

APA-1  
07/04

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control No. 335 Department or Agency Environmental Management  
Rule No. 335-14-3-.12  
Rule Title: Alternative Requirements for Hazardous Waste Determination and  
Accumulation of Unwanted Material for Laboratories Owned by  
Eligible Academic Entities

         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         Mandy 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

<u>RULE NO. &amp; TITLE:</u>	335-14-3-.01	<u>General</u> (Amend)
	335-14-3-.02	<u>Manifest Requirements Applicable to Small and Large Quantity Generators.</u> (Amend)
	335-14-3-.03	<u>Pre-Transport Requirements Applicable to Small and Large Quantity Generators.</u> (Amend)
	335-14-3-.04	<u>Recordkeeping and Reporting Applicable to Small and Large Generators.</u> (Amend)
	335-14-3-.05	[Reserved] (Amend)
	335-14-3-.06	[Reserved] (Amend)
	335-14-3-.07	<u>Farmers</u> (Amend)
	335-14-3-.08	<u>Special Requirements for Generators of Waste Destined for Disposal at Commercial Hazardous Waste Disposal Facilities Located in the State of Alabama</u> (Amend)
	335-14-3-.09	<u>Transboundary Movements of Hazardous Waste for Recovery or Disposal</u> (Amend)
	335-14-3-.12	<u>Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material for Laboratories Owned by Eligible Academic Entities</u> (Amend)
	335-14-3-.13	<u>Alternative Standards for Episodic Generation</u> (Amend)
	334-14-3-.14	<u>Preparedness, Prevention, Emergency Procedures for Large Quantity Generators</u> (Amend)

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

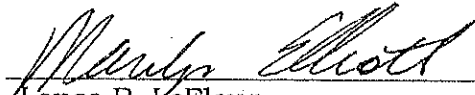
SUBSTANCE OR PROPOSED ACTION: Revise portions of Division 14 Regulations to incorporate changes to ensure consistency with State and Federal Statutes; to adopt certain State specific requirements; and to provide clarification of State requirements for the management of hazardous waste.

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

**335-14-3-.12 Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material for Laboratories Owned by Eligible Academic Entities.**

(1) [Reserved].

(2) Applicability.

(a) Large quantity generators and small quantity generators. 335-14-3-.12 provides alternative requirements to the requirements in 335-14-3-.01(2) and 335-14-3-.~~01(5)~~-~~03(5)(e)~~ for the hazardous waste determination and accumulation of hazardous waste in laboratories owned by eligible academic entities that choose to be subject to 335-14-3-.12, provided that they complete the notification requirements of 335-14-3-.12(4).

(b) Conditionally-exemptVery small quantity generators. 335-14-3-.12 provides alternative requirements to the conditional exemption in 335-14-3-.~~01(4)2-01(5)(b)~~ for the accumulation of hazardous waste in laboratories owned by eligible academic entities that choose to be subject to 335-14-3-.12, provided that they complete the notification requirements of 335-14-3-.12(4).

(3) 335-14-3-.12 is optional.

(a) Large quantity generators and small quantity generators. Eligible academic entities have the option of complying with 335-14-3-.12 with respect to their laboratories, as an alternative to complying with the requirements of 335-14-3-.01(2) and 335-14-3-.~~03(5)(e)~~.01(5).

(b) Conditionally-exemptVery small quantity generators. Eligible academic entities have the option of complying with 335-14-3-.12 with respect to their laboratories, as an alternative to complying with the conditional exemption of 335-14-3-.~~01(4)2-01(5)(b)~~.

(4) How an eligible academic entity indicates it will be subject to the requirements of 335-14-3-.12.

(a) An eligible academic entity must notify the Department in writing, using the ADEM Form 8700-12, that it is electing to be subject to the requirements of 335-14-3-.12 for all the laboratories owned by the eligible academic entity under the same EPA identification number. An eligible academic entity that is a ~~conditionally exempt~~ very small quantity generator and does not have an EPA identification number must notify that it is electing to be subject to the requirements of 335-14-3-.12 for all the laboratories owned by the eligible academic entity that are on-site as defined in 335-14-1-.02. An eligible academic entity must submit a separate notification (ADEM Form 8700-12) for each EPA identification number (or site, for ~~conditionally exempt~~ very small quantity generators) that is electing to be subject to the requirements of 335-14-3-.12, and must submit ADEM Form 8700-12 before it begins operating under 335-14-3-.12.

