

APA-1

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management

Rule No. 335-1-6-.04 (3)

Rule Title: Permit Application Fee

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

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 and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

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

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 Reference Service.

Signature of certifying officer Mindy Elliott

Date November 17, 2016

(DATE FILED)
(STAMP)

APA-2

(Agency Name)
(Agency Division, if applicable)

NOTICE OF INTENDED ACTION

AGENCY NAME: Environmental Management

RULE NO. & TITLE: 335-1-6-.04 (3) Permit Application Fee

INTENDED ACTION:

The Alabama Department of Environmental Management proposes to amend rule 335-1-6-.04(3) of the Administrative Code.

SUBSTANCE OF PROPOSED ACTION:

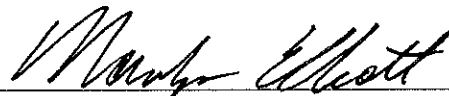
The Department proposes to amend rule 335-1-6-.04(3) in order to consider budgetary circumstances prior to collective ACO/CAFO fees.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Comments, both written and oral, will be received at a public hearing to be held on January 5, 2017, at the Alabama Department of Environmental Management, 1400 Coliseum Blvd., Montgomery, AL 36110. In addition, written comments will be accepted by ADEM provided they are received by 5:00 p.m. the close of business, January 5, 2017.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: January 5, 2017

CONTACT PERSON AT AGENCY: Russell A. Kelly (334) 271-7715



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

335-1-6-.04 Permit Application Fees.

(1) Except as provided in paragraph (2) of this rule, any person making application to the Department for the issuance, reissuance or modification of a permit shall be subject to a three-part application fee consisting of the following:

(a) a fee of \$1,610 per application relating to a greenfield site. This fee shall not apply to Schedule B and Schedule F or to AFO/CAFO registration in Schedule D if continuing education certification is submitted with initial registration and each annual registration request as required by rule 335-6-7-.18;

(b) a fee which shall be the sum of the fees for each applicable type of permit application, and each action deemed necessary to complete evaluation of the application, as specified in Fee Schedules A through J; and

(c) a public hearing fee of \$8,450 if a public hearing relating to the permit application is held.

(2) Any person making application to the Department for modification of a permit to change the name of the permittee only or to transfer the permit only shall be subject to a \$800 fee per application.

(3) Fees required by AFO/CAFO registration may be suspended in part or whole by category by the Director to reflect the budgetary circumstances of the AFO/CAFO program.

Author: Marilyn Elliott, Russell Kelly.

Statutory Authority: Code of Alabama 1975, § 22-22A-5.

History: February 13, 1985.

Amended: October 30, 1990; January 16, 1997; March 31, 1999; January 9, 2002; January 10, 2006; November 14, 2006; January 22, 2008, May 26, 2009; November 29, 2011; July 30, 2013; February 4, 2016, XXXXX, XXXX.