

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 335
Department or Agency: Alabama Department of Environmental Management General Administration
Rule No.: 335-1-7-.03
Rule Title: Exemptions
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: 335-1-7-.03 Exemptions

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

marilyn elliott

marilyn elliott

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

335-1-7-.03

Exemptions.

(1) Stationary sources which are not major sources as defined in 335-1-7-.02 are exempt from annual fee payments.

~~(2) Stationary sources which are subject to Phase I of Title IV in the 1990 Clean Air Act Amendments are exempt from the payment of fees for the calendar years through 1999.~~

~~(3) Fugitive emissions shall be exempt from the fees paid in Schedules A and B of this Chapter.~~

~~(4) Stationary sources within the boundaries of Jefferson County and the City of Huntsville shall be exempt from the payment of fees if each said source pays an equivalent amount to either the Jefferson County Department of Health or the City of Huntsville Department of Natural Resources and Environmental.~~

Author: Richard E. Grusnick, Ronald W. Gore.

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

History: Effective Date: December 19, 1991. **Amended:** January 16, 1997; Amended: Proposed: October 20, 2023.