

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-.02
Rule Title: The Manifest Requirements 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

Date

Tuesday, August 19, 2025

REC'D & FILED
AUG 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-.02 The Manifest Requirements Applicable To
Small And Large Quantity Generators

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Department proposes to revise Rule 335-14-3-.02 to adopt 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)

**The Manifest Requirements Applicable To Small
And Large Quantity Generators.**

(1) General requirements.

(a) General.

1. A generator who transports, or offers for ~~transportation~~transport, hazardous waste for off-site treatment, storage, or disposal, or a treatment, storage, or disposal facility who offers for ~~transportation~~transport a rejected hazardous waste load, must prepare a Manifest (OMB control number 2050-0039) on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A. Large and small quantity generators must register with the EPA's e-Manifest system to obtain signed and dated copies of completed manifests from the EPA e-Manifest system and comply with paragraph (a) (2) of 335-14-3-.02(1).

2. ~~[Reserved]~~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 generator is required to complete, the generator 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 as described in 335-14-6-.05(2) (1), which applies to corrections made to either paper or electronic manifests.

3. ~~Electonic~~Electronic Manifest. In lieu of using the manifest form specified in 335-14-3-.02(1) (a)1., a person required to prepare a manifest under 335-14-3-.02(1) (a)1. may prepare and use an electronic manifest, provided that the person:

(i) Complies with the requirements of 335-14-3-.02(5); and

(ii) Complies with the requirements of 40 CFR §3.10 for the reporting of electronic documents to EPA.

(b) A generator must designate on the manifest one facility which is permitted to handle the waste described on the manifest.

(c) A generator may also designate on the manifest one alternate facility which is permitted to handle his waste in the event an emergency prevents delivery of the waste to the primary designated facility.

(d) If the transporter is unable to deliver the hazardous waste to the designated facility or the alternate facility, the generator must either designate another facility or instruct the transporter to return the waste to the generator.

(e) The requirements of 335-14-3-.02 do not apply to small quantity generators where:

1. The waste is reclaimed under a contractual agreement pursuant to which:

(i) The type of waste and frequency of shipments are specified in the agreement;

(ii) The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; and

2. The generator maintains a copy of the reclamation agreement in his files for a period of at least three years after termination or expiration of the agreement.

(f) The requirements of 335-14-3-.02 and 335-14-3-.03(3)(b) do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Notwithstanding 335-14-4-.01(1)(a), the generator or transporter must comply with the requirements for transporters set forth in 335-14-4-.03(1) and (2) in the event of a discharge of hazardous waste on a public or private right-of-way.

(2) Manifest tracking numbers, manifest printing, and obtaining manifests.

(a) General.

1. A registrant may not print, or have printed, the manifest for use or distribution unless it has received approval from the EPA Director of the Office of Resource Conservation and Recovery to do so under 40 CFR 262.21(c) and 262.21(e).

2. The approved registrant is responsible for ensuring that the organizations identified in its application are in compliance with the procedures of its approved application and the requirements of 335-14-3-.02(2). The registrant is responsible for assigning manifest tracking numbers to its manifests.

(b) [Reserved].

(c) [Reserved].

(d) [Reserved].

(e) [Reserved].

(f) ~~[Reserved]~~ Paper manifests and continuation sheets must be printed according to the following specifications:

1. The manifest and continuation sheet must be printed with the exact format and appearance as EPA Forms 8700-22 and 8700-22A, respectively. However, information required to complete the manifest may be pre-printed on the manifest form.

2. A unique manifest tracking number assigned in accordance with a numbering system approved by EPA must be pre-printed in Item 4 of the manifest. The tracking number must consist of a unique three-letter suffix following nine digits.

3. The manifest and continuation sheet must be printed on 8 1/2 × 11-inch white paper, excluding common stubs (e.g., top- or side-bound stubs). The paper must be durable enough to withstand normal use.

4. The manifest and continuation sheet must be printed in black ink that can be legibly photocopied, scanned, or faxed, except that the marginal words indicating copy distribution must be printed with a distinct ink color or with another method (e.g., white text against black background in text box, or, black text against grey background in text box) that clearly distinguishes the copy distribution notations from the other text and data entries on the form.

