



## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[EPA-R04-RCRA-2025-0146; FRL-12697-02-R4]

### Alabama: Final Authorization of State Hazardous Waste Management Program Revisions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final action.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking direct final action on the authorization of changes to Alabama's hazardous waste program under the Resource Conservation and Recovery Act (RCRA), as amended. These changes were outlined in a July 11, 2024, application to the EPA. We have determined that these changes satisfy all requirements needed for final authorization.

**DATES:** This authorization is effective on [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER] without further notice unless the EPA receives adverse comment by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. If the EPA receives adverse comment, we will either publish a timely withdrawal of this direct final action in the **Federal Register** informing the public that the authorization will not take effect, or we will publish a notification containing a response to comments that either reverses the decision or affirms that the final action will take effect. In the event that the final action is withdrawn, we would address all public comments and make a final decision on authorization in a subsequent final action.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R04-RCRA-2025-0146, at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [www.regulations.gov](https://www.regulations.gov). The EPA may publish any comment received to its public docket. Do not submit electronically any

information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, *etc.*) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e., on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

The EPA encourages electronic submittals and lists all publicly available docket materials electronically at [www.regulations.gov](http://www.regulations.gov). If you are unable to make electronic submittals or require alternative access to docket materials, please notify Jennifer Vogel through the provided contacts in the **FOR FURTHER INFORMATION CONTACT** section. Please also contact Jennifer Vogel if you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Vogel; RCRA Programs and Cleanup Branch; Land, Chemicals and Redevelopment Division; U.S. Environmental Protection Agency; Atlanta Federal Center, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960; telephone number: (404) 562-8462; fax number: (404) 562-9964; email address: [vogel.jennifer@epa.gov](mailto:vogel.jennifer@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Why is the EPA using a direct final action?**

The EPA is publishing this action without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. This action is a routine program change. However, in the “Proposed Rules” section of this issue of the **Federal Register**, we are publishing a separate document that will serve as the proposed rule allowing the public an opportunity to comment. We will not institute a second comment period on this action. Any

parties interested in commenting must do so at this time. For further information about commenting on this action, see the **ADDRESSES** section of this document.

If the EPA receives adverse comments, we will either withdraw this action by publishing a document in the **Federal Register** before the action becomes effective, or we will publish a notice containing a response to comments that either reverses the decision or affirms that the final action will take effect. In the event that the final action is withdrawn, the EPA would base any further decision on the authorization of the State's program changes on the proposal mentioned in the previous paragraph and after consideration of all comments received during the comment period. We would then address all public comments and make a final decision on authorization in a subsequent final action.

## **II. Why are revisions to state programs necessary?**

States that have received final authorization from the EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask the EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to the EPA's regulations in Title 40 of the Code of Federal Regulations (CFR), parts 124, 260 through 268, 270, 273, and 279.

New Federal requirements and prohibitions imposed by Federal regulations that the EPA promulgates pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA) take effect in authorized States at the same time they take effect in unauthorized States. Thus, the EPA shall have the authority to implement those requirements and prohibitions in Alabama, including the issuance of new permits implementing those requirements, until the State is granted authorization to do so.

## **III. What decisions has the EPA made in this action?**

Alabama submitted a complete program revision application (PRA), dated July 11, 2024, seeking authorization of changes to its hazardous waste program corresponding to certain Federal rules promulgated between July 1, 2013 and June 30, 2022 (including RCRA Cluster<sup>1</sup> XXIII (Checklist<sup>2</sup> 231), RCRA Cluster XXIV (Checklist 233 (A, B, C, D2, E)), RCRA Cluster XXV (Checklists 236 and 237), RCRA Cluster XXVI (Checklists 238 and 239), RCRA Cluster XXVII (Checklists 240 and 241), RCRA Cluster XXVIII (Checklist 242), RCRA Cluster XXIX (Checklist 243), and RCRA Cluster XXX (Checklist 244)). The EPA concludes that Alabama's application to revise its authorized program meets all of the statutory and regulatory requirements established under RCRA, as set forth in RCRA section 3006(b), 42 U.S.C. 6926(b), and 40 CFR part 271. Therefore, the EPA grants Alabama final authorization to operate its hazardous waste program with the changes described in the PRA, and as outlined below in section VI of this document.

Alabama has responsibility for permitting treatment, storage, and disposal facilities within its borders (except in Indian country, as defined at 18 U.S.C. 1151) and for carrying out the aspects of the RCRA program described in its PRA, subject to the limitations of HSWA, as discussed above.

#### **IV. What is the effect of this authorization decision?**

The effect of this decision is that the changes described in Alabama's PRA as outlined below and in section VI of this document will become part of the authorized State hazardous waste program and will therefore be federally enforceable. Alabama will continue to have primary enforcement authority and responsibility for its State hazardous waste program. The EPA will maintain its authorities under RCRA sections 3007, 3008, 3013, and 7003, including its authority to:

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<sup>1</sup> A "cluster" is a grouping of hazardous waste rules that the EPA promulgates from July 1st of one year to June 30th of the following year.

<sup>2</sup> A "checklist" is developed by the EPA for each Federal rule amending the RCRA regulations. The checklists document the changes made by each Federal rule and are presented and numbered in chronological order by date of promulgation.

- Conduct inspections, and require monitoring, tests, analyses, and reports;
- Enforce RCRA requirements, including authorized State program requirements, and suspend or revoke permits; and
- Take enforcement actions regardless of whether the State has taken its own actions.

This action does not impose additional requirements on the regulated community because the regulations for which the EPA is authorizing Alabama are already effective under State law and are not changed by this action.

#### **V. What has Alabama previously been authorized for?**

Alabama initially received final authorization on December 8, 1987, effective December 22, 1987 (52 FR 46466), to implement the RCRA hazardous waste management program. The EPA granted authorization for changes to Alabama's program on the following dates: November 29, 1991, effective January 28, 1992 (56 FR 60926); May 13, 1992, effective July 12, 1992 (57 FR 20422); October 21, 1992, effective December 21, 1992 (57 FR 47996); March 17, 1993, effective May 17, 1993 (58 FR 20422); September 24, 1993, effective November 23, 1993 (58 FR 49932); February 1, 1994, effective April 4, 1994 (59 FR 4594); November 14, 1994, effective January 13, 1995 (59 FR 56407); August 14, 1995, effective October 13, 1995 (60 FR 41818); February 14, 1996, effective April 15, 1996 (61 FR 5718); April 25, 1996, effective June 24, 1996 (61 FR 5718); November 21, 1997, effective February 10, 1998 (62 FR 62262); December 20, 2000, effective February 20, 2001 (65 FR 79769); March 15, 2005, effective May 16, 2005 (70 FR 12593); June 2, 2005, effective August 1, 2005 (70 FR 32247); September 13, 2006, effective November 13, 2006 (71 FR 53989); April 2, 2008, effective June 2, 2008 (73 FR 17924); March 20, 2017, effective May 19, 2017 (82 FR 14327); and December 10, 2018, effective April 19, 2019 (83 FR 63461).

#### **VI. What changes is the EPA authorizing with this action?**

Alabama submitted a complete PRA, dated July 11, 2024, seeking authorization of changes to its hazardous waste management program in accordance with 40 CFR 271.21. This

application included changes associated with Checklists 231, 233, and 236 through 244 from RCRA Clusters XXIII through XXX. The EPA has determined, subject to receipt of written comments that oppose this action, that Alabama’s hazardous waste program revisions are equivalent to, consistent with, and no less stringent than the Federal program, and therefore satisfy all of the requirements necessary to qualify for final authorization. Therefore, the EPA grants final authorization to Alabama for the following program changes:

Table 1

<b>Description of Federal Requirement</b>	<b>Federal Register Date and Page</b>	<b>Analogous State Authority<sup>1</sup></b>
Checklist 231, Hazardous Waste Electronic Manifest Rule	79 FR 7518 2/7/2014	<p><b>335-14-1-.01</b>(2)(a) through (2)(c)2.;</p> <p><b>335-14-1-.02</b>(1)(a)85., (1)(a)86., (1)(a)170., (1)(a)322.;</p> <p><b>335-14-3-.02</b>(1)(a)3. through (1)(a)3.(ii), (5) through (5)(c), (5)(d) through (f);</p> <p><b>335-14-4-.02</b>(1)(a)1. through (1)(a)7.;</p> <p><b>335-14-5-.05</b>(2)(a)2. through (2)(a)2.(vi), (2)(f) through (2)(k)<sup>2</sup>; and</p> <p><b>335-14-6-.05</b>(2)(a)2. through (2)(a)2.(vi), (2)(f) through (2)(k).</p>
<p>Checklist 219 (2008)<sup>3</sup>, Revisions to the Definition of Solid Waste (DSW), as amended by Checklist 233 (2015 and 2018)</p> <p>Checklist 233A, Changes affecting all non-waste determinations and variances</p>	<p>73 FR 64668 10/20/2008</p> <p>80 FR 1694 1/13/2015</p> <p>83 FR 24664 5/30/2018</p>	<p><b>335-14-1-.02</b>(1)(a), (1)(a)3., (1)(a)51. through (1)(a)51.(iv), (1)(a)108. through (1)(a)108.(iii), (1)(a)123.; (1)(a)124., (1)(a)145., (1)(a)151., (1)(a)235., (1)(a)240., (1)(a)289.;</p> <p><b>335-14-1-.03</b>(10), (10)(b), (10)(d) through (10)(e), (11)(c) through (11)(c)5., (13), (13)(a), (13)(c) through (13)(e), (14) through (14)(c)5., (22) through (23)(b)2., (23)(c) [reserved];</p>
Checklists 233B, Legitimacy-related provisions, including prohibition of sham recycling, definition of		<p><b>335-14-2-.01</b>(2)(b)3., (2)(b)4., (2)(c)3., (2)(c)4. Table 1 [column 3 title], (2)(g); (4)(a)23. through (4)(a)25., (4)(a)27. through (4)(a)27.(vi)(VI);</p>

legitimacy, definition of contained		<p><b>335-14-2-.08</b> title through (12)(m)2. [addition of analog to 40 CFR part 261, Subpart H];</p>
Checklist 233C, Speculative Accumulation		<p><b>335-14-2-.09</b> title, (1) through (4)(b), (6) through (8)(c), (10);</p>
Checklist 233D2, 2008 DSW exclusions and non-waste determinations, including revisions from 2015 DSW final rule and 2018 DSW final rule		<p><b>335-14-2-.10</b> title, (1) through (11) [addition of analog to 40 CFR part 261, Subpart J];</p> <p><b>335-14-2-.11</b> [reserved];</p> <p><b>335-14-2-.12</b> [reserved];</p>
Checklist 233E, Remanufacturing exclusion		<p><b>335-14-2-.13</b> title, (1) through (1)(b), (11) through (12)(d)3.(v), (21) through (21)(f)9.(vii);</p> <p><b>335-14-2-.27</b> title and introductory text<sup>4</sup> through (20) [incorporation by reference of 40 CFR part 261, Subpart AA];</p> <p><b>335-14-2-.28</b> title and introductory text<sup>4</sup> through (31) [incorporation by reference of 40 CFR part 261, Subpart BB];</p> <p><b>335-14-2-.29</b> title and introductory text<sup>4</sup> through (11) [incorporation by reference of 40 CFR part 261, Subpart CC]; and</p> <p><b>335-14-8-.04(3)(a)1.(x).</b></p>
Checklist 236, Imports and Exports of Hazardous Waste	<p>81 FR 85696 11/28/2016</p> <p>82 FR 41015 8/29/2017</p> <p>83 FR 38262 8/6/2018</p>	<p><b>335-14-1-.02(1)(a)12, (1)(a)84, (1)(a)236., (2);</b></p> <p><b>335-14-2-.01(4)(d)1., (4)(d)4., (4)(e)1., (4)(e)4., (6)(a)3.(i), (6)(a)5.;</b></p> <p><b>335-14-2-.05(1)(a)5.(ii), (1)(a)5.(v) through (1)(a)5.(vi), (1)(a)5.(ix), (1)(a)5.(xi);</b></p> <p><b>335-14-3-.01(1)(d), (8)(e);</b></p> <p><b>335-14-3-.04(2)(c);</b></p> <p><b>335-14-3-.05</b> [removal of 40 CFR part 261, Subpart E];</p> <p><b>335-14-3-.06</b> [removal of 40 CFR part 261, Subpart F];</p> <p><b>335-14-3-.09</b> title through (5), (6) through (10) [reserved];</p>

		<p><b>335-14-3</b> Appendix I [reserved];</p> <p><b>335-14-4.01(1)(d)</b>;</p> <p><b>335-14-4.02(1)(a)2., (1)(c), (1)(e)2., (1)(f)2., (1)(f)2. Note, (1)(g) through (1)(g)4.(ii)</b>;</p> <p><b>335-14-5.02(3)(a) through (3)(a)4.(ii)</b>;</p> <p><b>335-14-5.05(2)(a)3. through (2)(a)3.(ii), (2)(d)</b>;</p> <p><b>335-14-6.02(3)(a) through (3)(a)4.(ii)</b>;</p> <p><b>335-14-6.05(2)(a)3. through (2)(a)3.(ii), (2)(d)</b>;</p> <p><b>335-14-7.06(1)(b) through (1)(b)3.</b>;</p> <p><b>335-14-7.07(1)(a) Table [Rows 6. through 10.]; and</b></p> <p><b>335-14-11.02(11)</b>;</p> <p><b>335-14-11.03(10)(a), (10)(b), (11)</b>;</p> <p><b>335-14-11.04(7)</b>;</p> <p><b>335-14-11.05(3)(a); and</b></p> <p><b>335-14-11.06(1) through (1)(c).</b></p>
<p>Checklist 237, Hazardous Waste Generator Improvements Rule</p>	<p>81 FR 85732 11/28/2016</p>	<p><b>335-14-1.01(3)</b>;</p> <p><b>335-14-1.02(1)(a)7., (1)(a)36., (1)(a)48., (1)(a)95., (1)(a)137., (1)(a)158., (1)(a)189., (1)(a)215., (1)(a)254., (1)(a)261., (1)(a)288., (1)(a)307., (1)(a)323., (2)</b>;</p> <p><b>335-14-2.01(1)(a)1., (4)(a)7., (5) [reserved], (6)(c)2.(iv)</b>;</p> <p><b>335-14-2.04(4)(e), (4)(f)</b>;</p> <p><b>335-14-2.13(21)(g)</b>;</p> <p><b>335-14-3.01(1)(a) through (1)(b), (1)(d), (1)(g)1., (1)(g)2., (1)(j) [reserved], (1)(l) through (1)(l)2., (2) through (3)(c)8., (3)(d) through (8)(e)</b>;</p>

		<p><b>335-14-3-.02</b> title;</p> <p><b>335-14-3-.03</b> title, (3)(b) through (3)(d); (5);</p> <p><b>335-14-3-.04</b> title, (1)(c), (2) through (2)(c), (4), (5);</p> <p><b>335-14-3-.12</b>(1) [reserved], (2)(a) through (4)(a), (4)(b)2., (5), (5)(a), (7)(b)3.(iii), (8)(d)2., (9)(a)1., (9)(a)2., (9)(d)2. through (9)(d)2.(ii), (10)(b), (11)(a), (11)(b)3., (11)(d)2., (12)(c), (12)(d), (12)(e)3., (13)(d), (14)(a)1. through (14)(a)3., (14)(b)2., (15)(b)5., (17)(a), (17)(b);</p> <p><b>335-14-3-.13</b>(1) through (4)(d);</p> <p><b>335-14-3-.14</b> title, (1) through (13)(i)6. [addition of analog to 40 CFR part 262, Subpart M];</p> <p><b>335-14-4-.05</b>(3)(b), (6)(a), (6)(b);</p> <p><b>335-14-5-.01</b>(1)(g)1., (1)(g)3.;</p> <p><b>335-14-5-.02</b>(6)(b)4.;</p> <p><b>335-14-5-.05</b>(2)(c), (6);</p> <p><b>335-14-5-.09</b>(1), (1) Comment, (5);</p> <p><b>335-14-5-.10</b>(2)(a);</p> <p><b>335-14-5-.27</b>(a);</p> <p><b>335-14-5-.28</b>(a);</p> <p><b>335-14-5-.30</b>(2)(c)4.;</p> <p><b>335-14-6-.01</b>(1)(c)5, (1)(c)7.;</p> <p><b>335-14-6-.02</b>(6)(b)4;</p> <p><b>335-14-6-.05</b>(2)(c)<sup>5</sup>, (6);</p> <p><b>335-14-6-.09</b>(5);</p> <p><b>335-14-6-.27</b>;</p> <p><b>335-14-6-.28</b>;</p> <p><b>335-14-6-.30</b>(2)(c)4.;</p>
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		<p><b>335-14-7-.07(1)(a)</b> Table [references to 335-14-3-.01(8)];</p> <p><b>335-14-7-.14(9)(a);</b></p> <p><b>335-14-8-.01(1)(c)2, (1)(c)2.(i), (1)(c)2.(iii);</b></p> <p><b>335-14-9-.01(1), (7);</b></p> <p><b>335-14-9-.05(1);</b></p> <p><b>335-14-11-.01(8), (8)(a)2.;</b></p> <p><b>335-14-11-.07(2)(b); and</b></p> <p><b>335-14-17-.02(1)(b)3.</b></p>
<p>Checklist 238, Confidentiality Determinations for Hazardous Waste Export and Import Documents</p>	<p>83 FR 60894 12/26/2017</p>	<p><b>335-14-1-.01(2)(b), (2)(d)1., (2)(d)2.;</b></p> <p><b>335-14-2-.05(1)(a)5.(iv); and</b></p> <p><b>335-14-3-.09</b> [first paragraph after title], (4) and (5).</p>
<p>Checklist 239, Hazardous Waste Electronic Manifest System User Fee</p>	<p>83 FR 420 1/3/2018</p>	<p><b>335-14-1-.01(4)</b> through (5), (5)(b) through (5)(b)2.;</p> <p><b>335-14-1-.02(1)(a)272.</b> through (1)(a)272.(ii);</p> <p><b>335-14-3-.02(1)(a)1., (1)(a)2., (2)(a)2.(f)</b> [reserved], (5)(c) through (5)(c)2., (5)(e), (5)(g), (5)(h);</p> <p><b>335-14-3</b> Appendix I [reserved];</p> <p><b>335-14-4-.02(1)(a)8.</b> [reserved], (1)(a)9., (2)(a), (2)(a)1. through (2)(a)4., (2)(b)1 through (2)(c)2.;</p> <p><b>335-14-5-.05(2)(a)2.</b> through (2)(a)(vi), (2)(j) through (2)(j)2.<sup>2</sup>, (2)(l) through (2)(l)5.;</p> <p><b>335-14-5-.29(a);</b></p> <p><b>335-14-6-.05(2)(a)2.</b> through (2)(a)2.(vi), (2)(j) through (2)(j)2., (2)(l) through (2)(l)5.;</p> <p>and</p> <p><b>335-14-6-.29<sup>3</sup></b> [first paragraph after title].</p>

