ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT LAND DIVISION - HAZARDOUS WASTE PROGRAM ADMINISTRATIVE CODE

CHAPTER 335-14-4
STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE

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335-14-4-.01 General.

(1) Scope.

(a) 335-14-4 establishes standards which apply to persons transporting hazardous waste within the State of Alabama if the transportation requires a manifest under Chapter 335-14-3 and except as provided otherwise in Code of Ala. 1975, §22-30-21, as amended.

(b) 335-14-4 does not apply to on-site transportation of hazardous waste by generators or by owners or operators of permitted hazardous waste management facilities.

(c) A transporter of hazardous waste must also comply with Chapter 335-14-3, Standards Applicable to Generators of Hazardous Waste, if he:

1. Transports hazardous waste into the United States from abroad; or

2. Mixes hazardous wastes of different DOT shipping descriptions by placing them into a single container.

(d) A transporter of hazardous waste that is being imported from or exported to any other country for purposes of recovery or disposal is subject to 335-14-4-.01 and to all other relevant requirements of 335-14-3-.09, including, but not limited to, the requirements for movement documents in 335-14-3-.09(4) and 335-14-3-.09(5).

(e) The regulations in 335-14-4-.01 do not apply to transportation during an explosives or munitions emergency response, conducted in accordance with 335-14-5-.01(1)(g)8.(i)(IV) or (iv) or 335-14-6-.01(1)(c)11.(i)(IV) or (iv), and 335-14-8-.01(1)(c)3.(i)(IV) or (iii).

(f) 335-14-7-.13(4) identifies how the requirements of 335-14-4-.01 apply to military munitions classified as solid waste under 335-14-7-.13(3).

(2) EPA identification number and Alabama Hazardous Waste Transport Permit.

(a) A transporter must not transport hazardous wastes without having received an EPA identification number from the Administrator or the authorized State in which the base of operations is located. If the transporter's base of operations is located within the State of Alabama, such application shall be submitted to the Department.

(b) A transporter who has not received an EPA identification number may obtain one by applying to the Administrator or the authorized State in which the base of operations is located using EPA Form 8700-12 or the authorized State's equivalent.

(c) A non-rail transporter must not transport hazardous wastes without having received an Alabama Hazardous Waste Transport Permit in compliance with Rules 335-14-8-.09 through 335-14-8-.13.

(3) [Reserved].

(4) Annual Submission of ADEM Form 8700-12, Notification of Regulated Waste Activity and Certifications of Waste Management.

(a) A transporter whose base of operations is located within the State of Alabama must submit a correct and complete ADEM Form 8700-12 (including all appropriate attachment pages and fees) or an electronic method used by the Department reflecting current waste activities to the Department annually. The Department must receive the ADEM Form 8700-12 (including all appropriate attachment pages and fees) no later than the 15th day of the specified month in the specified month schedule located at rule 335-14-1-.02(1)(a).

(b) The ADEM Form 8700-12, Notification of Regulated Waste Activity, is not complete without payment of all the appropriate fees specified in Chapter 335-1-6 of the ADEM Administrative Code.

Author: Stephen C. Maurer; Amy P. Zachry, Michael B. Champion, C. Edwin Johnston, Bradley N. Curvin, Heather M. Jones, James K. Burgess, Vernon H. Crockett; Jonah L. Harris

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335-14-4-.02 Compliance With The Manifest System And Recordkeeping.

(1) The manifest system.

(a) Manifest requirement

1. A transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest signed in accordance with the requirements of 335-14-3-.02(4) or 334-14-3-.02(5).

2. Exports. For exports of hazardous waste subject to the requirements of subpart H of 40 CFR part 262 [incorporated by reference at 335-14-3-.09], a transporter may not accept hazardous waste without a manifest signed by the generator in accordance with 335-14-4-.02, as appropriate, and a movement document that included all information required by 40 CFR 262.83(d) [incorporated by reference at 335-14-3-.09(4)].

3. Compliance Date for Form Revisions. Compliance with the revisions to the Manifest form and procedures announced in the regulation published by EPA on March 4, 2005 were not required until September 4, 2006. The Manifest form and procedures revised as of July 1, 2004, were applicable until September 5, 2006.

4. Use of electronic manifest -- legal equivalence to paper forms for participating transporters. Electronic manifests that are obtained, completed, and transmitted in accordance with 335-14-3-.02(1)(a)3., and used in accordance with 335-14-4-.02(1)(a)4. in lieu of EPA Forms 8700-22 and 8700-22A, are the legal equivalent of paper manifest forms bearing handwritten signatures, and

satisfy any requirement to obtain, complete, sign, carry, provide, give, use, or retain a manifest.

