

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 335
Department or Agency: Alabama Department of Environmental Management General Administration
Rule No.: 335-1-6-.07
Rule Title: Payment Of Fees
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: 335-1-6-.07 Payment Of Fees

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 amend 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 amend 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 p.m., 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

marilyn elliott

marilyn elliott

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

335-1-6-.07**Payment Of Fees.**

(1) Payment of permit application/registration fees required under subparagraphs (1)(a) and (1)(b) or paragraph (2) of Rule 335-1-6-.04 shall be included with the permit application/registration. No permit application shall be processed without payment of such fees.

(2) Any fee required under subparagraph (1)(c) of Rule 335-1-6-.04 shall be billed to the applicant. Payment of such fee shall be made within thirty days of the invoice date. No final decision regarding the permit application shall be made until after payment of such fee. Failure to make payment as provided herein shall constitute cause for non-processing/denial of the permit application.

(3) Payment of fees required under Rule 1-6-.05 shall be made within thirty days of the date of the invoice which the Department shall send to the person making the application or request or requiring the certificate.

(4) Payment of fees required under Rule 335-1-6-.06 shall be included with the application for such license, variance or certification. No application shall be processed without payment of such fees.

(5) All fees paid pursuant to the requirements of this Chapter shall be non-refundable.

(6) All fees and remittances shall be made payable to the Alabama Department of Environmental Management.

SCHEDULE A**AIR QUALITY PERMITS**

<u>Type of Activity</u>	<u>Fee</u>
Permit Preparation (Per Permit)	\$1,465
State Regulations Only (Per Permit)	\$575
Public Comment Period (Per Application)	\$740
NSPS Review (Per Permit/Per NSPS)	\$2,795
NESHAPS Review (Per Permit/Per NESHAP)	\$2,795
MACT/112(g) Determination (Per Pollutant/Per Determination)	\$940
PSD Review (Per Application)	\$2,410
BACT Determination (Per Pollutant)	\$940
Non-Attainment Review Submittal Fee (Per Application)	\$2,410
LAER Determination (Per Permit per Pollutant/Per Determination)	\$940
Plantwide Applicablity Limits (PAL) Review (Per Pollutant)	\$11,830
Non-Criteria Air Pollutant Review (Per Pollutant)	\$1,895
Modeling Review	—
Modeling Protocol Review	\$2,575
Modeling Review	\$19,060
Class 1 Modeling Review	\$2,575

Emission Inventory Preparation

\$1,460
+ \$150/
point/pollutant

Meteorological Data

\$1,085

Adequacy Determination of Preconstruction
Monitoring Network/Data

\$7,435

Soil Remediation Plan Review

\$650

Certification and Recertification of
Asbestos Removal Contractors

\$740

Name Change

\$800 + \$150 per
permit

**FEE SCHEDULE B
COASTAL USE PERMITS STATEWIDE WATER QUALITY CERTIFICATION AND PROJECT
REVIEWS**

<u>Type of Activity</u>	<u>Fee</u>
<u>Commercial and/or Residential Development</u>	—
a) Commercial and Residential Development greater than 5 acres and less than 25 acres in size.	\$9,025
b) Commercial and Residential Development 25 acres or greater and less than 100 acres in size.	\$19,070
c) Commercial and Residential Development 100 acres or greater in size.	\$25,920
Groundwater extraction from a well having capacity of 50 gpm or more (335-8-2-.09).	\$3,995
<u>Construction on Beaches and Dunes (335-8-2-.08)</u>	—
a) 1 single family dwelling or 1 duplex.	\$1,330
b) 2 single family dwellings or 2 duplexes.	\$1,750
c) Commercial (non-residential) structure, multi-unit residential structure having more than 2 units, or any other combination of living units not covered under a) or b) above.	\$17,765
d) Hardened erosion control structure, including retaining walls, seawalls, bulkheads and similar structure, or the placement of rip-rap.	\$2,035
<u>Beach Nourishment Projects on Gulf Beaches</u>	—
a) Gulf Beach Nourishment Project filling less than 1,000 square feet of State waterbottoms.	\$1,895
b) Gulf Beach Nourishment Project filling 1,000 square feet to 100,000 square feet of State waterbottoms.	\$3,785