5. The manifest and continuation sheet must be printed as four-copy forms. Copy-to-copy registration must be exact within 1/32nd of an inch. Handwritten and typed impressions on the form must be legible on all four copies. Copies must be bound together by one or more

common stubs that reasonably ensure that they will not become detached inadvertently during normal use.

6. Each copy of the manifest and continuation sheet must indicate how the copy must be distributed, as follows:

(i) Page 1 (top copy): "U.S. Designated Facility or U.S. Exporter to the EPA's e-Manifest System".

(ii) Page 2: "Designated Facility to Generator";

(iii) Page 3: "Transporter Copy"; and

(iv) Page 4 (bottom copy): "Generator's Initial Copy".

7. The instructions for the manifest form (EPA Form 8700-22) and the manifest continuation sheet (EPA Form 8700-22A) shall be printed in accordance with the content that is currently approved under OMB Control Number 2050-0039. The instructions must appear legibly on the back of the copies of the manifest and continuation sheet as provided in this paragraph (f). The instructions must not be visible through the front of the copies when photocopied or faxed.

(i) Manifest Form 8700-22.

(I) The "Instructions for Generators" on Copy 4;

(II) The "Instructions for Transporters" on Copy 3; and

(III) The "Instructions for Exporters or Owners and Operators of Receiving Facilities Designated on the Manifest" on Top Copy (Page 1).

(ii) Manifest Form 8700-22A.

(I) The "Instructions for Generators" on Copy 4;

(II) The "Instructions for International Shipment Block" and "Instructions for Transporters" on Copy 3; and

(III) The "Instructions for Exporters or Owners and Operators of Receiving Facilities Designated on the Manifest" on Top Copy (Page 1).

8. The designated facility copy of each manifest and continuation sheet must include in the bottom margin the following warning in prominent font: "If you received this manifest, you have responsibilities under the e-Manifest Act. See instructions on reverse side."

(g) A generator may use manifests printed by any source so long as the source of the printed form has received approval from the EPA to print the manifest under 40 CFR 262.21(c) and 262.21(e).

1. A registered source may be a:

(i) State agency;

(ii) Commercial printer;

(iii) Hazardous waste generator, transporter or TSDf; or

(iv) Hazardous waste broker or other preparer who prepares or arranges shipments of hazardous waste for transportation.

2. A generator must determine whether the generator state or the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under the states' authorized programs. Generators also must determine whether the consignment state or generator state requires the generator to submit any copies of the manifest to these states. In cases where the generator must supply copies to either the generator's state or the consignment state, the generator is responsible for supplying legible photocopies of the manifest to these states.

(3) Number of copies. The manifest shall consist of at least the number of copies which will provide the Department (if required), the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records and another copy to be returned to the generator.

(4) Use of the manifest.

(a) The generator must:

1. Sign the manifest certification by hand; and

2. Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and

3. Retain one copy of the manifest, in accordance with 335-14-3-.04(1) (a) .

(b) The generator must give the transporter the remaining copies of the manifest.

(c) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in accordance with 335-14-3-.02(4) to the owner or operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.

(d) For rail shipments of hazardous waste within the United States which originate at the site of generation, the generator must send at least three copies of the manifest dated and signed in accordance with 335-14-3-.02(4) to:

1. The next non-rail transporter, if any; or

2. The designated facility if transported solely by rail; or

3. The last rail transporter to handle the waste in the United States if exported by rail.

(e) For shipments of hazardous waste to a designated facility in an authorized state which has not yet obtained authorization to regulate that particular waste as hazardous, the generator must assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility.

(f) For rejected shipments of hazardous waste or container residues contained in non-empty containers that are returned to the generator by the designated facility [following the procedures of 335-14-5-.05(3) (f) or 335-14-6-.05(3) (f)], the generator must:

1. Sign either:

(i) Item 20 of the new manifest if a new manifest is used for the returned shipment; or

(ii) Item 18c of the original manifest if the original manifest is used for the returned shipment;

2. Provide the transporter a copy of the manifest;
3. Within thirty (30) days of delivery of the rejected shipment or container residues contained in non-empty containers, send a copy of the manifest to the designated facility that returned the shipment to the generator; and
4. Retain at the generator's site a copy of each manifest for at least three (3) years from the date of delivery.