(i) Any requirement to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature with the meaning of 40 C.F.R. §262.25(a).

(ii) Any requirement to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when a copy of an electronic manifest is transmitted to the other person by submission to the electronic manifest system.

(iii) Any requirement for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an electronic manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the waste shipment, except that to the extent that the transporter must carry a paper document to comply with 49 C.F.R. §177.817, a hazardous waste transporter must carry one printed copy of the electronic manifest on the transport vehicle.

(iv) Any requirement for a transporter to keep or retain a copy of a manifest is satisfied by the retention of an electronic manifest in the transporter's account on the electronic manifest system, provided that such copies are readily available for viewing and production if requested by EPA or the Department.

(v) No transporter may be held liable for the inability to produce an electronic manifest for inspection under 335-14-4-.02(1) if that transporter can demonstrate that the inability to produce the electronic manifest is exclusively due to a technical difficulty with the electronic manifest system for which the transporter bears no responsibility.

5. A transporter may participate in the electronic manifest system either by accessing the electronic manifest system from the transporter's own electronic equipment, or by accessing the electronic manifest system from the equipment provided by a participating generator, by another transporter, or by a designated facility.

6. Special procedures when electronic manifest is not available. If after a manifest has been originated electronically and signed electronically by the initial

transporter, and the electronic manifest system should become unavailable for any reason, then:

(i) The transporter in possession of the hazardous waste when the electronic manifest becomes unavailable shall reproduce sufficient copies of the printed manifest that is carried on the transport vehicle pursuant to 335-14-4-.02(1)(a)4.(iii), or obtain and complete another paper manifest for this purpose. The transporter shall reproduce sufficient copies to provide the transporter and all subsequent waste handlers with a copy for their files, plus two additional copies that will be delivered to the designated facility with the hazardous waste.

(ii) On each printed copy, the transporter shall include a notation in the Special Handling and Additional Description space (Item 14) that the paper manifest is a replacement manifest for a manifest originated in the electronic manifest system, shall include (if not preprinted on the replacement manifest) the manifest tracking number of the electronic manifest that is replaced by the paper manifest, and shall also include a brief explanation why the electronic manifest was not available for completing the tracking of the shipment electronically.

(iii) A transporter signing a replacement manifest to acknowledge receipt of the hazardous waste must ensure that each paper copy is individually signed and that a legible handwritten signature appears on each copy.

(iv) From the point at which the electronic manifest is no longer available for tracking the waste shipment, the paper replacement manifest copies shall be carried, signed, retained as records, and given to a subsequent transporter or to the designated facility, following the instructions, procedures, and requirements that apply to the use of all other paper manifests.

7. Special procedures for electronic signature methods undergoing tests. If a transporter using an electronic manifest signs this manifest electronically using an electronic signature method which is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the transporter shall sign the electronic manifest electronically and also sign with an ink signature the transporter acknowledgement of receipt of materials on the printed copy of the manifest that is

carried on the vehicle in accordance with 335-14-4-.02(1)(a)(4)(iii). This printed copy bearing the generator's and transporter's ink signatures shall also be presented by the transporter to the designated facility to sign in ink to indicate the receipt of the waste materials or to indicate discrepancies. After the owner/operator of the designated facility has signed this printed manifest copy with its ink signature, the printed manifest copy shall be delivered to the designated facility with the waste materials.

8. [Reserved].

9. Post-receipt manifest data corrections. After facilities have certified that the manifest is complete, by signing it at the time of submission to the EPA e-Manifest system, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. If corrections are requested by the Department for portions of the manifest that a transporter is required to complete, the transporter must address the data correction within 30 days from the date of the request. Data correction submissions must be made electronically via the post-receipt data corrections process by following the process described in 335-14-5-.05(2)(l), which applies to corrections made to either paper or electronic manifests.

(b) Before transporting the hazardous waste, the transporter must sign and date the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter must return a signed copy to the generator before leaving the generator's property.

(c) The transporter must ensure that the manifest accompanies the hazardous waste. For exports the transporter must ensure that a movement document that includes all information required by 40 CFR 262.83(d) [incorporated by reference at 335-14-3-.09(4)] also accompanies the hazardous waste. For imports, the transporter must ensure that a movement document that includes all information required by 40 CFR 262.84(d) [incorporated by reference at 335-14-3-.09(5) also accompanies the hazardous waste.