**FEE SCHEDULE B
COASTAL USE PERMITS STATEWIDE WATER QUALITY CERTIFICATION AND PROJECT
REVIEWS**

<u>Type of Activity</u>	<u>Fee</u>
c) Gulf Beach Nourishment Project filling greater than 100,000 square feet of State waterbottoms.	\$6,985
<u>Projects Impacting Wetlands</u>	—
a) Project involving the dredging or filling of less than 1,000 square feet of wetlands.	\$2,125
b) Project involving the dredging or filling of 1,000 square feet or more of wetlands.	\$4,235
c) Pile Supported residential, multifamily or commercial structure (does not include piers, walkways, gazebos).	\$3,940
<u>Projects Impacting Water Bottoms</u>	—
a) Project involving the filling of less than 1,000 square feet of water bottom.	\$2,125

**FEE SCHEDULE B
COASTAL USE PERMITS STATEWIDE WATER QUALITY CERTIFICATION AND PROJECT
REVIEWS**

<u>Type of Activity</u>	<u>Fee</u>
b) Project involving the filling of 1,000 square feet or more of water bottom.	\$4,235
c) Project involving the dredging of less than 10,000 cubic yards of material from the water bottom.	\$2,125
d) Project involving the dredging of 10,000 cubic yards to 100,000 cubic yards of material from the water bottom.	\$4,235
e) Project involving the dredging of greater than 100,000 cubic yards of material from the water bottom.	\$7,855
f) Project which involves the construction of coastal or inland marinas, canals, or creek relocation or modification.	\$4,235
g) Raised creek crossing.	\$800
<u>Shoreline Stabilization of Non Gulf-Fronting Properties</u>	
a) Shoreline stabilization project involving less than 200 feet of shoreline stabilization, including bulkhead construction or placement of rip-rap.	\$800
b) Shoreline stabilization project involving greater than 200 feet of shoreline stabilization including bulkhead construction or placement of rip-rap.	\$1,330
Groin, jetty, and/or other sediment catching shoreline structure.	\$1,680
Construction of pile supported pier, dock, boardwalk, or other similar structure.	\$800
Siting, construction and operation of energy facility.	\$24,480
Mitigation bank project.	\$8,730
State agency permits subject to review, not otherwise specified in Schedule B.	\$1,680

**FEE SCHEDULE B
COASTAL USE PERMITS STATEWIDE WATER QUALITY CERTIFICATION AND PROJECT
REVIEWS**

<u>Type of Activity</u>	<u>Fee</u>
Federal license or permits not otherwise specified in Schedule B.	\$1,680
Project requiring certification for a Federal Energy Regulatory Commission permit or authorization.	\$6,550
All other projects and/or consistency reviews not otherwise specified in Schedule B which are subject to ADEM's Division 8 regulations.	\$800
Certification transfer or to change the name of the applicant only.	\$800
Modifications, and/or time extension, not requiring public notice.	\$800
Modifications and/or time extension, requiring public notice shall be one-half the fee listed in schedule B but in no case less than \$800.	½ or \$800
Additive fee for variance request.	\$3,275

**FEE SCHEDULE C
HAZARDOUS WASTE PERMITS**

<u>TYPE OF ACTIVITY</u>	<u>INITIAL UNIT (1)</u>	<u>NEW DESIGN/ ADDITIONAL UNIT (2)</u>	<u>MINOR MOD (3)</u>	<u>MAJOR MOD (4)</u>	<u>CLOSURE PLAN (5)</u>
Permit Type (6)	—	—	—	—	—
Transport-Hazardous Waste/Used Oil	\$2,105	-----	\$1,138	\$2,105	-----
Base Application (Non Transporter) (25)	\$6,985	-----	-----	-----	-----
	\$36,475	\$27,520	\$2,320	\$9,025	\$8,154

