

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management
Rule No. 335-14-7-.07
Rule Title: Spent Lead-Acid Batteries Being Reclaimed

 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, 2016



APA-2
11/96

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

<u>RULE NO. & TITLE:</u>	335-14-7-.03	<u>Recyclable Materials Used in a Manner Constituting Disposal (Amend)</u>
	335-14-7-.06	<u>Recyclable Materials Utilized for Precious Metal Recovery (Amend)</u>
	335-14-7-.07	<u>Spent Lead-Acid Batteries Being Reclaimed (Amend)</u>
	335-14-7-.14	<u>Conditional Exemption for Low-Level Mixed Waste Storage, Treatment, Transportation, and Disposal</u>

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

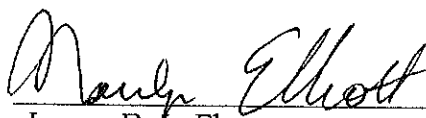
SUBSTANCE OR PROPOSED ACTION: Revise portions of Division 14 Regulations to incorporate changes to ensure consistency with State and Federal Statutes; to adopt certain State specific requirements; and to provide clarification of State requirements for the management of hazardous waste.

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

335-14-7-.07

Spent Lead-Acid Batteries Being Reclaimed.

(1) Applicability and requirements.

(a) Lead acid batteries that are generated, collected, transported, stored, or regenerated for reclamation purposes may be exempt from certain hazardous waste management requirements. The following table may be used to determine which requirements apply. Alternatively, spent lead-acid batteries may be managed in accordance with the "Universal Waste" rule in 335-14-11.

If the batteries *	And if the batteries	Then the batteries	And the batteries
1. will be reclaimed through regeneration (such as by electrolyte replacement).		are exempt from the requirements of 335-14-3 [except for 335-14-3-.01(2)] through 335-14-9.	are subject to the requirements of 335-14-2 and 335-14-3-.01(2).
2. will be reclaimed other than through regeneration.	are generated, collected, and/or transported.	are exempt from the requirements of 335-14-3 [except for 335-14-3-.01(2)] through 335-14-8.	are subject to the requirements of 335-14-2 and 335-14-3-.01(2), and applicable provisions under 335-14-9.
3. will be reclaimed other than through regeneration.	are stored prior to reclamation by persons other than the person reclaiming the batteries.	are exempt from the requirements of 335-14-3 [except for 335-14-3-.01(2)] through 335-14-8.	are subject to the requirements of 335-14-2 and 335-14-3-.01(2), and applicable provisions under 335-14-9.

If the batteries *	And if the batteries	Then the batteries	And the batteries
4. will be reclaimed other than through regeneration.	are stored prior to reclamation by the person reclaiming the batteries.	are subject to the requirements of 335-14-7-.07(1)(b) and other applicable regulatory provisions described in 335-14-7-.07(1)(b).	are subject to the requirements of 335-14-2 and 335-14-3-.01(2), and applicable provisions under 335-14-9.
5. will be reclaimed other than through regeneration.	are not stored prior to being reclaimed.	are exempt from the requirements of 335-14-3 [except for 335-14-3-.01(2)] through 335-14-8.	are subject to the requirements of 335-14-2, and 335-14-3-.01(2), and applicable provisions under 335-14-9.
6. will be reclaimed through regeneration or any other means.	are exported for reclamation in a foreign country.	<p>are exempt from the requirements of 335-14-4 through 335-14-9. They are also exempt from the requirements of 335-14-3 [except for 335-14-3-.01(2)], and except for the applicable requirements in either 335-14-3-.09;</p> <p>335-14-3-.09; or</p> <p>(1) 335-14-3-.05(4) "Notification of Intent to Export," 335-14-3-.05(7)(a) 1., 4., 6., and (b) "Annual Reports," and 335-14-3-.05(8) "Recordkeeping".</p>	<p>are subject to the requirements of 335-14-2, and 335-14-3-.01(2), 335-14-3-.01(8), and 335-14-3-.09, and are either subject to the requirements of 335-14-3-.09 (if shipped to one of the OECD countries specified in 335-14-3-.05(9)(a) 1.) or are:</p> <p>(a) subject to the requirements applicable to a primary exporter in 335-14-3-.05(4), 335-14-3-.05(7)(a) 1., 4., 6., and (b), and 335-14-3-.05(8); and</p> <p>(b) exported only upon consent of</p>

If the batteries *	And if the batteries	Then the batteries	And the batteries
			<p>the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in 335-14-1-.02; and</p> <p>(e) a copy of the EPA Acknowledgement of Consent for the shipment is provided to the transporter transporting the shipment for export.</p>
<p>7. will be reclaimed through regeneration and any other means.</p>	<p>are transported in the U.S. to be exported for reclamation in a foreign country.</p>	<p>are exempt from the requirements of 335-14-3 [except for 335-14-3-.01(2)] through 335-14-9.</p>	<p>are subject to applicable requirements in 335-14-3-.09 (if shipped to one of the OECD countries specified in 335-14-3-.05(9)(a)1.) or are subject to the following:</p> <p>(a) the shipment must not be accepted if it is known that the shipment does not conform to the EPA Acknowledgment of Consent;</p> <p>(b) a copy of the EPA Acknowledgement of Consent</p>

