

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 335
Department or Agency: Alabama Department of Environmental Management General Administration
Rule No.: 335-1-1-.07
Rule Title: Departmental Forms, Instructions, And Procedures
Intended Action: Amend

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? No

To what degree?: N/A

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

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

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

marilyn elliott
marilyn elliott

Date

Friday, October 20, 2023

REC'D & FILED
OCT 20, 2023
LEGISLATIVE SVC AGENCY

APA-2

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT GENERAL ADMINISTRATION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-1-1-.07 Departmental Forms, Instructions, And
Procedures

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Department proposes to amend Rule 335-1-1-.07 in order to modify, add, and delete forms required with the implementation of ADEM Program Regulations.

The Department proposes to add Rule 335-1-5 in order to adopt a Title VI grievance procedure for the Department under 40 CFR § 7.90.

The Department proposes to amend Rule 335-1-6-.07 (Fee Schedule H) in order to establish the Brownfield Remediation Reserve Fund in accordance with Act 2023-356.

The Department proposes to amend Rule 335-1-7-.03 in order to delete rules which were applicable only during the first few years of the fee requirements (1993-1997).

The Department proposes to amend Rule 335-1-7-.04 in order to delete rules which were applicable only during the first few years of the fee requirements (1993-1997). In addition, changes are being proposed to outdated provisions dealing with the annual determination of fee levels.

The Department proposes to amend Rule 335-1-7-.05 in order to delete rules which were applicable only during the first few years of the fee requirements (1993-1997). In addition, changes are being proposed to outdated provisions dealing with the annual determination of fee levels.

The Department proposes to repeal Rule 335-1-7-.05 (Schedule A) in order to delete rules which were applicable only during the first few years of the fee requirements (1993-1997).

The Department proposes to repeal Rule 335-1-A (Appendix of Forms). The current version of Department forms are within the Administrative Code by reference only as cited within 335-1-1-.07.

The Department proposes to repeal Rule 335-1-7-.05 (Schedule B) in order to delete rules which were applicable only during the first few years of the fee requirements (1993-1997).

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held December 14, 2023, at 10:00 a.m. in the Hearing Room at the Alabama Department of Environmental Management, 1400 Coliseum Boulevard, Montgomery, Alabama 36110. All comments should be received by 5:00 pm on December 14, 2023.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, December 14, 2023

APA-2

CONTACT PERSON AT AGENCY:

Russell A. Kelly (334) 271-7714

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

**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:

Name of Forms	Form Number
Title VI Complaint Form	572
Air Program	
Specifications for Air Curtain Incinerators M-1	17
MEME Vendor Application	39
Registration Form for the Construction, Installation, or Modification of an Incinerator M-23	52
Operating Permit Application Facility Identificaiton Form Identification Form M-78	103
Permit Application for Indirect Heating Equipment M-34	104
Permit Application for Manufacturing or Processing Operation M-56	105
Permit Application for Waste Disposal M-23	106
Permit Application for Stationary Internal Combustion Engines M-78	107
Permit Application for Loading and Storage of Organic Compounds M-23	108
Permit Application for Volatile Organice Compound Surface Coating Emission Source Organic Compound M-34	109
Permit Application for Air Pollution Control Device M-45	110
Permit Application for Solvent Metal Cleaning M-12	112
Seal Gap Test Form M-12	184
Air Permit Application for Gasoline Dispensing Facilities M-56	197
Gasoline Transport Tank Truck Application M-34	198
Cargo Tank Tightness Test Report M-1	309
Bulk (Gasoline) Plant Application M-2	331
Emissions Statement Reporting Form M-1	372
Excess Emission Monitoring Report	373
Exemption Claim Form for Cofired Combustors (Appendix H - Division 3) M-1	374
Exemption Claim Form for Incinerators Burning Only Pathological, Low-Level Radioactive, and Chemotherapeutic Waste (Appendix H - Division 3) M-1	375
Gasoline Dispensing Facility Information Survey M-1	378
Open Burning Incident Report	434
Perc Dry Cleaner Status Update M-1	436
Permit Application for Compliance Schedule M-12	437

