# TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control _	335	Departme	nt or Ager	ıcy _	Environ	nental Management
Rule No. Rule Title:	IIifa	33	5-14-3 A <sub>I</sub>	pen	dix I	
Ruie Title:	(EPA Forr	m Hazardou: ns 8700 22 a	s waste M and 8700	lani: 22 <i>A</i>	fest and I and thei	nstructions r Instructions)
	New	Amend	X		peal	Adopt by Reference
Would the abs	sence of the prop nger the public h	osed rule sig nealth, welfar	nificantly e, or safet	y?		NO
Is there a reas police power a safety, or well	sonable relations and the protectio fare?	hip between n of the publ	the state's ic health,	8		YES
Is there anoth available that	er, less restrictiv could adequatel	ve method of y protect the	regulation public?	1		NO
indirectly incr	oosed rule have the costs if so, to what dea	of any goods		es		NO
Is the increase than the harn proposed rule	e in cost, if any, : n that might resu ?	more harmfu alt from the a	l to the pu bsence of	ablic the	:	NO
Are all facets the purpose o protection of t	of the rulemaking f, and so they ha the public?	g process des we, as their p	signed sole orimary ef	ely fo fect,	or the	NO
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requirements all applicable Legislative Ser	of Chapter 22, Ti filing requirement rvices Agency.	itle 41, Code ats of the Adr	of Alaban ninistrativ	na 19 7e Pr	975, and tocedure I	compliance with the hat if conforms to Division of the
Signature of c	ertifying officer	/ Ylouly	Elle	OA	<u>L</u>	
Date <u>Utobe</u>	u 19,2018					 (DATE FILED) (STAMP)

## ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT LAND DIVISION

### NOTICE OF INTENDED ACTION

AGENCY NAME:

Department of Environmental Management

RULE NO. & TITLE:

335-14-1-.01 General

335-14-1-.02 Definitions and References

335-14-1-.03 Rulemaking Petitions

335-14-2-.01 General

335-14-2-.05 Exclusions/Exemptions

335-14-2-.08 Financial Requirements for Management of Excluded Hazardous Secondary Materials

335-14-2-.13 Emergency Preparedness and Response for Management of Excluded Hazardous Secondary Materials

335-14-3-.01 General

335-14-3-.02 Manifest Requirements Applicable to Small and Large Quantity Generators

335-14-3-.09 Transboundary Movements of Hazardous Waste for Recovery or Disposal

335-14-3 Appendix I Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700 22 and 8700 22A and their Instructions)

335-14-4-.02 Compliance with the Manifest System and Recordkeeping

335-14-5-.05 Manifest System, Recordkeeping and Reporting

335-14-5-.29 Subpart CC Air Emission Standards For Tanks, Surface Impoundments, And Containers

335-14-6-.05 Manifest System, Recordkeeping and Reporting

335-14-6-.29 Subpart CC Air Emission Standards For Tanks, Surface Impoundments, And Containers

335-14-17-.05 Standards for Used Oil Transporter and Transfer Facilities

335-14-17-.06 Standard for Used Oil processors and Re-refiners

**INTENDED ACTION:** 

Revise

SUBSTANCE OF PROPOSED ACTION: Revisions to the ADEM Admin. Code r. 335-14 are being proposed to adopt three newly codified and revised federal rules promulgated by EPA. The first of these is the Confidentiality Determinations for Hazardous Waste Export and Import Documents Rule, 82 FR 60894, (hereinafter "the Confidentiality Rule") finalized on December 26, 2017. This rule amends existing regulations regarding the export and import of hazardous wastes from and into the United States. The second is the Hazardous Waste Electronic Manifest System User Fee Rule, 83 FR 420 (hereinafter "the e-Manifest fee rule") promulgated on January 3, 2018 and is the second in a series of new rules that implement the national electronic manifest system. Finally, the third rule is the Revisions to the Definition of Solid Waste, Response to Vacatur of Certain

Provisions of the Definition of Solid Waste Rule, 83 FR 24664, (hereinafter "the Vacatur Rule") promulgated on May 30, 2018 in response to vacaturs ordered by the United States Court of Appeals for the District of Columbia Circuit. These revisions are necessary for the Department to maintain regulations that are at least as stringent as those promulgated federally, a requirement to preserve the State's authorized status.