(d) A transporter who delivers a hazardous waste to another transporter or to the designated facility must:

1. Obtain the date of delivery and the handwritten signature of that transporter or of the owner or operator of the designated facility on the manifest; and

2. Retain one copy of the manifest in accordance with 335-14-4-.02(3); and

3. Give the remaining copies of the manifest to the accepting transporter or designated facility.

(e) The requirements of 335-14-4-.02(1)(c), (d), and (f) do not apply to water (bulk shipment) transporters if:

1. The hazardous waste is delivered by water (bulk shipment) to the designated facility; and

2. A shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures) and, for exports or imports occurring under the terms of a consent issued by EPA on or after December 31, 2016, a movement document that includes all the information required by 40 CFR 262.83(d) [incorporated by reference at 335-14-3-.09(4)] or 40 CFR 262.84(d) [incorporated by reference at 335-14-3-.09(5)] accompanies the hazardous waste; and

3. The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator of the designated facility on either the manifest or the shipping paper; and

4. The person delivering the hazardous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and

5. A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with 335-14-4-.02(3).

(f) For shipments involving rail transportation, the requirements of 335-14-4-.02(c), (d), and (e) do not apply and the following requirements do apply:

1. When accepting hazardous waste from a non-rail transporter, the initial rail transporter must:

(i) Sign and date the manifest acknowledging acceptance of the hazardous waste;

(ii) Return a signed copy of the manifest to the non-rail transporter;

(iii) Forward at least three copies of the manifest to:

(I) The next non-rail transporter, if any; or

(II) The designated facility, if the shipment is delivered to that facility by rail; or

(III) The last rail transporter designated to handle the waste in the United States;

(iv) Retain one copy of the manifest and rail shipping paper in accordance with 335-14-4-.02(3).

2. Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures) and, for exports or imports occurring under the terms of a consent issued by EPA on or after December 31, 2016, a movement document that includes all information required by 40 CFR 262.83(d) [incorporated by reference at 335-14-3-.09(4)] or 40 CFR 262.84(d) [incorporated by reference at 335-14-3-.09(5)] accompanies the hazardous waste at all times.

[**Note:** Intermediate rail transporters are not required to sign either the manifest, movement document or shipping paper.]

3. When delivering hazardous waste to the designated facility, a rail transporter must:

(i) Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and

(ii) Retain a copy of the manifest or signed shipping paper in accordance with 335-14-4-.02(3).

4. When delivering hazardous waste to a non-rail transporter a rail transporter must:

(i) Obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and

(ii) Retain a copy of the manifest in accordance with 335-14-4-.02(3).

5. Before accepting hazardous waste from a rail transporter, a non-rail transporter must sign and date the manifest and provide a copy to the rail transporter.

(g) Transporters who transport hazardous waste out of the United States must:

1. Sign and date the manifest in the International Shipments block on the Continuation Sheet (EPA Form 8700-22A)to indicate the date that the shipment left the United States or has been delivered to a seaport of exit for loading onto an international carrier;

2. Retain one copy in accordance with 335-14-4-.02(3)(d);

3. Compliance date for manifest returns on January 22, 2025. Beginning on January 22, 2025, return signed, top copies of the manifest and continuation sheet to the generator. On December 1, 2025, 335-14-4-.02(1)(g)3. no longer applies, and 335-14-4-.02(1)(g)4. applies instead.

4. Compliance date for manifest returns on December 1, 2025. Beginning on December 1, 2025, return signed, top copies of the manifest and continuation sheet to the exporter.

(h) A transporter transporting hazardous waste from a Small Quantity Generator need not comply with the requirements of 335-14-4-.02(1), or those of 335-14-4-.02(3), provided that:

1. The waste is being transported pursuant to a reclamation agreement as provided for in 335-14-3-.01(1)(e);

2. The transporter records, on a log or shipping paper, the following information for each shipment:

(i) The name, address, and U.S. EPA Identification Number of the generator of the waste;

(ii) The quantity of waste accepted;

(iii) All DOT-required shipping information;

(iv) The date the waste is accepted; and

3. The transporter carries this record when transporting waste to the reclamation facility; and

4. The transporter retains these records for a period of at least three years after termination or expiration of the agreement.

(2) Compliance with the manifest.

(a) Except as provided in 335-14-4-.02(2)(b), the transporter must deliver the entire quantity of hazardous waste which he has accepted from a generator or a transporter to:

1. The designated facility listed on the manifest; or

2. The alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or

3. The next designated transporter; or

4. The place outside the United States designated by the generator.

(b) If the hazardous waste cannot be delivered in accordance with 335-14-4-.02(2)(a).

