

APA-1
11/96

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-14-8-.10
Rule Title: Permit Conditions-Transports

 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 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

<u>RULE NO. & TITLE:</u>	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)

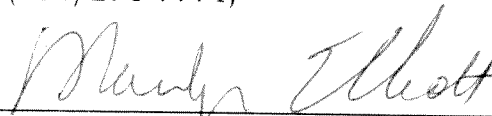
INTENDED ACTION: Revise Division 14 of the ADEM Administrative Code.

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

335-14-8-10 Permit Conditions - Transporters.

(1) Duty to comply.

The permittee must comply with all conditions of the permit, except to the extent and for the duration such noncompliance is authorized in an emergency permit. Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of the AHWMMMA and is grounds for enforcement action, permit termination or for denial of a permit renewal application.

(2) Duty to reapply.

If the permittee wishes to continue an activity regulated under a permit issued by the Department, the permittee must apply for and obtain a new permit.

(3) Need to halt or reduce activity not a defense.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the permit conditions.

(4) Noncompliance.

In the event of noncompliance with the permit, the permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out all reasonable necessary steps to prevent significant adverse impact on human health or the environment.

(5) Proper operation and maintenance.

(a) The permittee shall at all times properly operate and maintain all equipment which is used by the permittee to achieve compliance with the permit.

(b) Proper operation and maintenance includes effective performance, adequate funding, and adequate operating staffing and training.

Proper operation and maintenance also includes the following:

1. Placement of a copy of the permit, as required under rule 335-14-8-.09(1)(d), in each vehicle hauling hazardous waste or used oil in Alabama.

2. Placement of a copy of the Contingency Plan, as required under rule 335-14-8-.09(4)(g), in each vehicle hauling hazardous waste or used oil in Alabama.

3. Demonstration of knowledge of the Contingency Plan, as required under rule 335-14-8-.09(4)(g), by each driver hauling hazardous waste or used oil in Alabama when inspected by the Department.

(6) Permit actions.

This permit may be modified or terminated for cause. A request by the permittee to modify the permit, or a notification of anticipated noncompliance, does not stay any permit condition.

(7) Property rights.

This permit does not convey any property rights of any sort, or any exclusive privilege.

(8) Duty to provide information.

The permittee shall furnish to the Department, within a reasonable time, any relevant information which the Department may request to determine whether any cause exists for modifying or terminating the permit, or to determine compliance with the permit.

(9) Inspection and entry. The permittee shall allow duly designated employees of the Department and the Department's representatives to:

(a) Enter at reasonable times upon the permittee's premises where hazardous waste is loaded, unloaded, stored, or transported, or where records, documents, or information required by these regulations are maintained, or into or on transport vehicles used to transport hazardous waste;

(b) Have access to and copy, at reasonable times, any records, documents, or information that must be kept under the conditions of the permit or these regulations;

(c) Inspect at reasonable times any vehicles, facilities, equipment, practices, or operations regulated or required under the permit; and

(d) Sample or monitor any discharges or suspected discharges of hazardous waste at transfer facilities owned or operated by the permittee.

(10) Anticipated noncompliance.

The permittee shall give advance notice to the Department of any activity which may result in noncompliance with the permit.

(11) Transfers.

A permit under 335-14-8-.10 is not transferable.

(12) Other information.

Where the permittee becomes aware that he failed to submit any relevant facts in a permit application, he shall immediately submit such information to the Department.

Author: Stephen C. Maurer; C. Lynn Garthright; James T. Shipman.

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

History: November 19, 1980.

Amended: April 9, 1986; February 15, 1988; August 24, 1989; January 5, 1995; April 13, 2001;XXXXXXXX.