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TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 335
Department or Agency: Alabama Department of Environmental Management
Rule No.: Chapter 335-1-8
Rule Title: Other Fees
Intended Action: New

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

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

Date

Friday, May 15, 2026

REC'D & FILED
MAY 15, 2026
LEGISLATIVE SVC AGENCY

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: Chapter 335-1-8 Other Fees

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

The Department proposes to add a new chapter, 335-1-8, for specifying necessary other 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)

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
ADMINISTRATIVE CODE**

**CHAPTER 335-1-8
OTHER FEES**

TABLE OF CONTENTS

335-1-8-.01	Disposal Fees
335-1-8-.02	Underground Storage Tank Regulation Fee
335-1-8-.03	Worthless Instruments

335-1-8-.01 Disposal Fees.

(a) Beginning on January 1, 2027, the disposal fees are levied upon generators of solid waste who dispose of solid waste at solid waste management facilities permitted by the Department subject to the following rules:

(1) One dollar and thirty cents (\$1.30) per ton for all waste disposed of in a municipal solid waste landfill.

(2) One dollar and thirty cents (\$1.30) per ton or thirty-two cents (\$0.32) per cubic yard for all waste disposed of in public industrial landfills, construction and demolition landfills, non-municipal solid waste incinerators, or composting facilities, which receive waste not generated by the permittee.

(3) Thirty-two cents (\$0.32) per cubic yard for all waste disposed of in a private solid waste management facility, not to exceed one thousand three hundred dollars (\$1,300) per calendar year.

(4) Regulated solid waste that may be approved by the Department as alternate cover materials in landfills shall be assessed the disposal fees applicable in 335-1-8-.01(1)and(2).

(5) Regulated solid waste received from out-of-state for disposal at public solid waste facilities permitted by the Department shall be assessed the same disposal fees applicable in 335-1-8-.01(1)and(2).

(b) The following persons are exempt from payment of fees required by these rules:

(1) Operators of industrial boilers, furnaces, and other processing equipment that burn solid waste generated on site for the purpose of fuel replacement or energy recovery and which are permitted by the Department or by a local air pollution control agency.

(2) Operators of composting facilities which are owned by the Alabama Department of Corrections and which receive only wastes generated by Alabama Department of Corrections facilities and institutions or those composting facilities otherwise exempt from permitting as provided in rules promulgated by the Department.

(3) Operators of industrial boilers, furnaces, and other processing equipment that burn scrap tires for the purpose of fuel replacement or energy recovery and are registered with the Department as provided in rules promulgated by the Department.

(4) Scrap tire processors who receive and process scrap tires and who are permitted by or registered with the Department as provided in rules promulgated by the Department, except that a solid waste disposal facility permitted as a scrap tire processor shall collect the fee on all waste disposed of in its landfill.

Author: Jeffery W. Kitchens, Pamela W. Luckie, Lynn T. Roper

Statutory Authority: Code of Ala. 1975, §22-27-17

History: New Rule: Published _____; effective _____.

335-1-8-.02 Underground Storage Tank Regulation Fee.

Any owner of an underground storage tank shall pay a yearly Underground Storage Tank Regulation Fee of \$36.00 per regulated underground storage tank per year. Payment of the fee shall be due within 30 days of notification to the owner by the Department of the amount of such fee.

Author: Jeffery W. Kitchens

Statutory Authority: Code of Ala. 1975, §§22-36-5, 41-1-11

History: New Rule: Published _____; effective _____.

335-1-8-.03 Worthless Instruments.

If a check or negotiable instrument is dishonored, the writer of the check or instrument will be required to tender payment of the full amount of such check or instrument plus a service charge of \$30.00 as established by Section 8-8-15 of the Code of Ala. 1975.

Author: Jeffery W. Kitchens

Statutory Authority: Code of Ala. 1975, §8-8-15

History: New Rule: Published _____; effective _____.

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

Control No: 335
Department or Agency: Alabama Department of Environmental Management
Rule No: Chapter 335-1-8
Rule Title: Other Fees
Intended Action: New

 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

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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 federal delegated 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

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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