(b) When submitting ADEM Form 8700-12, the eligible academic entity must, at a minimum, fill out the following fields on the form:

1. Notification Class.
2. Facility's EPA identification number (except for ~~conditionally-exempt~~very small quantity generators).
3. Operating Name of Facility.
4. Location of Facility.
5. Facility Contact.
6. Facility Mailing Address.
7. North American Industry Classification System (NAICS) Code(s).
8. Ownership.
9. Land Type.
10. Certification Status.
11. Certification.

(c) An eligible academic entity must keep a copy of the notification on file at the eligible academic entity for as long as its laboratories are subject to 335-14-3-.12.

(d) A teaching hospital that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the teaching hospital for as long as its laboratories are subject to 335-14-3-.12.

(e) A non-profit research institute that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the non-profit research institute for as long as its laboratories are subject to 335-14-3-.12.

(5) How an eligible academic entity indicates it will withdraw from the requirements of 335-14-3-.12.

(a) An eligible academic entity must notify the Department in writing, using ADEM Form 8700-12, that it is electing to no longer be subject to the requirements of 335-14-3-.12 for all the laboratories owned by the eligible academic entity under the same EPA identification number and that it will comply with the requirements of 335-14-3-.01(2) and 335-14-3-.03(5)(e).01(5) for small quantity generators and large quantity generators. An eligible academic entity that is a ~~conditionally-exempt~~very small quantity generator and does not have an EPA identification number must notify that it is withdrawing from the requirements of 335-14-3-.12 for all the laboratories owned by the eligible academic entity that are on-site and that it will comply with the conditional

exemption in ~~335-14-3-.01(4)2-.01(5)(b)~~. An eligible academic entity must submit a separate notification (ADEM Form 8700-12) for each EPA identification number (or site, for ~~conditionally-exempt~~very small quantity generators) that is withdrawing from the requirements of 335-14-3-.12 and must submit ADEM Form 8700-12 before it begins operating under the requirements of 335-14-3-.01(2) and ~~335-14-3-.01(5)-03(5)(e)~~ for small quantity generators and large quantity generators, or ~~335-14-3-.01(4)2-.01(5)(b)~~ for ~~conditionally-exempt~~very small quantity generators.

(b) When submitting ADEM Form 8700-12, the eligible academic entity must, at a minimum, fill out the following fields on the form:

1. Notification class.
2. Facility's EPA identification number (except for ~~conditionally-exempt~~very small quantity generators).
3. Operating name of facility.
4. Location of facility.
5. Facility contact.
6. Facility mailing address.
7. North American Industry Classification System (NAICS) code(s).
8. Ownership.
9. Land type.
10. Certification status.
11. Certification.

(c) An eligible academic entity must keep a copy of the withdrawal notice on file at the eligible academic entity for three years from the date of the notification.

(6) Summary of the requirements of 335-14-3-.12. An eligible academic entity that chooses to be subject to 335-14-3-.12 is not required to have interim status or a RCRA Part B permit for the accumulation of unwanted material and hazardous waste in its laboratories, provided the laboratories comply with the provisions of 335-14-3-.12 and the eligible academic entity has a Laboratory Management Plan (LMP) in accordance with 335-14-3-.12(15) that describes how the laboratories owned by the eligible academic entity will comply with the requirements of 335-14-3-.12.

(7) Labeling and management standards for containers of unwanted material in the laboratory. An eligible academic entity must manage containers of unwanted material while in the laboratory in accordance with the requirements in this section.

