

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 335

Department or Agency: Alabama Department of Environmental Management Land
Division - Hazardous Waste Program

Rule No.: 335-14-3-.04

Rule Title: Recordkeeping And Reporting Applicable To Small And
Large Quantity Generators

Intended Action Amend

Would the absence of the proposed rule significantly harm or
endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police
power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available
that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly
increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm
that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the
purpose of, and so they have, as their primary effect, the
protection of the public? Yes

Does the proposed action relate to or affect in any manner any
litigation which the agency is a party to concerning the subject
matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be
accompanied by a fiscal note prepared in accordance with subsection (f) of Section
41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance
with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it
conforms to all applicable filing requirements of the Administrative Procedure
Division of the Legislative Services Agency.

Signature of certifying officer

Jeffery W. Kitchens
Jeffery W. Kitchens

REC'D & FILED
AUG 19, 2025

Date

Tuesday, August 19, 2025

LEGISLATIVE SVC AGENCY

APA-2

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT LAND DIVISION - HAZARDOUS
WASTE PROGRAM**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-14-3-.04 Recordkeeping And Reporting Applicable
To Small And Large Quantity Generators

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Department proposes to revise Rule 335-14-3-.04 to adopt the Technical Corrections for the Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceuticals Rule, and the Definition of Solid Waste Rule and the Integrating e-Manifest with Hazardous Waste Exports and Other Manifest-Related Reports. 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.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held at 10:00 a.m., October 7, 2025, in the ADEM Main Hearing Room, 1400 Coliseum Boulevard, Montgomery, Alabama 36110. Attendance at the hearing is not necessary to present such data, views, arguments, or comments. All comments should be received by 5:00 p.m., October 7, 2025. Written submissions and other inquiries should be directed to: ADEM Hearing Officer, Office of General Counsel, Alabama Department of Environmental Management, P.O. Box 301463, Montgomery, AL 36130-1463 (street address: 1400 Coliseum Boulevard, Montgomery, AL 36110-2400) or by e-mail at hearing.officer@adem.alabama.gov.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, October 7, 2025

CONTACT PERSON AT AGENCY:

Lynn T. Roper, 334-271-7728

Jeffery W. Kitchens

Jeffery W. Kitchens

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

Recordkeeping And Reporting Applicable To Small And Large Quantity Generators.(1) Recordkeeping.

(a) A generator must keep a copy of each manifest signed in accordance with 335-14-3-.02(4)(a) for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

(b) A generator must keep a copy of each Biennial Report, Exception Report, and Closure Report for a period of at least three years from the due date of the report.

(c) See 335-14-3-.01(2)(f) for recordkeeping requirements for documenting hazardous waste determinations.

(d) The periods of retention referred to in 335-14-3-.04(1) are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Department.

(e) All records, including plans, required under 335-14-3 must be furnished upon request, and made available at reasonable times for inspection by any officer, employee, or representative of the Department.

(2) Biennial report for large quantity generators.

(a) A generator that is a large quantity generator for at least one month of an odd-numbered year (reporting year) who ships any hazardous waste off-site to a treatment, storage, or disposal facility within the United States must prepare and submit a single copy of a Biennial Report to the Department by March 1 of each even numbered year. The Biennial Report must be submitted on the Hazardous Waste Generator Biennial Report ~~form-supplied~~using the method(s) approved by the Department, and must cover generator activities during the previous calendar year and must include the following information:

1. The EPA identification number, name, and address of the generator;
2. The calendar year covered by the report;
3. The EPA identification number, name, and location address for each off-site treatment, storage, or disposal

facility in the United States to which waste was shipped during the year;

4. The name and EPA identification number of each transporter used during the reporting year for shipments to a treatment, storage, or disposal facility within the United States;

5. A description, EPA hazardous waste number, United States Department of Transportation hazard class, and quantity of each hazardous waste shipped off-site for shipments to a treatment, storage, or disposal facility within the United States. This information must be listed by EPA identification number of each such off-site facility to which waste was shipped;

6. A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.

7. A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984.

8. The certification signed by the generator or authorized representative; and

9. Any other information requested in the instructions to the Hazardous Waste Generator Biennial Report form.

(b) Any generator that is a large quantity generator for at least one month of an odd-numbered year (reporting year) who treats, stores, or disposes of hazardous waste on-site must submit a biennial report covering those wastes in accordance with the provisions of Chapters 335-14-5, 335-14-6, 335-14-7, and 335-14-8. This requirement also applies to large quantity generators that receive hazardous waste from very small quantity generators pursuant to 335-14-3-.01(7)(f).