1. Emergency condition. If the hazardous waste cannot be delivered in accordance with 335-14-4-.02(2)(a)1., 2., or 4., because of an emergency condition other than rejection of the waste by the designated facility, then the transporter must contact the generator for further directions and must revise the manifest according to the generator's instructions.

2. Transporters without agency authority. If the hazardous waste is not delivered to the next designated transporter in accordance with 335-14-4-.02(2)(a)3., and the current transporter is without contractual authorization from the generator to act as the generator's agent with respect to transporter additions or substitutions, then the current transporter must contact the generator for further instructions prior to making any revisions to the transporter designations on the manifest. The current transporter may thereafter make such revisions if:

(i) The hazardous waste is not delivered in accordance with 335-14-4-.02(2)(a)3. because of an emergency condition; or

(ii) The current transporter proposes to change the transporter(s) designated on the manifest by the generator, or to add a new transporter during transportation, to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety; and

(iii) The generator authorizes the revision.

3. Transporters with agency authority. If the hazardous waste is not delivered to the next designated transporter in accordance with 335-14-4-.02(2)(a)3., and the current transporter has authorization from the generator to act as the generator's agent, then the current transporter may change the transporter(s) designated on the manifest, or add a new transporter, during transportation without the generator's prior, explicit approval, provided that:

(i) The current transporter is authorized by a contractual provision that provides explicit agency authority for the transporter to make such transporter changes on behalf of the generator;

(ii) The transporter enters in Item 14 of each manifest for which such a change is made, the following statement of its agency authority: "Contract retained by generator confers agency authority on initial transporter to add or substitute additional transporters on generator's behalf;" and

(iii) The change in designated transporters is necessary to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety.

4. Generator liability. The grant by a generator of authority to a transporter to act as the agent of the generator with respect to changes to transporter designations under 335-14-4-.02(2)(b)3. does not affect the generator's liability or responsibility for complying with any applicable requirement under this chapter, or grant any additional authority to the transporter to act on behalf of the generator.

(c) If hazardous waste is rejected by the designated facility while the transporter is on the facility's premises, then the transporter must obtain the following:

1. For a partial load rejection or for regulated quantities of container residues, a copy of the original manifest that includes the facility's date and signature, and the Manifest Tracking Number of the new manifest that will accompany the shipment, and a description of the partial rejection or container residue in the discrepancy block of the original manifest. The transporter must retain a copy of this manifest in accordance with 335-14-4-.02(3), and give the remaining copies of the original manifest to the rejecting designated facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning it to the generator, the transporter must obtain a new manifest to accompany the shipment, and the new manifest must include all of the information required in 335-14-5-.05(3)(e)1 through 6 or 335-14-5-.05(3)(f)1 through 6 or 335-14-6-.05(3)(e)1 through 6 or 335-14-6-.05(3)(f)1 through 6.

2. For a full load rejection that will be taken back by the transporter, a copy of the original manifest that includes the rejecting facility's signature and date attesting to the rejection, the description of the rejection in the discrepancy block of the manifest, and

the name, address, phone number, and Identification Number for the alternate facility or generator to whom the shipment must be delivered. The transporter must retain a copy of the manifest in accordance with 335-14-4-.02(3), and give a copy of the manifest containing this information to the rejecting designated facility. If the original manifest is not used, then the transporter must obtain a new manifest for the shipment and comply with 335-14-5-.05(3)(e)1 through 6 or 335-14-6-.05(3)(e)1 through 6.

(3) Recordkeeping.

(a) A transporter of hazardous waste must keep a copy of the manifest signed by the generator, himself, and the next designated transporter or the owner or operator of the designated facility for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(b) For shipments delivered to the designated facility by water (bulk shipment), each water (bulk shipment) transporter must retain a copy of the shipping paper containing all the information required in 335-14-4-.02(1)(e)2. for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(c) For shipments of hazardous waste by rail within the United States:

(i) The initial rail transporter must keep a copy of the manifest and shipping paper with all the information required in 335-14-4-.02(1)(f)2. for a period of three years from the date the hazardous waste was accepted by the initial transporter; and

(ii) The final rail transporter must keep a copy of the signed manifest (or the shipping paper if signed by the designated facility in lieu of the manifest) for a period of three years from the date the hazardous waste was accepted by the initial transporter.

[**Note:** Intermediate rail transporters are not required to keep records pursuant to 335-14-4.]

