

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control No. 335 Department or Agency Environmental Management  
Rule No. 335-14-6-.09  
Rule Title: Use and Management of Containers

         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

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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.

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**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         Mary 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:

- 335-14-6-.01 General
- 335-14-6-.02 General Facility Standards
- 335-14-6-.04 Contingency Plan and Emergency Procedures
- 335-14-6-.05 Manifest System, Recordkeeping and Reporting
- 335-14-6-.07 Closure and Post-Closure
- 335-14-6-.08 Financial Requirements
- 335-14-6-.09 Use and Management of Containers
- 335-14-6-.10 Tank Systems
- 335-14-6-.14 Landfills
- 335-14-6-.23 Drip Pads
- 335-14-6-.27 Subpart AA - Air Emission Standards For Process Vents
- 335-14-6-.28 Subpart BB - Air Emission Standards For Equipment Leaks
- 335-14-6-.29 Subpart CC - Air Emission Standards For Tanks, Surface Impoundments, And Containers
- 335-14-6-.30 Containment Buildings

INTENDED ACTION: Amend chapter 335-14-6 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.

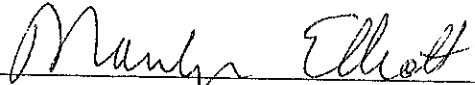
TIME, PLACE, MANNER OF PRESENTING VIEWS

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.

  
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Lance R. LeFleur  
Director

### **335-14-6-.09 Use and Management of Containers.**

(1) Applicability.

The requirements of 335-14-6-.09 apply to owners and operators of all hazardous waste facilities that store containers of hazardous waste, except as 335-14-6-.01 provides otherwise.

(2) Condition of containers.

If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the requirements of 335-14-6.

(3) Compatibility of waste with container.

The owner or operator must use a container made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

(4) Management of containers.

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

(b) A container holding hazardous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

(c) Containers having a capacity greater than 30 gallons must not be stacked over two containers high.

(5) Inspections.

The owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration of containers and the containment system caused by corrosion or other factors. The owner or operator must also note the number and capacity of hazardous waste containers present. These inspections must be documented in accordance with rule 335-14-6-.02(6)(d). [Comment: See 335-14-6-.09(2) for remedial action required if deterioration or leaks are detected.]

(6) Containment. Container storage areas must meet the following requirements:

(a) Container storage areas must have a containment system that is designed and operated in accordance with 335-14-6-.09(6)(b), except as otherwise provided by 335-14-6-.09(6)(c).

(b) A containment system must be designed and operated as follows:

1. A base must underlie the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;

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

3. The containment system must have sufficient capacity to contain 10% of the volume of containers or the volume of the largest container, whichever is greater. Containers that do not contain free liquids need not be considered in this determination;

4. Run-on into the containment system must be prevented unless the collection system has sufficient excess capacity in addition to that required in 335-14-6-.09(6)(b)3. to contain any run-on which might enter the system; and

5. Spilled or leaked waste must be removed from the sump or collection area in a timely manner not to exceed 24 hours after detection. Accumulated precipitation must be removed in as timely a manner necessary to prevent overflow of the collection system.

(c) Storage areas that store containers holding only wastes that do not contain free liquids need not have a containment system defined by 335-14-6-.09(6)(b), except as provided by 335-14-6-.09(6)(d) or 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.

(d) Storage areas that store containers holding the wastes listed below that do not contain free liquids must have a containment system defined by 335-14-6-.09(6)(b):

1. F020, F021, F022, F023, F026, and F027;

2. [Reserved]

(7) Special requirements for ignitable or reactive waste.

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

(8) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials (see 335-14-6-Appendix V for examples) must not be placed in the same container, unless 335-14-6-.02(8)(b) is complied with.

(b) Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material (see 335-14-6-Appendix V for examples), unless 335-14-6-.02(8)(b) is complied with.

(c) A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

(9) Closure and post-closure care.

(a) At closure, all hazardous waste and hazardous waste residues must be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated with hazardous waste or hazardous waste residues must be decontaminated or removed.

(b) If the owner or operator cannot remove or decontaminate waste required by rule 335-14-6-.09(9)(a), then the owner or operator must close the containment system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills [335-14-6-.14(11)].

(c) [Reserved]

(d) [Reserved]

(10) Air emission standards.

The owner or operator shall manage all hazardous waste placed in a container in accordance with the applicable requirements of 335-14-6-.27, 335-14-6-.28, and 335-14-6-.29.

**Author:** Stephen C. Maurer; James W. Hathcock; C. Edwin Johnston; Michael B. Champion; Vernon H. Crockett.

**Statutory Authority:** Code of Alabama 1975, §§ 22-30-11 and 22-30-16.

**History:** November 19, 1980.

**Amended:** July 19, 1982; August 24, 1989; December 6, 1990; January 5, 1995; March 8, 1996; March 27, 1998; April 13, 2001; March 15, 2002; April 4, 2006; May 27, 2008; XXXXX, XXXX.