Permit Application for Continuous Emission Monitoring Systems (CEMS) M-1	438
Petroleum Solvent Dry Cleaning Questionnaire M-1	440
Remediation Approval Form M-2	448
Remediation Reporting Form M-2	449
112(j) Part 1 Applicability Notification	493
Birmingham Fuel Supplier Report M-1	494
Notice of Demolition and/or Asbestos Removal M-1	496
Asbestos Removal Contractor Certification	497
Visible Emission Field Test Sheet	502
CAIR Permit Application (for sources covered under a CAIR SIP)	519
Coastal Program	
Joint Application and Notification U. S. Department of Army, Corps of Engineers Alabama Department of Environmental Management M-3	166
Alabama Coastal Area Management Program Application for Approval of a Non-Regulated Use ADEM Administrative Code rule 335-8-1-.11 Groundwater Extraction 50 PM or Greater M-1	316
Application for a Permit for the Construction for a Motel, Hotel, or Other Multi-Unit Development on a Property Intersected by the Construction Control Line in the Alabama Coastal Area M-1	327
Application for a Permit for the Construction of Single-Family Dwellings, Duplexes, or Other Similar Structures on Properties Intersected by the Construction Control Line in the Alabama Coastal Area M-1	328
Application for Approval of a Non-Regulated Use in the Alabama Coastal Area Developments and Subdivisions of Property Greater than 5 Acres in Size M-1	329
Waste/Remediation Program	
Alabama Recycling Fund Grant Application M-2	9
Solid Waste Landfill Operator Initial Certification Application	11
Solid Waste Landfill Operator Reciprocal Certification Application	12
Solid Waste Landfill Operator Certification Renewal	13

Processing and Recycling General Information Recycling Registration M-2	15
Annual Recycling Report	16
Composting Facility Application <u>M-1</u>	18
UST Annual Walkthrough Inspection Checklist Log M-3	19
UST 3 Year Spill Prevention Equipment (Spill Bucket) Integrity Test Report (Hydrostatic and Vacuum Method) M-3	20
UST Alabama Tank Trust Fund Cost Proposal Part I M-45	31
UST Alabama Tank Trust Fund Payment Request Part I M-45	32
Disposal Approval Request M-1	278
UST Notification for Underground Storage Tanks M-4	279
UST Notification for Above Ground Storage Tanks M-4	283
Solid Waste Profile Sheet M-3	300
SARA Title III Section 302: Extremely Hazardous Substance Notification M-1	302
Permit Application Solid Waste Disposal Facility Construction/Demolition Landfill M-2	305
UST Notice of Temporary Closure M-2	310
Alabama Hazardous Waste/Used Oil Transporter Permit Application M-2	317
Alternative Medical Waste Treatment Technology Equipment Approval Application	323
UST Annual Statistical Inventory Reconciliation (SIR) Report Form M-2	326
Application for Name Change or Transfer of Permit or Exemption M-5	330
UST Cathodic Protection Monitoring Form M-2	332
UST Impressed Current Cathodic Protection System 60-Day Inspection Log M-1	400
UST Interior Lining Inspection Form	403
UST Interior Lining Report Form	404
UST Manual Interstitial Monitoring Monthly Log M-1	406
SARA Title III Section 311: SDS/MSDS Reporting M-1	407
<u>Application for Medical Waste Generator Notification</u> Medical Waste Notification Form M-23	410
Medical Waste Transporter Permit Application M-5	411
Medical Waste Treatment Permit Application M-5	412
Medical Waste Storage Permit Application	413