<u>TIME, PLACE, MANNER OF PRESENTING VIEWS:</u> Comments may be submitted in writing or orally at a public hearing to be held December 7, 2018 at 10:30 AM 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 7, 2018

CONTACT PERSON AT AGENCY:

Vernon H. ("Chip") Crockett, Chief Industrial Hazardous Waste Branch Alabama Department of Environmental Management – Land Division (334) 270-5627 vhc@adem.alabama.gov

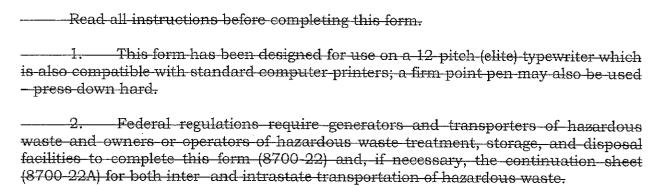
Lance R. LeFleur

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Director

# 335-14-3 Appendix I - <u>Uniform Hazardous Waste Manifest and Instructions</u> (EPA Forms 8700-22 and 8700-22A and their Instructions). (REPEALED)

#### U.S. EPA FORM 8700-22

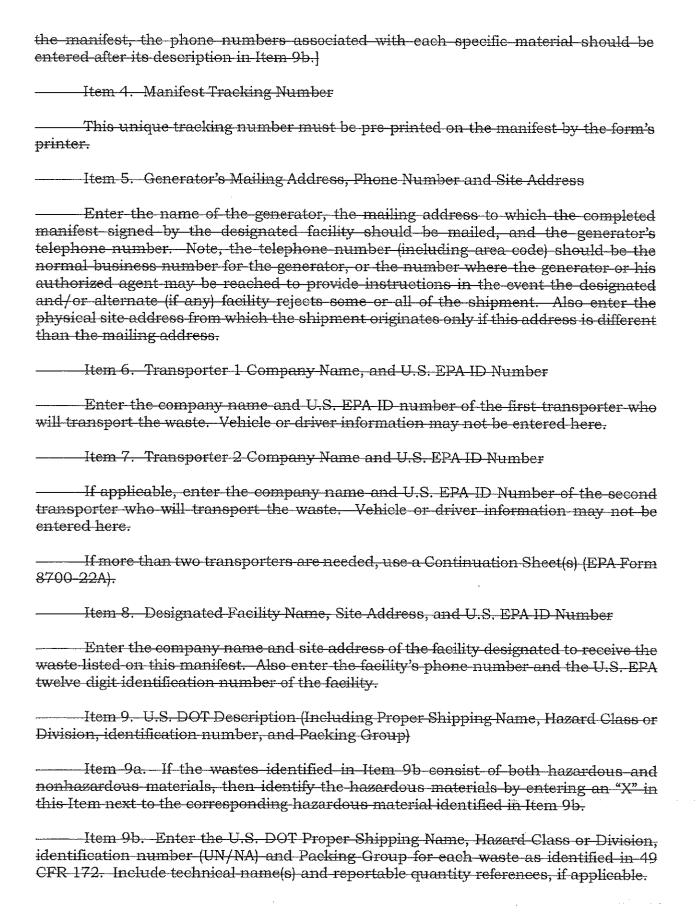


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The following statement must be included with each Uniform Hazardous Waste Manifest, either on the form, in the instructions to the form, or accompanying the form:

Public reporting burden for this collection of information is estimated to average: 30 minutes for generators, 10 minutes for transporters, and 25 minutes for owners or operators of treatment, storage, and disposal facilities. This includes time for reviewing instructions, gathering data, completing, reviewing, and transmitting the form. Any correspondence regarding the PRA burden statement for the manifest must be sent to the Director of the Collection Strategies Division in EPA's Office of Information Collection at the following address: U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, DC 20460. Do not send the completed form to this address.

