

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 335
Department or Agency: Alabama Department of Environmental Management General Administration
Rule No.: Chapter 335-1-5
Rule Title: Reserved
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

REC'D & FILED

Date

Friday, October 20, 2023 OCT 20, 2023

LEGISLATIVE SVC AGENCY

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
GENERAL ADMINISTRATION**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: Chapter 335-1-5 Reserved

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

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

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
GENERAL ADMINISTRATION
ADMINISTRATIVE CODE

CHAPTER 335-1-5
~~RESERVED~~ TITLE VI COMPLAINT SUBMISSION

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335-1-5-.01 Title VI Complaint Submission

335-1-5-.01 Title VI Complaint Submission.

_____ Members of the public alleging discrimination by the Department in violation of Title VI of the Civil Rights Act of 1964, may submit a complaint by completing ADEM Form 572 and submitting it to the Department's Nondiscrimination Coordinator for investigation.

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Author: Marilyn G. Elliott

Statutory Authority: Code of Alabama 1975, §§ 22-22A-2, 22-22A-4, and 22-22A-5.

History: New Proposed: October 20, 2023