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

CHAPTER 335-14-9
LAND DISPOSAL RESTRICTIONS

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335-14-9-.00 References Adopted.

(1) The Environmental Protection Agency Regulations, 40 CFR, Part 268 and Appendices (as published and amended by EPA on November 7, 1986; May 28, 1986; September 6, 1989; June 4, 1987; July 8, 1987; July 19, 1988; August 17, 1988; September 6, 1989; June 1, 1990; January 31, 1991; March 25, 1991; August 18, 1992; May 24, 1993;

September 19, 1994; May 11, 1995; September 19, 1995; April 8, 1996; June 28, 1996; January 14, 1997; May 12, 1997; June 17, 1997; July 14, 1997; May 26, 1998; August 6, 1998; September 9, 1998; November 30, 1998; May 11, 1999; July 6, 1999; August 5, 2005; June 1, 1990; June 13, 1990; January 31, 1991; March 6, 1992; August 18, 1992; February 16, 1993; May 24, 1993; June 20, 1994; September 19, 1994; January 3, 1995; April 8, 1996; June 28, 1996; October 28, 1996; February 19, 1997; May 12, 1997; December 5, 1997; May 4, 1998; May 26, 1998; September 4, 1998; September 24, 1998; November 30, 1998; May 11, 1999; May 26, 1999; October 20, 1999; March 17, 2000; June 8, 2000; November 8, 2000; December 26, 2000; June 26, 2001; November 20, 2001; May 22, 2002; May 28, 2002; February 11, 2004; November 19, 2004; February 24, 2005; June 14, 2005; August 3, 2005; February 7, 2006; April 4, 2006; July 14, 2006; May 14, 2008; March 18, 2010; December 17, 2010; June 13, 2011; August 22, 2012; November 28, 2016; February 22, 2019; and December 9, 2019), designated in Rules 335-14-9-.01, .02, .03, .04, .05, and Appendices I through XI, are incorporated herein by reference as set forth in 40 CFR, Part 268, except for the exclusions provided in ADEM Administrative Code Rule 335-14-9-.01(1).

(2) In the event that any Code of Federal Regulations Rule(s) incorporated herein by reference refers to or cites another Code of Federal Regulations Rule(s), other than 40 CFR 268, such reference to the other Code of Federal Regulations Rule(s) is not incorporated in this ADEM Administrative Code and the ADEM Administrative Code Rule specifically addressing said issue or circumstance shall take precedence, be applicable and govern.

(3) The materials incorporated by reference are available for purchase and inspection at the Department's offices at 1400 Coliseum Boulevard, Montgomery, Alabama 36110.
Author: Stephen C. Maurer; Steven O. Jenkins; Amy P. Zachry; Bradley N. Curvin; Vernon H. Crockett; Sonja B. Favors; Brent A. Watson; Jonah L. Harris
Statutory Authority: Code of Ala. 1975, §§22-30-11.
History: December 6, 1990. **Amended**: January 25, 1992; January 1, 1993. **Amended**: Filed: November 30, 1994 effective January 5, 1995. **Amended**: Filed March 22, 1995; effective April 28, 1995. **Amended**: Filed December 8, 1995; effective January 12, 1996. **Amended**: Filed February 21, 1997; effective March 28, 1997. **Amended**: Filed February 20, 1998; effective March 27, 1998. **Amended**: Filed February 26, 1999; effective April 2, 1999. **Amended**: Filed February 25, 2000; effective March 31, 2000. **Amended**: Filed March 9, 2001; effective April 13, 2001. **Amended**: Filed February 8, 2002; effective March 15, 2002. **Amended**: Filed March 13, 2003; effective April 17, 2003. **Amended**: Filed February 24, 2005; effective March 31, 2005. **Amended**: Filed February 28, 2006; effective April 4, 2006. **Amended**: Filed February 14, 2017; effective March 31, 2017. **Amended**: Filed February 20, 2018; effective April 7, 2018. **Amended**: Published December 31, 2020;

effective February 14, 2021. **Amended:** Published April 28, 2023; effective June 12, 2023.

335-14-9-.01 Subpart A-General.