**FEE SCHEDULE C
HAZARDOUS WASTE PERMITS**

<u>TYPE OF ACTIVITY</u>	<u>INITIAL UNIT (1)</u>	<u>NEW DESIGN/ ADDITIONAL UNIT (2)</u>	<u>MINOR MOD (3)</u>	<u>MAJOR MOD (4)</u>	<u>CLOSURE PLAN (5)</u>
Storage (Container/ Tank/Containment Building)					
Drip Pad	\$36,475	\$27,520	\$2,320	\$9,025	\$8,154
Treatment (7)	\$46,315	\$34,820	\$2,915	\$11,430	\$9,760
Thermal Treatment (8)	\$111,550	\$83,740	\$7,205	\$27,740	\$9,760
Land Treatment	\$62,550	\$47,035	\$3,940	\$15,515	\$18,590
Waste Pile	\$52,795	\$39,760	\$3,275	\$13,030	\$19,590
Surface Impoundment	\$85,410	\$64,225	\$5,400	\$21,185	\$19,590
Landfill	\$475,000	\$450,000	\$6,860	\$26,585	\$19,590
Post-Closure (9)	\$82,135	\$61,760	\$5,110	\$20,395	-----
SWMU Only (10)	\$16,310	-----	\$1,025	\$4,070	-----
Miscellaneous Units	\$93,780	\$70,475	\$5,820	\$23,300	-----
Corrective Action Management Unit (17)	\$42,380	\$31,825	\$2,770	\$10,640	Varies (18)
Non-Unit Specific Modifications (11)	-----	-----	\$1,160	\$5,400	-----
Modifications to Incorporate Final Corrective Measures	-----	-----	-----	\$14,550	-----
ADDITIVE FEES (12)	—	—	—	—	—
Groundwater Contamination (13)	—	—	—	—	—
Plume Undefined	\$61,960	\$46,460	-----	-----	-----
Plume Defined	\$32,615	\$24,410	-----	-----	-----
Trial Burn (14)	\$16,310	-----	-----	-----	-----
RCRA Facility Assessment (RFA) (24)	\$16,310	-----	-----	-----	-----
RCRA Facility Investigation (RFI) Certification (15)	\$24,470	\$18,790	-----	-----	-----

**FEE SCHEDULE C
HAZARDOUS WASTE PERMITS**

<u>TYPE OF ACTIVITY</u>	<u>INITIAL UNIT (1)</u>	<u>NEW DESIGN/ ADDITIONAL UNIT (2)</u>	<u>MINOR MOD (3)</u>	<u>MAJOR MOD (4)</u>	<u>CLOSURE PLAN (5)</u>
Corrective Action Program (CAP) or Corrective Measures Implementation (CMI) Plan Certification (16)	\$42,390	\$31,825	\$2,780	\$10,640	-----
Temporary Unit	\$35,890	\$26,946	\$2,330	\$8,950	\$8,155
Off-Site Waste Analysis Certification (19)	\$8,155	-----	\$810	\$2,125	-----
Indirect Risk Assessment (20)	\$163,105	-----	-----	-----	-----
Landfill 5-Year Review Certification (25)	\$450,000	\$450,000	-----	-----	-----
Confirmatory Sampling (CS) Work Plan Certification (21)	\$20,395	\$15,305	-----	-----	-----
Interim Measures (IM) Work Plan Certification (22)	\$20,395	\$15,305	-----	-----	-----
Corrective Measures Study (CMS) Certification (23)	\$24,755	\$18,935	-----	-----	-----

FEE SCHEDULE C (Continued)

EXPLANATORY NOTES

- (1) Fee applies to initial unit (design) of a given type at a facility.
- (2) Fee applies to additional designs and/or units of the same type unit or process at a given facility.
- (3) Refer to rule 335-14-8-.04(3) for classification of minor mods. Each separate mod request requires a separate fee payment. Multiple changes to a permit consolidated in one mod request will be charged a single fee for each applicable unit. (e.g., A facility permitted

for container storage and a landfill who requests modifications to both units will be charged the appropriate fee for each unit.)