UST 30 Day Statistical Inventory Reconciliation (SIR) Log M-3	414
UST Notice of Intent to Permanently Close Underground Storage Tanks or Piping M-4	422
UST Notice of Proposed UST New Installation or Modification M-5	423
Notification of Election of Coverage under The Alabama Drycleaning Environmental Response Trust Fund Act M-3	425
Permit Application Solid Waste Disposal Facility M-2	439
UST Statistical Inventory Reconciliation SIR 7 Day Release Investigation Report M-3	460
UST Tank Trust Fund Eligibility / Ineligibility Determination Form M-1	462
UST Underground and Above Ground Storage Tank Transfer of Ownership M-3	469
UST ARBCA Tier 1 Report Forms	471
UST ARBCA Tier 2 Report Forms	472
UST ARBCA Tier 3 Report Forms	473
UST Closure Site Assessment Report Form M-4	474
UST Free Product Recovery Report Form	475
UST Groundwater Monitoring Report Form M-1	476
UST Line Tightness Test Report Form M-3	477
UST Natural Attenuation Monitoring Report Form	478
UST Release Fact Sheet	479
UST Release Report Form M-3	480
UST Site Classification System Checklist	481
UST System Effectiveness Monitoring Report Form	482
UST Tracer Tank Tightness Test Report Form M-2	483
UST Ullage Tank Tightness Test Report Form M-2	484
UST Tank Tightness Test (Vacuum) Report M-3	485
UST Volumetric Overfill Tank Tightness Test Report Form M-2	486
UST Volumetric Underfill Tank Tightness Test Report Form M-1	487
UST Closure Total Potential VOC Emissions Calculations	492
Voluntary Cleanup Program Application M-23	521
Technical Proposal for Qualification as a Large Site Scrap Tire Fund Remediation Center M-1	530

Scrap Tire Manifest M-4	536
Scrap Tire Registration & Exemption Application M-7	537
Scrap Tire Transporter Permit Application M-8	538
Scrap Tire Quarterly Report M-6	539
Scrap Tire Processor Permit Application M-7	540
Scrap Tire Site Registration M-1	541
Brownfields State Revolving Fund Pre-Application Form M-1	542
Brownfields State Revolving Fund Application Form M-1	543
Cathodic Protection Monitoring for Galvanic Systems M-2	545
Alabama Hazardous Waste Receipt for Samples and Documents	546
Brownfields Assessment Request Application M-1	550
UST Line Leak Detector (LLD) Test Report M-3	551
UST 3 Year Containment Sump Integrity Test Report (Low Level Method) M-1	556
UST 3 Year Containment Sump Integrity Test Report M-1	557
UST 30 Day Walkthrough Inspection Checklist Log M-2	558
UST 3 Year Overfill Prevention Equipment Inspection Report M-2	559
UST Annual Probe and Sensor Test Report M-1	560
UST Annual Release Detection Equipment Operation and Calibration Testing Log M-2	561
UST Compatibility Demonstration Log M-1	562
UST Manual Tank Gauging Monthly Log M-1	563
UST Annual Liquid Sensor Inspection and Functionality Test M-1	564
UST Annual Tank Gauge Test Report M-1	565
UST Automatic Line Leak Detector (ALLD) and Line Tightness Test Report M-1	566
Application for Facility Name Change or Transfer of Solid Waste Disposal Facility Permit	568
Beneficial Use Facility Registration Application M-1	569
Beneficial Use Annual Reporting <u>M-1</u>	570 <u>1</u>
Notification of Regulated Waste Activity M-6 Notification of Regulated Waste Activity M-6 <u>7</u>	8700-12
Water Program	

Drinking Water - Groundwater System Monthly Operational Data Report M-1	8
Information Needed for 316(b) Determination in Regard to General NPDES Permits	14
Notice of Termination NPDES General Permit Number ALR100000 M-2	21
NPDES Construction Stormwater Inspection Report and BMP Certification M-1	23
Notice of Intent NPDES General Permit Number ALR100000 (Construction Stormwater) M-3	24
NPDES Construction Stormwater Noncompliance Notification M-1	25
Notice of Intent-NPDES General Permit Number ALG850000 M-4	26
Drinking Water - Operational Evaluation Level Exceedance Report M-2	27
Notice of Intent-General Permit Number ALG870000 (Pesticides) M-2	28
ADEM NPDES Pesticide Adverse Incident Report M-1	29
Notice of Termination - NPDES General Permit Number ALG870000 M-1	30
EDWRS Permittee Registration Form	33
EDWRS Lab Registration Form	34
EDWRS Terms and Conditions Agreement	35
Drinking Water - Total Coliform Rule - Level 1 Assessment M-2	36
Drinking Water - Total Coliform Rule - Level 2 Assessment M-2	37
Drinking Water- Certification of Well Completion	59
Drinking Water - Notification of Intent to Drill a Water Well	60
Drinking Water - Purchase Water System Monthly Operation Report M-1	185
State Indirect Discharge (SID) Permit Application M-6	186
NPDES Individual Permit Application Supplementary Information for Industrial Facilities M-7	187
NPDES Individual Permit Application Supplementary Information for Publicly-Owned Treatment Works (POTW), Other Treatment Works Treating Domestic Sewage (TWTDS), and Public Water Supply Treatment Plants M-4	188
Permit Application of Reclaimed Water Reuse (RWR)	189
Application for Alabama Well Driller's License M-1	193

