

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Friday, December 12, 2025, and filed with the agency secretary on Friday, December 12, 2025.

AGENCY NAME: Alabama Department of Environmental Management Land Division - Hazardous Waste Program

INTENDED ACTION: Amend

RULE NO.: 335-14-6-.02
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

RULE TITLE: General Facility Standards

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted without changes

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLIII, ISSUE NO. 11, AAM, DATED FRIDAY, AUGUST 29, 2025.

STATUTORY RULEMAKING AUTHORITY: Ala. Code §§ 22-22A- 5, 22-22A 6, 22-22A-8, 22-27-12, (as amended) and Ala. Code §§ 41-22-4 and 41-22-5 (as amended)

REC'D & FILED
(Date Filed)
(For LRS Use Only)
DEC 12, 2025
LEGISLATIVE SVC AGENCY

Jeffery W. Kitchens
Jeffery W. Kitchens
Certifying Officer or his or her Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

335-14-6-.02**General Facility Standards.**

(1) Applicability. The requirements of 335-14-6-.02 apply to owners and operators of all hazardous waste facilities except as 335-14-6-.01(1) provides otherwise.

(2) Identification number. Every facility owner or operator must obtain an EPA identification number by submitting a completed Notification of Regulated Waste Activity, ADEM Form 8700-12, to the Department, along with the appropriate fees specified in Chapter 335-1-6 of the ADEM Administrative Code.

(3) Required notices.

(a) The owner or operator of a facility that is arranging or has arranged to receive hazardous waste subject to 40 CFR 262, subpart H [incorporated by reference at 335-14-3-.09] from a foreign source must submit the following required notices:

1. As per 335-14-3-.09(5), for imports where the competent authority of the country of export does not require the foreign exporter to submit to it a notification proposing export and obtain consent from EPA and the competent authorities for the countries of transit, such owner or operator of the facility, if acting as the importer, must provide notification of the proposed transboundary movement in English to EPA using the allowable methods listed in 40 CFR 262, subpart H [incorporated by reference at 335-14-3-.09(5)] at least 60 days before the first shipment is expected to depart the country of export. The notification may cover up to one year of shipments of wastes having similar physical and chemical characteristics, the same United Nations classification, the same RCRA waste codes and OECD waste codes, and being sent from the same foreign exporter.

2. As per 335-14-3-.09(5), a copy of the movement document bearing all required signatures within three (3) working days of receipt of the shipment to the foreign exporter and to the competent authorities of the countries of export and transit that control the shipment as an export and transit shipment of hazardous waste respectively. For shipments received on or after the electronic import-export reporting compliance date, the receiving facility must close out the movement document to confirm receipt within three working days of shipment delivery using the EPA's Waste Import Export Tracking System (WIETS), or its successor system. For shipments

sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export. The original of the signed movement document must be maintained at the facility for at least three (3) years. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on WIETS, or its successor system, provided that copies are readily available for viewing and production if requested by any EPA or authorized State inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection 335-14-6-.02(3) if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with WIETS, or its successor system, for which the owner or operator of a facility bears no responsibility.

3. As per 335-14-3-.09(5), if the facility has physical control of the waste and it must be sent to an alternate facility or returned to the country of export, such owner or operator of the facility must inform EPA, using the allowable methods listed in 40 CFR 262, subpart H [incorporated by reference at 335-14-3-.09(5)] of the need to return or arrange alternate management of the shipment.

4. As per 335-14-3-.09(5), such owner or operator shall:

(i) Send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than thirty days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste, to the foreign exporter, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and on or after the electronic import-export reporting compliance date, to the EPA electronically using WIETS, or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the foreign exporter and the country of export.

(ii) If the facility performed any of recovery operations R12, R13, or RC3, or disposal operations D13 through D15, promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1, or one of disposal operations D1 through D12, or DC1 to DC2, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and on or after the electronic import-export reporting compliance date, to the EPA electronically using WIETS, or its successor system. The recovery and disposal operations in this paragraph are defined in 40 CFR 262.81 [incorporated by reference in 335-14-3-.09(2)]. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the country of export.

(b) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator must notify the new owner or operator in writing of the requirements of 335-14-6 and 335-14-8. However, an owner's or operator's failure to notify the new owner or operator as required by 335-14-6-.02(3)(b) in no way relieves the new owner or operator of his obligation to comply with all applicable requirements of Division 335-14.

(c)1. A facility owner or operator must submit a correct and complete ADEM Form 8700-12 (including all appropriate attachment pages and fees) 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).

2. In order to eliminate the need for multiple Notifications during the reporting year, facilities which anticipate periodically switching between generator classifications should notify for the higher classification (i.e., if a facility typically operates as small quantity generator, but anticipates being a large quantity generator for any period during the year, they should notify as a large quantity generator); and

3. 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.

(4) General waste analysis.

(a) Before an owner or operator treats, stores, or disposes of any hazardous waste, or non-hazardous wastes if applicable under 335-14-6-.07(4) (d), he must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, this analysis must contain all the information which must be known to treat, store, or dispose of the waste in accordance with the requirements of 335-14-6, 335-14-7, and 335-14-9.

2. The analysis may include data developed under 335-14-2, and existing published or documented data on the hazardous waste or on waste generated from similar processes.

3. The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:

(i) When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous wastes or non-hazardous waste, if applicable, under 335-14-6-.07(4) (d) has changed; and

(ii) For off-site facilities, when the results of the inspection or analysis required in 335-14-6-.02(4) (a)3. indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.

4. The owner or operator of an off-site facility must inspect and analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.

(b) The owner or operator must develop and follow a written waste analysis plan which describes the procedures which he will carry out to comply with 335-14-6-.02(4) (a). He must keep this plan at the facility. At a minimum, the plan must specify:

1. The parameters for which each hazardous waste, or non-hazardous waste if applicable under 335-14-6-.07(4)(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with 335-14-6-.02(4)(a));

2. The test methods which will be used to test for these parameters;

3. The sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:

(i) One of the sampling methods described in 335-14-2-Appendix I; or

(ii) An equivalent sampling method approved by the Department.

4. The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date.

5. For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply; and

6. Where applicable, the methods that will be used to meet the additional waste analysis requirements for specific waste management methods as specified in 335-14-6-.10(11), 335-14-6-.11(6), 335-14-6-.12(3), 335-14-6-.13(4), 335-14-6-.14(15), 335-14-6-.15(2), 335-14-6-.16(6), 335-14-6-.17(3), 335-14-6-.27, 335-14-6-.28, 335-14-6-.29, 335-14-7-.08(4), and 335-14-9-.01(7).

7. For surface impoundments exempted from land disposal restrictions under 335-14-9-.01(4), the procedures and schedule for:

(i) The sampling of impoundment contents;

(ii) The analysis of test data; and

(iii) The annual removal of residues which are not delisted under 335-14-1-.03(2) or which exhibit a characteristic of hazardous waste and either:

(I) Do not meet applicable treatment standards of Rule 335-14-9-.04; or

(II) Where no treatment standards have been established;

I. Such residues are prohibited from land disposal under 335-14-9-.03(13) or RCRA Section 3004(d); or

II. Such residues are prohibited from land disposal under 335-14-9-.03(14).

8. For owners and operators seeking an exemption to the air emission standards of 335-14-6-.29;

(i) The procedures and schedules for waste sampling and analysis, and the analysis of test data to verify the exemption.

(ii) Each generator's notice and certification of the volatile organic concentration in the waste if the waste is received from off site.

(c) For off-site facilities, the waste analysis plan required in 335-14-6-.02(4)(b) must also specify the procedures which will be used to inspect and analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe and justify:

1. The procedures which will be used to determine the identity of each movement of waste managed at the facility and shall include collection of representative samples which will be obtained from each waste stream from each shipment of waste received from each generator and analyzed in accordance with the requirements of 335-14-6-.02(4) to accurately identify each movement of hazardous waste received at the facility;

2. The sampling method and number of samples which will be used to obtain a representative sample of the waste stream to be identified; and

3. The method(s) which will be used to analyze the sample(s).

4. The procedures that the owner or operator of an off-site landfill receiving containerized hazardous waste will use to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container.

(d) For off-site facilities, samples of waste(s) from each generator collected in accordance with the requirements of 335-14-6-.02(4)(c) may be composited prior to analysis provided that:

1. No more than ten individual samples are composited into any one sample for analysis; and

2. Only compatible wastes from the same generator and waste stream are composited into any one sample which is to be analyzed.

3. In the event that the analytical results of sample(s) obtained in compliance with the requirements of 35-14-6-.02(4) indicate that the hazardous waste received at the facility does not match the waste described on the accompanying manifest or shipping paper, the facility owner or operator shall:

(i) Collect and analyze a representative sample from each container;

(ii) Identify the container(s) holding the waste(s) which cause the discrepancy to occur; and

(iii) Comply with the requirements of 335-14-6-.05(3)(b).