(d) A transporter who transports hazardous waste out of the United States must keep a copy of the manifest indicating that the hazardous waste left the United States for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(e) The periods of retention referred to in 335-14-4-.02(3) are extended automatically during the course of any unresolved

enforcement action regarding the regulated activity or as requested by the Department.

(4) Required Records.

(a) A transporter of hazardous waste must maintain a copy of the current hazardous waste transporter permit with each vehicle actively transporting hazardous wastes.

(b) A transporter of hazardous waste must maintain a copy of the contingency plan required by Rule 335-14-8-.09(4)(g) with each vehicle actively transporting hazardous wastes. This plan should be designed in accordance with the applicable United States Department of Transportation regulations under 49 CFR parts 172.602, 172.604, and 172.606.

Author: Stephen C. Maurer; Amy P. Zachry; Bradley N. Curvin; Jonah L. Harris; Linda J. Knickerbocker; Vernon H. Crockett
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335-14-4-.03 Hazardous Waste Discharges.

(1) Immediate action.

(a) In the event of a discharge of hazardous waste during transportation, the transporter must take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area).

(b) If a discharge of hazardous waste occurs during transportation and the Department or its designee acting within the scope of its official responsibilities determines that immediate removal of the waste is necessary to protect human health or the environment, the Department or its designee may authorize the removal of the waste by transporters who do not have EPA identification numbers or

Alabama Hazardous Waste Transportation Permits and without the preparation of manifests.

(c) An air, rail, highway or water transporter who has discharged hazardous waste must:

1. Give notice, if required by 49 CFR §171.15, to the Alabama Emergency Management Agency State Warning Point (800-843-0699, 24 hours a day) and to the National Response Center (800-424-8802 or 202-426-2675); and

2. Report in writing as required by 49 CFR §171.16 to the Director, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. A copy of such report shall be provided to the Land Division, Alabama Department of Environmental Management, P.O. Box 301463, Montgomery, Alabama 36130-1463, not later than 14 days after any such discharge.

(d) A water (bulk shipment) transporter who has discharged hazardous waste must give the same notice as required by 33 CFR §153.203 for oil and hazardous substances and shall give notice to the Alabama Emergency Management Agency (800-843-0699, 24 hours a day) and the National Response Center (800-424-8802 or 202-426-2675, 24 hours a day).

(2) Discharge clean up. A transporter must clean up any hazardous waste discharge that occurs during transportation or take such action as may be required or approved by the Department or its designee so that the hazardous waste discharge no longer presents a hazard to human health or the environment.
Author: Stephen C. Maurer; James T. Shipman; Bradley N. Curvin; Vernon H. Crockett, Jonah L. Harris.
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335-14-4-.04 Financial Requirements.

(1) Any person, except for the State of Alabama and Federal government, proposing to transport hazardous waste shall submit, with their application for an Alabama Hazardous Waste Transport Permit, one of the following:

(a) A surety bond in which the applicant is the principal obligor and the Department is the obligee;

1. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury or be a corporate surety licensed to do business in the State of Alabama; and

2. The wording of the surety bond must be identical to the following:

SURETY BOND

Date bond executed: _____

Effective date: _____

Principal: _____ [legal name, business address and EPA identification number of applicant]

_____

_____

_____

Type of organization: [insert "individual," "joint venture," "partnership" or "corporation"]

_____

State of incorporation: _____ [name(s) and business address(es)]

Surety(ies):_____

Total penal sum of bond: $_____

Surety's bond number: _____

Know all persons by these presents, that we, the Principal and Surety(ies) hereto are firmly bound to the Alabama Department of Environmental Management (hereinafter, "the Department"), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of

liability is indicated, the limit of liability shall be the full amount of the penal sum.

Whereas said Principal is required, under the Alabama Hazardous Wastes Management and Minimization Act of 1978, as amended (AHWMMA), to have a permit in order to transport hazardous waste, and

Whereas said Principal is required by Code of Ala. 1975, §22-30-12(c)(4) to provide financial assurance for compliance with the AHWMMA, the regulations promulgated thereunder, the permit issued to the Principal and any orders issued to the Principal by the Department, and for damages to human health and the environment, including the costs of cleanups caused by spills.

Now, therefore, the conditions of this obligation are such that if the Principal shall faithfully comply with the AHWMMA, the regulations promulgated thereunder, the permit issued to the Principal, any order(s) issued to the Principal by the Department, and correct any damages to human health or the environment, including the cleanup of spills as approved by the Department for the term of the permit issued to the Principal and the Surety(ies) gives notice of intent not to renew this Performance Bond not less than 90 days prior to the expiration of the permit issued to the Principal,

Or, if the Principal shall provide alternate financial assurance as specified in Rule 335-14-4-.04(1)-(b) or (c) of the Alabama Department of Environmental Management Administrative Code and obtain the Department's written approval of such assurance within 90 days after the date notice of cancellation is received by both the Principal and the Department from the Surety(ies) then this obligation shall be null and void, otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above.