(a) Labeling. Label unwanted material as follows:

1. The following information must be affixed or attached to the container:

(i) The words "unwanted material" or another equally effective term that is to be used consistently by the eligible academic entity and that is identified in Part I of the Laboratory Management Plan, and

(ii) Sufficient information to alert emergency responders to the contents of the container. Examples of information that would be sufficient to alert emergency responders to the contents of the container include, but are not limited to:

a.(I) The name of the chemical(s),

b.(II) The type or class of chemical, such as organic solvents or halogenated organic solvents.

2. The following information may be affixed or attached to the container, but must at a minimum be associated with the container:

(i) The date that the unwanted material first began accumulating in the container, and

(ii) Information sufficient to allow a trained professional to properly identify whether an unwanted material is a solid and hazardous waste and to assign the proper hazardous waste code(s), pursuant to 335-14-3-.01(2). Examples of information that would allow a trained professional to properly identify whether an unwanted material is a solid or hazardous waste include, but are not limited to:

a.(I) The name and/or description of the chemical contents or composition of the unwanted material, or, if known, the product of the chemical reaction,

b.(II) Whether the unwanted material has been used or is unused,

c.(III) A description of the manner in which the chemical was produced or processed, if applicable.

(b) Management of containers in a laboratory. An eligible academic entity must properly manage containers of unwanted material in the laboratory to assure safe storage of the unwanted material, to prevent leaks, spills, emissions to the air, adverse chemical reactions, and dangerous situations that may result in harm to human health or the environment. Proper container management must include the following:

1. Containers are maintained and kept in good condition and damaged containers are replaced, overpacked, or repaired, and

2. Containers are compatible with their contents to avoid reactions between the contents and the container; and are made of, or lined with, material that is compatible with the unwanted material so that the container's integrity is not impaired, and

3. Containers must be kept closed at all times, except:

(i) When adding, removing, or bulking unwanted material, or

(ii) A working container may be open until the end of the procedure or work shift, or until it is full, whichever comes first, at which time the working container must either be closed or the contents emptied into a separate container that is then closed, or

(iii) When venting of a container is necessary:

a.(F) For the proper operation of laboratory equipment, such as with inline collection of unwanted materials from high performance liquid chromatographs, or

b.(H) To prevent dangerous situations, such as build-up of extreme pressure.

(8) Training. An eligible academic entity must provide training to all individuals working in a laboratory at the eligible academic entity, as follows:

(a) Training for laboratory workers and students must be commensurate with their duties so they understand the requirements of 335-14-3-.12 and can implement them.

(b) An eligible academic entity can provide training for laboratory workers and students in a variety of ways, including, but not limited to:

1. Instruction by the professor or laboratory manager before or during an experiment; or

2. Formal classroom training; or

3. Electronic/written training; or

4. On-the-job training; or

5. Written or oral exams.

(c) An eligible academic entity that is a large quantity generator must maintain documentation for the durations specified in 335-14-6-.02(7)(e) demonstrating training for all laboratory workers that is sufficient to determine whether laboratory workers have been trained. Examples of documentation demonstrating training can include, but are not limited to, the following:

1. Sign-in/attendance sheet(s) for training session(s); or

2. Syllabus for training session; or

3. Certificate of training completion; or

4. Test results.



(d) A trained professional must:

1. Accompany the transfer of unwanted material and hazardous waste when the unwanted material and hazardous waste is removed from the laboratory, and
2. Make the hazardous waste determination, pursuant to 335-14-3-.01(2) for unwanted material.

(9) Removing containers of unwanted material from the laboratory.

(a) Removing containers of unwanted material on a regular schedule. An eligible academic entity must either:

1. Remove all containers of unwanted material from each laboratory on a regular interval, not to exceed 6 months; or
2. Remove containers of unwanted material from each laboratory within 6 months of each container's accumulation start date.

(b) The eligible academic entity must specify in Part I of its Laboratory Management Plan whether it will comply with ~~paragraph 335-14-3-.12(9)(a)1. or (a)2. of this section~~ for the regular removal of unwanted material from its laboratories.

