

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 335 Department or Agency Environmental Management
Rule No. 335-14-17-.09
Rule Title: Standards for Disposal of Used Oil

 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 *Mary Elliott*

Date September 20, 2011

APA-2
11/96

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULE NO. & TITLE:

335-14-17-.02	<u>Applicability</u> (Amend)
335-14-17-.03	<u>Standards for Used Oil Generators</u> (Amend)
335-14-17-.05	<u>Standards for Used Oil Transporter and Transfer Facilities</u> (Amend)
335-14-17-.06	<u>Standards for Used Oil Processors and Re-Refiners</u> (Amend)
335-14-17-.07	<u>Standards for Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery</u> (Amend)
335-14-17-.09	<u>Standards for Disposal of Used Oil</u> (Amend)

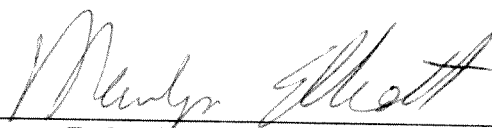
INTENDED ACTION: Revise Division 14 of the ADEM Administrative Code.

SUBSTANCE OR PROPOSED ACTION: Revise portions of Division 14 Regulations to incorporate changes to ensure consistency with State and Federal Statutes; to adopt certain State specific requirements; and to provide clarification of State requirements for the management of hazardous waste.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Comments may be submitted in writing or orally at a public hearing to be held Monday, December 5, 2011 at 10:00 a.m. in the Main Hearing Room at the ADEM Central Office located at 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Monday, December 5, 2011 at 5:00 p.m.

CONTACT PERSON AT AGENCY: James L. Bryant, Chief of the Environmental Services Branch, ADEM Land Division (334/271-7771)


Lance R. LeFleur
Director

335-14-17-.09 Standards for Use as a Dust Suppressant and Disposal of Used Oil.

(1) Applicability.

The requirements of 335-14-17-.09 apply to all used oils that cannot be recycled and are therefore being disposed.

(2) Disposal.

(a) Disposal of hazardous used oils. Used oils that are identified as a hazardous waste and cannot be recycled in accordance with 335-14-17 must be managed in accordance with the hazardous waste management requirements of Chapters 335-14-1 through 335-14-9.

(b) Disposal of nonhazardous used oils. Used oils that are not hazardous wastes and cannot be recycled under 335-14-17 must be disposed in accordance with the requirements of ADEM's Administrative Code, Division 335-13 (Solid Waste).

(3) Reserved.

~~Use as a dust suppressant.~~

~~— The use of used oil as a dust suppressant is prohibited.~~

Author: James T. Shipman; Linda J. Knickerbocker.

Statutory Authority: Code of Alabama 1975, §§ 22-22A-4(n), 22-22A-5(3), 22-22A-5(4), 22-22A-5(20), and 22-30-9(5).

History: January 5, 1995; April 13, 2001: XXXXXXXX.