- (4) Refer to rule 335-14-8-.04(2) for classification of major mods. Each separate mod request requires a separate fee payment. Multiple changes to a permit consolidated in one mod request will be charged a single fee for each applicable unit. (e.g., A facility permitted for container storage and a landfill who requests modifications to both units will be charged the appropriate fee for each unit.)
- (5) If clean closure is not attained and a post-closure permit is required, then the cost is credited to the post-closure permit fee. Closure plan fees shall be charged per unit to be closed.
- (6) Fees for miscellaneous units (rule 335-14-5-.24) and for other units not specifically listed shall be assessed based on the fees established for the permit type most closely analogous to the activity in question. For example, an open burning/open detonation unit would be assessed fees for thermal treatment; a stabilization unit would be assessed fees for treatment; etc.
- (7) Fee applies to all treatment units except land treatment units and thermal treatment units.
- (8) Fee applies to incinerators, boilers, industrial furnaces, and other thermal treatment units.
- (9) Fee applies to each hazardous waste management unit which is subject to post-closure permitting requirements. Multiple units which are closed under a single (common) cap will be charged the fee for a single post-closure unit. Fee also applies to certification of post-closure plans required by order.
- (10) Fee applies to permits which include solid waste management unit (SWMU) requirements (pursuant to ADEM Admin. Code rs. 335-14-5-.06(12), 335-14-5-.19, 335-14-8-.02(5)(d), but do not include regulated hazardous waste management unit requirements. This fee applies to facilities which have completed all closure and post-closure requirements for regulated hazardous waste management units, but do not complete all SWMU requirements. Fee applies to modifications which are not unit specific (i.e., mods not affecting the unit type, design, or configuration). Examples: contingency plan changes, transfer of ownership, personnel training plan changes, changes to groundwater monitoring system, etc.
- (11) Additive fees are levied in addition to base application fees as applicable. Total fees due are sum of base application fees and additive fees applicable to a given facility/application.

- (12) Initial fee applies to the first contaminant plume at a facility. The additional unit fee will be charged for each additional, separate plume at the same facility.
- (13) Fee applies to each trial burn performed.
- (14) Initial fee applies to the first investigation at a facility imposed by the Department under ADEM Admin. Code r. 335-14-5-.06(12). The fee is applicable at the time the investigation is imposed. The additional unit fee will be charged for each additional, separate investigation at the same facility (e.g. an investigation of a newly discovered area of contamination). This fee is also applicable to any investigation required by statute or order that is designed to assess the extent of contamination at a facility or a single unit within a facility.
- (15) Fee applies to each separate corrective action program proposal or corrective measures implementation plan submitted. CAPs which integrate multiple technologies (e.g., pump and treat, biological, chemical, physical, etc.) into a single system shall be charged a single fee for the system. Facilities which have multiple separate programs (e.g., two separate groundwater contamination plumes, one remediated using pump and treat and the other using vapor extraction) shall be charged a separate fee for each separate system. This fee is also applicable to passive corrective measures (e.g. land-use restrictions, monitored natural attenuation).
- (16) Fee applies to each separate corrective action management unit (CAMU) designated/approved at a facility. This fee is in addition to any other fees applicable to any hazardous waste management units included within a CAMU.
- (17) Fee determined based on type of units (Storage - \$4,855; Treatment [except Land Treatment] - \$5,820; Disposal/Land Treatment - \$11,650).
- (18) Fee applies to facilities which receive hazardous waste from off-site sources (e.g., commercial facilities).
- (19) Fee applies to thermal treatment units required to conduct indirect risk assessments.
- (20) Initial fee applies to the first CS work plan at a facility. The additional unit fee will be charged for each additional, separate CS workplan at the same facility.
- (21) Initial fee applies to the first IM work plan at a facility. The additional unit fee will be charged for each additional, separate IM workplan at the same facility.

- (22) Initial fee applies to the first CMS work plan at a facility. The additional unit fee will be charged for each additional, separate CMS workplan at the same facility.
- (23) Fee is charged per each RFA Report prepared for a given facility.
- (24) Landfill 5-Year Review Certification fee applies to operating hazardous waste land disposal facilities subject to 335-14-5-.05.

