ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
GENERAL ADMINISTRATION
ADMINISTRATIVE CODE

CHAPTER 335-1-1
ORGANIZATION

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335-1-1-.01 Applicability.

This Chapter describes the organization of the Commission and the Department and prescribes methods whereby the public may obtain information or make submissions or requests.

Author:

Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-22A-6, 22-22A-8, 41-22-4, 41-22-5.

History:

335-1-1-.02 Definitions.

For purposes of this Chapter, the following words and phrases, unless a different meaning is plainly required by the context, shall have the following meanings:

(a) "Act" means the Alabama Environmental Management Act, Code of Ala. 1975, §22-22A-1 et seq.

(b) "Commission" means the Environmental Management Commission established by the Act.

(c) "Department" means the Alabama Department of Environmental Management, established by the Act.

(d) "Director" means the Director of the Alabama Department of Environmental Management, appointed pursuant to the Act.

(e) "Person" means any and all persons, natural or artificial, including, but not limited to, any individual, partnership, association, society, joint stock company, firm, company, corporation, institution, trust, estate, or other legal entity or other business organization or any governmental entity, and any successor, representative, agent, or agency of the foregoing.

Author: Ronald W. Farley
Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-22A-6, 22-22A-8, 41-22-4, 41-22-5.
History: Effective: Filed June 17, 1988. **Amended:**

335-1-1-.03 Organization And Duties Of The Commission.

(1) The Commission is a statutorily-created seven-member commission with the following duties:

(a) To select a Director for the Department of Environmental Management and to advise the Director on environmental matters which are within the Department's scope of authority;

(b) To establish, adopt, promulgate, modify, repeal and suspend any rules, regulations, or environmental standards for the Department which may be applicable to the state as a whole or any of its geographical parts;

(c) To develop environmental policy for the state; and

(d) To hear and determine appeals of administrative actions.

(2) The members of the Commission are appointed for six-year terms by the Governor with the advice and consent of the senate. Position qualifications are as follows:

(a) a physician licensed to practice medicine in the State of Alabama who shall be familiar with environmental matters;

(b) a professional engineer registered in the State of Alabama who shall be familiar with environmental matters;

(c) an attorney licensed to practice law in the State of Alabama who shall be familiar with environmental matters;

(d) a chemist possessing as a minimum a bachelor's degree from an accredited university, or a veterinarian licensed to practice veterinary medicine in the State of Alabama, who shall be familiar with environmental matters;

(e) an individual certified by the National Ground Water Association Certification Program or is a professional geologist;

(f) a biologist or an ecologist possessing as a minimum a bachelor's degree from an accredited university with training in environmental matters;

(g) a resident of the state for at least two years; and

(h) members shall meet all requirements of the state ethics law and the conflict-of-interest provisions of applicable federal laws and regulations.

(3) The Commission meets regularly, at least once every two months, and keeps a complete and accurate record of the proceedings of its meetings, a copy of which is located on the Department's website (www.adem.alabama.gov) under the Environmental Management Commission tab and is open to public inspection.

(4) Beginning with Fiscal Year 2009 as needed for the effective execution of statutory mandates, and at least every fifth year after the last notice as outlined herein, and in accordance with all applicable statutes and regulations, the Director shall deliver to the Commission a notice of intent to update the Unified Strategic Plan under which the Commission and Department operate. The notice shall contain the Department's summary of departmental goals, timeline for plan development, and a brief explanation of methodology for updating the Unified Strategic Plan. Any and all updates to the Unified Strategic Plan shall be completed within one year of the Director's notice.

(5) Upon receipt of the notice delivered according to paragraph (4) of this rule, the Commission shall appoint a special ad hoc committee to oversee the Department's development and implementation of the planning process.

(6) Any final Unified Strategic Plan produced according to this process shall be approved by the Commission.
Author: Marilyn Elliott; John P. Hagood; Brian C. Espy
Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-22A-6, 22-22A-8, 41-22-4, 41-22-5.
History: Effective: Filed June 17, 1988. **Amended:** Filed April 21, 2009; effective May 26, 2009. **Amended:** Filed October 24, 2017; effective December 8, 2017. **Amended:** Filed October 23, 2018; effective December 7, 2018.