(1) 40 CFR §268.1 Purpose, scope and applicability (as published by EPA on November 7, 1986; June 4, 1987, and as amended on July 19, 1988; August 17, 1988; September 6, 1989; June 1, 1990; May 24, 1993; September 19, 1994; May 11, 1995; April 8, 1996; June 28, 1996; May 12, 1997; July 6, 1999; August 5, 2005; and November 28, 2016), and December 9, 2019), excluding the provisions of §268.1(c)(3).

(2) 40 CFR §268.2 Definitions applicable in this part (as published by EPA on June 1, 1990, and as amended on January 31, 1991; August 18, 1992; February 16, 1993; May 24, 1993; September 19, 1994; January 3, 1995; April 8, 1996; June 28, 1996; May 26, 1998; November 30, 1998; May 11, 1999; and July 14, 2006).

(3) 40 CFR §268.3 Dilution prohibited as a substitute for treatment (as published by EPA on April 8, 1996, as amended at June 28, 1996; and May 26, 1998).

(4) 40 CFR §268.4 Treatment surface impoundment exemption (as published by EPA on November 7, 1986; June 4, 1987, and as amended on July 8, 1987; August 17, 1988; May 12, 1997; May 26, 1998; and July 14, 2006).

(5) 40 CFR §268.5 Procedures for case-by-case extensions to an effective date (as published by EPA on November 7, 1986; June 4, 1987, and as amended on July 8, 1987; September 6, 1989; June 13, 1990; and August 18, 1992).

(6) 40 CFR §268.6 Petitions to allow land disposal of a waste prohibited under Subpart C of Part 268 (as published by EPA on November 7, 1986; June 4, 1987, and as amended July 8, 1987; August 17, 1988; September 6, 1989; and July 14, 2006).

(7) 40 CFR §268.7 Testing, tracking, and recordkeeping requirements for generators, reverse distributors, treaters, and disposal facilities (as published by EPA on November 7, 1986, and as amended on June 4, 1987, November 28, 2016, and February 22, 2019).

(8) §268.8 [Reserved]

(9) §268.9 Special rules regarding wastes that exhibit a characteristic (as published by EPA on June 1, 1990, and as amended on January 31, 1991; August 18, 1992; May 24, 1993; September 19, 1994; January 3, 1995; April 8, 1996; May 12, 1997; May 11, 1999; and April 4, 2006).

Author: Stephen C. Maurer; Amy P. Zachry; Lynn T. Roper; Vernon H. Crockett; Sonja B. Favors; Brent A. Watson; Jonah L. Harris
Statutory Authority: Code of Ala. 1975, §§22-30-4, 22-30-6, 22-30-11.
History: August 24, 1989. **Amended:** December 6, 1990; January 25, 1992; January 1, 1993. **Amended:** Filed: November 30, 1994 effective January 5, 1995. **Amended:** Filed March 22, 1995; effective April 28, 1995. **Amended:** Filed December 8, 1995; effective January 12, 1996. **Amended:** Filed February 21, 1997; effective March 28, 1997. **Amended:** Filed February 20, 1998; effective March 27, 1998. **Amended:** Filed February 26, 1999; effective April 2, 1999. **Amended:** Filed February 25, 2000; effective March 31, 2000. **Amended:** Filed March 9, 2001; effective April 13, 2001. **Amended:** Filed February 24, 2005; effective March 31, 2005. **Amended:** Filed February 14, 2017; effective March 31, 2017. **Amended:** Filed February 20, 2018; effective April 7, 2018. **Amended:** Published February 28, 2020; effective April 13, 2020. **Amended:** Published December 31, 2020; effective February 14, 2021. **Amended:** Published April 28, 2023; effective June 12, 2023.

335-14-9-.02 Subpart B-Schedule For Land Disposal Prohibition And Establishment Of Treatment Standards.

(1) 40 CFR §268.10 [Reserved]

(2) 40 CFR §268.11 [Reserved]

(3) 40 CFR §268.12 [Reserved]

(4) 40 CFR §268.13 Schedule for wastes identified or listed after November 8, 1984 (as published by EPA on May 28, 1986).

