

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management

Rule No. 335-14-9-.01

Rule Title: Subpart A-General

         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

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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)



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Lance R. LeFleur  
Director

**335-14-9-.01 Subpart A - General.**

(1) 40 CFR § 268.1 Purpose, scope and applicability (as published by EPA on November 7, 1986; June 4, 1987, and as amended on July 19, 1988; August 17, 1988; September 6, 1989; June 1, 1990; May 24, 1993; September 19, 1994; May 11, 1995; April 8, 1996; June 28, 1996; May 12, 1997; July 6, 1999; August 5, 2005; November 28, 2016; and December 9, 2019), excluding the provisions of § 268.1(c)(3).

(2) 40 CFR § 268.2 Definitions applicable in this part (as published by EPA on June 1, 1990, and as amended on January 31, 1991; August 18, 1992; February 16, 1993; May 24, 1993; September 19, 1994; January 3, 1995; April 8, 1996; June 28, 1996; May 26, 1998; November 30, 1998; May 11, 1999; and July 14, 2006).

(3) 40 CFR § 268.3 Dilution prohibited as a substitute for treatment (as published by EPA on April 8, 1996, as amended at June 28, 1996; and May 26, 1998).

(4) 40 CFR § 268.4 Treatment surface impoundment exemption (as published by EPA on November 7, 1986; June 4, 1987, and as amended on July 8, 1987; August 17, 1988; May 12, 1997; May 26, 1998; and July 14, 2006).

(5) 40 CFR § 268.5 Procedures for case-by-case extensions to an effective date (as published by EPA on November 7, 1986; June 4, 1987, and as amended on July 8, 1987; September 6, 1989; June 13, 1990; and August 18, 1992).

(6) 40 CFR § 268.6 Petitions to allow land disposal of a waste prohibited under Subpart C of Part 268(as published by EPA on November 7, 1986; June 4, 1987, and as amended July 8, 1987; August 17, 1988; September 6, 1989; and July 14, 2006).

(7) 40 CFR § 268.7 Testing, tracking, and recordkeeping requirements for generators, reverse distributors, treaters, and disposal facilities (as published by EPA on November 7, 1986, and as amended on June 4, 1987, November 28, 2016, and February 22, 2019).

(8) § 268.8 [Reserved]

(9) § 268.9 Special rules regarding wastes that exhibit a characteristic (as published by EPA on June 1, 1990, and as amended on January 31, 1991; August 18, 1992; May 24, 1993; September 19, 1994; January 3, 1995; April 8, 1996; May 12, 1997; May 11, 1999; and April 4, 2006).

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**Statutory Authority:** Code of Alabama 1975, §§ 22-30-4, 22-30-6, 22-30-11.

**History:** August 24, 1989. **Amended:** Effective: 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 31, 2005; **Amended:** Effective: March 31, 2017; **Amended:**  
Filed: February 28, 2020; Effective: April 13, 2020; **Amended:** Filed: December  
31, 2020; Effective: February 15, 2021; **Proposed: November 18, 2022.**