

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-14-4-.05
Rule Title: Transfer Facility Requirements

 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 Maulyn 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:

335-14-4-.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-.05 Transfer Facility Requirements.

(1) Applicability. The requirements of rule 335-14-4-.05 apply to all persons transporting hazardous waste within Alabama, storing waste at a transfer facility located in Alabama, as defined in rule 335-14-1-.02, or transferring a hazardous waste from one container to another at a transfer facility located in Alabama. For the purposes of 335-14-4, such persons are referred to as "transporters."

(2) Storage units. Owners or operators of transfer facilities may not store hazardous waste in units other than containers subject to regulation under Chapters 335-14-5 or 335-14-6.

(a) A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove hazardous waste.

(b) Special requirements for the management of ignitable or reactive hazardous waste.

1. The owner or operator of a transfer facility must comply with 335-14-5-.02(8)(a);

2. Containers holding ignitable or reactive hazardous waste must be located at least 15 meters (50 feet) from the facility's property line.

[**Note:** Hazardous waste transfer facilities that were in operation prior to March 31, 2005 are exempt from the 15 meter (50 foot) requirement, provided that the facility demonstrates compliance with applicable portions of the National Fire Protection Association's (NFPA) Code(s) 30 and 400. Failure to demonstrate compliance with the applicable NFPA code(s) will be viewed as a violation of 335-14-4-.05(2)(b)2.]

(3) Storage time. A transfer facility may hold waste for no longer than 10 days during the normal course of transportation.

(a) A transfer facility must be able to demonstrate the length of time that the hazardous waste has been stored on-site.

(b) A transfer facility who stores manifested shipments of hazardous waste in containers meeting the independent requirements of 335-14-3-.03(1) for a period of ten (10) days or less is not subject to regulation under Chapters 335-14-5, 335-14-6, 335-14-8, and 335-14-9 with respect to the storage of those wastes.

[**Note:** A transfer facility that stores hazardous waste for more than 10 days is subject to regulation as a storage facility under Chapters 335-14-5, 335-14-6, 335-14-8, and 335-14-9.]

(c) The owner or operator may make this demonstration by: