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-.04

Rule Title: Permit Application Fees

Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

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? Yes

To what degree?: Minimally.

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

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Does the proposed rule have an economic impact? Yes

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: Jeffery W. Kitchens

Jeffery W. Kitchens

REC'D & FILED

Date: Friday, May 15, 2026

MAY 15, 2026

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-.04 Permit Application Fees

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:
The Department proposes to amend rule 335-1-6-.04 to increase fees.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:
Comments may be submitted in writing or orally at a public hearing to be held at 10:00 a.m., July 7, 2026, in the ADEM Main Hearing Room, 1400 Coliseum Boulevard, Montgomery, Alabama 36110. Attendance at the hearing is not necessary to present such data, views, arguments, or comments. All comments should be received by 5:00 p.m., July 7, 2026. Written submissions and other inquiries should be directed to: ADEM Hearing Officer, Office of General Counsel, Alabama Department of Environmental Management, P.O. Box 301463, Montgomery, AL 36130-1463 (street address: 1400 Coliseum Boulevard, Montgomery, AL 36110-2400) or by e-mail at hearing.officer@adem.alabama.gov.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Tuesday, July 7, 2026

CONTACT PERSON AT AGENCY:
Lynn T. Roper, 334-271-7728

Jeffery W. Kitchens
Jeffery W. Kitchens

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

335-1-6-.04 Permit Application Fees.

(1) Except as provided in paragraph (2) of this Rule, any person making application to the Department for the issuance, reissuance or modification of a permit shall be subject to a three-part application fee consisting of the following:

(a) a fee of ~~$1,610~~$2,015 per application relating to a greenfield site. This fee shall not apply to Schedule B or to AFO/CAFO registration in Schedule D if continuing education certification is submitted with initial registration and each annual registration request as required by Rule 335-6-7-.18;

(b) a fee which shall be the sum of the fees for each applicable type of permit application, and each action deemed necessary to complete evaluation of the application, as specified in Fee Schedules A through ~~J~~K; and

(c) a public hearing fee of ~~$8,450~~$10,565 if a public hearing relating to the permit application is held.

(2) Any person making application to the Department for modification of a permit to change the name of the permittee only or to transfer the permit only shall be subject to a ~~$800~~$1,000 fee per application.

(3) Fees required by AFO/CAFO registration may be suspended in part or whole by category by the Director to reflect the budgetary circumstances of the AFO/CAFO program.

Author: Marilyn Elliott, Russell Kelly, David Hutchinson; Pamela W. Luckie, Lynn T. Roper

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

History: Effective February 13, 1985. **Amended:** October 30, 1990. **Amended:** Filed December 12, 1996; effective January 16, 1997. **Amended:** Filed February 24, 1999; effective March 31, 1999. **Amended:** Filed December 5, 2001; effective January 9, 2002. **Amended:** Filed December 6, 2005; effective January 10, 2006. **Amended:** Filed October 10, 2006; effective November 14, 2006. **Amended:** Filed December 18, 2007; effective January 22, 2008. **Amended (added New Schedule J):** Filed April 21, 2009; effective May 26, 2009. **Amended:** Filed October 25, 2011; effective November 29, 2011. **Amended:** Filed June 25, 2013; effective July 30, 2013. **Amended:** Filed December 21, 2016, effective January 25, 2016. **Amended:** Filed February 14, 2017, effective March 31, 2017. **Amended:** Filed August 22, 2017, effective October 6, 2017. **Amended:** Published _____; effective _____.

APA-6

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No:	335
Department or Agency:	Alabama Department of Environmental Management General Administration
Rule No:	335-1-6-.04
Rule Title:	Permit Application Fees
Intended Action:	Amend

_____ This rule has no economic impact.

Yes This rule has an economic impact, as explained below:

1. **NEED/EXPECTED BENEFIT OF RULE:**

   To allow the Department to retain sufficient resources in the various programs to provide timely and thorough application review and decisions regarding permits, licenses, certifications, and registrations issuance.

2. **COSTS/BENEFITS OF RULE AND WHY RULES IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:**

   Increases in application fees will allow the Department to provide adequate funding to various programs to help maintain sufficient resources to carry out the Department duties and mission. Collection of the additional fees shall be in the same manner as existing fees, and no additional resources will be expended by the Department for collection of the fee increases.

3. **EFFECT OF THIS RULE ON COMPETITION:**

   The rule changes should not have any effect on competition. The fee increase is uniformly applied.

4. **EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:**

   The proposed amendments to the existing rules could minimally result in cost-of-living increases and should have very little impact on

business. By implementing this rule, it should help prevent large fee increases in the future and will make budgeting easier for business.

5. **EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:**

The fee increases should not have a negative impact on employment in Alabama.

6. **SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:**

The proposed fee increases will be used to provide adequate resources within the Department.

7. **THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON EFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:**

The short- and long-term economic impact is minimal. Most fees would be increased by ~25%. However, businesses will benefit by the Department being adequately funded and providing timely and thorough application review and decisions on permits, licenses, certifications, and registrations. This would also allow the Department to maintain primacy over all currently delegated federal programs.

8. **UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:**

The economic burden to business is minimal as compared to the benefit of receiving permits, licenses, certifications, and registrations decisions necessary for conducting business in a timely manner.

9. **THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:**

The environment and public health will be positively affected by this rule. The Department will be adequately staffed in the programs thereby providing timely and thorough application reviews and decisions regarding issuance of permits, licenses, certifications, and registrations that are protective of the environment and public health.

10. **DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:**

If the Department is not adequately staffed, it will potentially create delays that could have a negative impact on the environment and

public health, through unpermitted discharges, illegal dumping, unavailability of public drinking water, etc.

Signature of certifying officer *Jeffery W. Kitchens*

Jeffery W. Kitchens

Date Friday, May 15, 2026