(c) Exports of hazardous waste to foreign countries are not required to be reported on the Biennial Report form. A separate annual report requirement is set forth in Rule 335-14-3-.09(4).

(3) Exception reporting.

(a)1. A Large Quantity Generator who does not receive a copy of the manifest with the ~~handwritten~~ signature of the owner or operator of the designated facility within ~~34~~⁴⁵ days of the

date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.

2. A Large Quantity Generator must submit an Exception Report to the Department if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within ~~45~~60 days of the date the waste was accepted by the initial transporter. The Exception Report must include:

(i) A legible copy of the manifest for which the generator does not have confirmation of delivery; and

(ii) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

3. Beginning on December 1, 2025, the Department will no longer accept mailed paper Exception Reports from large quantity generators. Beginning on December 1, 2025, a large quantity generator must submit an Exception Report to the EPA e-Manifest system if the generator has not received a copy of the manifest with the signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter. The Exception Report must include:

(i) A legible copy of the manifest for which the generator does not have confirmation of delivery.

(ii) An explanation of the efforts taken to locate the hazardous waste and the results of those efforts

(b) A Small Quantity Generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter must:

1. Submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the Department.

[Note: The submission to the Department need only be a handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received.]

2. Beginning on December 1, 2025, the Department will no longer accept mailed paper Exception Reports from small quantity generators. Beginning on December 1, 2025, a small quantity generator must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the ~~Department~~EPA e-Manifest system. Generators that are normally VSQGs but are subject to the SQG provisions of this paragraph (b) because of an episodic generation event pursuant to 335-14-3-.13(3)(a)5., must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA Regional Administrator for the Region in which the generator is located.

(c) A generator must notify the Department in writing within 15 days after receiving a manifest that was the subject of a previous Exception Report submitted to the Department. This notification must include a legible copy of the manifest returned to the generator by the designated facility.

(d) For rejected shipments of hazardous waste or container residues contained in non-empty containers that are forwarded to an alternate facility by a designated facility using a new manifest [following the procedures of 335-14-5-.05(3)(e)1. through 6. or 335-14-6-.05(3)(e)1. through 6.] the generator must comply with the requirements of 335-14-3-.04(3)(a) or (b), as applicable, for the shipment forwarding the material from the designated facility to the alternate facility instead of for the shipment from the generator to the designated facility. For purposes of 335-14-3-.04(3)(a) or (b) for a shipment forwarding such waste to an alternate facility by a designated facility:

1. The copy of the manifest received by the generator must have the handwritten signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility, and

2. The ~~35-~~, ~~45-~~, ~~and~~ /60-day timeframes begin the date the waste was accepted by the initial transporter forwarding the hazardous waste shipment from the designated facility to the alternate facility.

(e) 1. Beginning on December 1, 2025, any requirement in these regulations for a generator to keep or retain a copy of an Exception Report is satisfied by retention of a signed electronic Exception Report in the generator's account on the EPA e-Manifest system, provided that the Exception Report is readily available if requested by the Department or the EPA.

2. Beginning on December 1, 2025, no generator may be held liable for the inability to produce an electronic Exception Report for inspection under 335-14-3-.04(3) if the generator can demonstrate that the inability to produce the electronic Exception Report is due exclusively to a technical difficulty with the e-Manifest system for which the generator bears no responsibility.

(4) Additional reporting. The Department, as it deems necessary, may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in Chapter 335-14-2.

(5) Recordkeeping for Small Quantity Generators. A small quantity generator is subject only to the following independent requirements in 335-14-3-.04:

(a) 335-14-3-.04(1)(a), (c), (d) and (e), recordkeeping;

(b) 335-14-3-.04(3)(b), exception reporting; and

(c) 335-14-3-.04(4), additional reporting.

Author: Stephen C. Maurer; Michael B. Champion, C. Edwin Johnston; Bradley N. Curvin; Theresa A. Maines; Heather M. Jones; Metz P. Duites; Vernon H. Crockett; Sonja B. Favors; Brent A. Watson; Jonah L. Harris; [Kelley Hartley](#)

Statutory Authority: Code of Ala. 1975, §§22-30-11, 22-30-14, 22-30-17, 22-30-18.

History: November 19, 1980. **Amended:** April 9, 1986; September 29, 1986; August 24, 1989; December 6, 1990. **Amended:** Filed February 21, 1997; effective March 28, 1997. **Amended:** Filed March 9, 2001; effective April 13, 2001. **Amended:** Filed February 24, 2005; effective March 31, 2005. **Amended:** Filed February 28, 2006; effective April 4, 2006. **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, 2011; effective March 30, 2011. **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. **Amended:** Published _____; effective _____.