

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management
Rule No. 335-14-4-.03
Rule Title: Hazardous Waste Discharges

 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 Marilyn Elliott

Date October 20, 2016



**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION**

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Environmental Management

RULE NO. & TITLE: 335-14-4-.02 Compliance with the Manifest System and
Recordkeeping
335-14-4-.03 Hazardous Waste Discharges
335-14-4-.05 Transfer Facility Requirements

INTENDED ACTION: Amend chapter 335-14-4 of the ADEM Administrative Code

SUBSTANCE OF PROPOSED ACTION

The Department of Environmental Management proposes to amend portions of the Division 14 Hazardous Waste Program Regulations to make typographical and grammatical corrections, to make clarifications necessary to maintain consistency with analogous federal rules, and to adopt new amendments required by the USEPA which are necessary to maintain the programs fully authorized status.

TIME, PLACE, MANNER OF PRESENTING VIEWS

Comments may be submitted in writing or orally at a public hearing to be held Wednesday, December 7, 2016 at 2:00 p.m. in the Main Hearing Room at the ADEM Central Office located at 1400 Coliseum Blvd, Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE

Wednesday, December 7, 2016 at 5:00 p.m.

CONTACT PERSON AT AGENCY: Chip Crockett, Chief of the Industrial Hazardous Waste Branch, ADEM Land Division, (334) 270-5627.



Lance R. LeFleur
Director

335-14-4-.03 Hazardous Waste Discharges.

(1) Immediate action.

(a) In the event of a discharge of hazardous waste during transportation, the transporter must take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area).

(b) If a discharge of hazardous waste occurs during transportation and the Department or its designee acting within the scope of its official responsibilities determines that immediate removal of the waste is necessary to protect human health or the environment, the Department or its designee may authorize the removal of the waste by transporters who do not have EPA identification numbers or Alabama Hazardous Waste Transportation Permits and without the preparation of manifests.

(c) An air, rail, highway or water transporter who has discharged hazardous waste must:

1. Give notice, if required by 49 CFR § 171.15, to the Alabama Emergency Management Agency (800/-843-0699, 24 hours a day) and to the National Response Center (800-424-8802 or 202-267426-2675); and

2. Report in writing as required by 49 CFR § 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. A copy of such report shall be provided to the Land Division, Alabama Department of Environmental Management, P.O. Box 301463, Montgomery, Alabama 36130-1463, not later than 14 days after any such discharge.

(d) A water (bulk shipment) transporter who has discharged hazardous waste must give the same notice as required by 33 CFR § 153.203 for oil and hazardous substances and shall give notice to the Alabama Emergency Management Agency (800/-843-0699, 24 hours a day) and the National Response Center (800/-424-8802 or 202-267426-2675, 24 hours a day).

(2) Discharge clean up.

A transporter must clean up any hazardous waste discharge that occurs during transportation or take such action as may be required or approved by the Department or its designee so that the hazardous waste discharge no longer presents a hazard to human health or the environment.

Author: Stephen C. Maurer; James T. Shipman; Bradley N. Curvin; Vernon H. Crockett.

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

History: November 19, 1980.

Amended: April 9, 1986; August 24, 1989; January 5, 1995; January 12, 1996; April 13, 2001; April 4, 2006; March 31, 2009; March 26, 2013, XXXXX, XXXX.