

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management  
Rule No. 335-14-9 APPENDIX XI  
Rule Title: Metal-Bearing Wastes Prohibited From Dilution in a Combustion Unit  
According to 40 CFR 268.3(c)

         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

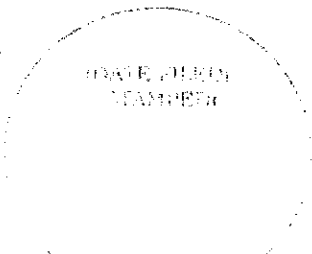
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of section 41-22-23, Code of Alabama 1975.

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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 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:** 335-14-9-.00 References Adopted  
335-14-9-.01 Subpart A - General  
335-14-9-.02 Subpart B - Schedule for Land Disposal Prohibition and  
Establishment of Treatment Standards  
335-14-9-.03 Subpart C - Prohibitions on Land Disposal  
335-14-9-.04 Subpart D - Treatment Standards  
335-14-9-.05 Subpart E - Prohibitions on Storage  
335-14-9 APPENDIX III List of Halogenated Organic Compounds  
Regulated Under § 268.32  
335-14-9 APPENDIX IV Wastes Excluded from Lab Packs Under the  
Alternative Treatment Standards of Section 268.42(c)  
335-14-9 APPENDIX VI Recommended Technologies to Achieve  
Deactivation of Characteristics in § 268.42  
335-14-9 APPENDIX VII LDR Effective Dates of Surface Disposed  
Prohibited Hazardous Wastes  
335-14-9 APPENDIX VIII LDR Effective Dates of Injected Prohibited  
Hazardous Wastes  
335-14-9 APPENDIX IX Extraction Procedure (EP) Toxicity Test Method  
and Structural Integrity Test (SW-846, Method 1310)  
335-14-9 APPENDIX XI Metal-Bearing Wastes Prohibited From Dilution  
in a Combustion Unit According to 40 CFR 268.3(c)

**INTENDED ACTION:** Amend chapter 335-14-9 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.

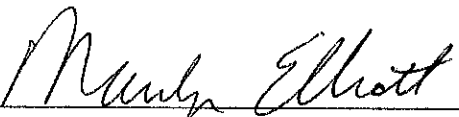
**TIME, PLACE, MANNER OF PRESENTING VIEWS**

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

**335-14-9-APPENDIX XI Metal-Bearing Wastes Prohibited From Dilution in a Combustion Unit According to 40 CFR 268.3(c)<sup>1</sup>.**

(as published by EPA on April 8, 1996)

Note: <sup>1</sup>A combustion unit is defined as any thermal technology subject to 40 CFR 264, subpart O; 40 CFR 265, subpart O; and/or 40 CFR 266, subpart H.

**Author:** Amy P. Zachry; Vernon H. Crockett.

**Statutory Authority:** Code of Alabama 1975, §§ 22-30-4, 22-30-6, 22-30-11.

**History:** March 28, 1997.

**Amended:** XXXXX, XXXX.