(5) Use of the electronic manifest.

(a) Legal equivalence to paper manifests. Electronic manifests that are obtained, completed, and transmitted in accordance with 335-14-3-.02(1)(a)3. and used in accordance with 335-14-3-.02(5) in lieu of EPA Forms 8700-22 and 8700-22A are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in these regulations to obtain, complete, sign, provide, use, or retain a manifest.

1. 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 within the meaning of 40 CFR §262.25(a).

2. Any requirement in these regulations to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when an electronic manifest is transmitted to the other person by submission to the e-Manifest system.

3. Any requirement in these regulations for a generator to keep or retain a copy of each manifest is satisfied by retention of a signed electronic manifest in the generator's account on the national e-Manifest system, provided that such copies are readily available for viewing and production if requested by the Department or EPA.

4. No generator may be held liable for the inability to produce an electronic manifest for inspection under ~~this section~~335-14-3-.02(5) if the generator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the electronic manifest system for which the generator bears no responsibility.

(b) A generator may participate in the electronic manifest system either by accessing the electronic manifest system from its own electronic equipment, or by accessing the electronic manifest system from portable equipment brought to the generator's site by the transporter who accepts the hazardous waste shipment from the generator for offsite transportation.

(c) Restriction on use of electronic manifests. A generator may use an electronic manifest for the tracking of waste shipments involving any hazardous waste only if it is known at the time the manifest is originated that all waste handlers named on the manifest participate in the electronic manifest system, except that:

1. A generator may sign by hand and retain a paper copy of the manifest signed by hand by the initial transporter, in lieu of executing the generator copy electronically, thereby enabling the transporter and subsequent waste handlers to execute the remainder of the manifest copies electronically.

2. [Reserved]

(d) Requirement for one printed copy. To the extent a paper document is required for compliance with 49 CFR §177.817, a generator originating an electronic manifest must also provide the initial transporter with one printed copy of the electronic manifest.

(e) Special procedures when electronic manifest is unavailable. If a generator has prepared an electronic manifest for a hazardous waste shipment, but the electronic manifest system becomes unavailable for any reason prior to the time that the initial transporter has signed electronically to acknowledge the receipt of the hazardous waste from the generator, then the generator must obtain and complete a paper manifest, and, if necessary, a continuation sheet (EPA Forms 8700-22 and 8700-22A, if necessary) in accordance with the manifest instructions, and use these paper forms from this point forward in accordance with 335-14-3-.02(4).

(f) Special procedures for electronic signature methods undergoing tests. If a generator has prepared an electronic manifest for a hazardous waste shipment, and 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 generator shall also sign with an

ink signature the generator/offeror certification on the printed copy of the manifest provided under 335-14-3-.02(5) (d).

(g) [Reserved]

~~(h) Post receipt manifest data corrections. After facilities have certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any post receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. Generators may participate electronically in the post receipt data corrections process by following the process described in 335-14-5-.05(2)(1), which applies to corrections made to either paper or electronic manifest records.~~ [Reserved]

(6) [Reserved]

(7) Waste minimization certification. A generator who initiates a shipment of hazardous waste must certify to one of the following statements in Item 15 of the uniform hazardous waste manifest:

(a) "I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment."; or

(b) "I am a small quantity generator. I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford."

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, Jonah L. Harris.

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

History: November 19, 1980. **Amended:** April 9, 1986; September 29, 1986; August 24, 1989; December 6, 1990. **Amended:** Filed February 20, 1998; effective March 27, 1998. **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 28, 2006; effective April 4, 2006. **Amended:** Filed February 27, 2007; effective April 3, 2007. **Amended:** Filed February 23, 2010; effective March 30, 2010. **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:** Filed February 19, 2019;
effective April 6, 2019. **Amended:** Published April 28, 2023;
effective June 12, 2023 **Amended:** Published _____ ; effective
_____.