

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-14-4-.03
Rule Title: Hazardous Waste Discharges

 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

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 Services Agency.

Signature of certifying officer *Mandy Elliott*

Date November 18, 2022

REC'D & FILED
NOV 18 2022
LEGISLATIVE SERVICES AGENCY

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULE NO. & TITLE:

335-14-4-.01 General (Amend)
335-14-4-.02 Compliance with the Manifest System and Recordkeeping
(Amend)
335-14-4-.03 Hazardous Waste Discharges (Amend)
335-14-4-.04 Financial Requirements (Amend)
335-14-4-.05 Transfer Facility Requirements (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 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)



Lance R. LeFleur
Director

335-14-4-.03 Hazardous Waste Discharges.

(1) Immediate action.

(a) In the event of a discharge of hazardous waste during transportation, the transporter must take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area).

(b) If a discharge of hazardous waste occurs during transportation and the Department or its designee acting within the scope of its official responsibilities determines that immediate removal of the waste is necessary to protect human health or the environment, the Department or its designee may authorize the removal of the waste by transporters who do not have EPA identification numbers or Alabama Hazardous Waste Transportation Permits and without the preparation of manifests.

(c) An air, rail, highway or water transporter who has discharged hazardous waste must:

1. Give notice, if required by 49 CFR § 171.15, to the Alabama Emergency Management Agency State Warning Point (800-843-0699, 24 hours a day) and to the National Response Center (800-424-8802 or 202-426-2675); and

2. Report in writing as required by 49 CFR § 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. A copy of such report shall be provided to the Land Division, Alabama Department of Environmental Management, P.O. Box 301463, Montgomery, Alabama 36130-1463, not later than 14 days after any such discharge.

(d) A water (bulk shipment) transporter who has discharged hazardous waste must give the same notice as required by 33 CFR § 153.203 for oil and hazardous substances and shall give notice to the Alabama Emergency Management Agency (800-843-0699, 24 hours a day) and the National Response Center (800-424-8802 or 202-426-2675, 24 hours a day).

(2) Discharge clean up.

A transporter must clean up any hazardous waste discharge that occurs during transportation or take such action as may be required or approved by the Department or its designee so that the hazardous waste discharge no longer presents a hazard to human health or the environment.