

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-14-3-.09
Rule Title: Transboundary Movements of Hazardous Waste for Recovery or Disposal

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

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? NO

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

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 Services Agency.

Signature of certifying officer Mary Elliott

Date October 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

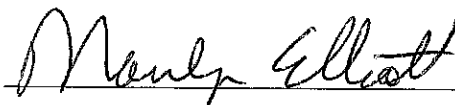
Provisions of the Definition of Solid Waste Rule, 83 FR 24664, (hereinafter "the Vacatur Rule") promulgated on May 30, 2018 in response to vacaturs ordered by the United States Court of Appeals for the District of Columbia Circuit. These revisions are necessary for the Department to maintain regulations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

TIME, PLACE, MANNER OF PRESENTING VIEWS: 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:

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Lance R. LeFleur
Director

The Environmental Protection Agency Regulations 40 CFR Part 262 Subpart H as published and amended by EPA on November 28, 2016 and December 26, 2017 (unless otherwise noted) are incorporated herein by reference.

In the event that any Code of Federal Regulations Rule(s) incorporated herein by reference refers to or cites another Code of Federal Regulations Rule(s), other than 40 CFR 262 Subpart H, such reference to the other Code of Federal Regulations Rule(s) is not incorporated in this ADEM Administrative Code and the ADEM Administrative Code rule specifically addressing said issue or circumstance shall take precedence, be applicable and govern.

The materials incorporated by reference are available for purchase and inspection at the Department's offices at 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

- (1) 40 CFR 262.80 Applicability.
- (2) 40 CFR 262.-81 Definitions.
- (3) 40 CFR 262.-82 General conditions.
- (4) 40 CFR 262.83 Exports of hazardous waste.
- (5) 40 CFR 262.84 Imports of hazardous waste.
- (6) 40 CFR 262.85 [Reserved].
- (7) 40 CFR 262.86 [Reserved].
- (8) 40 CFR 262.87 [Reserved].
- (9) 40 CFR 262.88 [Reserved].
- (10) 40 CFR 262.89 [Reserved].

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

History: March 28, 1997

Amended: March 27, 1998; April 13, 2001; April 17, 2003; March 31, 2005; April 4, 2006; April 3, 2007; March 31, 2009; March 31, 2011; March 26, 2013; March 31, 2017; April 6, 2018; Proposed: October 19, 2018.