**FEE SCHEDULE D
WATER PERMITS**

<u>Type of Activity</u>	<u>Initial Registration/ Issuance Reissuance or Modification (effluent limit change) (injection zone change or compatibility study)</u>	<u>Modification (no effluent limit change) (no injection zone change or no compatibility study)</u>
Major Industrial Discharger	\$17,990	\$3,940
Minor Industrial Discharger	\$5,615	\$3,120
Major Municipal & Private	\$7,060	\$3,140
Minor Municipal & Private & Water Treatment	\$4,290	\$2,250
Municipal Stormwater (MS-4)	\$7,060	\$3,275
—	—	—
Mineral/Resource Extraction Mining, Storage Transloading, Dry Processing	\$5,820	\$3,400
	\$6,860	\$3,940

**FEE SCHEDULE D
WATER PERMITS**

<u>Type of Activity</u>	<u>Initial Registration/ Issuance Reissuance or Modification (effluent limit change) (injection zone change or compatibility study)</u>	<u>Modification (no effluent limit change) (no injection zone change or no compatibility study)</u>
Wet Preparation, Processing, Beneficiation		
Coalbed Methane	\$6,860	\$3,940
General Permit	\$1,385	\$800
Minor NPDES Modifications	-----	\$800
ADDITIVE FEES	—	—
Modeling with Data Collection (10 Stations)	\$60,390	\$60,390
Modeling with Data Collection (5 Stations)	\$49,315	\$49,315
Modeling - desktop	\$4,855	\$4,855
Review of Model Performed by Others	\$2,705	\$2,705
Seasonal Limits	\$4,855/ additional season	\$4,855/ additional season
Biomonitoring & Toxicity Limits	\$1,015	\$1,015
316b Phase I, Phase II, and	\$5,065	0

**FEE SCHEDULE D
WATER PERMITS**

<u>Type of Activity</u>	<u>Initial Registration/ Issuance Reissuance or Modification (effluent limit change) (injection zone change or compatibility study)</u>	<u>Modification (no effluent limit change) (no injection zone change or no compatibility study)</u>
Phase III Facilities [Permit Issuance/ Re-issuance Modification]	\$40,525 [1]	0
Review of Site Specific Impingement and Entrainment Studies and/or Comprehensive Demonstration Studies		
SID	—	—
Indirect Discharge (SID)	\$3,850	\$2,125
Indirect Discharge with EPA Established Categorical Effluent Guidelines	\$4,375	\$2,520
UIC	—	—
Class III Well	\$33,650	\$2,250
Class V Well	\$4,290	\$2,250
General Permit	\$1,385	\$800
WATER SUPPLY	—	—
Surface Water Treatment Plant/System	\$4,595	\$2,250
Distribution System	\$2,995	\$1960
	\$3,715	\$1960

**FEE SCHEDULE D
WATER PERMITS**

<u>Type of Activity</u>	<u>Initial Registration/ Issuance Reissuance or Modification (effluent limit change) (injection zone change or compatibility study)</u>	<u>Modification (no effluent limit change) (no injection zone change or no compatibility study)</u>
Groundwater Supply (Well/System)	-----	\$800
Name Change/Permit Minor Mod	—	—
	—	—
	\$7,435	\$5,820
AFO/CAFO Individual Permit		
AFO/CAFO Registration:	—	—
AFO	\$450	\$150
CAFO:	—	—
	\$725	\$450
1-999 Animal Units	\$1,390	\$815
1,000-1,499 Animal Units	\$2,060	\$1,175
	\$2,725	\$1,550
1,500-1,999 Animal Units		
2,000 or more Animal Units		

[1] Due upon submittal of CDS

FEE SCHEDULE E

SOLID WASTE PERMITS/REGISTRATION

<u>Type of Activity</u>	<u>Initial Issuance</u>	<u>Modification</u>	<u>Reissuance</u>
Medical Waste Transfer Facility	\$2,035	\$725	\$1,330
New Technology Review	\$10,205	-----	-----
Commercial Treatment Facility	\$16,460	\$7,280	\$9,180
Commercial Transportation of Medical Waste	\$3,490	\$1,460	\$2,035
Storage of Untreated Medical Waste	\$2,630	\$665	\$1,960
Municipal Solid Waste Landfill/CCR Unit	\$83,880	-----	\$37,270
Minor Mod. (1)*	-----	\$3,275	-----
Major Mod. (2)*	-----	\$32,615	-----
Construction/Demolition Waste Landfill	\$7,145	-----	\$5,400
Minor Mod. (1)*	-----	\$1,460	-----
Major Mod. (2)*	-----	\$2,915	-----
Industrial Waste Landfill	\$12,670	-----	\$8,150
Minor Mod. (1)*	-----	\$1,460	-----
Major Mod. (2)*	-----	\$4,375	-----
Compost Facility	\$4,860	—	\$3,670
Minor Mod.	—	\$1,225	—
Major Mod	—	\$1,945	—
Additive Fees	—	—	—
Geological Review	\$4,865	\$3,275	\$3275

