

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 335 Department or Agency Environmental Management
Rule No. 335-14-7-06
Rule Title: Recyclable Materials Used for Precious Metal Recovery

 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

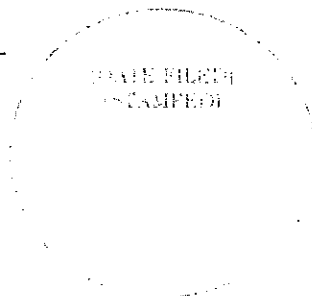
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of section 41-22-23, Code of Alabama 1975.

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 Nancy 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: 335-14-7-.03 Recyclable Materials Used in a Manner Constituting Disposal
335-14-7-.06 Recyclable Materials Used for Precious Metal Recovery
335-14-7-.07 Spent Lead-Acid Batteries Being Reclaimed
335-14-7-.08 Subpart H - Hazardous Waste Burned in Boilers and Industrial Furnaces
335-14-7 Appendix I Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals
335-14-7 Appendix II Tier I Feed Rate Screening Limits for Total Chlorine and Chloride
335-14-7 Appendix III Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride
335-14-7 Appendix IV Reference Air Concentrations
335-14-7 Appendix V Risk Specific Doses
335-14-7 Appendix VI Stack Plume Rise
335-14-7 Appendix VII Health-Based Limits for Exclusion of Waste-Derived Residues
335-14-7 Appendix VIII Potential PICs for Determination of Exclusion of Waste-Derived Residues
335-14-7 Appendix IX Methods Manual for Compliance with the BIF Regulations
335-14-7 Appendix XI Lead-Bearing Materials that may be Processed in Exempt Lead Smelters
335-14-7 Appendix XII Nickel or Chromium-Bearing Materials that may be Processed in Exempt Nickel-Chromium Recovery Furnaces
335-14-7 Appendix XIII Mercury-Bearing Wastes that may be Processed in Exempt Mercury Recovery Units

INTENDED ACTION: Amend chapter 335-14-7 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.

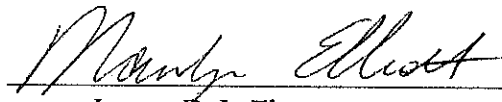
TIME, PLACE, MANNER OF PRESENTING VIEWS

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

335-14-7-.06 Recyclable Materials Utilized for Precious Metal Recovery.

(1) Applicability and requirements.

(a) The requirements of 335-14-7-.06 apply to recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these.

(b) Persons who generate, transport or store recyclable materials that are regulated under 335-14-7-.06 are subject to the following requirements:

1. Notification requirements under 335-14-3-.01(3), 335-14-4-.01(2), and 335-14-5-.02(2), and Section 3010 of RCRA;

2. Rule 335-14-3-.02 (for generators), 335-14-4-.02(1) and (2) (for transporters), and 335-14-6-.05(2) and (3) (for persons who store); and

3. For precious metals exported to or imported from designated OECD member countries for recovery, rule 335-14-3-.09 and 335-14-6-.02(3)(a)2. For precious metals exported to or imported from non-OECD countries for recovery, rules 335-14-3-.05 and 335-14-3-.06.

(c) Persons who store recycled materials that are regulated under 335-14-7-.06 must keep the following records to document that they are not accumulating these materials speculatively (as defined in 335-14-1-.02):

1. Records showing the volume of these materials stored at the beginning of the calendar year;

2. The amount of these materials generated or received during the calendar year; and

3. The amount of materials remaining at the end of the calendar year.

(d) Recyclable materials that are regulated under 335-14-7-.06 that are accumulated speculatively (as defined in 335-14-1-.02) are subject to all applicable provisions of Chapters 335-14-3, 335-14-4, 335-14-5, 335-14-6, and 335-14-8.

Author: Stephen C. Maurer; Amy P. Zachry; Vernon H. Crockett.

Statutory Authority: Code of Alabama 1975, §§ 22-30-11, 22-30-14, 22-30-15 and 22-30-16.

History: April 9, 1986.

Amended: February 15, 1988; August 24, 1989; March 28, 1997; April 13, 2001; April 4, 2006; April 3, 2007; May 27, 2008, XXXXX, XXXX.