<p>Checklist 240, Safe Management of Recalled Airbags</p>	<p>83 FR 61552 11/30/2018</p>	<p><b>335-14-1-.02(1)(a)15. through (1)(a)17.;</b>   <b>335-14-2-.01(4)(i) [reserved], (4)(j)1. through (4)(j)3.; and</b>   <b>335-14-3-.01(4)(a)5.(xi).</b></p>
<p>Checklist 241, Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine</p>	<p>84 FR 5816 2/22/2019</p>	<p><b>335-14-1-.02(1)(a)81., (1)(a)97., (1)(a)128. through 129.(ii), (1)(a)131., (1)(a)164., (1)(a)190., (1)(a)191., (1)(a)192., (1)(a)212., (1)(a)225. through (1)(a)225.(iii), (1)(a)246.;</b>   <b>335-14-2-.01(4)(a)1.(ii), (7)(c);</b>   <b>335-14-2-.04(4)(c), (4)(c) Comment, (4)(e) Table [entries for P075];</b>   <b>335-14-3-.01(1)(m), (1)(n), (3)(c)9., (4)(a)5.(ix), (4)(a)5.(x);</b>   <b>335-14-5-.01(1)(g)13.;</b>   <b>335-14-6-.01(1)(c)15.;</b>   <b>335-14-7-.16 title, (1) through (10)(d)3.<sup>6</sup>;</b>   <b>335-14-8-.01(1)(c)2.(xii);</b>   <b>335-14-9-.01(7); 335-14-9-.05(1); and</b>   <b>335-14-11-.07(1)(a), (1)(d)<sup>7</sup>.</b></p>
<p>Checklist 242, Universal Waste Regulations: Addition of Aerosol Cans</p>	<p>84 FR 67202 12/9/2019</p>	<p><b>335-14-1-.02(1)(a)11., (1)(a)159., (1)(a)210. through (1)(a)210.(iii), (1)(a)262., (1)(a)302.(iii) through (1)(a)302.(v), (1)(a)303. through (1)(a)303.(ii)(II);</b>   <b>335-14-2-.01(9)(c) through (9)(e);</b>   <b>335-14-5-.01(1)(g)12.(iii) through (1)(g)12.(v);</b>   <b>335-14-6-.01(1)(c)14.(iii) through (1)(c)14.(v);</b>   <b>335-14-8-.01(1)(c)2.(ix)(III) through (1)(c)2.(ix)(V);</b>   <b>335-14-9-.01(1),</b>   <b>335-14-11-.01(1)(a)3. through (1)(a)5., (3)(b)2., (6) through (6)(c)2.;</b></p>