Upon notification by the Department that the Principal has been found in violation of the AHWMMA, the regulations promulgated thereunder, the permit issued to the Principal or any order(s) issued to the Principal for activities regulated pursuant to the AHWMMA, the Surety(ies) shall correct the violation, including the cost of any remedial action, and pay any penalties assessed by the Department against the Principal or shall within 15 days after notification by the Department, pay to the Department the amount designated as the total penal sum of the bond or such amount as remains if previous violations have been assessed against this bond.

The Surety(ies) hereby waive(s) notification of amendments to permits, applicable laws and regulations and agrees that no such

amendment shall in any way alleviate its (their) obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

In Witness Whereof, The Principal and Surety(ies) have executed this Performance Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording specified in Rule 335-14-4-.04(1)(a) of the Alabama Department of Environmental Management Administrative Code as such rule was constituted on the date this bond was executed.

PRINCIPAL

[Signature(s)] _____

[Name(s)] _____

[Title(s)] _____

[Corporate seal] _____

CORPORATE SURETY(IES)

[Name and address] _____

State of incorporation: _____

Liability limit: $_____

[Signature(s)] _____

[Name(s) and title(s)] _____

[Corporate seal] _____

[For every co-surety provide the above required information, signature(s) and corporate seal.]

Bond premium: $_____

3. The amount of the surety bond for environmental restoration shall be established as follows:

(i) Transporters proposing to transport liquid or flammable solid hazardous wastes shall be required to provide a surety bond in an amount equal to $50,000 per vehicle transporting such wastes to a maximum of $1,000,000 or proof of net worth as provided in 335-14-4-.04(1)(b);

(ii) Transporters proposing to transport nonflammable solid hazardous wastes shall be required to provide a surety bond in an amount equal to $25,000 per vehicle transporting such wastes to a maximum of $1,000,000 or proof of net worth as provided in 335-14-4-.04(1)(b); and

(iii) If the assurance surety bond is drawn upon, the Department may require additional assurance from the permittee and if the permittee fails to provide the assurance as required, the Department may terminate the permit as set out in 335-14-8-.11(2).

(b) Evidence satisfactory to the Department that the person proposing to transport hazardous waste has a net worth equal to ten times the value of the proposed surety bond. Such evidence shall be submitted in the form of a letter from the Chief Financial Officer of the applicant and shall be in a form identical to the following:

DEMONSTRATION OF NET WORTH

Letter From the Chief Financial Officer

(To demonstrate net worth as required by Code of Ala. 1975, §22-30-12(c)(4) in order to demonstrate financial responsibility for noncompliance with the Alabama Hazardous Wastes Management and Minimization Act of 1978, the regulations promulgated thereunder and any permits or orders issued to the applicant and to demonstrate financial responsibility for damages to human health and the environment, including the costs of cleanups, caused by spills. This demonstration may be used in conjunction with other allowable mechanisms in order to provide the required coverage.)

[Address to the Director, Alabama Department of Environmental Management, P.O. Box 301463, Montgomery, Alabama 36130-1463]

I am the chief financial officer of [applicant's name, address and EPA transporter identification number]. This letter is in support of the use of the demonstration of net worth to demonstrate financial responsibility as required by Code of Ala. 1975, §22-30-12(c)(4) and Rule 335-14-4-.04 of the Alabama Department of Environmental Management Administrative Code.

This applicant [insert "is required" or "is not required"] to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this applicant ends on [month, day]. The figures for the following items marked with an asterisk are derived from a year-end financial statement(s) for the latest completed fiscal year, ended [date], prepared for the applicant by an independent auditor.

Net Worth

1. Amount of annual aggregate financial responsibility to be demonstrated . . . . . .$ _____

*2. Total assets . . . . . $ _____

*3. Total liabilities . . . . . .$ _____

*4. Net worth (line 2 minus line 3) . . . . . .$ _____

*5. If less than 90% of assets are located in the U.S. give total U.S. assets . . . . . .$ _____

6. Is line 4 at least 10 times line 1? _____YES _____NO

I hereby certify that the wording of this letter is identical to that in Rule 335-14-4-.04(1)(b) of the Alabama Department of Environmental Management Administrative Code.