INSTRUCTIONS FOR GENERATORS U.S. EPA FORM 8700-22
Item 1. Generator's U.S. EPA identification number
Enter the generator's U.S. EPA twelve digit identification number, or the state generator identification number if the generator site does not have an EPA identification number.
Item 2. Page 1 of
Enter the total number of pages used to complete this Manifest (i.e., the first page (EPA Form 8700-22) plus the number of Continuation Sheets (EPA form 8700-22A), if any).
Item 3. Emergency Response Phone Number
Enter a phone number for which emergency response information can be obtained in the event of an incident during transportation. The emergency response phone number must:
1. Be the number of the generator or the number of an agency or organization who is capable of and accepts responsibility for providing detailed information about the shipment;
2. Reach a phone that is monitored 24 hours a day at all times the waste is in transportation (including transportation related storage); and
3. Reach someone who is either knowledgeable of the hazardous waste being shipped and has comprehensive emergency response and spill cleanup/incident mitigation information for the material being shipped or has immediate access to a person who has that knowledge and information about the shipment.
[Note: Emergency Response phone number information should only be entered in Item 3 when there is one phone number that applies to all the waste materials described in Item 9b. If a situation (e.g., consolidated shipments) arises where more than one Emergency Response phone number applies to the various wastes listed on



[Note: If additional space is needed for waste descriptions, enter these additional descriptions in Item 27 on the Continuation Sheet (EPA Form 8700-22A). Also, if more than one Emergency Response phone number applies to the various wastes described in either Item 9b or Item 27, enter applicable Emergency Response phone numbers immediately following the shipping descriptions for those Items.]

Item 10. Containers (Number and Type)

Enter the number of containers for each waste and the appropriate abbreviation from Table I (below) for the type of container.

	Table I - Types of Containers
BA	Burlap, cloth, paper, or plastic bags
<del>C</del> F	Fiber or plastic boxes, cartons, cases
CM	Metal-boxes, cartons, cases (including roll-offs)
CW	Wooden boxes, cartons, cases
CY	Cylinders
ÐF	Fiberboard or plastic drums, barrels, kegs
ÐM	Metal drums, barrels, kegs
ÐŦ	Dump-truck
Ð₩	Wooden drums, barrels, kegs
HG	Hopper or gondola cars
TC	Tank cars
ŢP	Portable tanks
ŦŦ	Cargo tanks (tank trucks)

#### Item 11. Total Quantity

Enter, in designated boxes, the total quantity of waste. Round partial units tothe nearest whole unit, and <u>do not</u> enter decimals or fractions. To the extent practical, report quantities using appropriate units of measure that will allow you to report quantities with precision. Waste quantities entered should be based on actual measurements or reasonably accurate estimates of actual quantities shipped. Container capacities are not acceptable as estimates.

Item 12. Units of Measure (Weight/Volume)

Enter, in designated boxes, the appropriate abbreviation from Table II (below) for the unit of Measure.

Table	II - Units of Measure
G	Gallons (liquids only)
K	Kilograms
Ŀ	Liters (liquids only)
H	Metric Tons (1000 kilograms)*
N	Cubic Meters*
₽	Pounds
Ŧ	Tons (2000 pounds)*
¥	Cubic Yards*

[\* Note: Tons, Metric Tons, Cubic Meters, and Cubic Yards should only be reported in connection with very large bulk shipments, such as rail cars, tank trucks, or barges.]

#### Item 13. Waste Codes

Enter up to six federal and state waste codes to describe each waste stream identified in Item 9b. State waste codes that are not redundant with federal codes must be entered here, in addition to the federal waste codes which are most representative of the properties of the waste.

### — Item 14. Special Handling Instructions and Additional Information

- 1. Generators may enter any special handling or shipment specific information necessary for the proper management or tracking of the materials under the generator's or other handler's business processes, such as waste profile numbers, container codes, bar codes, or response guide numbers. Generators also may use this space to enter additional descriptive information about their shipped materials, such as chemical names, constituent percentages, physical state, or specific gravity of wastes identified with volume units in Item 12.
- 2. This space may be used to record limited types of federally required information for which there is no specific space provided on the manifest, including any alternate facility designations; the manifest tracking number of the original manifest for rejected wastes and residues that are re-shipped under a second manifest; and the specification of PCB waste descriptions and PCB out of service dates required under 40 CFR 761.207. This space is not designated for entry of any state required information.