		<p><b>335-14-11-.02</b>(4)(c)2.(iii), (4)(c)2.(iv), (4)(e) through (4)(e)4.(vii), (5)(f); and</p> <p><b>335-14-11-.03</b>(3)(b)4., (4)(c)2.(iii), (4)(c)2.(iv), (4)(e) through (4)(e)4.(vii), (5)(f).</p>
Checklist 243, Modernizing Ignitable Liquids Determinations	85 FR 40594 7/7/2020	<p><b>335-14-1-.02</b>(2),</p> <p><b>335-14-2-.03</b>(2)(a)1., (2)(a)3.(ii) through (2)(a)4., (2)(a)4.(i)(I), (2)(a)4.(i)(IV),</p> <p><b>335-14-2</b> Appendix IX [references to 1010B and 1020C].</p>
Checklist 244, Canada Import Export Recovery and Disposal Code Changes	86 FR 54381 10/1/2021	<p><b>335-14-3-.09</b> [first paragraph after title], (2), (4), (5);</p> <p><b>335-14-5-.02</b>(3)(a)4.(ii); and</p> <p><b>335-14-6-.02</b>(3)(a)4.(ii).</p>
<p><b>Notes</b></p> <p><sup>1</sup> The Alabama regulatory provisions are from the Alabama Hazardous Waste Regulations, Division 14, Chapter 335, effective June 12, 2023.</p> <p><sup>2</sup> In Alabama’s regulations at 335-14-5-.05(2)(j)2., “this section” refers to 335-14-5-.05(2). Alabama will replace “this section” with the appropriate citation in a future rulemaking.</p> <p><sup>3</sup> Alabama has adopted the 2008 Federal Revisions to the Definition of Solid Waste Rule, as amended on January 13, 2015, and May 30, 2018.</p> <p><sup>4</sup> The EPA is not authorizing the following language in Alabama’s regulations at 335-14-2-.27, 335-14-2-.28, and 335-14-2-.29: “Any provision of 40 CFR Part 261, Subpart [AA/BB/CC, as applicable], which is inconsistent with the provisions of ADEM Administrative Code, Division 14, is not incorporated herein by reference.” In a future rulemaking, Alabama will remove or revise the foregoing language in 335-14-2-.27, 335-14-2-.28, and 335-14-2-.29, and any similar provisions elsewhere in Alabama’s regulations, to clarify that the requirements of Alabama’s program must be at least as stringent as the analogous Federal program requirements.</p> <p><sup>5</sup> In Alabama’s regulations at 335-14-6-.05(2)(c), there is an incorrect cross-reference to 335-14-2-.01(6). The correct cross-reference is 335-14-3-.01(6). Alabama will correct the cross-reference in a future rulemaking.</p> <p><sup>6</sup> In Alabama’s regulations at 335-14-7-.16(1)(b), there is an incorrect cross-reference to 335-141-7-.16(1)(d). The correct cross-reference is 335-14-7-.16(1)(d). Alabama will correct the cross-reference in a subsequent rulemaking. Any reference to “this subpart” in 335-14-7-.16 refers to 335-14-7-.16. Any reference to “this section” in 335-14-7-.16(2)(j)4. refers to 335-14-7-.16(2). Alabama will replace “this subpart” and “this section” with appropriate citations in a future rulemaking.</p> <p><sup>7</sup> In Alabama’s regulations at 335-14-11-.07(1)(d), “this part” refers to 335-14-11. Alabama will replace “this part” with the appropriate citation in a future rulemaking.</p>		

## VII. Where are the revised State rules different than the Federal rules?

When revised State rules differ from the Federal rules in the RCRA state authorization

process, the EPA determines whether the State rules are equivalent to, more stringent than, or broader in scope than the Federal program. Pursuant to RCRA section 3009, 42 U.S.C. 6929, State programs may contain requirements that are more stringent than the Federal regulations. Such more stringent requirements can be federally authorized and, once authorized, become federally enforceable. Although the statute does not prevent States from adopting regulations that are broader in scope than the Federal program, States cannot receive Federal authorization for such regulations, and they are not federally enforceable.

Alabama’s program is broader in scope than the Federal program at 40 CFR 262.18(c) by including a requirement at 335-14-3-.01(8)(c) that generators can offer hazardous waste only to transporters that have been issued an Alabama Hazardous Waste Transport Permit.

The EPA has determined that certain regulations included in Alabama’s program revisions listed in Table 1 above are more stringent than the Federal program. These more stringent requirements will become part of the federally enforceable RCRA program in Alabama when authorized. The more stringent requirements are set forth in Table 2 below:

Table 2

<b>Alabama more stringent provisions</b>	<b>Federal Program</b>	<b>Explanation</b>
335-14-1-.03(22)(a)  335-14-2-.01(4)(a)27.(vi)(I)	40 CFR 260.42(a)  40 CFR 261.4(a)(27)(vi)(A)	Alabama requires facilities that submit notifications of managing hazardous secondary materials to update the notifications annually, rather than biennially.
335-14-3-.01(2)(f)(4)	40 CFR 262.11(f)  40 CFR 262.13	Alabama adds the following requirement: “In addition to the records described in 335-14-3-.01(2)(f)1. through 3., a small or large quantity generator must maintain sufficient documentation to demonstrate the quantity of hazardous waste generated each calendar month. This documentation must be retained on-site for at least three years from the date the waste was generated.”
335-14-3-.01(4)(a) and (4)(d)  335-14-3-.01(6)	40 CFR 262.14(a) and (c)  40 CFR 262.16	Alabama requires annual notification by all small and large quantity generators, and by very small quantity generators choosing to have an active EPA ID number.