If the batteries *	And if the batteries	Then the batteries	And the batteries
			<p>accompanies the shipment; and</p> <p>(e) the shipment is delivered to the facility designated by the person initiating the shipment.</p>
<p><u>8. will be reclaimed other than through regeneration</u></p>	<p><u>Import these batteries from foreign country and store these batteries but you aren't the reclaimer</u></p>	<p><u>are exempt from 335-14-3 through 6 (except for 335-14-3-.01(2), 335-14-3-.01(8), and 335-14-3-.09), and 335-14-8,</u></p>	<p><u>are subject to 335-14-2, 335-14-3-.01(2), 335-14-3-.01(8), 335-14-3-.09, and applicable provisions under 335-14-9.</u></p>
<p><u>9. will be reclaimed other than through regeneration</u></p>	<p><u>Import these batteries from foreign country and store these batteries before you reclaim them</u></p>	<p><u>must comply with 335-14-7-.07(1)(b)</u></p>	<p><u>are subject to 335-14-2, 335-14-3-.01(2), 335-14-3-.01(8), 335-14-3-.09, and applicable provisions under 335-14-9.</u></p>
<p><u>10. will be reclaimed other than through regeneration</u></p>	<p><u>Import these batteries from foreign country and don't store these batteries before you reclaim them</u></p>	<p><u>are exempt from 335-14-3 through 6 (except for 335-14-3-.01(2), 335-14-3-.01(8), and 335-14-3-.09), and 335-14-8,</u></p>	<p><u>are subject to 335-14-2, 335-14-3-.01(2), 335-14-3-.01(8), 335-14-3-.09, and applicable provisions under 335-14-9.</u></p>

(b) The requirements of 335-14-7-.07(1)(b) apply if spent lead-acid batteries are stored prior to reclamation if such reclamation involves any method other than regeneration. The requirements may vary depending upon the RCRA permit status of the person(s) storing and reclaiming the batteries.

1. Interim Status Facilities must comply with:

(i) Notification requirements under 335-14-3-.01(83) and 335-14-3-.01(4).

- (ii) All applicable provisions in 335-14-6-.01.
- (iii) All applicable provisions in 335-14-6-.02 except 335-14-6-.02(4) (waste analysis).
- (iv) All applicable provisions in 335-14-6-.03 and 336-14-6-.04.
- (v) All applicable provisions in 335-14-6-.05 except 335-14-6-.05(2) and (3) (dealing with the use of the manifest and manifest discrepancies).
- (vi) All applicable provisions in 335-14-6-.06 through 335-14-6-.12.
- (vii) All applicable provisions in 335-14-8.

2. Permitted Facilities must comply with:

- (i) Notification requirements under 335-14-3-.01(38) and ~~335-14-3-.01(4)~~.
- (ii) All applicable provisions in 335-14-5-.01.
- (iii) All applicable provisions in 335-14-5-.02 except 335-14-5-.02(4) (waste analysis).
- (iv) All applicable provisions in 335-14-5-.03 and 336-14-5-.04.
- (v) All applicable provisions in 335-14-5-.05 [but not 335-14-5-.05(2) and (3) (dealing with the use of the manifest and manifest discrepancies)].
- (vi) All applicable provisions in 335-14-5-.06 through 335-14-5-.12.
- (vii) All applicable provisions in 335-14-8.

(2) [Reserved]

(3) Generation.

(a) Facilities which by battery-breaking operations generate separate components of a spent lead-acid battery, which are a solid waste as identified by 335-14-2-.01 and a hazardous waste as identified by 335-14-2-.03 or 335-14-2-.04, must comply with the generator requirements of 335-14-3.

(b) Facilities which generate separate components of a lead-acid battery by battery-breaking operations and offer said components for transportation activities as identified in 335-14-1-.02 must comply with the manifest requirements of 335-14-3-.02 provided the components are a solid waste as identified by 335-14-2-.01 and a hazardous waste as defined by 335-14-2-.03 or 335-14-2-.04.

(c) Facilities which generate separate components of a spent lead-acid battery, which are a solid waste as identified by 335-14-2-.01 and a hazardous waste as identified by 335-14-2-.03 or 335-14-2-.04, by battery-breaking operations must comply with the storage requirements of 335-14-5-.09(6) and 335-14-5-.10 for each component.

(4) Transportation.

(a) Facilities which engage in transportation activities as identified in 335-14-1-.02 of separate components of a spent lead-acid battery, which are a solid waste as identified by 335-14-2-.01 and a hazardous waste as identified by 335-14-2-.03 or 335-14-2-.04, must comply with the standards applicable to transporters of hazardous waste as outlined in 335-14-4.

(b) Facilities which receive and store separate components of a spent lead-acid battery must comply with the manifest requirements of 335-14-5-.05 provided the components are a solid waste as identified by 335-14-2-.01 and a hazardous waste as identified by 335-14-2-.03 or 335-14-2-.04.

(c) The requirements of 335-14-7-.07 do not apply to the transportation of whole spent lead-acid batteries which have not been subjected to battery-breaking operations.

(5) Storage.

(a) Facilities which receive and store separate components of a spent lead-acid battery which are a solid waste as identified by 335-14-2-.01 and a hazardous waste as identified by 335-14-2-.03 or 335-14-2-.04 must comply with the storage requirements of 335-14-5-.09(6) and 335-14-5-.10 and the permitting requirements of 335-14-8.

(b) Reserved.

(6) Treatment and/or disposal.

(a) Facilities which treat or dispose of hazardous waste(s) generated from the reclamation of spent lead-acid batteries are subject to the requirements of 335-14-1 through 335-14-6, 335-14-8, and 335-14-9.

(b) Reserved.

Author: Stephen C. Maurer; Steven O. Jenkins; Michael Champion; Robert W. Barr; C. Edwin Johnston; Bradley N. Curvin; Heather M. Jones; Vernon H. Crockett.

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

History: April 9, 1986.

Amended: August 24, 1989; January 1, 1993; January 5, 1995; January 12, 1996; April 2, 1999; March 31, 2000; March 15, 2002; March 31, 2005; March 31, 2011; March 31, 2017; XXXXX, 2018.