(c) The eligible academic entity must specify in Part II of its Laboratory Management Plan how it will comply with ~~paragraph 335-14-3-.12(9)(a)1. or (a)2. of this section~~ and develop a schedule for regular removals of unwanted material from its laboratories.

(d) Removing containers of unwanted material when volumes are exceeded.

1. If a laboratory accumulates a total volume of unwanted material (including reactive acutely hazardous unwanted material) in excess of 55 gallons before the regularly scheduled removal, the eligible academic entity must ensure that all containers of unwanted material in the laboratory (including reactive acutely hazardous unwanted material):

(i) Are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date that 55 gallons is exceeded; and

(ii) Are removed from the laboratory within 10 calendar days of the date that 55 gallons was exceeded, or at the next regularly scheduled removal, whichever comes first.

2. If a laboratory accumulates more than 1 quart of reactive acutely hazardous unwanted material before the regularly scheduled removal, then the eligible academic entity must ensure that all containers of reactive acutely hazardous unwanted material:

(i) Are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date that 1 quart is exceeded; and

(ii) Are removed from the laboratory within 10 calendar days of the date that 1 quart was exceeded, or at the next regularly scheduled removal, whichever comes first.

(10) Where and when to make the hazardous waste determination and where to send containers of unwanted material upon removal from the laboratory.

(a) Large quantity generators and small quantity generators. An eligible academic entity must ensure that a trained professional makes a hazardous waste determination, pursuant to 335-14-3-.01(2), for unwanted material in any of the following areas:

1. In the laboratory before the unwanted material is removed from the laboratory, in accordance with 335-14-3-.12(11);

2. Within 4 calendar days of arriving at an on-site central accumulation area, in accordance with 335-14-3-.12(12); and

3. Within 4 calendar days of arriving at an on-site interim status or permitted treatment, storage, or disposal facility, in accordance with 335-14-3-.12(13).

(b) ~~Conditionally exempt~~ Very small quantity generators. An eligible academic entity must ensure that a trained professional makes a hazardous waste determination, pursuant to 335-14-3-.01(2), for unwanted material in the laboratory before the unwanted material is removed from the laboratory, in accordance with 335-14-3-.12(11).

(11) Making the hazardous waste determination in the laboratory before the unwanted material is removed from the laboratory. If an eligible academic entity makes the hazardous waste determination, pursuant to 335-14-3-.01(2), for unwanted material in the laboratory, it must comply with the following:

(a) A trained professional must make the hazardous waste determination, pursuant to 335-14-3-.01(2), before the unwanted material is removed from the laboratory.

(b) If an unwanted material is a hazardous waste, the eligible academic entity must:

1. Write the words "hazardous waste" on the container label that is affixed or attached to the container, before the hazardous waste may be removed from the laboratory; and

2. Write the appropriate hazardous waste code(s) on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste is transported off-site.

3. Count the hazardous waste toward the eligible academic entity's generator status, pursuant to 335-14-3-.01(3)2-01(5)(e) and (e), in the calendar month that the hazardous waste determination was made.

(c) A trained professional must accompany all hazardous waste that is transferred from the laboratory(ies) to an on-site central accumulation area or on-site interim status or permitted treatment, storage, or disposal facility.

(d) When hazardous waste is removed from the laboratory:

1. Large quantity generators and small quantity generators must ensure it is taken directly from the laboratory(ies) to an on-site central accumulation area, or on-site interim status or permitted treatment, storage, or disposal facility, or transported off-site.

2. ~~Conditionally exempt~~Very small quantity generators must ensure it is taken directly from the laboratory(ies) to any of the types of facilities listed in 335-14-3-.01(4)2-01(5)(f)3. for acute hazardous waste, or 335-14-2-.01(5)(g)3. for hazardous waste.

(e) An unwanted material that is a hazardous waste is subject to all applicable hazardous waste regulations when it is removed from the laboratory.

(12) Making the hazardous waste determination at an on-site central accumulation area. If an eligible academic entity makes the hazardous waste determination, pursuant to 335-14-3-.01(2), for unwanted material at an on-site central accumulation area, it must comply with the following:

(a) A trained professional must accompany all unwanted material that is transferred from the laboratory(ies) to an on-site central accumulation area.