335-14-3-.01(7), (7)(b), (7)(c), (7)(d) through (7)(f)	40 CFR 262.17, (b), (c), (d) through (f)	
335-14-3-.01(8)(d) through (d)(2)	40 CFR 262.18(d) through (d)(2)	
335-14-3-.01(6)(b)2.(iii)	40 CFR 262.16(b)(2)(iii)	Alabama adds the following requirement for the accumulation of hazardous waste in containers by large and small quantity generators: “Containers having a capacity greater than 30 gallons must not be stacked over two containers high.”
335-14-3-.01(7)(a)1.(iv)	40 CFR 262.17(a)(1)(iv)	
335-14-3-.01(6)(b)2.(iv)	40 CFR 262.16(b)(2)(iv)	Alabama adds a requirement that large and small quantity generators must keep records of inspections of central accumulation areas in an inspection log or summary that must include certain information.
335-14-3-.01(7)(a)1.(v)	40 CFR 262.17(a)(1)(v)	
335-14-3-.01(6)(b)3.(ii)a., (6)(b)3.(ii)b. and (6)(b)3.(vii)a.	40 CFR 262.16(b)(3)(ii)(A), (b)(3)(ii)(B), and (b)(3)(vii)(A)(I)	Alabama does not allow the treatment of hazardous waste in tanks by small quantity generators.
335-14-3-.13(3)(b)5.	40 CFR 262.232(b)(5)	
335-14-3-.01(6)(b)6.(i)d.	40 CFR 262.16(b)(6)(i)	Alabama requires that large and small quantity generators, and very small quantity generators who accumulate hazardous waste generated from an episodic generation event, must mark or label containers and tanks of hazardous waste with all appropriate EPA hazardous waste numbers associated with the hazardous waste as specified in 335-14-2-.03 and 335-14-2-.04.
335-14-3-.01(6)(b)6.(ii)a	40 CFR 262.16(b)(6)(ii)(A)	
335-14-3-.01(7)(a)5.(i)d	40 CFR 262.17(a)(5)(i)	
335-14-3-.01(7)(a)5.(ii)a.	40 CFR 262.17(a)(5)(ii)(A)	
335-14-3-.01(7)(c)4.(iv)a.	40 CFR 262.17(c)(4)(iv)(A)	
335-14-3-.13(3)(a)4.(i)a.	40 CFR 262.232(a)(4)(i)(A)	
335-14-3-.13(3)(a)4.(ii)a.	40 CFR 262.232(a)(4)(ii)(A)	
335-14-3-.13(3)(b)4.(i)a.	40 CFR 262.232(b)(4)(i)(A)	
335-14-3-.13(3)(b)4.(ii)a.	40 CFR 262.232(b)(4)(ii)(A)	
335-1-4-3-.01(6)(b)8.(ii)	40 CFR 262.16(b)(8)(ii)	Alabama requires large and small quantity generators to obtain the State’s approval

		before omitting or substituting the preparedness and prevention equipment required by 335-14-3-.01(6)(b)8.(ii).
335-14-3-.01(6)(c)	40 CFR 262.16(c)	To accumulate hazardous waste onsite for 270 days or less under 335-14-3-.01(6)(c), Alabama requires that small quantity generators comply with 335-14-3-.01(b), including the training requirements at 335-14-3-.01(b)(10) which are not required by the Federal program.
335-14-3-.01(7)(a)1.(viii)	40 CFR 262.17(a)(1)	Alabama adds a containment requirement to the conditions for exemption for large quantity generators, as follows: “(viii) Containment. Container storage areas must meet the containment requirements of 335-14-6-.09(6).”
335-14-3-.01(7)(a)10.	40 CFR 262.17(a)(9)	Alabama adds site security requirements to the conditions for exemption for large quantity generators that accumulate hazardous waste.
335-14-3-.01(7)(a)8.(i)(a) through (7)(a)8.(i)a.(VIII) and (7)(a)8.(i)c.	40 CFR 262.17(a)(8)(i)(A) through (a)(8)(ii)(C)	Alabama requires large quantity generators to notify 30 days before, rather than after, the closure of a hazardous waste management unit, and requires additional information in the notices submitted to the State for both unit and facility closures.
335-14-3-.13(3)(a)2. 335-14-3-.13(3)(b)2.	40 CFR 262.232(a)(2) 40 CFR 262.232(b)(2)	Alabama specifies that small quantity generators and very small quantity generators have 30 days after an unplanned episodic generation event to submit a notification form. The Federal program does not specify a time period for the subsequent notification.
335-14-3-.13(3)(b)5.	40 CFR 262.232(b)(5)	Alabama does not allow small quantity generators to treat hazardous waste generated from an episodic event on site, and instead requires that such waste be manifested and shipped off site to a designated facility.
335-14-4-.05(6)(a)	40 CFR 263.12(b)	Alabama requires that all containers used to store hazardous waste at transfer facilities must be labeled or marked with the appropriate EPA hazardous waste numbers, regardless of whether a transporter consolidates or mixes the contents of two or more such containers.