[Signature] _____

[Name] _____

[Title] _____

[Date] _____

(c) Proof of insurance in a minimum amount of $1,000,000 to cover damages to human health or the environment, exclusive of legal defense costs as defined in 335-14-1-.02. Such insurance may not include a pollution exclusion clause. Proof of insurance must be provided on a Certificate of Insurance form naming the Alabama Department of Environmental Management as the certificate holder and giving at least 30 days written Notice of Cancellation to the certificate holder. Nothing in 335-14-4-.04(1)(c) shall be construed to allow a transporter to operate in violation of the United States Department of Transportation rules and regulations governing financial assurance.

(2) A transporter must demonstrate to the satisfaction of the Department that the financial document submitted with their

application as required in 335-14-4-.04 is in force for the entire duration of the permit. The Department may request a permitted transporter at any time to demonstrate that financial assurance is in force for the duration of the hazardous waste transporter permit.
Author: Stephen C. Maurer, James T. Shipman, Lawrence A. Norris. Jonah L. Harris
Statutory Authority: Code of Ala. 1975, §§22-30-11, 22-30-12(f). **History:** November 19, 1980. **Amended:** April 9, 1986; September 29, 1986; February 15, 1988; August 24, 1989; January 5, 1994. **Amended:** Filed March 9, 2001; effective April 13, 2001. **Amended:** Filed February 8, 2002; effective March 15, 2002. **Amended:** Filed February 24, 2009; effective March 31, 2009. **Amended:** Filed February 28, 2012; effective April 3, 2012. **Amended:** Filed February 19, 2013; effective March 26, 2013. **Amended:** Published April 28, 2023; effective June 12, 2023. **Amended:** Published December 31, 2025; effective February 14, 2026.

335-14-4-.05 Transfer Facility Requirements.

(1) Applicability. The requirements of rule 335-14-4-.05 apply to all persons transporting hazardous waste within Alabama, storing waste at a transfer facility located in Alabama, as defined in rule 335-14-1-.02, or transferring a hazardous waste from one container to another at a transfer facility located in Alabama. For the purposes of 335-14-4, such persons are referred to as "transporters."

(2) Storage units. Owners or operators of transfer facilities may not store hazardous waste in units other than containers subject to regulation under Chapters 335-14-5 or 335-14-6.

(a) A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove hazardous waste.

(b) Special requirements for the management of ignitable or reactive hazardous waste.

1. The owner or operator of a transfer facility must comply with 335-14-5-.02(8)(a);

2. Containers holding ignitable or reactive hazardous waste must be located at least 15 meters (50 feet) from the facility's property line.

[**Note:** Hazardous waste transfer facilities that were in operation prior to March 31, 2005 are exempt from the 15 meter (50 foot) requirement, provided that the facility demonstrates compliance with applicable portions of the National Fire Protection Association's (NFPA) Code(s) 30

and 400. Failure to demonstrate compliance with the applicable NFPA code(s) will be viewed as a violation of 335-14-4-.05(2)(b)2.]

(3) Storage time. A transfer facility may hold waste for no longer than 10 days during the normal course of transportation.

(a) A transfer facility must be able to demonstrate the length of time that the hazardous waste has been stored on-site.

(b) A transfer facility who stores manifested shipments of hazardous waste in containers meeting the independent requirements of 335-14-3-.03(1) for a period of ten (10) days or less is not subject to regulation under Chapters 335-14-5, 335-14-6, 335-14-8, and 335-14-9 with respect to the storage of those wastes.

[Note: A transfer facility that stores hazardous waste for more than 10 days is subject to regulation as a storage facility under Chapters 335-14-5, 335-14-6, 335-14-8, and 335-14-9.]

(c) The owner or operator may make this demonstration by:

1. Labeling each hazardous waste container with the date that the hazardous waste container was received;

2. Maintaining an inventory system on-site that identifies the date the hazardous waste containers being stored were received;

3. Maintaining an inventory system on-site that identifies the earliest date that any hazardous waste container in a group of hazardous waste container was received;

4. Placing the hazardous waste container in a specific storage area and identifying the earliest date that any hazardous waste container in the area was received; or

5. Any other method which clearly demonstrates the length of time that the hazardous waste containers have been stored on-site.

(4) Condition of units. Containers used to store hazardous waste at transfer facilities must be:

(a) In good condition (no severe rusting, apparent structural defects or deterioration); and

(b) Not leaking (no visible leaks).

(5) Containment. Container storage areas at transfer facilities must be equipped with a containment system that is designed and operated in accordance with rule 335-14-4-.05(5)(a), except as otherwise provided by Rule 335-14-4-.05(5)(b).

