

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management
Rule No. 335-14-9-.03
Rule Title: Subpart C - Prohibitions on Land Disposal

 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: 335-14-9-.00 References Adopted
335-14-9-.01 Subpart A - General
335-14-9-.02 Subpart B - Schedule for Land Disposal Prohibition and
Establishment of Treatment Standards
335-14-9-.03 Subpart C - Prohibitions on Land Disposal
335-14-9-.04 Subpart D - Treatment Standards
335-14-9-.05 Subpart E - Prohibitions on Storage
335-14-9 APPENDIX III List of Halogenated Organic Compounds
Regulated Under § 268.32
335-14-9 APPENDIX IV Wastes Excluded from Lab Packs Under the
Alternative Treatment Standards of Section 268.42(c)
335-14-9 APPENDIX VI Recommended Technologies to Achieve
Deactivation of Characteristics in § 268.42
335-14-9 APPENDIX VII LDR Effective Dates of Surface Disposed
Prohibited Hazardous Wastes
335-14-9 APPENDIX VIII LDR Effective Dates of Injected Prohibited
Hazardous Wastes
335-14-9 APPENDIX IX Extraction Procedure (EP) Toxicity Test Method
and Structural Integrity Test (SW-846, Method 1310)
335-14-9 APPENDIX XI Metal-Bearing Wastes Prohibited From Dilution
in a Combustion Unit According to 40 CFR 268.3(c)

INTENDED ACTION: Amend chapter 335-14-9 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.

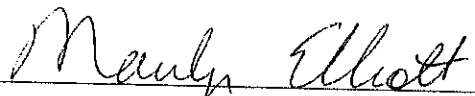
TIME, PLACE, MANNER OF PRESENTING VIEWS

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

335-14-9-.03 Subpart C - Prohibitions on Land Disposal.

- (1) 40 CFR § 268.20 Waste specific prohibitions - Dyes and/or pigments production wastes (as published by EPA on February 24, 2005).
- (2) 40 CFR § 268.21 [Reserved]
- (3) 40 CFR § 268.22 [Reserved]
- (4) 40 CFR § 268.23 [Reserved]
- (5) 40 CFR § 268.24 [Reserved]
- (6) 40 CFR § 268.25 [Reserved]
- (7) 40 CFR § 268.26 [Reserved]
- (8) 40 CFR § 268.27 [Reserved]
- (9) 40 CFR § 268.28 [Reserved]
- (10) 40 CFR § 268.29 [Reserved]
- (11) 40 CFR § 268.30 Waste specific prohibitions - Wood preserving wastes (as published by EPA on May 12, 1997).
- (12) 40 CFR § 268.31 Waste specific prohibitions - Dioxin containing wastes (as published by EPA on August 17, 1988).
- (13) 40 CFR § 268.32 Waste specific prohibitions - Soil exhibiting the toxicity characteristic for metals and containing PCBs (as published by EPA on December 26, 2000).
- (14) 40 CFR § 268.33 Waste specific prohibitions - chlorinated aliphatic wastes (as published by EPA on November 8, 2000).
- (15) 40 CFR § 268.34 Waste specific prohibitions - toxicity characteristic metal wastes (as published by EPA on May 26, 1998 and as amended on September 9, 1998).
- (16) 40 CFR § 268.35 Waste specific prohibitions - petroleum refining wastes (August 6, 1998).
- (17) 40 CFR § 268.36 Waste specific prohibitions - inorganic chemical wastes (as published by EPA on November 20, 2001).
- (18) 40 CFR § 268.37 Waste specific prohibitions - Ignitable and corrosive characteristic wastes whose treatment standards were vacated (as published by EPA on May 24, 1993).

(19) 40 CFR § 268.38 Waste specific prohibitions - Newly identified organic toxicity characteristic wastes and newly listed coke by-product and chlorotoluene production wastes (as published by EPA on September 19, 1995).

(20) 40 CFR § 268.39 Waste specific prohibitions - Spent aluminum potliners; reactive; and carbamate wastes (as published by EPA on April 8, 1996, and as amended on June 28, 1996; January 14, 1997; June 17, 1997; July 14, 1997; and September 24, 1998).

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

History: August 24, 1989.

Amended: December 21, 1989; December 6, 1990; January 25, 1992; January 1, 1993; January 5, 1995; April 28, 1995; March 28, 1997; March 27, 1998; April 2, 1999; March 31, 2000; April 13, 2001; March 15, 2002; April 17, 2003; March 31, 2005; April 4, 2006; XXXXX, XXXX.