

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-14-9-.00
Rule Title: References Adopted

 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

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 335-14-9-.00 References Adopted (Amend)
335-14-9-.01 Subpart A – General (Amend)
335-14-9-.05 Subpart E – Prohibitions on Storage (Amend)

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

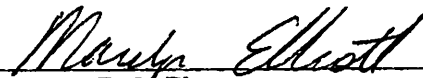
SUBSTANCE OR PROPOSED ACTION: Revise portions of Division 14 Regulations to incorporate changes to ensure consistency with State and Federal Statutes; to adopt certain State specific requirements; and to provide clarification of State requirements for the management of hazardous waste.

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

335-14-9-.00 References Adopted.

The Environmental Protection Agency Regulations 40 CFR Part 268 and Appendices (as published and amended by EPA on November 7, 1986; May 28, 1986; September 6, 1989; June 4, 1987; July 8, 1987; July 19, 1988; August 17, 1988; September 6, 1989; June 1, 1990; January 31, 1991; March 25, 1991; August 18, 1992; May 24, 1993; September 19, 1994; May 11, 1995; September 19, 1995; April 8, 1996; June 28, 1996; January 14, 1997; May 12, 1997; June 17, 1997; July 14, 1997; May 26, 1998; August 6, 1998; September 9, 1998; November 30, 1998; May 11, 1999; July 6, 1999; August 5, 2005; June 1, 1990; June 13, 1990; January 31, 1991; March 6, 1992; August 18, 1992; February 16, 1993; May 24, 1993; June 20, 1994; September 19, 1994; January 3, 1995; April 8, 1996; June 28, 1996; October 28, 1996; February 19, 1997; May 12, 1997; December 5, 1997; May 4, 1998; May 26, 1998; September 4, 1998; September 24, 1998; November 30, 1998; May 11, 1999; May 26, 1999; October 20, 1999; March 17, 2000; June 8, 2000; November 8, 2000; December 26, 2000; June 26, 2001; November 20, 2001; May 22, 2002; May 28, 2002; February 11, 2004; November 19, 2004; February 24, 2005; June 14, 2005; August 3, 2005; February 7, 2006; April 4, 2006; July 14, 2006; May 14, 2008; March 18, 2010; December 17, 2010; June 13, 2011; August 22, 2012; November 28, 2016; February 22, 2019; and December 9, 2019), designated in rules 335-14-9-.01, .02, .03, .04, .05, and Appendices I through XI, are incorporated herein by reference as set forth in 40 CFR, Part 268, except for the exclusions provided in ADEM Administrative Code rule 335-14-9-.01(1).

In the event that any Code of Federal Regulations Rule(s) incorporated herein by reference refers to or cites another Code of Federal Regulations Rule(s), other than 40 CFR 268, such reference to the other Code of Federal Regulations Rule(s) is not incorporated in this ADEM Administrative Code and the ADEM Administrative Code rule specifically addressing said issue or circumstance shall take precedence, be applicable and govern.

The materials incorporated by reference are available for purchase and inspection at the Department's offices at 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

Author: Stephen C. Maurer; Steven O. Jenkins; Amy P. Zachry; Bradley N. Curvin; Vernon H. Crockett; Sonja B. Favors; Brent A. Watson; Jonah L. Harris.

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

History: December 6, 1990.

Amended: Effective: January 25, 1992; **Amended:** Effective: January 1, 1993; **Amended:** Effective: January 5, 1995; **Amended:** Effective: April 28, 1995; **Amended:** Effective: January 12, 1996; **Amended:** Effective: March 28, 1997; **Amended:** Effective: March 27, 1998; **Amended:** Effective: April 2, 1999; **Amended:** Effective: March 31, 2000; **Amended:** Effective: April 13, 2001; **Amended:** Effective: March 15, 2002; **Amended:** Effective: April 17, 2003; **Amended:** Effective: March 31, 2005; **Amended:** Effective: April 4, 2006; **Amended:** Effective: March 31, 2017; **Amended:** Effective: April 6, 2018; **Amended:** Filed: December 31, 2020; Effective: February 15, 2021; **Proposed:** **November 18, 2022.**