ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT LAND DIVISION ADMINISTRATIVE CODE

CHAPTER 335-16-5 RESPONSIBILITIES

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335-16-5-.01 General Provisions.

(1) Any eligible entity shall not be required to:

(a) Obtain any State permit or engage in closure, post closure, or corrective action pursuant to the AHWMMA;

(b) Establish or maintain any financial assurance;

(c) Become obligated to pay for any costs, except for the deductible set forth in Code of Ala. 1975, §22-30D-9, in connection with contamination occurring at any drycleaning facility, abandoned drycleaning facility, wholesale distribution facility, or at the real property of any impacted third party, or any adjacent landowner(s) which may have failed to operate as a permitted treatment, storage or disposal facility as defined under AHWMMA; or

(d) Replace any drycleaning unit that was in operation prior to May 24, 2003, unless required by ADEM Admin. Code Regulations or by any federal laws promulgated by the United States Environmental Protection Agency.

(2) Any eligible entity shall be required to:

(a) Submit a report to the Department of any actual or suspected contamination.

(b) Commence initial investigation and, if necessary assessment remediation activities.

(c) Submit as required, all necessary plans and reports as described in 335-16-6.

(d) Comply with generator waste management requirements of 335-16-3.

Author: Lawrence A. Norris, Clethes Stallworth, Ashley S. Powell
Statutory Authority: Code of Ala. 1975, §§22-30D-4, 22-30D-9.

History: New Rule: Filed June 20, 2003; effective July 25, 2003.
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335-16-5-.02 Performance Standards.

Compliance with performance standards for new drycleaning facilities are required upon the effective date of these regulations. Compliance with performance standards for existing facilities shall occur no later than May 23, 2005, and a schedule for the implementation of the standards shall be submitted to the Department within 60 days of the adoption of these regulations. The performance standards at a minimum shall include the following:

(a) Any person who generates regulated waste(s) that contain drycleaning agent(s) at a drycleaning facility or wholesale distribution facility shall ensure delivery of such waste(s) to a facility that is legally authorized to manage or recycle waste(s) that contain drycleaning agents;

(b) Release of wastewater containing drycleaning agent from drycleaning facilities to any sanitary sewer or septic tank, any land or ground application thereof, or any discharge to waters of the State is not authorized;

(c) Mandatory reporting of all releases of reportable quantities of drycleaning agent to the Department;

(d) All drycleaning agents or wastes containing drycleaning agents shall be stored in closed containers and handled so to minimize the risk of leakage or spillage;

(e) Dikes or other containment structures shall be installed around each drycleaning machine and each drycleaning agent or waste storage area, such that the structures shall be capable of containing a release of drycleaning agent;

(f) All containment structures shall be constructed of materials which are impervious to drycleaning agents;

(g) All drycleaning agents shall be delivered to drycleaning machines via closed or direct-coupled systems; and

(h) If applicable, compliance with the National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities (40 CFR 63, subpart m) and adopted by the Department as ADEM Admin. Code r. 335-3-11-.06(12).

Author: Lawrence A. Norris, Clethes Stallworth, Ashley S. Powell
Statutory Authority: Code of Ala. 1975, §22-30D-4.
History: New Rule: Filed June 20, 2003; effective July 25, 2003.
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