

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management
Rule No. 335-14-9-.01
Rule Title: Subpart A - General

 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

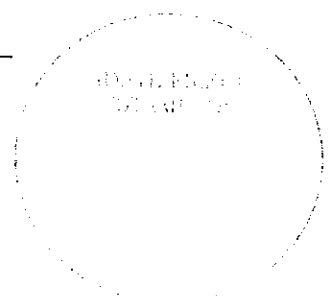
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of section 41-22-23, Code of Alabama 1975.

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:

- 335-14-9-.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.

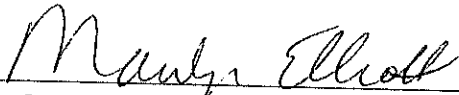
TIME, PLACE, MANNER OF PRESENTING VIEWS

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.



Lance R. LeFleur
Director

335-14-9-.01 Subpart A - General.

(1) 40 CFR § 268.1 Purpose, scope and applicability (as published by EPA on November 7, 1986; June 4, 1987, and as amended on July 19, 1988; August 17, 1988; September 6, 1989; June 1, 1990; May 24, 1993; September 19, 1994; May 11, 1995; April 8, 1996; June 28, 1996; May 12, 1997; July 6, 1999; and August 5, 2005), excluding the provisions of § 268.1(c)(3).

(2) 40 CFR § 268.2 Definitions applicable in this part (as published by EPA on June 1, 1990, and as amended on January 31, 1991; August 18, 1992; February 16, 1993; May 24, 1993; September 19, 1994; January 3, 1995; April 8, 1996; June 28, 1996; May 26, 1998; November 30, 1998; May 11, 1999; and July 14, 2006).

(3) 40 CFR § 268.3 Dilution prohibited as a substitute for treatment (as published by EPA on April 8, 1996, as amended at June 28, 1996; and May 26, 1998).

(4) 40 CFR § 268.4 Treatment surface impoundment exemption (as published by EPA on November 7, 1986; June 4, 1987, and as amended on July 8, 1987; August 17, 1988; May 12, 1997; May 26, 1998; and July 14, 2006).

(5) 40 CFR § 268.5 Procedures for case-by-case extensions to an effective date (as published by EPA on November 7, 1986; June 4, 1987, and as amended on July 8, 1987; September 6, 1989; June 13, 1990; and August 18, 1992).

(6) 40 CFR § 268.6 Petitions to allow land disposal of a waste prohibited under Subpart C of Part 268 (as published by EPA on November 7, 1986; June 4, 1987, and as amended July 8, 1987; August 17, 1988; September 6, 1989; and July 14, 2006).

(7) 40 CFR § 268.7 Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities (as published by EPA on November 7, 1986 and June 4, 1987).

(8) § 268.8 [Reserved]

(9) § 268.9 Special rules regarding wastes that exhibit a characteristic (as published by EPA on June 1, 1990, and as amended on January 31, 1991; August 18, 1992; May 24, 1993; September 19, 1994; January 3, 1995; April 8, 1996; May 12, 1997; May 11, 1999; and April 4, 2006).

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

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

History: August 24, 1989.

Amended: December 6, 1990; January 25, 1992; January 1, 1993; January 5, 1995; April 28, 1995; January 12, 1996; March 28, 1997; March 27, 1998; April 2, 1999; March 31, 2000; April 13, 2001; March 31, 2005;

XXXXX, XXXX.