

APA-1
07/04

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 335 Department or Agency Environmental Management
Rule No. 335-14-11-.05
Rule Title: Standards for Destination Facilities

 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 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 Reference Service.

Signature of certifying officer Mary Elliott

Date October 20, 2017



APA-2
11/96

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULE NO. & TITLE:

335-14-11-.01	<u>General</u> (Amend)
335-14-11-.02	<u>Standards for Small Quantity Handlers of Universal Waste</u> (Amend)
335-14-11-.03	<u>Standards for Large Quantity Handlers of Universal Waste</u> (Amend)
335-14-11-.04	<u>Standards for Universal Waste Transporters</u> (Amend)
335-14-11-.05	<u>Standards for Destination Facilities</u> (Amend)
335-14-11-.06	<u>Import Requirements</u> (Amend)
335-14-11-.07	<u>Petitions to Include Other Wastes under Chapter 335-14-11</u> (Amend)

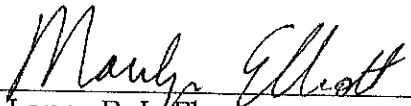
INTENDED ACTION: Revise Division 14 of the ADEM Administrative Code.

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 December 6, 2017 at 1:30 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: December 6, 2017

CONTACT PERSON AT AGENCY: Vernon H. Crockett, Chief of the Industrial Hazardous Waste Branch, ADEM Land Division (334/270-5627)



Lance R. LeFleur
Director

335-14-11-.05 Standards for Destination Facilities.

(1) Applicability.

(a) The owner or operator of a destination facility (as defined in 335-14-1-.02) is subject to all applicable requirements of 335-14-5 through 335-14-9 and the notification requirement under Section 3010 of RCRA:

(b) The owner or operator of a destination facility that recycles a particular universal waste without storing that universal waste before it is recycled must comply with 335-14-2-.01(6)(c)2.

(2) Off-site shipments.

(a) The owner or operator of a destination facility is prohibited from sending or taking universal waste to a place other than a universal waste handler, another destination facility or foreign destination.

(b) The owner or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner or operator of the destination facility rejects a shipment or a portion of a shipment, he must contact the shipper to notify him of the rejection and to discuss reshipment of the load. The owner or operator of the destination facility must:

1. Send the shipment back to the original shipper, or
2. If agreed to by both the shipper and the owner or operator of the destination facility, send the shipment to another destination facility.

(c) If the owner or operator of a destination facility receives a shipment containing hazardous waste that is not a universal waste, the owner or operator of the destination facility must immediately notify the appropriate regional EPA office and this Department of the illegal shipment, and provide the name, address, and phone number of the shipper. The Department will provide instructions for managing the hazardous waste.

(d) If the owner or operator of a destination facility receives a shipment of non-hazardous, non-universal waste, the owner or operator may manage the waste in any way that is in compliance with applicable federal or State of Alabama solid waste regulations.

(3) Tracking universal waste shipments.

(a) The owner or operator of a destination facility must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document or other shipping document. The record for each shipment of universal waste received must include the following information:

1. The name and address of the universal waste handler, destination facility, or foreign shipper from whom the universal waste was sent;
2. The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats, lamps);
3. The date of receipt of the shipment of universal waste.

(b) The owner or operator of a destination facility must retain the records described in 335-14-11-.05(3)(a) for at least three years from the date of receipt of a shipment of universal waste.

Author: Amy P. Zachry; Lynn T. Roper; C. Edwin Johnston; Bradley N. Curvin; Vernon H. Crockett.

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

History: January 12, 1996.

Amended: March 28, 1997; March 27, 1998; April 13, 2001; March 15, 2002; March 31, 2005; April 4, 2006, XXXXX, 2018.