

APA-1
11/96

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-14-6-.31
Rule Title: Hazardous Waste Munitions and Explosive Storage

 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 September 20, 2011

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11/96

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION**

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

<u>RULE NO. & TITLE:</u>	335-14-6-.02	<u>General Facility Standards</u> (Amend)
	335-14-6-.05	<u>Manifest System, Recordkeeping and Reporting</u> (Amend)
	335-14-6-.07	<u>Closure and Post-Closure</u> (Amend)
	335-14-6-.08	<u>Financial Requirements</u> (Amend)
	335-14-6-.11	<u>Surface Impoundments</u> (Amend)
	335-14-6-.14	<u>Landfills</u> (Amend)
	335-14-6-.15	<u>Incinerators</u> (Amend)
	335-14-6-.16	<u>Thermal Treatment</u> (Amend)
	335-14-6-.23	<u>Drip Pads</u> (Amend)
	335-14-6-.31	<u>Hazardous Waste Munitions and Explosive Storage</u> (Amend)
	335-14-6-Appendix I	<u>Recordkeeping Instructions</u> (Amend)

INTENDED ACTION: Revise Division 14 of the ADEM Administrative Code.

SUBSTANCE OR PROPOSED ACTION: Revise portions of Division 14 Regulations to incorporate changes to ensure consistency with State and Federal Statutes; to adopt certain State specific requirements; and to provide clarification of State requirements for the management of hazardous waste.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Comments may be submitted in writing or orally at a public hearing to be held Monday, December 5, 2011 at 10:00 a.m. in the Main Hearing Room at the ADEM Central Office located at 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Monday, December 5, 2011 at 5:00 p.m.

CONTACT PERSON AT AGENCY: James L. Bryant, Chief of the Environmental Services Branch, ADEM Land Division (334/271-7771)



Lance R. LeFleur
Director

335-14-6-.31 Hazardous Waste Munitions and Explosives Storage.

(1) Applicability.

The requirements of 335-14-6-.31 apply to owners or operators who store munitions and explosive hazardous wastes, except as 335-14-6-.01(1) provides otherwise.

[**Note:** Depending on explosive hazards, hazardous waste munitions and explosives may also be managed in other types of storage units, including containment buildings (335-14-6-.30), tanks (335-14-6-.10), or containers (335-14-6-.09). See 335-14-7-.13(6) for storage of waste military munitions].

(2) Design and operating standards.

(a) Hazardous waste munitions and explosives storage units must be designed and operated with containment systems, controls, and monitoring, that:

1. Minimize the potential for detonation or other means of release of hazardous waste, hazardous constituents, hazardous decomposition products, or contaminated run-off, to the soil, ground water, surface water, and atmosphere;

2. Provide a primary barrier, which may be a container (including a shell) or tank, designed to contain the hazardous waste;

3. For wastes stored outdoors, provide that the waste and containers will not be in standing precipitation;

4. For liquid wastes, provide a secondary containment system that assures that any released liquids are contained and promptly detected and removed from the waste area, or vapor detection system that assures that any released liquids or vapors are promptly detected and an appropriate response taken (e.g., additional containment, such as overpacking, or removal from the waste area); and

5. Provide monitoring and inspection procedures that assure the controls and containment systems are working as designed and that releases that may adversely impact human health or the environment are not escaping from the unit.

(b) Hazardous waste munitions and explosives stored under 335-14-6-.31 may be stored in one of the following:

1. Earth-covered magazines. Earth-covered magazines must be:

(i) Constructed of waterproofed, reinforced concrete or structural steel arches, with steel doors that are kept closed when not being accessed;

(ii) Designed and constructed:

(I) To be of sufficient strength and thickness to support the weight of any explosives or munitions stored and any equipment used in the unit;

(II) To provide working space for personnel and equipment in the unit; and

(III) To withstand movement activities that occur in the unit; and

(iii) Located and designed, with walls and earthen covers that direct an explosion in the unit in a safe direction, so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.

2. Above-ground magazines. Above-ground magazines must be located and designed so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.

3. Outdoor or open storage areas. Outdoor or open storage areas must be located and designed so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.

(c) Hazardous waste munitions and explosives must be stored in accordance with a Standard Operating Procedure specifying procedures to ensure safety, security, and environmental protection. If these procedures serve the same purpose as the security and inspection requirements of 335-14-6-.02(5), the preparedness and prevention procedures of 335-14-6-.03, and the contingency plan and emergency procedures requirements of 335-14-6-.04, then these procedures will be used to fulfill those requirements.

(d) Hazardous waste munitions and explosives must be packaged to ensure safety in handling and storage.

(e) Hazardous waste munitions and explosives must be inventoried at least annually.

(f) Hazardous waste munitions and explosives and their storage units must be inspected and monitored as necessary to ensure explosives safety and to ensure that there is no migration of contaminants out of the unit.

(3) Closure and post-closure care.

(a) At closure of a magazine or unit which stored hazardous waste under 335-14-6-.31, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components, contaminated subsoils, and structures and equipment contaminated with waste, and manage them as hazardous waste unless 335-14-2-.01(3)(d) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for magazines or units must meet all of the requirements specified in 335-14-6-.07 and 335-14-6-.08, except that the owner or operator may defer closure of the

unit as long as it remains in service as a munitions or explosives magazine or storage unit.

(b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in 335-14-6-.31(3)(a), the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, he or she must close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills [335-14-6-.14(11)].

Author: C. Edwin Johnston; Heather M. Jones.

Statutory Authority: Code of Alabama 1975, §§ 22-30-11 and 22-30-16.

History: March 27, 1998.

Amended: April 13, 2001; XXXXXXXX.