Solid Waste Disposal Notification	\$215	\$215	\$215
Variance Request	\$1,460	\$1,460	\$1,460
Beneficial Use Facility Registration	—	\$550	—
Beneficial Use Generator	\$1,680	---	\$1,680
Beneficial Use Distributor	\$3,360	---	\$3,360
Beneficial Use FPR Treatment Facility	\$5,050	---	\$5,050

—
*1. These are modifications as included in ADEM Admin. Code rule 335-13-5-.06(2).

*2. These are modifications as included in ADEM Admin. Code rule 335-13-5-.06(1).

—
FEE SCHEDULE F

[RESERVED]

(Repealed 10/6/17)

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**FEE SCHEDULE G
 VARIANCES, CERTIFICATIONS AND LICENSES**

<u>Type of Activity</u>	<u>Initial Issuance</u>	<u>Reissuance</u>
Well Driller's License	\$200	\$200
<u>Water and Wastewater Operator Certification</u>	—	—
Examination Fee	\$325	-----
Water and Wastewater Operator Certification Issuance Fee	\$125	-----
Water and Wastewater Operator Certification Renewal via Internet	-----	\$70
Water and Wastewater Operator Certification Renewal via Mail	-----	\$95
Water and Wastewater Operator Certification Renewal Late Fee	-----	\$215 <u>[2]</u>
Water and Wastewater Operator Reciprocal Certification	\$180	-----
Microbiological lab certification	\$360	\$360
<u>Chemical laboratory certification</u>	—	—

**FEE SCHEDULE G
 VARIANCES, CERTIFICATIONS AND LICENSES**

<u>Type of Activity</u>	<u>Initial Issuance</u>	<u>Reissuance</u>
Metals	\$360	—
Pesticides	\$360	—
Herbicides	\$360	—
Volatile Organic Chemicals	\$360	—
Synthetic Organic Chemicals	\$540	—
Disinfection Byproducts	\$540	—
Inorganics	\$360	—
Radiologicals	\$360	—
Asbestos	\$360	—
Dioxin	\$360	—
Maximum annual chemical lab certification fee	\$1,460	—
Coastal Variance See Schedule B	—	—

[2] See ADEM Admin. Code r. 335-10-1-.11(3)

**FEE SCHEDULE G
VARIANCES, CERTIFICATIONS AND LICENSES**

<u>Type of Activity</u>	<u>Initial Issuance</u>	<u>Reissuance</u>
Well Driller's License	\$200	\$200
<u>Water and Wastewater Operator Certification</u>	—	—
Examination Fee	\$325	-----
Water and Wastewater Operator Certification Issuance Fee	\$125	-----
Water and Wastewater Operator Certification Renewal via Internet	-----	\$70
Water and Wastewater Operator Certification Renewal via Mail	-----	\$95
Water and Wastewater Operator Certification Renewal Late Fee	-----	\$215 [1]
Water and Wastewater Operator Reciprocal Certification	\$180	-----
Microbiological lab certification	\$360	\$360
<u>Chemical laboratory certification</u>	—	—
Metals	\$360	—
Pesticides	\$360	—
Herbicides	\$360	—
Volatile Organic Chemicals	\$360	—
Synthetic Organic Chemicals	\$540	—
Disinfection Byproducts	\$540	—
—	—	—
Inorganics	\$360	—
Radiologicals	\$360	—
Asbestos	\$360	—

**FEE SCHEDULE G
VARIANCES, CERTIFICATIONS AND LICENSES**

<u>Type of Activity</u>	<u>Initial Issuance</u>	<u>Reissuance</u>
Dioxin	\$360	—
Maximum annual chemical lab certification fee	\$1,460	—
Coastal Variance See Schedule B		—

[1] See ADEM Admin. Code r. 335-10-1-.11(3)