(a) The containment system must be designed and operated as follows:

1. The system must consist of, at a minimum, dikes, berms or retaining walls and a floor that covers the entire area within the dikes, berms, or retaining walls.

2. The entire containment system, including walls and floors, must be sufficiently impervious to hazardous waste to prevent any hazardous waste released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

3. The floor must be sloped or the containment system must be otherwise designed, constructed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or otherwise protected from contact with accumulated liquids;

4. The containment system must have sufficient capacity to contain 10% of the volume of the containers or the volume of the largest container, whichever is greater;

5. Run-on, and the entrance of precipitation, into the containment system must be prevented unless the collection system has sufficient excess capacity in addition to that required in 335-14-4-.05(5)(a)4. to contain any run-on or precipitation which might enter the system; and

6. Spilled or leaked hazardous waste and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system.

(b) Container storage areas that store containers holding only wastes that do not contain free liquids need not have a containment system defined by rule 335-14-4-.05(5)(a), except as provided by rule 335-14-4-.05(5)(c), provided that:

1. The storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation, or

2. The containers are elevated or are otherwise protected from contact with accumulated liquid.

(c) Container storage areas that store containers holding wastes identified as F020, F021, F023, and F027 must have a containment system defined by 335-14-4-.05(5)(a), regardless of whether or not they contain free liquids.

(6) Labels.

(a) Containers used to store hazardous waste at transfer facilities must be labeled or marked clearly with the words "Hazardous Waste" and the applicable EPA hazardous waste number(s) (EPA hazardous waste codes) in 335-14-2-.03 and 335-14-2-.04, or in compliance with 335-14-3-.03(3). The label(s) must be visible for inspection.

(b) When consolidating the contents of two or more containers with the same hazardous waste into a new container, or when combining and consolidating two different hazardous wastes that are compatible with each other, the transporter must mark its containers of 119 gallons or less with the requirements set forth in 335-14-4-.05(6)(a).

[**Note:** A transporter of hazardous waste must also comply with Chapter 335-14-3. Standards Applicable to Generators of Hazardous Waste, if he mixes hazardous wastes of different DOT shipping descriptions by placing them into a single container.]

(7) Response to releases. Upon detection of a release of hazardous waste to the environment that is not subject to the corrective action requirements of Division 335-6, Volume 2 of the ADEM Administrative Code, the owner/operator of a transfer facility must perform the following cleanup steps:

(a) Stop the release;

(b) Contain the released hazardous waste;

(c) Clean up and manage properly the released hazardous waste and other materials in accordance with all applicable requirements of Division 335-13 and 335-14 of the ADEM Administrative Code; and

(d) If necessary, repair or replace any leaking hazardous waste storage containers prior to returning them to service.

(8) Closure.

(a) At closure, containers holding hazardous waste or residues of hazardous waste must be removed from the site;

(b) The owner or operator must remove or decontaminate hazardous waste residues, contaminated containment systems components, contaminated soils, and structures and equipment

contaminated with hazardous waste, managing them as hazardous waste, unless the materials are not to be a hazardous waste under 335-14-2.

Author: Bradley N. Curvin; Theresa A. Maines; Heather M. Jones; Vernon H. Crockett. Jonah L. Harris.
Statutory Authority: Code of Ala. 1975, §§22-30-14, 22-30-15, 22-30-16.
History: **New Rule:** Filed February 24, 2005; effective March 31, 2005. **Amended:** Filed February 27, 2007; effective April 3, 2007. **Amended:** Filed April 22, 2008; effective May 27, 2008. **Amended:** Filed February 24, 2009; effective March 31, 2009. **Amended:** Filed February 23, 2010; effective March 30, 2010. **Amended:** Filed February 14, 2017; effective March 31, 2017. **Amended:** Filed February 20, 2018; effective April 7, 2018. **Amended:** Published April 28, 2023; effective June 12, 2023.

335-14-4-.06 Special Conditions.

The Department may establish conditions and restrictions upon the transportation of a particular shipment of hazardous waste as the Department deems necessary to protect human health or the environment.
Author: Stephen C. Maurer, Bradley N. Curvin
Statutory Authority: Code of Ala. 1975, §22-30-11.
History: November 19, 1980. **Amended:** August 24, 1989. Amended (only the rule number was changed): Filed February 24, 2005; effective March 31, 2005.

Ed. Note: Rule 335-14-4-.05 was renumbered to Rule 335-14-4-.06 as per certification filed February 24, 2005; effective March 31, 2005.