(5) 40 CFR §268.14 Surface Impoundment Exemptions (as published by EPA on August 18, 1992, and as amended July 14, 2006).
Author: Stephen C. Maurer; Amy P. Zachry; Bradley N. Curvin; Vernon H. Crockett
Statutory Authority: Code of Ala. 1975, §§22-30-4, 22-30-6, 22-30-11.
History: August 24, 1989. **Amended:** December 6, 1990; January 25, 1992. **Amended:** Filed: November 30, 1994 effective January 5, 1995. **Amended:** Filed March 22, 1995; effective April 28, 1995. **Amended:** Filed February 21, 1997; effective March 28, 1997. **Amended:** Filed February 28, 2006; effective April 4, 2006. **Amended:** Filed February 14, 2017; effective March 31, 2017.

335-14-9-.03 Subpart C-Prohibitions On Land Disposal.

(1) 40 CFR §268.20 Waste specific prohibitions – Dyes and/or pigments production wastes (as published by EPA on February 24, 2005).

(2) 40 CFR §268.21 [Reserved]

(3) 40 CFR §268.22 [Reserved]

(4) 40 CFR §268.23 [Reserved]

(5) 40 CFR §268.24 [Reserved]

(6) 40 CFR §268.25 [Reserved]

(7) 40 CFR §268.26 [Reserved]

(8) 40 CFR §268.27 [Reserved]

(9) 40 CFR §268.28 [Reserved]

(10) 40 CFR §268.29 [Reserved]

(11) 40 CFR §268.30 Waste specific prohibitions – Wood preserving wastes (as published by EPA on May 12, 1997).

(12) 40 CFR §268.31 Waste specific prohibitions - Dioxin containing wastes (as published by EPA on August 17, 1988).

(13) 40 CFR §268.32 Waste specific prohibitions – Soil exhibiting the toxicity characteristic for metals and containing PCBs (as published by EPA on December 26, 2000).

(14) 40 CFR §268.33 Waste specific prohibitions – chlorinated aliphatic wastes (as published by EPA on November 8, 2000).

(15) 40 CFR §268.34 Waste specific prohibitions - toxicity characteristics metal wastes (as published by EPA on September 9, 1998).

(16) 40 CFR §268.35 Waste specific prohibitions - petroleum refining wastes (as published by EPA on August 6, 1998).

(17) 40 CFR §268.36 Waste specific prohibitions – inorganic chemical wastes (as published by EPA on November 20, 2001).

(18) 40 CFR §268.37 Waste specific prohibitions - Ignitable and corrosive characteristic wastes whose treatment standards were vacated (as published by EPA on May 24, 1993).

(19) 40 CFR §268.38 Waste specific prohibitions - Newly identified organic toxicity characteristic wastes and newly listed coke by-product and chlorotoluene production wastes (as published by EPA on September 19, 1995).

(20) 40 CFR §268.39 Waste specific prohibitions - Spent aluminum potliners; reactive; and carbamate wastes (as published by EPA on April 8, 1996, and as amended on June 28, 1996; January 14, 1997; June 17, 1997; July 14, 1997; and September 24, 1998).

Author: Stephen C. Maurer; Steven O. Jenkins; Amy P. Zachry; Lynn T. Roper; Bradley N. Curvin; Vernon H. Crockett

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

History: August 24, 1989. **Amended:** December 21, 1989; December 6, 1990; January 25, 1992; January 1, 1993. **Amended:** Filed November 30, 1994 effective January 5, 1995. **Amended:** Filed March 22, 1995; effective April 28, 1995. **Amended:** Filed February 21, 1997; effective March 28, 1997. **Amended:** Filed February 20, 1998; effective March 27, 1998. **Amended:** Filed February 26, 1999; effective April 2, 1999. **Amended:** Filed February 25, 2000; effective March 31, 2000. **Amended:** Filed March 9, 2001; effective April 13, 2001. **Amended:** Filed February 8, 2002; effective March 15, 2002. Adopted by Reference: Filed March 13, 2003; effective April 17, 2003. **Amended:** Filed February 24, 2005; effective March 31, 2005. **Amended:** Filed February 28, 2006; effective April 4, 2006. **Amended:** Filed February 14, 2017; effective March 31, 2017.