335-1-1-.04 Organization Of The Department.

(1) The Department is under the direction, supervision, and control of the Director who is designated by the Commission.

(2) The Director is assisted by a Deputy Director who is a merit system employee and who has charge and general supervision of the Department in the absence or disability of the Director.

(3) The Director establishes Divisions for the purposes of distributing duties, responsibilities, and work among the various personnel of the Department.

(4) The Deputy Director, Division Chiefs, and all other Departmental personnel are merit system employees selected by the Director consistent with the provisions of merit system law and the rules and regulations of the State Personnel Board.

(5) The Director, Deputy Director, Division Chiefs, and all other Departmental personnel shall meet all requirements of the state ethics law.

(6) The Director, Deputy Director, and Division Chiefs shall meet all requirements of the conflict-of-interest provisions of applicable federal laws and regulations.
Author: Marilyn Elliott
Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-22A-6, 22-22A-8, 41-22-4, 41-22-5.
History: Effective: Filed June 17, 1988. **Amended:** Filed October 24, 2017; effective December 8, 2017.

335-1-1-.05 Duties And Operations Of The Department.

(1) To provide for the implementation of environmental programs and policies.

(2) To serve as the state agency responsible for administering federally approved or federally delegated environmental programs.

(3) To provide for a unified environmental regulatory and permit system.

(4) To provide for a coordinated statewide program of air pollution prevention, abatement, and control.

(5) To provide for a coordinated statewide program to assure adequate safeguards for management of hazardous wastes from the point of generation through handling, processing, and final disposition.

(6) To provide for a coordinated statewide program to manage the disposal of solid wastes.

(7) To provide for a coordinated statewide program for the prevention, abatement, and control of new and existing water pollution.

(8) To provide for a coordinated statewide program for the control of public water systems insofar as purity, potability, wholesomeness, and physical quality of water.

(9) To provide for enforcement of the Alabama Coastal Area Management Program designed to preserve, enhance, and develop the valuable resources in Alabama's coastal area.

(10) To issue, modify, suspend, or revoke orders, citations, notices of violation, certifications, or permits.

(11) To provide for the collection of environmental data concerning the quality of the state's air, water, and land resources.
Author: Ronald W. Farley
Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-22A-6, 22-22A-8, 41-22-4, 41-22-5.
History: Effective: Filed June 17, 1988. **Amended:**

335-1-1-.06 Availability Of Records And Information.

(1) Public inspection of records. Except as provided herein, any records, reports, rules, forms, or information obtained under the Act and the official records of the Department shall be available to the public for inspection. Requests for permission to inspect such records should be made to the Department of Environmental Management at its Montgomery, Alabama office, unless otherwise directed in published organizational, procedural, or regulatory statements pertaining to specific records or classes of records. Such requests should state the general subject matter of the records sought to be inspected to permit identification and location.

(2) Exceptions. Upon a showing satisfactory to the Director by any person that records, reports, or information, or particular parts thereof (other than emission, effluent, manifest, or compliance data) to which the Department has access, if made public, would divulge production of sales figures or methods, processes, or production unique to such person, or otherwise tend to affect adversely the competitive position of such person by revealing trade secrets, the Director shall consider such records, reports, or information, or particular portion thereof, confidential. Any showing of confidentiality must be based on statutory authority which empowers the Department to grant confidentiality for the particular program in question and must accompany the documents, records, reports, or information provided to the Department. If a claim covering the information is received after the information itself is received, efforts, as are administratively practicable can be made, will be made to associate the late claim with the copies of the previously submitted information in the file.

(3) Requests for records and information must be made to the Office of the Director at the Department's Montgomery address. Responses to such requests shall be made within 10 working days after receipt in the Office of the Director.

(4) Creation of record. Records will not be created by compiling selected items from other documents at the request of a member of the public, nor will records be created to provide the requester with data such as ratios, proportions, percentages, frequency distribution, trends, correlations, or comparisons except as necessary to administer the Act.

(5) Denial of requests for, or non-existence of, information. If it is determined pursuant to this Part that requested information will not be provided or that, to the best knowledge of the Director, requested information does not exist, the Director shall notify in writing the party requesting the information that the request is denied and shall state the reasons for denial and shall maintain a file of such denials.