Water Well Driller Reciprocal Application	194
Water Well Standards Program License Renewal	195
Drinking Water - Filter Plant Monthly Operational Data Report M-1	242
One-Time Compliance Report for Dental Dischargers	570
Drinking Water - Monthly Membrane Surface Plant Operational Data Report M-1	243
Drinking Water - Application for Approval to Use a Water Supply Well	259
Alternative Analysis	311
Calculation of Total Annualized Project Cost for Public-Sector Projects	312
Calculation of Total Annualized Project Cost for Private-Sector Projects	313
ADEM Baseline Monitoring Report Submittal Form	314
NPDES Individual Permit Application (Mining Operations) M-6	315
Annual Certification Form for Discharges Associated with Petroleum Storage and Handling Areas M-2	324
Drinking Water - Chemical Monitoring Data Report M-1	335
Drinking Water - Chemical Monitoring Waiver Application M-1	336
Clean Water State Revolving Fund (CWSRF) Loan Application Form M-3	339
Clean Water State Revolving Fund (CWSRF) Preapplication Form M-4	340
Coalbed Methane Stormwater Inspection Summary Report M-1	343
Coalbed Methane Temporary Pit Wastewater Land Application Certification Report M-1	344
Drinking Water - Community Public Notification Certification Form	345
Drinking Water - Community System Susceptibility Analysis Sheet M-1	346
Drinking Water - Consumer Confidence Report (CCR) Certification Form M-2	347
Drinking Water State Revolving Fund (DWSRF) Loan Application Form M-3	369
Drinking Water State Revolving Fund (DWSRF) Preapplication Form M-4	370
NPDES Individual Permit Application Addendum M-1	376
NPDES Individual Permit Application Minor Permit Modification Addendum M-2	377

Notice of Intent-NPDES General Permit Number ALG110000 M-5	380
Notice of Intent-NPDES General Permit Number ALG120000 M-6	381
Notice of Intent-NPDES General Permit Number ALG140000 M-5	382
Notice of Intent-NPDES General Permit Number ALG150000 M-4	383
Notice of Intent-NPDES General Permit Number ALG160000 M-4	384
Notice of Intent-NPDES General Permit Number ALG170000 M-4	385
Notice of Intent-NPDES General Permit Number ALG180000 M-4	386
Notice of Intent-NPDES General Permit Number ALG020000 M-4	387
Notice of Intent-NPDES General Permit Number ALG200000 M-4	388
Notice of Intent-NPDES General Permit Number ALG230000 M-4	389
Notice of Intent-NPDES General Permit Number ALG240000 M-4	390
Notice of Intent-NPDES General Permit Number ALG250000 M-5	391
Notice of Intent-NPDES General Permit Number ALG280000 M-5	392
Notice of Intent-NPDES General Permit Number ALG030000 M-4	393
Notice of Intent-NPDES General Permit Number ALG340000 M-5	394
Notice of Intent-NPDES General Permit Number ALG360000 M-6	395
Notice of Intent-NPDES General Permit Number ALG060000 M-5	396
Notice of Intent-NPDES General Permit Number ALG670000 M-4	397
Drinking Water - Lead and Copper Monitoring Data Report M-1	405
Material Safety Data Sheet Reporting	407
Drinking Water - Maximum Residual Disinfectant Level Input Form (Samples) M-1	408
Sanitary Sewer Overflow (SSO) Event Reporting Form M-4	415
Municipal Water Pollution Prevention (MWPP) Annual Report (Collection Systems) Package M-1	416
Municipal Water Pollution Prevention (MWPP) Annual Report Package M-3	417