**FEE SCHEDULE G
VARIANCES, CERTIFICATIONS AND LICENSES**

<u>Hazardous Waste</u>	<u>Initial Issuance</u>	<u>Modification</u>	<u>Reissuance</u>
Disposal Certification of Waste at a Commercial Hazardous Waste Landfill	\$360	\$360	\$360
Variance from Classification as a Solid Waste Pursuant to ADEM Admin. Code r. 335-14-1- 03(10)	\$16,310	-----	\$16,310
Delisting Certification Pursuant to ADEM Admin. Code r. 335-14-1-.03(2)	\$16,310	-----	-----
Variance from a Hazardous Waste Treatment Standard Pursuant to ADEM Admin. Code r. 335-14-9-.04(5)	\$4,375	-----	\$4,375
Notification of Regulated Waste Activity	\$180	-----	\$180
Variance to be classified as a boiler pursuant to ADEM Admin. Code r. 335-14-1-.03(12)	\$4,375	-----	\$4,375
Variance to extend the effective date of a LDR on a case-by-case basis	\$4,375	-----	\$4,375

**FEE SCHEDULE G
VARIANCES, CERTIFICATIONS AND LICENSES**

<u>Hazardous Waste</u>	<u>Initial Issuance</u>	<u>Modification</u>	<u>Reissuance</u>	—
Variance to allow land disposal of a prohibited waste	\$4,375	-----	\$4,375	—
Hazardous Waste Generator Closure Certification	\$4,375	-----	\$4,375	—

Type of Activity	Initial Issuance	Reissuance	Reissuance After Expiration
Solid Waste Landfill Operator Certification	—	—	—
Landfill Operator Certification Issuance Fee	\$125	-----	-----
Landfill Operator Certification Renewal Fee	-----	\$95	-----
Landfill Operator Certification Late Renewal Fee	-----	-----	\$310
Landfill Operator Reciprocal Certification Fee	\$180	-----	-----

FEE SCHEDULE H

BROWNFIELD REDEVELOPMENT AND VOLUNTARY CLEANUP PROGRAM

Non-Responsible ~~Party~~Person Applicant

<u>TYPE OF ACTIVITY</u>	<u>REVIEW FEE</u>	<u>MINOR MODIFICATION</u>	<u>MAJOR MODIFICATION</u>
Application (1)	\$5,060	\$250	\$500
With Variance	\$16,855	NA	NA
Assessment Review (2)	\$6,740	\$1,680	\$2,570
Assessment Report	\$4,260	—	—
Cleanup Review (2)	\$12,470	\$1,680	\$2,570
Cleanup Report	\$7,720	—	—
Letter of Concurrence	—	—	—
Unconditional	\$1,680	NA	NA
Conditional	\$4,210	NA	NA
Property Eligibility Determination (3)	\$670	NA	NA

Responsible **Party**Person Applicant

Application ⁽¹⁾	\$5,060	\$250	\$500
With Variance	\$16,855	NA	NA
Assessment Review ⁽²⁾	\$24,470	\$2,770	\$9,840
Assessment Report	\$10,520	—	—
Cleanup Review	\$43,065	\$2,770	\$9,840
Cleanup Report	\$17,635	—	—
Letter of Concurrence	—	—	—
Unconditional	\$1,680	NA	NA
Conditional	\$4,210	NA	NA
Property Eligibility Determination ⁽²⁾	\$670	NA	NA
—			—
		Additive Fees ⁽⁴⁾	
Public Notice ⁽⁵⁾		\$800	—
Groundwater Monitoring ⁽⁶⁾		\$1,000	—
Risk Management RM-1		\$1,700	—
Risk Management RM-2		\$4,350	—
Operation and Maintenance Plan ⁽⁶⁾		\$1,500	—
(6) <u>Brownfield Remediation Reserve Fund</u>		—	—
<u>Contribution</u>		<u>\$500</u>	—

(1) Submittal of the appropriate application fee is required prior to the review of any plans, reports, and, or certifications.

(2) An Assessment and/or Cleanup Review fee is assessed when review of a plan and report is required as determined by the Department.

(3) Property eligibility determinations are valid for a period of one year from date of issuance.

(4) Additive fees are levied on the assessment or cleanup fees as applicable. Total fees due are a sum of assessment and/or cleanup fees and additive fees applicable to a given applicant.

