

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 335 Department or Agency Environmental Management
Rule No. 335-14-9-.04
Rule Title: Subpart D - Treatment Standards

 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 Maury 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.

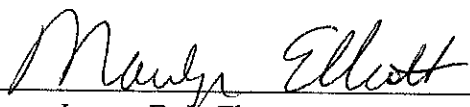
TIME, PLACE, MANNER OF PRESENTING VIEWS

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-.04 Subpart D - Treatment Standards.

(1) 40 CFR § 268.40 Applicability of treatment standards (as published by EPA on September 19, 1994).

(2) 40 CFR § 268.41 Treatment standards expressed as concentrations in waste extract (as published by EPA on September 19, 1994).

(3) 40 CFR § 268.42 Treatment standards expressed as specified technologies (as published by EPA on November 7, 1986, and as amended on July 8, 1987; June 1, 1990; January 31, 1991; March 6, 1992; August 18, 1992; May 24, 1993; June 20, 1994; September 19, 1994; January 3, 1995; April 8, 1996; May 12, 1997; May 26, 1998; July 14, 2006; and May 14, 2008).

(4) 40 CFR § 268.43 Treatment standards expressed as waste concentrations (as published by EPA on September 19, 1994).

(5) 40 CFR § 268.44 Variance from a treatment standard (as published by EPA on November 7, 1986, and as amended on June 4, 1987; August 17, 1988; September 6, 1989; March 25, 1991; October 28, 1996; May 12, 1997; December 5, 1997; May 26, 1998; 64 May 26, 1999; June 26, 2001; May 22, 2002; May 28, 2002; February 11, 2004; November 19, 2004; June 14, 2005; August 3, 2005; February 7, 2006; July 14, 2006; May 14, 2008; and August 22, 2012).

(6) 40 CFR § 268.45 Treatment standards for hazardous debris (as published by EPA on August 18, 1992 and as amended on September 19, 1994; May 26, 1998; and July 14, 2006).

(7) 40 CFR § 268.46 Alternative treatment standards based on HTMR (as published by EPA on September 19, 1994).

(8) 40 CFR § 268.48 Universal treatment standards (as published by EPA on September 19, 1994, and as amended on January 3, 1995; April 8, 1996; June 28, 1996; February 19, 1997; May 4, 1998; May 26, 1998; September 4, 1998; May 11, 1999; March 17, 2000; June 14, 2005; February 24, 2005; July 14, 2006; March 18, 2010; and June 13, 2011).

(9) 40 CFR § 268.49 Alternative LDR Treatment standards for contaminated soil (as published by EPA on May 26, 1998, and as amended on May 11, 1999; October 20, 1999; December 26, 2000; and July 14, 2006).

Author: Stephen C. Maurer; Amy P. Zachry; Vernon H. Crockett.

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

History: August 24, 1989.

Amended: December 6, 1990; January 25, 1992; January 1, 1993; January 5, 1995; April 28, 1995; January 12, 1996; March 28, 1997; March 27, 1998; April 2, 1999; March 31, 2000; April 13, 2001; March 15, 2002; April 17, 2003; XXXXX, XXXX.