

APA-1
07/04

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 335 Department or Agency Environmental Management
Rule No. 335-14-5-.29
Rule Title: Subpart CC - Air Emission Standards For Tanks, Surface
Impoundments, And Containers

 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

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION**

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Environmental Management

RULE NO. & TITLE: 335-14-5-.02 General Facility Standards
335-14-5-.05 Manifest System, Recordkeeping and Reporting
335-14-5-.07 Closure and Post-Closure
335-14-5-.08 Financial Requirements
335-14-5-.10 Tank Systems
335-14-5-.19 Special Provisions for Cleanup
335-14-5-.23 Drip Pads
335-14-5-.27 Subpart AA - Air Emission Standards For Process Vents
335-14-5-.28 Subpart BB - Air Emission Standards For Equipment Leaks
335-14-5-.29 Subpart CC - Air Emission Standards For Tanks, Surface Impoundments, And Containers
335-14-5-.30 Containment Buildings
335-14-5 Appendix IX Groundwater Monitoring List

INTENDED ACTION: Amend chapter 335-14-5 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.

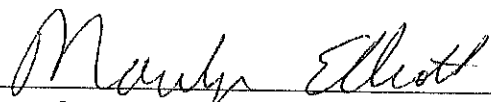
TIME, PLACE, MANNER OF PRESENTING VIEWS

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

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

(a) The Environmental Protection Agency Regulations, set forth in 40 CFR, Part 264, Subpart CC (as published by EPA on December 6, 1994 and as amended on May 19, 1995; September 29, 1995; November 13, 1995; June 5, 1996; November 25, 1996; October 8, 1997; December 8, 1997; March 6, 1998; April 22, 1998; September 15, 1998; October 7, 1998; January 21, 1999; July 14, 2006), are incorporated herein by reference.

(b) 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 Part 264, Subpart CC, 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. Any provision of 40 CFR Part 264, Subpart CC, which is inconsistent with the provisions of ADEM Administrative Code, Division 335-14, is not incorporated herein by reference.

(c) The materials incorporated by reference are available for purchase and inspection at the Department's offices at 1400 Coliseum Boulevard, Montgomery, Alabama 36110-2059.

- ~~———— (1) ———— §264.1080 Applicability.~~
- ~~———— (2) ———— §264.1081 Definitions.~~
- ~~———— (3) ———— §264.1082 Standards: General.~~
- ~~———— (4) ———— §264.1083 Waste determination procedures.~~
- ~~———— (5) ———— §264.1084 Standards: Tanks.~~
- ~~———— (6) ———— §264.1085 Standards: Surface impoundments.~~
- ~~———— (7) ———— §264.1086 Standards: Containers.~~
- ~~———— (8) ———— §264.1087 Standards: Closed vent systems and control devices.~~
- ~~———— (9) ———— §264.1088 Inspection and monitoring requirements.~~
- ~~———— (10) ———— §264.1089 Recordkeeping requirements.~~
- ~~———— (11) ———— §264.1090 Reporting requirements.~~
- ~~———— (12) ———— §264.1091 [Reserved].~~

Authors: C. Edwin Johnston, Bradley N. Curvin; Vernon H. Crockett
Statutory Authority: Code of Alabama 1975, §§22-30-11 and 22-30-16.
History: March 27, 1998.

~~Amended: Filed February 26, 1999; effective April 2, 1999. Amended: Filed February 25, 2000; effective; March 31, 2000. Amended: Filed March 9, 2001; effective; April 13, 2001. Amended: Filed February 24, 2005; effective; March 31, 2005. Amended: Filed February 28, 2006; effective; April 4, 2006; XXXXX, XXXX.~~