

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management

Rule No. 335-14-7-.06

Rule Title: Recyclable Materials Utilized for Precious Metal Recovery

 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 Mary Elliott

Date November 18, 2022



DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULE NO. & TITLE:

335-14-7-.06 Recyclable Materials Utilized for Precious Metal Recovery (Amend)
335-14-7-.07 Spent Lead-Acid Batteries Being Reclaimed (Amend)
335-14-7-.13 Military Munitions (Amend)
335-14-7-.14 Conditional Exemption for Low-Level Mixed Waste Storage, Treatment,
Transportation, and Disposal (Amend)
335-14-7-.16 Hazardous Waste Pharmaceuticals (Amend)

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

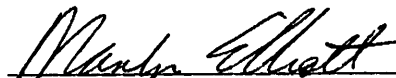
SUBSTANCE OR PROPOSED ACTION: Revise portions of Division 14 Regulations to incorporate changes to ensure consistency with State and Federal Statutes; to adopt certain State specific requirements; and to provide clarification of State requirements for the management of hazardous waste.

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

335-14-7-.06 Recyclable Materials Utilized for Precious Metal Recovery.

(1) Applicability and requirements.

(a) The requirements of 335-14-7-.06 apply to recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these.

(b) Persons who generate, transport or store recyclable materials that are regulated under 335-14-7-.06 are subject to the following requirements:

1. Notification requirements under 335-14-3-.01(8), 335-14-4-.01(2), and 335-14-5-.02(2);

2. Rule 335-14-3-.02 (for generators), 335-14-4-.02(1) and (2) (for transporters), and 335-14-6-.05(2) and (3) (for persons who store); and

3. For precious metals exported to or imported from other countries for recovery, ~~rule 40~~ CFR part 262, subpart H [incorporated by reference at 335-14-3-.09] and 335-14-6-.02(3)(a)2.

(c) Persons who store recycled materials that are regulated under 335-14-7-.06 must keep the following records to document that they are not accumulating these materials speculatively (as defined in 335-14-1-.02):

1. Records showing the volume of these materials stored at the beginning of the calendar year;

2. The amount of these materials generated or received during the calendar year; and

3. The amount of materials remaining at the end of the calendar year.

(d) Recyclable materials that are regulated under 335-14-7-.06 that are accumulated speculatively (as defined in 335-14-1-.02) are subject to all applicable provisions of Chapters 335-14-3, 335-14-4, 335-14-5, 335-14-6, and 335-14-8.

Author: Stephen C. Maurer; Amy P. Zachry; Vernon H. Crockett; Jonah L. Harris.

Statutory Authority: Code of Alabama 1975, §§ 22-30-11, 22-30-14, 22-30-15 and 22-30-16.

History: April 9, 1986.

Amended: Effective: February 15, 1988; **Amended:** Effective: August 24, 1989;

Amended: Effective: March 28, 1997; **Amended:** Effective: April 13, 2001;

Amended: Effective: April 4, 2006; **Amended:** Effective: April 3, 2007; **Amended:**

Effective: May 27, 2008, **Amended:** Effective: March 31, 2017; **Amended:**

Effective: April 6, 2018; **Proposed: November 18, 2022.**