

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 two newly codified and revised federal rules promulgated by EPA. The first of these is the Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine Rule 84 FR 5816 (hereinafter “the Pharmaceutical Rule”), finalized on December 11, 2018. This rule creates new management standards for hazardous waste pharmaceuticals. Also, under this rule, over-the-counter nicotine replacement therapies will no longer be considered hazardous waste when discarded. The second is the Interim Final Rule: Safe Management of Recalled Airbags Rule 83 FR 61552 (hereinafter “the Air Bag Rule”), published on November 30, 2018. This interim final rule provides a conditional exemption from RCRA hazardous waste requirements for entities that remove airbag modules and inflators from automobiles as long as certain conditions are met.

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

The Department proposes to revise Rule 335-14-1-.02 to adopt the Air Bag Rule and the Pharmaceutical 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 Air Bag Rule and the Pharmaceutical 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-.04 Lists of Hazardous Waste

The Department proposes to revise Rule 335-14-2-.04 to adopt the Pharmaceutical 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-.08 Financial Requirements for Management of Excluded Hazardous Secondary Materials

The Department proposes to revise Rule 335-14-2-.08 to make general clarifications and correct typographical or grammatical errors.

ADEM Admin. Code r. 335-14-2-.09 Use and Management of Containers

The Department proposes to revise Rule 335-14-2-.09 to make general clarifications and correct typographical or grammatical errors.

ADEM Admin. Code r. 335-14-2-.10 Tank Systems

The Department proposes to revise Rule 335-14-2-.10 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 adopt the Air Bag Rule and the Pharmaceutical 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. 335-14-5-.01 General

The Department proposes to revise Rule 335-14-5-.01 to adopt the Pharmaceutical 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. 335-14-5-.02 General Facility Standards

The Department proposes to revise Rule 335-14-5-.02 to make general clarifications and correct typographical or grammatical errors.

ADEM Admin. Code r. 335-14-5-.07 Closure and Post-Closure

The Department proposes to revise Rule 335-14-5-.07 to make general clarifications and correct typographical or grammatical errors.

ADEM Admin. Code r. 335-14-5-.09 Use and Management of Containers

The Department proposes to revise Rule 335-14-5-.09 to make general clarifications and correct typographical or grammatical errors.

ADEM Admin. Code r. 335-14-5-.12 Waste Piles

The Department proposes to revise Rule 335-14-5-.12 to make general clarifications and correct typographical or grammatical errors.

ADEM Admin. Code r. 335-14-5-.19 Special Provisions for Cleanup

The Department proposes to revise Rule 335-14-5-.19 to make general clarifications and correct typographical or grammatical errors.

ADEM Admin. Code r. 335-14-5-.30 Containment Building

The Department proposes to revise Rule 335-14-5-.30 to make general clarifications and correct typographical or grammatical errors.

ADEM Admin. Code r. 335-14-6-.01 General

The Department proposes to revise Rule 335-14-6-.01 to adopt the Pharmaceutical 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. 335-14-7-.15 Reserved

The Department proposes to add Rule 335-14-7-.15 for future use.

ADEM Admin. Code r. 335-14-7-.16 Hazardous Waste Pharmaceuticals

The Department proposes to revise Rule 335-14-7-.16 to adopt the Pharmaceutical 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. 335-14-8-.01 General Information

The Department proposes to revise Rule 335-14-8-.01 to adopt the Pharmaceutical 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. 335-14-9-.01 Subpart A - General

The Department proposes to revise Rule 335-14-9-.01 to adopt the Pharmaceutical 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. 335-14-11-.02 Standards for Small Quantity Handlers of Universal Waste

The Department proposes to revise Rule 335-14-11-.02 to make general clarifications and correct typographical or grammatical errors.

ADEM Admin. Code r. 335-14-11-.07 Petitions to Include Other Waste Under Chapter 335-14-11

The Department proposes to revise Rule 335-14-11-.07 to adopt the Pharmaceutical 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.