## Item 15. Generator's/Offeror's Certifications

1. The generator must read, sign, and date the waste minimization certification statement. In signing the waste minimization certification statement, those generators who have not been exempted by statute or regulation from the duty to make a waste minimization certification under section 3002(b) of RCRA are also certifying that they have complied with the waste minimization requirements. The Generator's Certification also contains the required attestation that the shipment has been properly

prepared and is in proper condition for transportation (the shipper's certification). The content of the shipper's certification statement is as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled/placarded, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of the consignment conform to the terms of the attached EPA Acknowledgement of Consent." When a party other than the generator prepares the shipment for transportation, this party may also sign the shipper's certification statement as the offeror of the shipment.
2. Generator or Offeror personnel may preprint the words, "On behalf of" in the signature block or may hand write this statement in the signature block prior to signing the generator/offeror certification, to indicate that the individual signs as the employee or agent of the named principal.
[Note: All of the above information except the handwritten signature required in Item 15 may be pre-printed.]
II. INSTRUCTIONS FOR INTERNATIONAL SHIPMENT BLOCK
Item 16. International Shipments
For export shipments, the primary exporter must check the export box, and enter the point of exit (city and state) from the United States. For import shipments, the importer must check the import box and enter the point of entry (city and state) into the United States. For exports, the transporter must sign and date the manifest to indicate the day the shipment left the United States. Transporters of hazardous waste shipments must deliver a copy of the manifest to the U.S. Customs when exporting the waste across the U.S. borders.
III. INSTRUCTIONS FOR TRANSPORTERS
111. 111011COTIONS FOR TIGHISTORY ENGINEE
Item 17. Transporters' Acknowledgements of Receipt
Enter the name of the person accepting the waste on behalf of the first transporter. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt. Only one signature per transportation company is required. Signatures are not required to track the movement of wastes in and out of transfer facilities, unless there is a change of custody between transporters.
If applicable, enter the name of the person accepting the waste on behalf of the second transporter. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt.

- [Note: Transporters carrying imports, who are acting as importers, may also have responsibilities to enter information in the International Shipments Block. See above
instructions for Item 16.
IV. INSTRUCTIONS FOR OWNERS AND OPERATORS OF TREATMENT, STORAGE, AND DISPOSAL FACILITIES
Item 18. Discrepancy
Item 18a. Discrepancy Indication Space
1. The authorized representative of the designated (or alternate) facility's owner or operator must note in this space any discrepancies between the waste described on the Manifest and the waste actually received at the facility. Manifest discrepancies are: (1) significant differences (as defined 335-14-5.05(3)(b)) and 335-14-6.05(3)(b)) between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity and type of hazardous waste a facility actually receives, (2) rejected wastes, which may be a full or partial shipment of hazardous waste that the TSDF cannot accept, or (3) container residues, which are residues that exceed the quantity limits for "empty" containers set forth in 335-14-2-01(7)(f).
2. For rejected loads and residues (335-14-505(3)(d), (e), and (f) or 335-14-605(3)(d), (e), and (f)), check the appropriate box if the shipment is a rejected load (i.e., rejected by the designated and/or alternate facility and is sent to an alternate facility or returned to the generator) or a regulated residue that cannot be removed from a container. Enter the reason for the rejection or the inability to remove the residue and a description of the waste. Also, reference the manifest tracking number for any additional manifests being used to track the rejected waste or residue shipment on the original manifest. Indicate the original manifest tracking number in Item 14, the Special Handling Block and Additional Information Block of the additional manifests.
3. Owners or operators of facilities located in unauthorized states (i.e., states in which the U.S. EPA administers the hazardous waste management program) who cannot resolve significant differences in quantity or type within 15 days of receiving the waste must submit to their Regional Administrator a letter with a copy of the Manifest at issue describing the discrepancy and attempts to reconcile it (335-14-505(3)(e) and 335-14-605(3)(e)).
4. Owners or operators of facilities located in authorized states (i.e., those States that have received authorization from the U.S. EPA to administer the hazardous waste management program) should contact their state agency for information on where to report discrepancies involving "significant differences" to state officials.
Item 18b. Alternate Facility (or Generator) for Receipt of Full Load Rejections
Enter the name, address, phone number, and EPA identification number of the Alternate Facility which the rejecting TSDF has designated, after consulting with the

:

generator, to receive a fully rejected waste shipment. In the event that a fully rejected shipment is being returned to the generator, the rejecting TSDF may enter the generator's site information in this space. This field is not to be used to forward partially rejected loads or residue waste shipments.

Item 18c. Alternate Facility (or Generator) Signature

The authorized representative of the alternate facility (or the generator in the event of a returned shipment) must sign and date this field of the form to acknowledge receipt of the fully rejected wastes or residues identified by the initial TSDF.