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 September19, 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 Ala. 1975, §§22-30-4, 22-30-6, 22-30-11.
History: August 24, 1989. **Amended**: December 6, 1990; January 25, 1992; January 1, 1993. **Amended**: Filed: November 30, 1994 effective January 5, 1995. **Amended**: Filed March 22, 1995; effective April 28, 1995. **Amended**: Filed: December 8, 1995; effective January 12, 1996. **Amended**: Filed February 21, 1997; effective March 28, 1997. **Amended**: Filed February 20, 1998; effective March 27, 1998. **Amended**: Filed February 26, 1999; effective April 2, 1999. **Amended**: Filed February 25, 2000; effective March 31, 2000. **Amended**: Filed March 9, 2001; effective April 13, 2001. **Amended**: Filed February 8, 2002; effective March 15, 2002. **Amended**: Filed March 13, 2003; effective April 17, 2003. Adopted by Reference: Filed March 13, 2003; effective April 17, 2003. **Amended**: Filed February 14, 2017; effective March 31, 2017.

335-14-9-.05 Subpart E-Prohibitions On Storage.

(1) §268.50 Prohibitions on storage of restricted wastes (as published by EPA on November 7, 1986; June 4, 1987, and as amended on July 8, 1987; September 6, 1989; August 18, 1992; November 30, 1998; July 14, 2006; November 28, 2016; and February 22, 2019).
Author: Stephen C. Maurer; Amy P. Zachry; Vernon H. Crockett; Jonah L. Harris.
Statutory Authority: Code of Ala. 1975, §§22-30-4, 22-30-6, 22-30-11.
History: August 24, 1989; **Amended**: December 6, 1990; January 25, 1992. **Amended**: Filed: November 30, 1994 effective January 5,

1995. **Amended:** Filed February 25, 2000; effective March 31, 2000. **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.

335-14-9-A1 Appendix I - (Reserved 3/27/98).
Author: Stephen C. Maurer, Amy P. Zachry
Statutory Authority: Code of Ala. 1975, §§22-30-4, 22-30-6, 22-30-11.
History: August 24, 1989. **Amended:** December 6, 1990; January 25, 1992. **Amended:** Filed: November 30, 1994 effective January 5, 1995. **Repealed:** Filed February 20, 1998; effective March 27, 1998.

335-14-9-A2 Appendix II - (Reserved 3/27/98).
Author: Stephen C. Maurer, Amy P. Zachry
Statutory Authority: Code of Ala. 1975, §§22-30-4, 22-30-6, 22-30-11.
History: August 24, 1989. **Amended:** December 6, 1990; January 25, 1992. **Amended:** Filed: November 30, 1994 effective January 5, 1995. **Repealed:** Filed February 20, 1998; effective March 27, 1998.

335-14-9-A3 Appendix III - List Of Halogenated Organic Compounds Regulated Under §268.32.

(as published by EPA on December 26, 2000)
Author: Amy P. Zachry; Vernon H. Crockett
Statutory Authority: Code of Ala. 1975, §§22-30-10, 22-30-11, 22-30-16.
History: August 24, 1989. **Amended:** December 6, 1990; January 25, 1992. **Amended:** Filed: November 30, 1994 effective January 5, 1995. **Repealed:** Filed February 20, 1998; effective March 27, 1998. **New Rule:** Filed February 8, 2002; effective March 15, 2002. **Amended:** Filed March 13, 2003; effective April 17, 2003. **Amended:** Filed February 14, 2017; effective March 31, 2017.

335-14-9-A4 Appendix IV - Wastes Excluded From Lab Packs Under The Alternative Treatment Standards Of §268.42(c).

(as published by EPA on September 19, 1994)
Author: Stephen C. Maurer; Vernon H. Crockett
Statutory Authority: Code of Ala. 1975, §§22-30-4, 22-30-6, 22-30-11.

History: December 6, 1990. **Amended:** January 25, 1992. **Amended:** Filed: November 30, 1994 effective January 5, 1995. **Amended:** Filed March 22, 1995; effective April 28, 1995. **Amended:** Filed February 19, 2013; effective March 26, 2013. **Amended:** Filed February 14, 2017; effective March 31, 2017.

335-14-9-A5 Appendix V - (Reserved 4/26/95).
Author:
Statutory Authority: Code of Ala. 1975, §§22-30-4, 22-30-6, 22-30-11.
History: December 6, 1990. **Amended:** January 25, 1992. **Amended:** Filed: November 30, 1994 effective January 5, 1995. **Amended:** Filed March 22, 1995; effective April 28, 1995.

335-14-9-A6 Appendix VI - Recommended Technologies To Achieve Deactivation Of Characteristics In §268.42.