(e) Upon receipt of a satisfactory demonstration based on the types of waste received and treated, stored or disposed of at the facility, processes utilized to manage the waste, and any other reasonable factors, the Department may grant a partial or full exemption from the requirements for the sampling and analysis of each shipment of waste as required by 335-14-6-.02(4)(c).

[NOTE: The term "movement" as used in 335-14-6-.02(4) refers to individual truckloads, batches, shipments, etc., of wastes received at the facility. It is not intended to impose requirements for additional waste analyses for internal movements of wastes within the facility unless otherwise required by Division 335-14.]

(5) Security.

(a) The owner or operator must prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto the active portion of his facility, unless:

1. Physical contact with the waste, structures, or equipment within the active portion of the facility will not injure unknowing or unauthorized persons or livestock which may enter the active portion of a facility, and

2. Disturbance of the waste or equipment, by the unknowing or unauthorized entry of persons or livestock onto the active portion of a facility, will not cause a violation of the requirements of 335-14-6.

(b) Unless exempt under 335-14-6-.02(5)(a)1. and (a)2., a facility must have:

1. A 24-hour surveillance system (e.g., television monitoring or surveillance by guards or facility personnel) which continuously monitors and controls entry onto the active portion of the facility; or

2.(i) An artificial or natural barrier (e.g., a fence in good repair or a fence combined with a cliff), which completely surrounds the active portion of the facility; and

(ii) A means to control entry, at all times, through the gates or other entrances to the active portion of the facility (e.g., an attendant, television monitors, locked entrance, or controlled roadway access to the facility).

(c) Unless exempt under 335-14-6-.02(5)(a)1. and (a)2., a sign with the legend, "Danger--Unauthorized Personnel Keep Out", must be posted at each entrance to the active portion of a facility, and at other locations, in sufficient numbers to be seen from any approach to this active portion. The legend must be written in English and in any other language predominant in the workplace and the area surrounding the facility, and must be legible from a distance of at least 25 feet. Existing signs with a legend other than "Danger--Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion, and that entry onto the active portion can be dangerous.

(6) General inspection requirements.

(a) The owner or operator must inspect his facility for malfunctions and deterioration, operator errors, and discharges which may be causing or may lead to:

1. Release of hazardous waste constituents to the environment; or

2. A threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

(b)1. The owner or operator must develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.

2. He must keep this schedule at the facility.

3. The schedule must identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).

4. The frequency of inspection may vary for the items on the schedule. However, the frequency should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in 335-14-6-.09(5), 335-14-6-.10(4), 335-14-6-.10(6), 335-14-6-.11(7), 335-14-6-.12(11), 335-14-6-.13(9), 335-14-6-.14(5), 335-14-6-.15(8), 335-14-6-.16(8), 335-14-6-.17(4), 335-14-6-.27, 335-14-6-.28, and 335-14-6-.29, where applicable.

(c) The owner or operator must remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

(d) The owner or operator must record inspections in an inspection log or summary. He must keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the

observations made, and the date and nature of any repairs or other remedial actions.

(7) Personnel training.

(a) Facility personnel whose duties have a direct effect on hazardous waste management and/or hazardous waste accumulation, whether by direct contact with the hazardous waste or through hazardous waste management activities, must receive training.

1. Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of 335-14-6. The owner or operator must ensure that this program includes all the elements described in the document required under 335-14-6-.02(7)(d)3.

2. This program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

3. At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including where applicable:

(i) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;

(ii) Key parameters for automatic waste feed cut-off systems;

(iii) Communications or alarm systems;

(iv) Response to fires or explosions;

(v) Response to groundwater contamination incidents;
and

(vi) Shutdown of operations.

4. For facility employees that receive emergency response training pursuant to Occupational Safety and Health

Administration (OSHA) regulations 29 CFR 1910.120(p)(8) and 1910.120(q), the facility is not required to provide separate emergency response training pursuant 335-14-6-.02(7), provided that the overall facility training meets all the requirements of 335-14-6-.02(7).

(b) Facility personnel must successfully complete the program required in 335-14-6-.02(7)(a) within six months after the effective date of these regulations or six months after the date of their employment or assignment to a facility, or to a new position at a facility, whichever is later. Employees hired after the effective date of these regulations must not work in unsupervised positions until they have completed the training requirements of 335-14-6-.02(7)(a).

(c) Facility personnel must take part in an annual review of the initial training required in 335-14-6-.02(7)(a).

(d) The owner or operator must maintain the following documents and records at the facility:

1. The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;
2. A written job description for each position listed under 335-14-6-.02(7)(d)1. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position;
3. A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under 335-14-6-.02(7)(d)1;
4. Records that document that the training or job experience required under 335-14-6-.02(7)(a), (b), and (c) have been given to, and completed by, facility personnel.