Municipal Water Pollution Prevention Resolution Form	418
MWPP Sewage Sludge Survey M-1	419
Drinking Water - Non-Community Public Notification Certification Form	420
NPDES/SID Non-Compliance Notification Form M-4	421
NPDES Annual Notice of Registration (NOR)	429
NPDES Individual Permit Pollution Abatement / Treatment Measures and Sediment Control Structures Certification Report M-2	432
NPDES Permitted Coalbed Methane Operations Pollution Abatement/Treatment Measures and Waste Treatment Facilities Certification Report M-1	433
Operator Certification Renewal Form M-1	435
Plant and Collection System Personnel Inventory	441
Drinking Water - Potable Water Laboratory Certification Application M-3	442
Drinking Water - Progress Report Form M-1	443
Drinking Water - Project Completion Form M-2	444
Release Information Form	447
Representative Stormwater Outfall Certification M-3	450
Request for NPDES Permit Post-Mining Discharge Limitations (Coal Mining Operations) M-2	451
Request for Release from NPDES Permit Monitoring and Reporting Requirements (Mining Operations) M-3	452
Request to Remove Subsurface Withdrawal from Discharge Structure (NPDES-Permitted Mining Operations) M-2	453
Request to Remove Treatment Basin/Pond or Other Discharge Structure (NPDES-Permitted Mining Operations) M-3	454
Required Information for Mixing Zone Modeling M-1	455
SID Discharge Monitoring Report Form (Monthly)	457
SID Discharge Monitoring Report Form (Quarterly)	458
SRF Payment Request Form	459
Drinking Water - Surface Source Susceptibility Analysis Worksheet M-1	461
Toxicity Discharge Monitoring Report Form	464
Toxicity Test Report Summary	465
NPDES/SID/UIC Permit Transfer Agreement M-3	466
Drinking Water - Construction Permit Application M-2	488

Drinking Water - Modification Permit Application	489
Drinking Water - Renewal Permit Application M-2	490
Drinking Water - Public Water System Information Update M-1	491
Notice of Intent-NPDES General Permit Number ALG890000 M-6	498
Notice of Termination - NPDES General Permit Number ALG890000 M-4	499
NPDES Noncoal/Nonmetallic Mining and Dry Processing Less than Five Acres Stormwater Inspection Report and BMP Certification M-3	500
NPDES Small Mining Noncompliance Notification Report M-4	501
Notice of Intent - NPDES General Permit Number ALR040000 (MS4 Phase II) M-3	503
Water and Wastewater Operator Exam Application M-1	505
Water and Wastewater Operator Experience Verification M-1	506
Water and Wastewater Reciprocal Application M-1	507
Water and Wastewater Operator for Multiple Systems M-1	508
Cooling Water Supplemental Information M-2	510
Permittee Registration Form for e-DMR/e-SSO M-1	511
Electronic Signature Agreement (ESA) for e-DMR/e-SSO M-2	512
Deactivation Request Form for e-DMR/e-SSO M-1	513
EDMR Daily Discharge Monitoring Report Form	514
EDMR Monthly Discharge Monitoring Report Form	515
Supplemental Petroleum Application Information	516
Alabama Clean Vessel Act Grant Application	517
Boating Infrastructure Grant Application	518
General Phase II MS4 Stormwater Permit Renewal Notice of Intent M-1	520
Notice of Intent-NPDES General Permit Number ALG640000 M-6	522
Hydrogeology Unit Evaluation Report Form	531
Documentation of Disability Related Needs	533
Drinking Water - Giardia and Virus Profile Spreadsheet M-1	535
Drinking Water - WTP Quarterly Report for the Disinfectants and Disinfection Byproducts Rule M-2	547
NPDES Individual Permit Application (Coalbed Methane Operations) M-4	549
Notice of Intent-UIC General Permit Number ALIG010000	552
Notice of Intent-UIC General Permit Number ALIG020000	553
Notice of Termination - NPDES General Permits (Industrial Activities)	554
No Exposure Certification for Exclusion from NPDES Stormwater Permitting for Industrial Activities M-1	555

NPDES Mining and Preparation Plant Outfall Data for Metals, Cyanide, and Total Phenols	567
<u>One-Time Compliance Report for Dental Dischargers</u>	<u>570</u>

[Ed. Note: Forms are available on the ADEM website at www.adem.alabama.gov.](http://www.adem.alabama.gov)

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