

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management  
Rule No. 335-14-7 Appendix XIII  
Rule Title: Mercury-Bearing Wastes that may be Processed in Exempt Mercury Recovery Units

         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

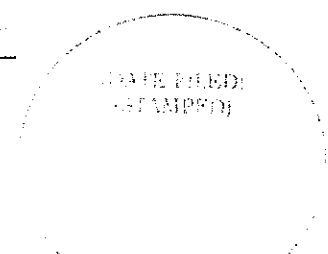
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of section 41-22-23, Code of Alabama 1975.

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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 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

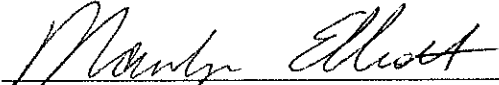
INTENDED ACTION: Amend chapter 335-14-7 of the ADEM Administrative Code

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.

  
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Lance R. LeFleur  
Director

**335-14-7-APPENDIX XIII Mercury-Bearing Wastes that May be Processed in Exempt Mercury Recovery Units.**

40 CFR Part 266 Appendix XIII, of the Environmental Protection Agency Regulations (as published by EPA on September 19, 1994 and amended on July 14, 2006) governing hazardous waste burned in boilers and industrial furnaces, is incorporated herein by reference ~~as set forth in 40 CFR, Part 266.~~

Any provisions of 40 CFR Part 266 Appendix XIII which are inconsistent with other provisions of the ADEM Administrative Code are not incorporated herein by reference.

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

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

**History:** April 28, 1995.

**Amended:** March 27, 1998; April 13, 2001; March 31, 2005; April 4, 2006; XXXXX, XXXX.