(as published by EPA on June 1, 1990 and as amended on May 12, 1997)
Author: Stephen C. Maurer, Amy P. Zachry; Vernon H. Crockett
Statutory Authority: Code of Ala. 1975, §§22-30-4, 22-30-6, 22-30-11.
History: December 6, 1990. **Amended:** January 25, 1992. **Amended:** Filed: November 30, 1994 effective January 5, 1995. **Amended:** Filed March 22, 1995; effective April 28, 1995. **Amended:** Filed February 20, 1998; effective March 27, 1998. **Amended:** Filed February 19, 2013; effective March 26, 2013. **Amended:** Filed February 14, 2017; effective March 31, 2017.

335-14-9-A7 Appendix VII - LDR Effective Dates Of Surface Disposed Prohibited Hazardous Wastes.

(as published by EPA on May 12, 1997 and as amended on May 26, 1998; June 8, 2000; July 14, 2006, and December 17, 2010)
Author: Stephen C. Maurer; Amy P. Zachry; Lynn T. Roper; Vernon H. Crockett
Statutory Authority: Code of Ala. 1975, §§220-30-4, 22-30-6, 22-30-11.
History: December 6, 1990. **Amended:** January 25, 1992. **Amended:** Filed: November 30, 1994 effective January 5, 1995. **Amended:** Filed February 20, 1998; effective March 27, 1998. **Amended:** Filed February 26, 1999; effective April 2, 1999. **Amended:** Filed March 9, 2001; effective April 13, 2001. **Amended:** Filed February 8, 2002; effective March 15, 2002. **Amended:** Filed February 24, 2005; effective March 31, 2005. **Amended:** Filed February 14, 2017; effective March 31, 2017.

335-14-9-A8 **Appendix VIII - LDR Effective Dates Of Injected Prohibited Hazardous Wastes.**

(as published by EPA on May 12, 1997 and as amended on May 26, 1998; and July 14, 2006)
Author: Stephen C. Maurer; Amy P. Zachry; Vernon H. Crockett
Statutory Authority: Code of Ala. 1975, §§22-30-4, 22-30-6, 22-30-11.
History: December 6, 1990. **Amended:** January 25, 1992. **Amended:** Filed: November 30, 1994 effective January 5, 1995. **Amended:** Filed February 20, 1998; effective March 27, 1998. **Amended:** Filed February 26, 1999; effective April 2, 1999. **Amended:** Filed February 14, 2017; effective March 31, 2017.

335-14-9-A9 **Appendix IX - Extraction Procedure (EP) Toxicity Test Method And Structural Integrity Test (SW-846, Method 1310).**

Note: The EP (Method 1310B) is published in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in 335-14-1-.01(2).
Author: Stephen C. Maurer; Lynn T. Roper; Vernon H. Crockett
Statutory Authority: Code of Ala. 1975, §§22-30-4, 22-30-6, 22-30-11.
History: January 25, 1992. **Amended:** Filed November 30, 1994; effective January 5, 1995. **Amended (Title Only):** Filed February 24, 2005; effective March 31, 2005. **Amended:** Filed February 14, 2017; effective March 31, 2017.

335-14-9-A10 **Appendix X - (Reserved 3/27/98).**
Author: C. Lynn Garthright, Amy P. Zachry
Statutory Authority: Code of Ala. 1975, §§22-20-4, 22-20-6, 22-30-11.
History: **New Rule:** Filed March 22, 1995; effective April 28, 1995. **Amended:** Filed: December 8, 1995; effective January 12, 1996. **Repealed:** Filed February 20, 1998; effective March 27, 1998.

335-14-9-A11 **Appendix XI - Metal Bearing Waste Prohibited From Dilution In A Combustion Unit According To 40 CFR 268.3(c).**

(as published by EPA on April 8,1996)

Note: A combustion unit is defined as any thermal technology subject to 40 CFR 264, subpart O; 40 CFR 265, subpart O; and/or 40 CFR 266, subpart H.
Author: Amy P. Zachry; Vernon H. Crockett
Statutory Authority: Code of Ala. 1975, §§22-30-4, 22-30-6, 22-30-11.
History: **New Rule:** Filed February 21, 1997; effective March 28, 1997. **Amended:** Filed February 14, 2017; effective March 31, 2017.