(b) All unwanted material removed from the laboratory(ies) must be taken directly from the laboratory(ies) to the on-site central accumulation area.

(c) The unwanted material becomes subject to the generator accumulation regulations of 335-14-3-.013(57)(a) for large quantity generators or 335-14-3-.013(65)(d), (f), and (g) for small quantity generators as soon as it arrives in the central accumulation area, except for the "hazardous waste" labeling requirements of 335-14-3-.03(5)(a)335-14-3-.01(6)(b)6. and (7)(a)5.

(d) A trained professional must determine, pursuant to 335-14-3-.01(2), if the unwanted material is a hazardous waste within 4 calendar days of the unwanted materials' arrival at the on-site central accumulation area.

(e) If the unwanted material is a hazardous waste, the eligible academic entity must:

1. Write the words "hazardous waste" on the container label that is affixed or attached to the container, within 4 calendar days of arriving at the on-site central accumulation area and before the hazardous waste may be removed from the on-site central accumulation area, and

2. Write the appropriate hazardous waste code(s) on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste may be treated or disposed of on-site or transported off-site, and

3. Count the hazardous waste toward the eligible academic entity's generator status, pursuant to 335-14-3-.01(3) ~~2-01(5)(e) and (d)~~ in the calendar month that the hazardous waste determination was made, and

4. Manage the hazardous waste according to all applicable hazardous waste regulations.

(13) Making the hazardous waste determination at an on-site interim status or permitted treatment, storage, or disposal facility. If an eligible academic entity makes the hazardous waste determination, pursuant to 335-14-3-.01(2), for unwanted material at an on-site interim status or permitted treatment, storage, or disposal facility, it must comply with the following:

(a) A trained professional must accompany all unwanted material that is transferred from the laboratory(ies) to an on-site interim status or permitted treatment, storage, or disposal facility.

(b) All unwanted material removed from the laboratory(ies) must be taken directly from the laboratory(ies) to the on-site interim status or permitted treatment, storage, or disposal facility.

(c) The unwanted material becomes subject to the terms of the eligible academic entity's hazardous waste permit or interim status as soon as it arrives in the on-site treatment, storage, or disposal facility.

(d) A trained professional must determine, pursuant to 335-14-3-.01(2), if the unwanted material is a hazardous waste within 4 calendar days of the unwanted material's arrival at an on-site interim status or permitted treatment, storage, or disposal facility.

(e) If the unwanted material is a hazardous waste, the eligible academic entity must:

1. Write the words "hazardous waste" on the container label that is affixed or attached to the container within 4 calendar days of arriving at the on-site interim status or permitted treatment, storage, or disposal facility and before the hazardous waste may be removed from the on-site interim status or permitted treatment, storage, or disposal facility, and

2. Write the appropriate hazardous waste code(s) on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste may be treated or disposed on-site or transported off-site, and

3. Count the hazardous waste toward the eligible academic entity's generator status, pursuant to ~~335-14-3-.01(3)2-.01(5)(e) and (d)~~ in the calendar month that the hazardous waste determination was made, and

4. Manage the hazardous waste according to all applicable hazardous waste regulations.

(14) Laboratory clean-outs.

(a) One time per 12 month period for each laboratory, an eligible academic entity may opt to conduct a laboratory clean-out that is subject to all the applicable requirements of 335-14-3-.12, except that:

1. If the volume of unwanted material in the laboratory exceeds 55 gallons (or 1 quart of liquid reactive acutely hazardous unwanted material or 1 kg of solid reactive acutely hazardous unwanted material), the eligible academic entity is not required to remove all unwanted materials from the laboratory within 10 calendar days of exceeding 55 gallons (or 1 quart of liquid reactive acutely hazardous unwanted material or 1 kg of solid reactive acutely hazardous unwanted material), as required by 335-14-3-.12(9). Instead, the eligible academic entity must remove all unwanted materials from the laboratory within 30 calendar days from the start of the laboratory clean-out; and