— Item 19. Hazardous Waste Report Management Method Codes

Enter the most appropriate Hazardous Waste Report Management Method code from Table III below for each waste listed in Item 9. The Hazardous Waste Report Management Method code is to be entered by the first treatment, storage, or disposal facility (TSDF) that receives the waste and is the code that best describes the way in which the waste is to be managed when received by the TSDF.

Table II	I HAZARDOUS WASTE REPORT MANAGEMENT METHOD CODES
Code	Management Method Code Group
	Reclamation and Recovery
H010	Metals recovery including retorting, smelting, chemical, etc.
H020	Solvents recovery (distillation, extraction, etc.)
H039	Other recovery or reclamation for reuse including acid regeneration, organics recovery, etc.
H050	Energy recovery at this site—used as fuel (includes on site fuel blending before energy recovery; report only this code)
H061	Fuel blending prior to energy recovery at another site (waste generated either on site or received from off site)
I	Destruction or Treatment Prior to Disposal at Another Site
H040	Incineration—thermal destruction other than use as a fuel (includes any preparation prior to burning)
H071	Chemical reduction with or without precipitation (includes any preparation or final processes for consolidation of residuals)

H073	Cyanide destruction with or without precipitation (includes any preparation or final processes for consolidation of residuals)
H075	Chemical oxidation (includes any preparation or final processes for
11070	consolidation of residuals
H076	Wet air exidation (includes any preparation or final processes for
11070	eonsolidation of residuals)
H077	Other chemical precipitation with or without pre-treatment (includes-
<del>110/-/-</del>	processes for consolidation of residuals)
H081	Biological treatment with or without precipitation (includes any preparation
	or final processes for consolidation of residuals)
H082	Adsorption (as the major component of treatment)
H083	Air or steam stripping (as the major component of treatment)
H101	Sludge treatment and/or dewatering (as the major component of treatment;
	not H071-H075, H077, or H082)
<del>H103</del>	Absorption (as the major component of treatment)
H111	Stabilization or chemical fixation prior to disposal at another site (as the
	major component of treatment; not H071-H075, H077, or H082)
H112	Macro encapsulation prior to disposal at another site (as the major
	component of treatment; not H071-H075, H077, or H082)
H121	Neutralization only (no other treatment)
H122	Evaporation (as the major component of treatment; not H071-H083)
H123	Settling or clarification (as the major component of treatment; not
	H071 H083)
H124	Phase separation (as the major component of treatment; not H071-H083)
H129	Other treatment (not H071-H124)
	Disposal
<del>H131</del>	Land treatment or application (to include any prior treatment and/or- stabilization)
H132	Landfill or surface impoundment that will be closed as a landfill (to include
	prior treatment and/or stabilization)
H134	Deep well or underground injection (with or without treatment; this waste
	was counted as hazardous waste)
H135	Discharge to sewer/POTW or NPDES (with prior storage - with or without
	t <del>reatment)</del>
	Transfer Off Site
H141	The site receiving this waste stored/bulked and transferred the waste with
	no treatment or recovery (HO10-H129), fuel blending (HO61), or disposal
	(H131-H135) at that receiving site.

[Note: These codes are subject to change over time, and manifest users are urged to refer to the most recent edition of the Hazardous Waste Report Instructions and Forms for the most current and accurate set of codes. The current list of Management Method Codes can be found on the EPA's website: <a href="https://www.epa.gov/epaoswer/hazwaste/data/biennialreport">www.epa.gov/epaoswer/hazwaste/data/biennialreport</a>.

Item 20. Designated Facility Owner or Operator Certification of Receipt (Except As Noted in Item 18a)

Enter the name of the person receiving the waste on behalf of the owner or operator of the facility. That person must acknowledge receipt or rejection of the waste described on the Manifest by signing and entering the date of receipt or rejection where indicated. Since the Facility Certification acknowledges receipt of the waste except as noted in the Discrepancy Space in Item 18a, the certification should be signed for both waste-receipt and waste rejection, with the rejection being noted and described in the space provided in Item 18a. Fully rejected wastes may be forwarded or returned using Item 18b after consultation with the generator. Enter the name of the person accepting the waste on behalf of the owner or operator of the alternate facility or the original generator. That person must acknowledge receipt or rejection of the waste described on the Manifest by signing and entering the date they received or rejected the waste in Item 18c. Partially rejected wastes and residues must be re-shipped under a new manifest, to be initiated and signed by the rejecting TSDF as offeror of the shipment.