(5) A Public Notice fee is assessed on any Plan or Report which proposes final cleanup remedy recommendations, such as removal of contaminants and/or an Environmental Covenant.

(6) These fees are assessed annually until required activities are complete and/or terminated by the Department.

(7) Fee is added to a Cleanup Review and/or Report fee, when an Operation and Maintenance (OAM) is required as a part of the approved remedy. Modification of OAM activities would require a modification of the Cleanup Report and submittal of required fees.

(8) This fee applies only to Responsible Party Applicants and is assessed **per acre** of each qualifying property in addition to the voluntary cleanup program application and oversight fees.

* This fee is enacted by Act 2023-356 of the 2023 Alabama Legislative Session.

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FEE SCHEDULE I

SCRAP TIRE PROGRAM PERMITS/REGISTRATIONS

<u>Type of Activity</u>	<u>Initial Issuance</u>	<u>Modification</u>	<u>Reissuance</u>
Class One Processor Permit	\$3,040	\$755	\$1,510
Class Two Processor Permit	\$2,525	\$635	\$1,260
Class Three Processor Permit	\$2,525	\$635	\$1,260
Scrap Tire Transporter Permit	\$1,015	\$260	\$510
Limited-use Transporter Permit (see Note1)	\$260	-----	\$260
Registration as an Exempt Processor	\$1,015	\$260	\$510
Registration for Engineered Use of Tire Materials	\$1,015	-----	-----

Note1: A limited-use transporter permit is available to property owners remediating a scrap tire pile on their own property, and shall be issued for a limited amount of time and under conditions as prescribed by ADEM.

See ADEM Admin. Code r. 335-4-3-.03(b) for definitions of processors

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Fee Schedule J

Environmental Covenants Fees

<u>Type of Activity</u>	<u>Initial Issuance</u>	<u>Modification</u>
Processing and Review Fee	—	—
Institutional Controls	\$4,285	\$1,070
Engineering Controls	\$6,425	\$1,610
—	—	—
Registry Recording Fee	—	—
For Class 1 controls*	\$13,705	\$635
For Class 2 controls*	\$9,420	\$635
For Class 3 controls*	\$5,245	\$635

* - For classification of institutional and engineering controls, see ADEM Admin. Code Rule. 335-5-1-.03(i).

Registry Recording Fee also includes costs of performing inspections for a 30-year period.

For sites utilizing both institutional controls and engineering controls, the processing and review fees shall be the greater of the applicable fees.

For sites with more than one classification of institutional or engineering control, the registry recording fee shall be the greater of the applicable fees.

For a property or site containing multiple individually deeded parcels covered by one or more similar covenants, the owner or operator may pay all applicable fees listed in Fee Schedule J or the owner or operator or other responsible party may include a provision in an order or agreement executed between the owner or operator or other responsible person and the Department to pay fees as provided in 335-5-1-.06(6).

Author: Marilyn Elliott, Russell A. Kelly, Brian C. Espy

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

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December 6, 2005; effective January 10, 2006. **Amended (Schedules D & G only)**: Filed June 6, 2006; effective July 11, 2006. **Amended (Schedules A-I only)**: Filed October 10, 2006; effective November 14, 2006. **Amended (Schedules A thru I only)**: Filed December 18, 2007; effective January 22, 2008. **Amended (Schedule G only)**: Filed December 15, 2009; effective January 19, 2010. **Amended (Text and Schedules A thru J)**: Filed October 25, 2011; effective November 29, 2011. **Amended (Schedules A thru J only)**: Filed June 25, 2013; effective July 30, 2013. **Amended (Schedules A thru J only)**: Filed December 21, 2016, effective January 25, 2017. **Amended (Schedule E only)**: Filed April 24, 2018, effective June 8, 2018. **Amended (Schedule E only)**: Filed June 25, 2019; effective August 9, 2019. **Amended (Schedules E, H, and J only)**: Published February 28, 2020; effective April 13, 2020. **Amended (Schedules C and J only)**: Published December 31, 2020; effective February 14, 2021. **Amended (Schedule H only)**: Published April 29, 2022; effective June 13, 2022. **Amended (Fee Schedule E only)**: Published December 30, 2022; effective February 13, 2023; **Amended:** **Proposed: October 20, 2023.**