

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 335 Department or Agency Environmental Management
Rule No. 335-14-7-.08
Rule Title: Subpart H - Hazardous Waste Burned in Boilers and Industrial
Furnaces

 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

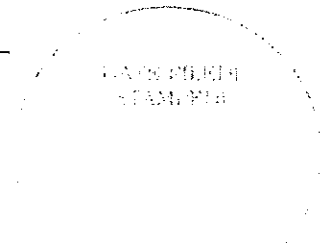
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of section 41-22-23, Code of Alabama 1975.

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: 335-14-7-.03 Recyclable Materials Used in a Manner Constituting Disposal
335-14-7-.06 Recyclable Materials Used for Precious Metal Recovery
335-14-7-.07 Spent Lead-Acid Batteries Being Reclaimed
335-14-7-.08 Subpart H - Hazardous Waste Burned in Boilers and Industrial Furnaces
335-14-7 Appendix I Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals
335-14-7 Appendix II Tier I Feed Rate Screening Limits for Total Chlorine and Chloride
335-14-7 Appendix III Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride
335-14-7 Appendix IV Reference Air Concentrations
335-14-7 Appendix V Risk Specific Doses
335-14-7 Appendix VI Stack Plume Rise
335-14-7 Appendix VII Health-Based Limits for Exclusion of Waste-Derived Residues
335-14-7 Appendix VIII Potential PICs for Determination of Exclusion of Waste-Derived Residues
335-14-7 Appendix IX Methods Manual for Compliance with the BIF Regulations
335-14-7 Appendix XI Lead-Bearing Materials that may be Processed in Exempt Lead Smelters
335-14-7 Appendix XII Nickel or Chromium-Bearing Materials that may be Processed in Exempt Nickel-Chromium Recovery Furnaces
335-14-7 Appendix XIII Mercury-Bearing Wastes that may be Processed in Exempt Mercury Recovery Units

INTENDED ACTION: Amend chapter 335-14-7 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.

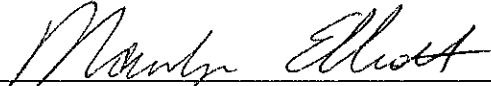
TIME, PLACE, MANNER OF PRESENTING VIEWS

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

335-14-7-.08 Subpart H - Hazardous Waste Burned in Boilers and Industrial Furnaces.

The Environmental Protection Agency Regulations, ~~and the Appendices applicable thereto, governing hazardous waste burned in boilers and industrial furnaces~~ (40 CFR, Part 266, Subpart H and Appendices I—XIII (as published by EPA on January 4, 1985 and February 21, 1991, and as amended on July 17, 1991; August 27, 1991; August 25, 1992; September 30, 1992; November 9, 1993; July 20, 1993; June 29, 1995; June 13, 1997; September 30, 1999; June 14, 2005; April 4, 2006; July 14, 2006; and March 18, 2010) except § 266.108), designated in Rules 335-14-7-.08(1) through 335-14-7-.08(8) and Rules 335-14-7-.08(10) through 335-14-7-.08(13), are incorporated herein by reference as set forth in 40 CFR, Part 266.

Any provisions of 40 CFR Part 266, Subpart H and Appendices I through XIII which are inconsistent with other provisions of the ADEM Administrative Code are not 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 Part 264, Subpart BB, such reference to the other Code of Federal Regulations Rule(s) is not incorporated herein and the ADEM Administration 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 36110-2059.

(1) § 266.100 Applicability (as published by EPA on February 21, 1991).

(2) § 266.101 Management prior to burning (as published by EPA on February 21, 1991 and amended on August 25, 1992; September 30, 1999; and March 18, 2010).

(3) § 266.102 Permit standards for burners (as published by EPA on February 21, 1991 and amended on July 17, 1991; August 27, 1991; June 14, 2005; April 4, 2006; and July 14, 2006).

(4) § 266.103 Interim status standards for burners (as published by EPA on February 21, 1991 and amended on July 17, 1991; August 27, 1991; August 25, 1992; September 30, 1992; June 29, 1995; April 4, 2006; and July 14, 2006).

(5) § 266.104 Standards to control organic emissions (as published by EPA on February 21, 1991 and as amended on July 17, 1991; August 25, 1992; July 20, 1993; June 29, 1995; and June 13, 1997).

(6) § 266.105 Standards to control particulate matter (as published by EPA on February 21, 1991 and amended on September 30, 1999).

(7) § 266.106 Standards to control metals emissions (as published by EPA on February 21, 1991 and amended on July 17, 1991; August 25, 1992; July 20, 1993; June 13, 1997; June 14, 2005; and July 14, 2006).

(8) § 266.107 Standards to control hydrogen chloride (HCl) and chlorine gas (Cl₂) emissions (as published by EPA on February 21, 1991 and amended on July 17, 1991; August 25, 1992; and June 13, 1997).

(9) Small Quantity on-site burner exemption.

