

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management  
Rule No. 335-14-3.02  
Rule Title: Manifest Requirements Applicable to Small and Large Quantity Generators

         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 action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule?          NO

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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 Services Agency.

Signature of certifying officer         Mandy Elliott        

Date November 18, 2022

REC'D & FILED  
NOV 18 2022  
LEGISLATIVE SVC AGENCY

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
LAND DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULE NO. & TITLE:

335 14-3-.01 General (Amend)  
335 14-3-.02 Manifest Requirements Applicable to Small and Large Quantity  
Generators (Amend)  
335-14-3-.03 Pre Transport Requirements Applicable to Small and Large  
Quantity Generators (Amend)  
335-14-3-.04 Recordkeeping and Reporting Applicable to Small and Large  
Quantity Generators (Amend)  
335-14-3-.09 Transboundary Movements of Hazardous Waste for Recovery or  
Disposal (Amend)  
335-14-3-.12 Alternative Requirements for Hazardous Waste Determination  
and Accumulation of Unwanted Material for Laboratories  
Owned by Eligible Academic Entities (Amend)  
335-14-3-.13 Alternative Standards for Episodic Generation (Amend)  
335-14-3-.14 Preparedness, Prevention, Emergency Procedures for Large  
Quantity Generators (Amend)  
335-14-3-Appendix I Reserved (Repeal)

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 January 24, 2023, at 2:00 pm 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: January 24, 2023

CONTACT PERSON AT AGENCY: Lynn Roper, Chief, Office of Land Services (334-271-7728)

  
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**Lance R. LeFleur**  
**Director**

**335-14-3-.02      Manifest Requirements Applicable to Small and Large Quantity Generators.**

(1) General requirements.

(a) General.

1. A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage, or disposal, or a treatment, storage, ~~and-or~~ disposal facility who offers for transportation a rejected hazardous waste load, must prepare a Manifest (OMB control number 2050-0039) on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A.

2. [Reserved].

3. Electronic manifest. In lieu of using the manifest form specified in 335-14-3-.02(1)(a)1., a person required to prepare a manifest under 335-14-3-.02(1)(a)1. may prepare and use an electronic manifest, provided that the person:

(i) Complies with the requirements of 335-14-3-.02(5) and-

(ii) Complies with the requirements of 40 CFR § 3.10 for the reporting of electronic documents to EPA.

(b) A generator must designate on the manifest one facility which is permitted to handle the waste described on the manifest.

(c) A generator may also designate on the manifest one alternate facility which is permitted to handle his waste in the event an emergency prevents delivery of the waste to the primary designated facility.

(d) If the transporter is unable to deliver the hazardous waste to the designated facility or the alternate facility, the generator must either designate another facility or instruct the transporter to return the waste to the generator.

(e) The requirements of 335-14-3-.02 do not apply to small quantity generators where:

1. The waste is reclaimed under a contractual agreement pursuant to which:

(i) The type of waste and frequency of shipments are specified in the agreement;

(ii) The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; and

2. The generator maintains a copy of the reclamation agreement in his files for a period of at least three years after termination or expiration of the agreement.