

Summary of Reasons Supporting the Adoption of the Proposed Amendments to the Alabama Department of Environmental Management’s Administrative Code for Division 14 (Hazardous Waste Program).

Revisions to the ADEM Admin. Code r. 335-14 are being proposed to adopt three newly codified and revised federal rules promulgated by EPA. The first of these is the Confidentiality Determinations for Hazardous Waste Export and Import Documents Rule, 82 FR 60894, (hereinafter “the Confidentiality Rule”) finalized on December 26, 2017. This rule amends existing regulations regarding the export and import of hazardous wastes from and into the United States. The second is the Hazardous Waste Electronic Manifest System User Fee Rule, 83 FR 420 (hereinafter “the e-Manifest fee rule”) promulgated on January 3, 2018 and is the second in a series of new rules that implement the national electronic manifest system. Finally, the third rule is the Revisions to the Definition of Solid Waste, Response to Vacatur of Certain Provisions of the Definition of Solid Waste Rule, 83 FR 24664, (hereinafter “the Vacatur Rule”) promulgated on May 30, 2018 in response to vacatur orders issued by the United States Court of Appeals for the District of Columbia Circuit. These revisions are necessary for the Department to maintain regulations that are at least as stringent as those promulgated federally, a requirement to preserve the State’s authorized status.

ADEM Admin. Code r. 335-14-1-.01 General

The Department proposes to revise Rule 335-14-1-.01 to adopt the Confidentiality Rule and the Vacatur Rule, as described above. These revisions are necessary for the Department to maintain regulations that are at least as stringent as those promulgated federally, a requirement to preserve the State’s authorized status.

ADEM Admin. Code r. 335-14-1-.02 Definitions and References

Rule 335-14-1-.02 is being amended to make general clarifications and correct typographical or grammatical errors.

ADEM Admin. Code r. 335-14-1-.03 Rulemaking Petitions

The Department proposes to revise Rule 335-14-1-.03 to adopt the Vacatur Rule, as described above and to correct typographical or grammatical errors. These revisions are necessary for the Department to maintain regulations that are at least as stringent as those promulgated federally, a requirement to preserve the State’s authorized status.

ADEM Admin. Code r. 335-14-2-.01 General

The Department proposes to revise Rule 335-14-2-.01 to adopt the Vacatur Rule, as described above and to correct typographical or grammatical errors. These revisions are necessary for the Department to maintain regulations that are at least as stringent as those promulgated federally, a requirement to preserve the State’s authorized status.

ADEM Admin. Code r. 335-14-2-.05 Exclusions/Exemptions

The Department proposes to revise Rule 335-14-2-.05 to adopt Confidentiality Rule, as described above. These revisions are necessary for the Department to maintain regulations that are at least as stringent as those promulgated federally, a requirement to preserve the State's authorized status.

ADEM Admin. Code r. 335-14-2-.08 Financial Requirements for Management of Excluded Hazardous Secondary Materials

Rule 335-14-2-.08 is being amended to make general clarifications and correct typographical or grammatical errors.

ADEM Admin. Code r. 335-14-2-.13 Emergency Preparedness and Response for Management of Excluded Hazardous Secondary Materials

Rule 335-14-2-.13 is being amended to make general clarifications and correct typographical or grammatical errors.

ADEM Admin. Code r. 335-14-3-.01 General

The Department proposes to revise Rule 335-14-3-.01 to clarify generator notification requirements.

ADEM Admin. Code r. 335-14-3-.02 Manifest Requirements Applicable to Small and Large Quantity Generators

The Department proposes to revise Rule 335-14-3-.02 to adopt the e-Manifest Fee Rule, as described above. These revisions are necessary for the Department to maintain regulations that are at least as stringent as those promulgated federally, a requirement to preserve the State's authorized status.

ADEM Admin. Code r. 335-14-3-.09 Transboundary Movements of Hazardous Waste for Recovery or Disposal

The Department proposes to revise Rule 335-14-3-.09 to adopt the Confidentiality Rule, as described above. These revisions are necessary for the Department to maintain regulations that are at least as stringent as those promulgated federally, a requirement to preserve the State's authorized status.

ADEM Admin. Code r. 335-14-3 Appendix I Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700 22 and 8700 22A and their Instructions)

Appendix I to Rule 335-14-3 is being repealed to preserve equivalency to analogous federal rules that have been revised by the e-Manifest Fee Rule, as described above.

ADEM Admin. Code r. 335-14-4-.02 Compliance with the Manifest System and Recordkeeping

The Department proposes to revise Rule 335-14-4-.02 to adopt the e-Manifest Fee Rule, as described above. These revisions are necessary for the Department to maintain regulations that are at least as stringent as those promulgated federally, a requirement to preserve the State's authorized status.

ADEM Admin. Code r. 335-14-5-.05 Manifest System, Recordkeeping and Reporting

The Department proposes to revise Rule 335-14-5-.05 to adopt the e-Manifest Fee Rule, as described above. These revisions are necessary for the Department to maintain regulations that are at least as stringent as those promulgated federally, a requirement to preserve the State's authorized status.

ADEM Admin. Code r. 335-14-5-.29 Subpart CC - Air Emission Standards For Tanks, Surface Impoundments, And Containers

The Department proposes to revise Rule 335-14-5-.29 to adopt the e-Manifest Fee Rule, as described above. These revisions are necessary for the Department to maintain regulations that are at least as stringent as those promulgated federally, a requirement to preserve the State's authorized status.

ADEM Admin. Code r. 335-14-6-.05 Manifest System, Recordkeeping and Reporting

The Department proposes to revise Rule 335-14-6-.05 to adopt the e-Manifest Fee Rule, as described above. These revisions are necessary for the Department to maintain regulations that are at least as stringent as those promulgated federally, a requirement to preserve the State's authorized status.

ADEM Admin. Code r. 335-14-6-.29 Subpart CC - Air Emission Standards For Tanks, Surface Impoundments, And Containers

The Department proposes to revise Rule 335-14-6-.29 to adopt the e-Manifest Fee Rule, as described above. These revisions are necessary for the Department to maintain regulations that are at least as stringent as those promulgated federally, a requirement to preserve the State's authorized status.

ADEM Admin. Code r. 335-14-17-.05 Standards for Used Oil Transporter and Transfer Facilities

The Department proposes to revise Rule 335-14-17-.05 to require a used oil transporter to notify the Department directly in the event of a spill or discharge of used oil during transport. Furthermore, the Department is proposing to require used oil transporters to document the generation or disposition of sediments and oil-contaminated wastewater generated during incidental used oil processing.

ADEM Admin. Code r. 335-14-17-.06 Standard for Used Oil processors and Re-refiners

The Department proposed to revise Rule 335-14-17-.06 to require used oil processing facilities to notify the Department directly in the event of a release of used oil.