(a) Exempt quantities. Owners and operators of facilities that burn hazardous waste generated on-site in an on-site boiler or industrial furnace are exempt from the requirements of 335-14-7-.08 provided that:

1. The quantity of hazardous waste burned in a device for a calendar month does not exceed the limits provided in the following table based on the terrain-adjusted effective stack height as defined in § 266.106(b)(3) of 40 CFR:

EXEMPT QUANTITIES FOR SMALL QUANTITY BURNER EXEMPTION

Terrain-adjusted effective stack height of device (meters)	Allowable hazardous waste burning rate (gallons/Month)	Terrain- Adjusted effective stack height of device (meters)	Allowable hazardous waste burning rate (Gallons/Month)
0 to 3.9	0	40.0 to 44.9	210
4.0 to 5.9	13	45.0 to 49.9	260
6.0 to 7.9	18	50.0 to 54.9	330
8.0 to 9.9	27	55.0 to 59.9	400
10.0 to 11.9	40	60.0 to 64.9	490
12.0 to 13.9	48	65.0 to 69.9	610
14.0 to 15.9	59	70.0 to 74.9	680
16.0 to 17.9	69	75.0 to 79.9	760
18.0 to 19.9	76	80.0 to 84.9	850
20.0 to 21.9	84	85.0 to 89.9	960
22.0 to 23.9	93	90.0 to 94.9	1,100
24.0 to 25.9	100	95.0 to 99.9	1,200
26.0 to 27.9	110	100.0 to 104.9	1,300
28.0 to 29.9	130	105.0 to 109.9	1,500
30.0 to 34.9	140	110.0 to 114.9	1,700
35.0 to 39.9	170	115.0 or greater	1,900

2. The maximum hazardous waste firing rate does not exceed at any time one percent of the total fuel requirements for the device (hazardous waste plus other fuel) on a total heat input, or mass input basis, whichever results in the lower mass feed rate of hazardous waste.

3. The hazardous waste has a minimum heating value of 5,000 Btu/lb, as generated; and

4. The hazardous waste fuel does not contain (and is not derived from) EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, or F027.

(b) Mixing with nonhazardous fuels. If hazardous waste fuel is mixed with a nonhazardous fuel, the quantity of hazardous waste before such mixing is used to comply with 335-14-7-.08(9)(a).

(c) Multiple stacks. If an owner or operator burns hazardous waste in more than one on-site boiler or industrial furnace exempt under 335-14-7-.08(9), the quantity limits provided by 335-14-7-.08(9)(a)1. are implemented according to the following equation:

$$\sum_{i=1}^n \frac{\text{Actual} \cdot \text{Quantity} \cdot \text{Burned}(i)}{\text{Allowable} \cdot \text{Quantity} \cdot \text{Burned}(i)} < 1.0$$

where:

n means the number of stacks;

Actual Quantity Burned means the waste quantity burned per month in device "i";

Allowable Quantity Burned means the maximum allowable exempt quantity for stack "i" from the Table in 335-14-7-.08(9)(a)1.

[**Note:** This exemption does not relieve the facility from the necessity of obtaining appropriate Air Permits from the Department which would authorize the use of alternate feed streams.]

(d) Notification requirements. The owner or operator of facilities qualifying for the small quantity burner exemption under 335-14-7-.08(9) must provide a one-time signed, written notice to EPA and ADEM indicating the following:

1. The combustion unit is operating as a small quantity burner of hazardous waste;
2. The owner and operator are in compliance with the requirements of 335-14-7-.08(9); and
3. The maximum quantity of hazardous waste that the facility may burn per month as provided by 335-14-7-.08(9)(a)1.

(e) Recordkeeping requirements. The owner or operator must maintain at the facility for at least three years sufficient records documenting compliance with the hazardous waste quantity, firing rate, and heating value limits of 335-14-7-.08(9) and any other parameters deemed necessary by the Department. At a minimum, these records must indicate the quantity of hazardous waste and other fuel burned in each unit per calendar month, and the heating value of the hazardous waste.

(f) Monitoring requirements.

1. The combustion device shall be operated in conformance with the carbon monoxide controls provided by § 266.104(b)(1) and (b)(2). Devices subject to the exemption provided by 335-14-7-.08(9) are not eligible for the alternative carbon monoxide controls provided by § 266.104(c).

2. Additional or alternative monitoring techniques may be required on a case-by-case basis by the Director.

(g) Automatic waste feed cutoff. A boiler or industrial furnace must be operated with a functioning system that automatically cuts off the hazardous waste feed when operating conditions specified in 335-14-7-.08(9)(f) are exceeded.

(h) Start-up and shut-down. Hazardous waste must not be fed into the device during start-up and shut-down of the boiler or industrial furnace unless the device is operating within the conditions of operation specified in the Air Permit.

(10) § 266.109 Low risk waste exemption (as published by EPA on February 21, 1991 and amended on July 17, 1991; August 27, 1991; and July 14, 2006).

(11) § 266.110 Waiver of DRE trial burn for boilers (as published by EPA on February 21, 1991 and amended on July 17, 1991; and August 27, 1991).

(12) § 266.111 Standards for direct transfer (as published by EPA on January 4, 1985 and amended on August 27, 1991).

(13) § 266.112 Regulation of residues (as published by EPA on January 4, 1985 and amended on August 27, 1991; August 25, 1992; November 9, 1993; September 30, 1999; and June 14, 2005).

Author: Stephen C. Maurer, Kristy Bowling; C. Edwin Johnston; Bradley N. Curvin; Vernon H. Crockett.

Statutory Authority: Code of Alabama 1975, §§ 22-30-4, 22-30-6, 22-30-11.

History: January 25, 1992.

Amended: January 1, 1993; January 5, 1995; April 28, 1995; January 12, 1996; March 27, 1998; April 2, 1999; April 13, 2001; April 17, 2003; March 31, 2005; April 4, 2006, XXXXX, XXXX.