(6) Copies of documents. If it is determined that information requested may be disclosed, the requesting party shall be afforded the opportunity to obtain copies of the documents containing such information. However, records shall not be released for copying by non-Division personnel except by permission of the Director or his designee. When a determination not to disclose a portion of information requested has been made, records shall be prepared for copying on nonexcepted portions of the information. Cost of providing copies will be the responsibility of the person requesting the copies. Charges are as follows:

(a) 30 cents per black and white page 8.5 x 11, 8.5 x 14 or 11 x 17 inches in size.

(b) $1.50 per color page 8.5 x 11, 8.5 x 14 or 11 x 17 inches in size. $4.00 per page for black and white and $7.00 per page for color, wide-format documents such as maps and blue prints. Compact discs are $15.00 each for files retrievable from electronic data bases.

(c) 50 cents per page for certified documents.

(d) 10 cents per page rounded to the nearest dollar for paper copies of each Division of the regulations. Compact discs of a Division of the regulations are $15.00.

(e) The Department will not invoice unless the charges exceed $10.00.

(7) Requests which do not reasonably describe records sought. The Department may communicate with the requester to clarify records sought and with a view toward reducing the administrative burden

of processing a broad request and minimizing the fees payable by the requester.

(8) Public distribution. Any written request for records prepared by the Department for routine public distribution, e.g. pamphlets, copies of speeches, press releases, and education materials, shall be honored.

(9) Disclosure of information to other agencies. Nothing in these rules and regulations shall be construed to prevent disclosure of any report, record, or information obtained under the Act, or any of the official records of the Commission to federal, or state, agencies, or when relevant in any proceedings under the Act.
Author: Marilyn Elliott, Russell A. Kelly
Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-22A-6, 22-22A-8, 41-22-4, 41-22-5.
History: Effective Filed June 17, 1988. **Amended:** Filed December 24, 2003; effective January 28, 2004. **Amended:** Filed June 6, 2006; effective July 11, 2006.

335-1-1-.07 Departmental Forms, Instructions, And Procedures.

(1) Designation as the State Environmental Control Agency. The Department is the State Environmental Control Agency for the purposes of federal environmental law including the Federal Clean Air Act, 42 U.S.C. 7401 et seq., as amended; the Federal Clean Water Act, 33 U.S.C. 1251 et seq., as amended; the Federal Safe Drinking Water Act, 42 U.S.C. A 201 et seq., as amended. The Department is authorized to take all actions necessary and appropriate to secure the benefits of federal environmental laws. The Department operates in conformity with such federal laws, policies, and procedures, as provided in the Act.

(2) Policies and Procedures. The Commission, through the adoption of rules pursuant to Code of Ala. 1975, §22-22A-7(c)(6), establishes environmental policies and procedures.

(3) Form and Instructions. The Director may require such forms within the rules as he deems necessary. The content of such forms and instructions for their completion may be prescribed by the Director including the changes of such from time to time. Federal forms as published by the Environmental Protection Agency may be used in lieu of state developed forms. Departmental forms prescribed by the Director shall be identified and numbered as follows:

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Ed. Note: Forms are available on the ADEM website at www.adem.alabama.gov.
Author: Marilyn Elliott, Russell A. Kelly, Aubrey White, David Hutchinson, Brian C. Espy
Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-22A-6, 22-22A-8, 411-22-4, 41-22-5.
History: **Amended:** Filed June 26, 2002; effective July 31, 2002. **Amended:** Filed December 19, 2002; effective January 23, 2003. **Amended:** Filed June 30, 2004; effective August 4, 2004. **Amended:** Filed December 6, 2005; effective January 10, 2006. **Amended:** Filed June 6, 2006; effective July 11, 2006. **Amended:** Filed October 10, 2006; effective November 14, 2006. **Amended:** Filed December 18, 2007; effective January 22, 2008. **Amended:** Filed December 15, 2008; effective January 19, 2009. **Amended:** Filed December 15, 2009; effective January 19, 2010. **Amended:** Filed December 14, 2010; effective January 18, 2011. **Amended:** Filed October 25, 2011; effective November 29, 2011. **Amended:** Filed October 23, 2012; effective November 27, 2012. **Amended:** Filed April 15, 2014; effective May 20, 2014. **Amended:** Filed June 23, 2015; effective July 28, 2015. **Amended (Appendix Also):** Filed June 21, 2016; effective August 5, 2016. **Amended (Appendix Also):** Filed June 21, 2016; effective August 5, 2016. **Amended:** Filed August 22, 2017; effective October 6, 2017. **Amended:** Filed April 24, 2018; effective June 8, 2018. **Amended:** Filed October 23, 2018; effective November 7, 2018. **Amended:** Published February 28, 2020; effective April 13, 2020. **Amended:** Published December 31, 2020; effective February 14, 2021. **Amended:** Published April 29, 2022; effective June 13, 2022. **Amended:** Published December 30, 2022; effective February 13, 2023. **Amended:** Published February 29, 2024; effective April 14, 2024. **Amended:** Published December 31, 2025; effective February 14, 2026.