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## INSTRUCTIONS- CONTINUATION SHEET, U.S. EPA FORM 8700-22A Read all instructions before completing this form. This form has been designed for use on a 12 pitch (elite) typewriter; a firm point pen may also be used press down hard. This form must be used as a continuation sheet to U.S. EPA Form 8700-22 if: More than two transporters are to be used to transport the waste; or More space is required for the U.S. DOT descriptions and related information in Item 9 of the U.S. EPA Form 8700-22. Federal regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage, or disposal facilities to use the uniform hazardous waste manifest (EPA Form 8700-22) and, if necessary, this continuation sheet (EPA Form 8700 22A) for both interstate and intrastate transportation. Item 21. Generator's ID Number Enter the generator's U.S. EPA twelve digit identification number or, the state generator identification number if the generator site does not have an EPA identification number. Item 22. Page \_\_\_\_ Enter the page number of this Continuation Sheet. Item 23. Manifest Tracking Number Enter the Manifest Tracking number from Item 4 of the Manifest form to which this continuation sheet is attached. Item 24. Generator's Name Enter the generator's name as it appears in Item 5 on the first page of the Manifest. Item 25. Transporter - Company Name If additional transporters are used to transport the waste described on this Manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "Transporter" the order of the transporter. For example, Transporter 3 Company Name. Also enter the U.S. EPA twelve digit identification number of the transporter described in Item 25.

Item 26. Transporter - Company Name

If additional transporters are used to transport the waste described on this Manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "Transporter" the order of the transporter. For example, Transporter 4 Company name. Each Continuation Sheet can record the names of two additional transporters. Also enter the U.S. EPA twelve digit identification number of the transporter named in Item 26.
Item 27. U.S. D.O.T. Description Including Proper Shipping Name, Hazard Class, and ID Number (UN/NA)
For each row enter a sequential number under Item 27b that corresponds to the order of waste codes from one continuation sheet to the next, to reflect the total number of wastes being shipped. Refer to instructions for Item 9 of the manifest for the information to be entered.
Item 28. Containers (No. and Type)
Refer to the instructions for Item 10 of the manifest for information to be entered.
Item 29. Total Quantity
Refer to the instructions for Item 11 of the manifest form.
Item 30. Units of Measure (Weight/Volume)
Refer to the instructions for Item 12 of the manifest form.
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Refer to the instructions for Item 13 of the manifest form.
Item 32. Special Handling Instructions and Additional Information
Refer to the instructions for Item 14 of the manifest form.
TRANSPORTERS
Item 33. Transporter - Acknowledgement of Receipt of Materials
Enter the same number of the Transporter as identified in Item 25. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in Item 25. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.
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Enter the same number of the Transporter as identified in Item 26. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in Item 26. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

## OWNER AND OPERATORS OF TREATMENT, STORAGE, OR DISPOSAL FACILITIES

——— Item 35. Discrepancy Indication Space

Refer to Item 18. This space may be used to more fully describe information on discrepancies identified in Item 18a of the manifest form.

<u> Item 36. Hazardous Waste Report Management Method Codes</u>

For each field here, enter the sequential number that corresponds to the waste materials described under Item 27, and enter the appropriate process code that describes how the materials will be processed when received. If additional continuation sheets are attached, continue numbering the waste materials and process code fields sequentially, and enter on each sheet the process codes corresponding to the waste materials identified on that sheet.

Authors: Stephen C. Maurer, William K. Mullins II; Michael B. Champion; Amy P. Zachry, Bradley N. Curvin; Theresa A. Maines; Heather M. Jones; Vernon H. Crockett Statutory Authority: Code of Alabama 1975, §§22-30-11, 22-30-14, 22-30-15, 22-30-16, 22-30-17.

**History:** April 9, 1986.

**Amended:** September 29, 1986; February 15, 1988; August 24, 1989; December 21, 1989; January 5, 1995; March 28, 1997; April 13, 2001; April 4, 2006; April 3, 2007; March 31, 2009; March 31, 2017; Proposed: October 19, 2018.