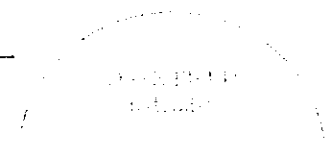
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of section 41-22-23, Code of Alabama 1975.

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 Mandy Elliott

Date October 20, 2016



**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION**

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Environmental Management

RULE NO. & TITLE: 335-14-4-.02 Compliance with the Manifest System and
Recordkeeping
335-14-4-.03 Hazardous Waste Discharges
335-14-4-.05 Transfer Facility Requirements

INTENDED ACTION: Amend chapter 335-14-4 of the ADEM Administrative Code

SUBSTANCE OF PROPOSED ACTION

The Department of Environmental Management proposes to amend portions of the Division 14 Hazardous Waste Program Regulations to make typographical and grammatical corrections, to make clarifications necessary to maintain consistency with analogous federal rules, and to adopt new amendments required by the USEPA which are necessary to maintain the programs fully authorized status.

TIME, PLACE, MANNER OF PRESENTING VIEWS

Comments may be submitted in writing or orally at a public hearing to be held Wednesday, December 7, 2016 at 2:00 p.m. in the Main Hearing Room at the ADEM Central Office located at 1400 Coliseum Blvd, Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE

Wednesday, December 7, 2016 at 5:00 p.m.

CONTACT PERSON AT AGENCY: Chip Crockett, Chief of the Industrial Hazardous Waste Branch, ADEM Land Division, (334) 270-5627.



Lance R. LeFleur
Director

335-14-4-.05 Transfer Facility Requirements.

(1) Applicability. The requirements of rule 335-14-4-.05 apply to all persons transporting hazardous waste within Alabama, storing waste at a transfer facilities located in Alabama, as defined in rule 335-14-1-.02, storing hazardous waste or transferring a hazardous waste from one container to another at a transfer facility located in Alabama. For the purposes of 335-14-4, such persons are referred to as "transporters."

(2) Storage units. Owners or operators of transfer facilities may not store hazardous waste in units other than containers subject to regulation under Chapters 335-14-5 or 335-14-6.

(a) A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove hazardous waste.

(b) Special requirements for the management of ignitable or reactive hazardous waste.

1. The owner or operator of a transfer facility must comply with 335-14-5-.02(8)(a);

2. Containers holding ignitable or reactive hazardous waste must be located at least 15 meters (50 feet) from the facility's property line.

[**Note:** Hazardous waste transfer facilities that were in operation prior to March 31, 2005 are exempt from the 15 meter (50 foot) requirement, provided that the facility demonstrates compliance with applicable portions of the National Fire Protection Association's (NFPA) Code(s) 30 and 400. Failure to demonstrate compliance with the applicable NFPA code(s) will be viewed as a violation of 335-14-4-.05(2)(b)2.]

(3) Storage time. A transfer facility may hold waste for no longer than 10 days during the normal course of transportation.

(a) A transfer facility must be able to demonstrate the length of time that the hazardous waste has been stored on-site.

(b) A Transfer facilities that stores hazardous waste for more than 10 days are subject to regulation as a storage facility under Chapters 335-14-5, 335-14-6, 335-14-8, and 335-14-9.

(c) The owner or operator may make this demonstration by:

1. Labeling each hazardous waste container with the date that the hazardous waste container was received;

2. Maintaining an inventory system on-site that identifies the date the hazardous waste containers being stored were received;

3. Maintaining an inventory system on-site that identifies the earliest date that any hazardous waste container in a group of hazardous waste containers was received;

4. Placing the hazardous waste container in a specific storage area and identifying the earliest date that any hazardous waste container in the area was received; or

5. Any other method which clearly demonstrates the length of time that the hazardous waste containers have been stored on-site.

(4) Condition of units. Containers used to store hazardous waste at transfer facilities must be:

(a) In good condition (no severe rusting, apparent structural defects or deterioration); and

(b) Not leaking (no visible leaks).

(5) Containment. Container storage areas at transfer facilities must be equipped with a containment system that is designed and operated in accordance with rule 335-14-4-.05(5)(a), except as otherwise provided by rule 335-14-4-.05(5)(b).

(a) The containment system must be designed and operated as follows:

1. The system must consist of, at a minimum, dikes, berms or retaining walls and a floor that covers the entire area within the dikes, berms, or retaining walls.

2. The entire containment system, including walls and floors, must be sufficiently impervious to hazardous waste to prevent any hazardous waste released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

3. The floor must be sloped or the containment system must be otherwise designed, constructed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or otherwise protected from contact with accumulated liquids;

4. The containment system must have sufficient capacity to contain 10% of the volume of the containers or the volume of the largest container, whichever is greater;

5. Run-on, and the entrance of precipitation, into the containment system must be prevented unless the collection system has sufficient excess capacity in addition to that required in 335-14-4-.05(5)(a)4. to contain any run-on or precipitation which might enter the system; and

6. Spilled or leaked hazardous waste and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system.

(b) Container storage areas that store containers holding only wastes that do not contain free liquids need not have a containment system defined by rule 335-14-4-.05(5)(a), except as provided by rule 335-14-4-.05(5)(c), provided that:

1. The storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation, or

2. The containers are elevated or are otherwise protected from contact with accumulated liquid.

(c) Container storage areas that store containers holding wastes identified as F020, F021, F023, and F027 must have a containment system defined by 335-14-4-.05(5)(a), regardless of whether or not they contain free liquids.

(6) Labels. Containers used to store hazardous waste at transfer facilities must be labeled or marked clearly with the words "Hazardous Waste" and the appropriate EPA hazardous waste number(s). The label(s) must be visible for inspection.

(7) Response to releases. Upon detection of a release of hazardous waste to the environment that is not subject to the corrective action requirements of Division 335-6, Volume 2 of the ADEM Administrative Code, the owner/operator of a transfer facility must perform the following cleanup steps:

(a) Stop the release;

(b) Contain the released hazardous waste;

(c) Clean up and manage properly the released hazardous waste and other materials in accordance with all applicable requirements of Division 335-13 and 335-14 of the ADEM Administrative Code; and

(d) If necessary, repair or replace any leaking hazardous waste storage containers prior to returning them to service.

(8) Closure.

(a) At closure, containers holding hazardous waste or residues of hazardous waste must be removed from the site;

(b) The owner or operator must remove or decontaminate hazardous waste residues, contaminated containment systems components, contaminated soils, and structures and equipment contaminated with hazardous waste, managing them as hazardous waste, unless the materials are not to be a hazardous waste under 335-14-2.

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Statutory Authority: Code of Alabama 1975 § 22-30-14, 22-30-15, 22-30-16.

History: March 31, 2005.

Amended: April 3, 2007; May 27, 2008; March 31, 2009; March 30, 2010; April 7, 2017.