2. For the purposes of on-site accumulation, an eligible academic entity is not required to count a hazardous waste that is an unused commercial chemical product (listed in 335-14-2-.04 or exhibiting one or more characteristics in 335-14-2-.03) generated solely during the laboratory clean-out toward its hazardous waste generator status, pursuant to ~~335-14-3-.01(3)2-.01(5)(e) and (d)~~. An unwanted material that is generated prior to the beginning of the laboratory clean-out and is still in the laboratory at the time the laboratory clean-out commences must be counted toward hazardous waste generator status, pursuant to ~~335-14-3-.01(3)2-.01(5)(e) and (d)~~, if it is determined to be hazardous waste; and

3. For the purposes of off-site management, an eligible academic entity must count all its hazardous waste, regardless of whether the hazardous waste was counted toward generator status under ~~paragraph 335-14-3-.12(14)(a)2. of this section~~, and if it generates more than 1 kg/month of acute hazardous waste or more than 100 kg/month of hazardous waste [i.e., the ~~conditionally exempt~~ very small quantity generator limits of as defined 335-14-1-.022-.01(5)], the hazardous waste is subject to all applicable hazardous waste regulations when it is transported off-site; and

4. An eligible academic entity must document the activities of the laboratory clean-out. The documentation must, at a minimum, identify the laboratory being cleaned out, the date the laboratory clean-out begins and ends, and the volume of hazardous waste generated during the laboratory clean-out. The eligible academic entity must maintain the records for a period of three years from the date the clean-out ends.

(b) For all other laboratory clean-outs conducted during the same 12-month period, an eligible academic entity is subject to all the applicable requirements of 335-14-3-.12, including, but not limited to:

1. The requirement to remove all unwanted materials from the laboratory within 10 calendar days of exceeding 55 gallons (or 1 quart of reactive acutely hazardous unwanted material), as required by 335-14-3-.12(9); and

2. The requirement to count all hazardous waste, including unused hazardous waste, generated during the laboratory clean-out toward its hazardous waste generator status, pursuant to 335-14-23-.01(53)(e) and (d).

(15) Laboratory management plan. An eligible academic entity must develop and retain a written Laboratory Management Plan, or revise an existing written plan. The Laboratory Management Plan is a site-specific document that describes how the eligible academic entity will manage unwanted materials in compliance with 335-14-3-.12. An eligible academic entity may write one Laboratory Management Plan for all the laboratories owned by the eligible academic entity that have opted into 335-14-3-.12, even if the laboratories are located at sites with different EPA identification numbers. The Laboratory Management Plan must contain two parts with a total of nine elements identified in paragraphs (a) and (b) of this section. In Part I of its Laboratory Management Plan, an eligible academic entity must describe its procedures for each of the elements listed in paragraph (a) of this section. An eligible academic entity must implement and comply with the specific provisions that it develops to address the elements in Part I of the Laboratory Management Plan. In Part II of its Laboratory Management Plan, an eligible academic entity must describe its best management practices for each of the elements listed in paragraph (b) of this section. The specific actions taken by an eligible academic entity to implement each element in Part II of its Laboratory Management Plan may vary from the procedures described in the eligible academic entity's Laboratory Management Plan, without constituting a violation of 335-14-3-.12. An eligible academic entity may include additional elements and best management practices in Part II of its Laboratory Management Plan if it chooses.

(a) The eligible academic entity must implement and comply with the specific provisions of Part I of its Laboratory Management Plan. In Part I of its Laboratory Management Plan, an eligible academic entity must:

1. Describe procedures for container labeling in accordance with 335-14-3-.12(7)(a), as follows:

(i) Identifying whether the eligible academic entity will use the term "unwanted material" on the containers in the laboratory. If not, identify an equally effective term that will be used in lieu of "unwanted material" and consistently by the eligible academic entity. The equally effective term, if used, has the same meaning and is subject to the same requirements as "unwanted material."

(ii) Identifying the manner in which information that is "associated with the container" will be imparted.

