

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management  
Rule No. 335-14-9-.05  
Rule Title: Subpart E - Prohibitions on Storage

         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-.05 Subpart E - Prohibitions on Storage.**

- (1) ~~\_\_\_\_\_ (1) \_\_\_\_\_~~ § 268.50 Prohibitions on storage of restricted wastes (as published by EPA on November 7, 1986; June 4, 1987, and as amended on July 8, 1987; September 6, 1989; August 18, 1992; November 30, 1998; July 14, 2006; ~~and~~ November 28, 2016; and February 22, 2019).

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

**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 5, 1995; **Amended:** Effective: March 31, 2000;

**Amended:** Effective: March 31, 2017; **Amended:** Effective: April 6, 2018 ;

**Proposed: November 18, 2022.**