

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management
Rule No. 335-14-4-.01
Rule Title: 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 rule have an economic impact? NO

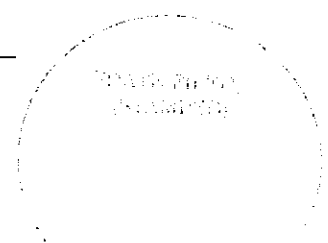
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of section 41-22-23, Code of Alabama 1975.

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 *Wanda 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: 335-14-4-.01 General (Amend)
335-14-4-.02 Compliance with the Manifest System and
Recordkeeping (Amend)
335-14-4-.05 Transfer Facility Requirements (Amend)

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

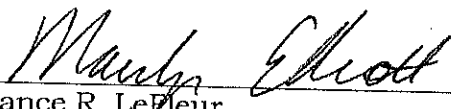
SUBSTANCE OR PROPOSED ACTION: Revise portions of Division 14 Regulations to incorporate changes to ensure consistency with State and Federal Statutes; to adopt certain State specific requirements; and to provide clarification of State requirements for the management of hazardous waste.

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

335-14-4-.01 **General.**

(1) Scope.

(a) 335-14-4 establishes standards which apply to persons transporting hazardous waste within the State of Alabama if the transportation requires a manifest under Chapter 335-14-3 and except as provided otherwise in Code of Alabama 1975, § 22-30-21, as amended.

(b) 335-14-4 does not apply to on-site transportation of hazardous waste by generators or by owners or operators of permitted hazardous waste management facilities.

(c) A transporter of hazardous waste must also comply with Chapter 335-14-3, Standards Applicable to Generators of Hazardous Waste, if he:

1. Transports hazardous waste into the United States from abroad; or

2. Mixes hazardous wastes of different DOT shipping descriptions by placing them into a single container.

(d) A transporter of hazardous waste ~~subject to the manifesting requirements of 335-14-3, or subject to the waste management standards of 335-14-11, that is being imported from or exported to any other of the countries listed in 335-14-3-05(9)(a)1. for purposes of recovery or disposal~~ is subject to 335-14-4-.01 and to all other relevant requirements of rule 335-14-3-.09, including, but not limited to, ~~335-14-3-.09(5)~~ the requirements for movement documents in 335-14-3-.09(5).

(e) The regulations in 335-14-4-.01 do not apply to transportation during an explosives or munitions emergency response, conducted in accordance with 335-14-5-.01(1)(g)8.(i)(IV) or (iv) or 335-14-6-.01(1)(c)11.(i)(IV) or (iv), and 335-14-8-.01(1)(c)3.(i)(IV) or (iii).

(f) 335-14-7-.13(4) identifies how the requirements of 335-14-4-.01 apply to military munitions classified as solid waste under 335-14-7-.13(3).

(2) EPA identification number and Alabama Hazardous Waste Transport Permit.

(a) A transporter must not transport hazardous wastes without having received an EPA identification number from the Administrator or the authorized State in which the base of operations is located. If the transporter's base of operations is located within the State of Alabama, such application shall be submitted to the Department.

(b) A transporter who has not received an EPA identification number may obtain one by applying to the Administrator or the authorized State in which the base of operations is located using EPA Form 8700-12 or the authorized State's equivalent.

(c) A non-rail transporter must not transport hazardous wastes without having received an Alabama Hazardous Waste Transport Permit in compliance with rules 335-14-8-.09 through 335-14-8-.13.

(3) [Reserved].

(4) Annual Submission of ADEM Form 8700-12, Notification of Regulated Waste Activity and Certifications of Waste Management.

(a) A transporter whose base of operations is located within the State of Alabama must submit a correct and complete ADEM Form 8700-12 (including all appropriate attachment pages and fees) reflecting current waste activities to the Department annually. The Department must receive the ADEM Form 8700-12 (including all appropriate attachment pages and fees) no later than the 15th day of the specified month in the specified month schedule located at rule 335-14-1-.02(1)(a).

(b) The ADEM Form 8700-12, Notification of Regulated Waste Activity, is not complete without payment of all the appropriate fees specified in Chapter 335-1-6 of the ADEM Administrative Code.

Author: Stephen C. Maurer; Amy P. Zachry; Michael B. Champion; C. Edwin Johnston; Bradley N. Curvin; Heather M. Jones; James K. Burgess; Vernon H. Crockett.

Statutory Authority: Code of Alabama 1975, §§ 22-30-11, 22-30-12, 22-30-15 and 22-30-21.

History: November 19, 1980.

Amended: April 9, 1986; February 15, 1988; August 24, 1989; January 1, 1993; March 28, 1997; March 27, 1998; April 13, 2001; March 15, 2002; March 31, 2005; March 31, 2009; March 31, 2011; April 3, 2012; XXXXX, 2018.