2. Identify whether the eligible academic entity will comply with 335-14-3-.12(9)(a)1. or (a)2. for regularly scheduled removals of unwanted material from the laboratory.

(b) In Part II of its Laboratory Management Plan, an eligible academic entity must:

1. Describe its intended best practices for container labeling and management, (see the required standards at 335-14-3-.12(7)).

2. Describe its intended best practices for providing training for laboratory workers and students commensurate with their duties (see the required standards at 335-14-3-.12(8)(a)).

3. Describe its intended best practices for providing training to ensure safe on-site transfers of unwanted material and hazardous waste by trained professionals (see the required standards at 335-14-3-.12(8)(d)1.).

4. Describe its intended best practices for removing unwanted material from the laboratory, including:

(i) For regularly scheduled removals. Develop a regular schedule for identifying and removing unwanted materials from its laboratories (see the required standards at 335-14-3-.12(9)(a)1. and (a)2.).

(ii) For removals when maximum volumes are exceeded:

(I) Describe its intended best practices for removing unwanted materials from the laboratory within 10 calendar days when unwanted materials have exceeded their maximum volumes (see the required standards at 335-14-3-.12(9)(d)).

(II) Describe its intended best practices for communicating that unwanted materials have exceeded their maximum volumes.

5. Describe its intended best practices for making hazardous waste determinations, including specifying the duties of the individuals involved in the process (see the required standards at 335-14-3-.01(2) and 335-14-3-.12(10) through 335-14-3-.12(13)).

6. Describe its intended best practices for laboratory clean-outs, if the eligible academic entity plans to use the incentives for laboratory clean-outs provided in 335-14-3-.12(14), including:

(i) Procedures for conducting laboratory clean-outs (see the required standards at 335-14-3-.12(14)(a)1. through 3.); and

(ii) Procedures for documenting laboratory clean-outs (see the required standards at 335-14-3-.12(14)(a)4.).

7. Describe its intended best practices for emergency prevention, including:

(i) Procedures for emergency prevention, notification, and response, appropriate to the hazards in the laboratory; and

(ii) A list of chemicals that the eligible academic entity has, or is likely to have, that become more dangerous when they exceed their expiration date and/or as they degrade; and

(iii) Procedures to safely dispose of chemicals that become more dangerous when they exceed their expiration date and/or as they degrade; and

(iv) Procedures for the timely characterization of unknown chemicals.

(c) An eligible academic entity must make its Laboratory Management Plan available to laboratory workers, students, or any others at the eligible academic entity who request it.

(d) An eligible academic entity must review and revise its Laboratory Management Plan, as needed.

(16) Unwanted material that is not solid or hazardous waste.

(a) If an unwanted material does not meet the definition of solid waste in 335-14-2-.01(2), it is no longer subject to 335-14-3-.12 or to the RCRA hazardous waste regulations.

(b) If an unwanted material does not meet the definition of hazardous waste in 335-14-2-.01(3), it is no longer subject to 335-14-3-.12 or to the RCRA hazardous waste regulations, but must be managed in compliance with any other applicable regulations and/or conditions.

(17) Non-laboratory hazardous waste generated at an eligible academic entity. An eligible academic entity that generates hazardous waste outside of a laboratory is not eligible to manage that hazardous waste under 335-14-3-.12; and

(a) Remains subject to the generator requirements of 335-14-3-.01(2) and 335-14-3-.03(5)(e).01(5) for large quantity generators and small quantity generators (if the hazardous waste is managed in a satellite accumulation area), and all other applicable generator requirements of 335-14-3, with respect to that hazardous waste; or

(b) Remains subject to the conditional exemption of 335-14-23-.01(54)(b) for ~~conditionally exempt~~very small quantity generators, with respect to that hazardous waste.

**Author:** Heather M. Jones; Metz Duites; Vernon H. Crockett

**Statutory Authority:** Code of Alabama 1975, §§ 22-30-11, 22-30-14.

**History:** March 30, 2010.

**Amended:** April 3, 2012; March 31, 2017; XXXX, 2018.