

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control 335 Department or Agency Environmental Management  
Rule No. 335-14-6-.16  
Rule Title: Thermal Treatment

         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

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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.

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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         Mary Elliott        

Date October 22, 2012

APA-2  
11/96

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
LAND DIVISION**

**NOTICE OF INTENDED ACTION**

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULE NO. & TITLE: 335-14-6-.16 Thermal Treatment (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 Thursday, December 13, 2012 at 10:00 a.m. 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: Thursday, December 13, 2012 at 5:00 p.m.

CONTACT PERSON AT AGENCY: James L. Bryant, Chief of the Environmental Services Branch, ADEM Land Division (334/271-7771)



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Lance R. LeFleur  
Director

**335-14-6-.16 Thermal Treatment.**

(1) Applicability.

The requirements of 335-14-6-.16 apply to owners or operators of facilities that thermally treat hazardous waste in devices other than enclosed devices using controlled flame combustion, except as 335-14-6-.01(1) provides otherwise. Thermal treatment in enclosed devices using controlled flame combustion is subject to the requirements of rule 335-14-6-.15 if the unit is an incinerator, and rule 335-14-7-.08, if the unit is a boiler or an industrial furnace as defined in 335-14-1-.02.

(2) [Reserved]

(3) [Reserved]

(4) General operating requirements.

Before adding hazardous waste, the owner or operator must bring his thermal treatment process to steady state (normal) conditions of operation - including steady state operating temperature - using auxiliary fuel or other means, unless the process is a non-continuous (batch) thermal treatment process which requires a complete thermal cycle to treat a discrete quantity of hazardous waste.

(5) [Reserved]

(6) Waste analysis.

In addition to the waste analyses required by 335-14-6-.02(4), the owner or operator must sufficiently analyze any waste which he has not previously treated in his thermal process to enable him to establish steady state (normal) or other appropriate (for a non-continuous process) operating conditions (including waste and auxiliary fuel feed) and to determine the type of pollutants which might be emitted. At a minimum, the analysis must determine:

(a) Heating value of the waste;

(b) Halogen content and sulfur content in the waste; and

(c) Concentrations in the waste of lead and mercury, unless the owner or operator has written, documented data that show that the element is not present.

(7) [Reserved]

(8) Monitoring and inspections.

(a) The owner or operator must conduct, as a minimum, the following monitoring and inspections when thermally treating hazardous waste:

1. Existing instruments which relate to temperature and emission control (if an emission control device is present) must be monitored at least every 15 minutes. Appropriate corrections to maintain steady state or other appropriate thermal treatment conditions must be made immediately either automatically or by the operator. Instruments which relate to temperature and emission control would normally include those measuring waste feed, auxiliary fuel feed, treatment process temperature, and relevant process flow and level controls.

2. The stack plume (emissions), where present, must be observed visually at least hourly for normal appearance (color and opacity). The operator must immediately make any indicated operating corrections necessary to return any visible emissions to their normal appearance.

3. The complete thermal treatment process and associated equipment (pumps, valves, conveyors, pipes, etc.) must be inspected at least daily for leaks, spills, and fugitive emissions, and all emergency shutdown controls and system alarms must be checked to assure proper operation.

(9) [Reserved]

(10) [Reserved]

(11) [Reserved]

(12) Closure.

At closure, the owner or operator must remove all hazardous waste and hazardous waste residues (including, but not limited to, ash) from the thermal treatment process or equipment.

(13) Open burning; waste explosives.

Open burning of hazardous waste is prohibited except for the open burning and detonation of waste explosives. Waste explosives include waste which has the potential to detonate and bulk military propellants which cannot safely be disposed of through other modes of treatment. Detonation is an explosion in which chemical transformation passes through the material faster than the speed of sound (0.33 kilometers/second at sea level). Owners or operators choosing to open burn or detonate waste explosives must do so in accordance with the following table and in a manner that does not threaten human health or the environment.

<b>Pound of waste explosives or propellants</b>	<b>Minimum distance from open burning or detonation to the property of others</b>
0 to 100	204 meters (670 feet).
101 to 1,000	380 meters (1,250 feet).
1,001 to 10,000	530 meters (1,730 feet).
10,001 to 30,000	690 meters (2,260 feet).

(14) Interim status permitted thermal treatment devices burning particular hazardous wastes.

(a) Owners or operators of thermal treatment devices subject to 335-14-6-.16 may burn EPA hazardous wastes F020, F021, F022, F023, F026, or F027 if they receive a certification from the Department that they can meet the performance standards of rule 335-14-5-.15 when they burn these wastes.

(b) The following standards and procedures will be used in determining whether to certify a thermal treatment unit:

1. The owner or operator will submit an application to the Department containing the applicable information in 335-14-8-.02(10) and 335-14-8-.06(2) demonstrating that the thermal treatment unit can meet the performance standards in rule 335-14-5-.15 when they burn these wastes.

2. The Department will issue a tentative decision as to whether the thermal treatment unit can meet the performance standards in rule 335-14-5-.05. Notification of this tentative decision will be provided by newspaper advertisement and radio broadcast in the jurisdiction where the thermal treatment device is located. The Department will accept comment on the tentative decision for 60 days. The Department also may hold a public hearing upon request or at its discretion.

3. After the close of the public comment period, the Department will issue a decision whether or not to certify the thermal treatment unit.

**Author:** Stephen C. Maurer; C. Edwin Johnston; Bradley N. Curvin.

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

**History:** November 19, 1980.

**Amended:** April 9, 1986, August 24, 1989; April 13, 2001; April 4, 2006; April 3, 2012, XXXXXX, 2013.