

APA-1
11/96

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-14-8-.09
Rule Title: Permit Application-Transporters

 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 Marilyn Elliott

Date September 20, 2011

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11/96

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULE NO. & TITLE:

335-14-8-.01	<u>General Information</u> (Amend)
335-14-8-.02	<u>Permit Application-Treatment, Storage and Disposal Facilities</u> (Amend)
335-14-8-.03	<u>Permit Conditions-Treatment, Storage and Disposal Facilities</u> (Amend)
335-14-8-.04	<u>Changes to Permits-Treatment, Storage and Disposal Facilities</u> (Amend)
335-14-8-.06	<u>Special Forms of Permits-Treatment, Storage and Disposal Facilities</u> (Amend)
335-14-8-.08	<u>Procedures for Decisionmaking-Treatment, Storage and Disposal Facility Permits</u> (Amend)
335-14-8-.09	<u>Permit Application-Transporters</u> (Amend)
335-14-8-.10	<u>Permit Conditions-Transporters</u> (Amend)
335-14-8-.15	<u>Integration with Maximum Achievable Control Technology (MACT) Standards</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

335-14-8-.09 Permit Application - Transporters.

(1) General application requirements.

(a) Any person who is required to have an Alabama Hazardous Waste ~~Transport~~ Permit or Alabama Used Oil Transport Permit, including new applicants and permittees with expiring permits, shall complete, sign, and submit an application to the Department as described in 335-14-8-.09.

1. A transporter with an Alabama Hazardous Waste Transport Permit may also transport used oil, so long as the transportation of used oil is conducted in accordance with the requirements of rule 335-14-17-.05.

2. A transporter with an Alabama Used Oil Transport Permit may not transport hazardous waste without first applying for, and receiving, an Alabama Hazardous Waste Transport Permit.

(b) The Department shall not issue a permit before receiving a complete application for a permit except for emergency permits. An application for a permit is complete when the Department receives an application and any supplemental information which are completed to the Department's satisfaction.

(c) All applicants shall provide the information set forth in 335-14-8-.09(4).

(d) No applicant shall begin hazardous waste or used oil transportation activities prior to the granting of the appropriate permit by the Department except as directed by the Department during emergency response.

(e) Any transporter with an effective permit shall submit a new application at least 180 days before the expiration date of the effective permit.

(f) Applicants shall keep records of all data used to complete permit applications and any supplemental information submitted to the Department for at least 3 years from the date the application is signed unless the Department extends the time period.

(2) Signatories to permit applications.

(a) All permit applications shall be signed as follows:

1. For a corporation, by a responsible corporate officer. For the purpose of 335-14-8-.09(2), a responsible corporate officer means:

(i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy making or decision making functions for the corporation;

2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or

3. For a municipality, State of Alabama, Federal, or other public agency by either a principal executive officer or ranking elected official.

(b) Any person signing a permit application under 335-14-8-.09 shall make the following certification:

"I certify under penalty of law that this permit application and all attachments were prepared under my direction or supervision in a manner to assure that qualified personnel gather and evaluate the information submitted. Based on my inquiry of the person(s) who gathered and evaluated the information and of the person(s) responsible for managing the regulated activity, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I understand that it is my responsibility to notify the Department within forty-five (45) days of changes in information in the current permit application."

(3) Confidentiality.

An applicant may claim information submitted as confidential if the information is protectable under Code of Alabama 1975, § 22-30-18, as amended. The term "trade secret" as used in § 22-30-18 is defined in Code of Alabama 1975, § 22-30-3(12).

(4) Contents of the permit application. The permit application under 335-14-8-.09 shall include the following information:

(a) Name, address, telephone number, and EPA transporter identification number of the applicant;

(b) Address(es) and telephone number(s) of any transfer facilities operated by the applicant in Alabama;

(c) A description of the type and scope (numbers and types of vehicles) of operation proposed;

(d) EPA Hazardous Waste Numbers (if applicable), as set out in Chapter 335-14-2, and type of waste (liquids, solids, sludges, gases, dusts, used oil, or others) expected to be transported by the applicant;

(e) A listing of any other environmental permits or authorities granted to the applicant;

(f) Name, address, and telephone number where information, reports, and documents required to be maintained by these regulations may be inspected;

(g) A contingency plan indicating how the applicant will respond to the "worst case" discharge of hazardous waste or used oil, as applicable, during loading, transport, and unloading in order to assure that such discharge does not present a hazard to human health or the environment;

(h) Proof of financial assurance as required under rule 335-14-4-.04 or 335-14-17-.05(4), whichever is greater in the case of transporters handling both used oil and hazardous waste; and

(i) Evidence of training programs, including a detailed outline of the training programs, undertaken by drivers and other personnel involved with the handling and transportation of hazardous waste and/or used oil, as applicable.

Author: Stephen C. Maurer; James T. Shipman; C. Edwin Johnston.

Statutory Authority: Code of Alabama 1975, §§ 22-30-11, 22-30-12 and 22-30-15.

History: November 19, 1980.

Amended: April 9, 1986; August 24, 1989; January 5, 1995; April 13, 2001; March 15, 2002;XXXXXXXX.