(e) Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

(8) General requirements for ignitable, reactive, or incompatible wastes.

(a) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including but not limited to: open flames, smoking, cutting, and welding, hot surfaces, frictional heat, sparks (static, electrical or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

(b) Where specifically required by other paragraphs of 335-14-6, the treatment, storage, or disposal of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials, must be conducted so that it does not:

1. Generate extreme heat or pressure, fire or explosion, or violent reaction;
2. Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health;
3. Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;
4. Damage the structural integrity of the device or facility containing the waste; or
5. Through other like means threaten human health or the environment.

(9) Location standards. The placement of any hazardous waste in a salt dome, salt bed formation, underground mine, or cave is prohibited.

(10) Construction quality assurance program.

(a) CQA program.

1. A construction quality assurance (CQA) program is required for all surface impoundment, waste pile and landfill units that are required to comply with 335-14-6-.11(2) (a), 335-14-6-.12(5), and 335-14-6-.14(2)

(a). The program must ensure that the constructed unit meets or exceeds all design criteria and specifications in the permit. The program must be developed and implemented under the direction of a CQA officer who is a registered professional engineer.

2. The CQA program must address the following physical components, where applicable:

- (i) Foundations;
- (ii) Dikes;
- (iii) Low-permeability soil liners;
- (iv) Geomembranes (flexible membrane liners);
- (v) Leachate collection and removal systems and leak detection systems; and
- (vi) Final cover systems.

(b) Written CQA plan. Before construction begins on a unit subject to the CQA program under 335-14-6-.02(10) (a), the owner or operator must develop and implement a written CQA plan. The plan must identify steps that will be used to monitor and document the quality of materials and the condition and manner of their installation. The CQA plan must include:

1. Identification of applicable units and a description of how they will be constructed.
2. Identification of key personnel in the development and implementation of the CQA plan, and CQA officer qualifications.
3. A description of inspection and sampling activities for all unit components identified in 335-14-6-.02(10) (a)2., including observations and tests that will be used before, during, and after construction to ensure that the construction materials and the installed unit components meet the design specifications. The description must cover: sampling size and locations; frequency of testing; data evaluation procedures; acceptance and rejection criteria for construction materials; plans for implementing corrective measures; and data or other information to be recorded and retained in the operating record under 335-14-6-.05(4).

(c) Contents of program.

1. The CQA program must include observations, inspections, tests, and measurements sufficient to ensure:

(i) Structural stability and integrity of all components of the unit identified in 335-14-6-.02(10) (a)2.;

(ii) Proper construction of all components of the liners, leachate collection and removal system, leak detection system, and final cover system, according to permit specifications and good engineering practices, and proper installation of all components (e.g., pipes) according to design specifications;

(iii) Conformity of all materials used with design and other material specifications under 335-14-5-.11(2), 335-14-5-.12(2), and 335-14-5-.14(2).

2. The CQA program shall include test fills for compacted soil liners, using the same compaction methods as in the full-scale unit, to ensure that the liners are constructed to meet the hydraulic conductivity requirements of 335-14-5-.11(2) (c)1., 335-14-5-.12(2) (c)1., and 335-14-5-.14(2) (b)1. in the field. Compliance with the hydraulic conductivity requirements must be verified by using in-situ testing on the constructed test fill. The test fill requirement is waived where data are sufficient to show that a constructed soil liner meets the hydraulic conductivity requirements of 335-14-5-.11(2) (c)1., 335-14-5-.12(2) (c)1., and 335-14-5-.14(2) (b)1. in the field.

(d) Certification. The owner or operator of units subject to 335-14-6-.02(10) must submit to the Director by certified mail or hand delivery, at least 30 days prior to receiving waste, a certification signed by the CQA officer that the approved CQA plan has been successfully carried out and that the unit meets the requirements of 335-14-6-.11(2) (a), 335-14-6-.12(5), or 335-14-6-.14(2) (a). The owner or operator may receive waste in the unit after 30 days from the Director's receipt of the CQA certification unless the Director determines in writing that the construction is not acceptable, or extends the review period for a maximum of 30 more days, or seeks additional information from the owner or operator during this period. Documentation supporting the CQA officer's certification must be furnished to the Director upon request.

Author: Stephen C. Maurer; Steven O. Jenkins; Amy P. Zachry; Michael B. Champion; Kelley Lockhart; Bradley N. Curvin; Theresa A. Maines; Heather M. Jones; Jonah L. Harris; Vernon H. Crockett; Sonja B. Favors; Brent A. Watson

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