There are certain regulatory provisions which the States cannot be authorized to administer or implement. These provisions include the requirements associated with the operation of the national E-Manifest system and its user fee provisions contained in the Hazardous Waste

Electronic Manifest User Fee Rule (Checklist 239). Although Alabama has adopted these regulations to maintain its equivalency with the Federal program, it has appropriately maintained the Federal references to reserve the EPA's authority to implement the non-delegable provisions (see 335-14-1-.01(4)(a)4. and (5)(b)2., 335-14-3-.02(2)(a)2.(f), 335-14-5-.05(2)(a)2.(v)(I)-(II) and (2)(j)2., 335-14-6-.05(2)(j)1.).

Because of the Federal Government's special role in matters of foreign policy, the EPA also does not authorize States to administer the Federal import/export functions associated with the Revisions to the Definition of Solid Waste (Checklist 233D2), Imports and Exports of Hazardous Waste Rule (Checklist 236), the Confidentiality Determinations for Hazardous Waste Export and Import Documents Rule (Checklist 238), and the Canada Import Export Recovery and Disposal Code Changes Rule (Checklist 244). Although Alabama has adopted these regulations to maintain its equivalency with the Federal program, it has either appropriately maintained the Federal references in the State's regulations or incorporated the Federal regulations by reference (see 335-14-1-.02(1)(a)84.; 335-14-2-.01(4)(a)25.; 335-14-2-.05(1)(a)5.(ii), (1)(a)5.(v)(I), (1)(a)5.(v)(II)(B).I, (1)(a)5.(v)(II)(B)III., (1)(a)5.(v)(II)(B)VII., (1)(a)5.(vi), (1)(a)5.(ix); 335-14-3-.09; 335-14-4-.02(1)(a)2., (1)(c), (1)(e)2., (1)(f)2.; 335-14-5-.02(3)(a)1. through (3)(a)4.(ii); 335-14-5-.05(2)(a)3., (2)(d); 335-14-6-.02(3)(a)1. through (3)(a)4.(ii); 335-14-6-.05(2)(a)3., (2)(d)).

#### **VIII. Who handles permits after the authorization takes effect?**

When final authorization takes effect, Alabama will issue permits for all the provisions for which it is authorized and will administer the permits it issues. The EPA will continue to administer any RCRA hazardous waste permits or portions of permits that the EPA issued prior to the effective date of authorization until they expire or are terminated. The EPA will not issue any new permits or new portions of permits for the provisions listed in the tables above after the effective date of the final authorization. The EPA will continue to implement and issue permits for HSWA requirements for which Alabama is not yet authorized. The EPA has the authority to

enforce State-issued permits after the State is authorized.

#### **IX. How does today's action affect Indian country in Alabama?**

Alabama is not authorized to carry out its hazardous waste program in Indian country within the State, which includes the Poarch Band of Creek Indians. Therefore, this action has no effect on Indian Country. The EPA retains jurisdiction over Indian country and will continue to implement and administer the RCRA program on these lands.

#### **X. What is codification and is the EPA codifying Alabama's hazardous waste program as authorized in this action?**

Codification is the process of placing citations and references to the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. The EPA does this by adding those citations and references to the authorized State rules in 40 CFR part 272. The EPA is not codifying the authorization of Alabama's revisions at this time. However, the EPA reserves the ability to amend 40 CFR part 272, subpart B, for the authorization of Alabama's program changes at a later date.

#### **XI. Statutory and Executive Order Reviews**

This action is not a significant regulatory action subject to review by the Office of Management and Budget (OMB) under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). This action authorizes State requirements for the purpose of RCRA section 3006 and imposes no additional requirements beyond those imposed by State law. Therefore, this action is not subject to review by OMB. This action is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because actions such as the authorization of Alabama's revised hazardous waste program under RCRA are exempt from review under Executive Order 12866. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Because this action authorizes pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by

State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538). For the same reason, this action also does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This action is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

Under RCRA section 3006(b), the EPA grants a state’s application for authorization as long as the state meets the criteria required by RCRA. It would thus be inconsistent with applicable law for the EPA, when it reviews a state authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, the EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. The EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988), by examining the takings implications of this action in accordance with the “Attorney General’s Supplemental Guidelines for the

Evaluation of Risk and Avoidance of Unanticipated Takings” issued under the executive order. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). “Burden” is defined at 5 CFR 1320.3(b).

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2). This final action will be effective **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

#### **List of Subjects in 40 CFR Part 271**

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

**Authority:** This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

**Dated:** May 7, 2025.

**Kevin J. McOmber,**  
*Regional Administrator*

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