Ed. Note: Appendix A, Forms can no longer be found at the end of the Chapter 335-1-1. It will be placed at the end of all chapters in Division 335-1.

335-1-1-.08 Communications With The Department.

(1) Correspondence, applications, reports, or other documents required to be submitted to the Department either by the ADEM Admin. Code, or any permit, order, or directive issued by the Department may be submitted as follows:

(a) By U.S. Mail, addressed to ADEM, at P. O. Box 301463, Montgomery, Alabama 36130-1463. The address shall specifically indicate the individual or program to whom the submission is to be delivered.

(b) By hand delivery or overnight or express mail, addressed to ADEM, 1400 Coliseum Blvd., Montgomery, Alabama 36110-2400. The address shall specifically indicate the individual or program to whom the submission is to be delivered.

(c) By electronic means, in accordance with Code of Ala. 1975, §§8-1A-1 to 8-1A-20 (2002 Rplc. Vol.).

(i) If e-mail is employed, it is the submitter's responsibility to ascertain the correct e-mail address of the individual to whom the submission is to be sent. The correct recipient and his or her e-mail address may be obtained by calling the program to which the submission will be sent.

(ii) The electronic submittal shall contain all required information and be formatted in an electronic file format provided or approved by ADEM.

(iii) The documents may be submitted in electronic form on a compact disk and delivered via e-mail, U.S. mail, hand delivery, or overnight or express mail.

(iv) Where a signature is required but an electronic signature is not otherwise prohibited, a written signature is not necessary for documents sent electronically. An electronic signature, such as an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record is acceptable.

(v) The receipt date for an electronic submittal via e-mail shall be the date and time the document is received

by the Department as indicated by the computer software accepting the submission, in accordance with Code of Ala. 1975, §8-1A-15 (2002 Rplc. Vol.).
Author: Ronald W. Farley
Statutory Authority: Code of Ala. 1975, §§22-22A-5(3) (2005 Cum. Supp.), §§9-1A-1 to 8-1A-20 (2002 Rplc. Vol.).
History: **New Rule:** Filed October 10, 2006; effective November 14, 2006. **Amended:** Filed August 22, 2017; effective October 6, 2017.

335-1-1-E Explanatory Note For Chapter 335-1-1.

General Administration Regulations

On their effective date, August 1, 1988, portions of these regulations replaced existing regulations covering the issues of organization and availability of public information contained in chapters administered by the Air and Water Divisions of the Department. Specifically, the following regulations were repealed when this chapter was adopted:

1. ADEM Air Regulations Part 1.3--"Organization" of the Air Pollution Control Rules and Regulations.

2. ADEM Air Regulations Part 1.4--"Availability of Records and Information" of the Air Pollution Control Rules and Regulations.

3. ADEM Air Regulations Part 1.5--"Employee Responsibilities and Conduct" of the Air Pollution Control Rules and Regulations.

4. ADEM Water Quality Regulations Chapter 335-6-1-.03--"Public Information" of the Water Division - Water Quality Program rules.

Author: Ronald W. Farley
Statutory Authority: Code of Ala. 1975, §§22-22A-5, 22-22A-6, 22-22A-8, 41-22-4, 41-22-5.
History: Effective: Filed June 17, 1988. **Amended:**