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TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 335
Department or Agency: Alabama Department of Environmental Management General Administration
Rule No.: 335-1-6-.01
Rule Title: Applicability
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

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

Monday, May 18, 2026

REC'D & FILED
MAY 18, 2026
LEGISLATIVE SVC AGENCY

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ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
GENERAL ADMINISTRATION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-1-6-.01 Applicability

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Department proposes to amend rule 335-1-6-.01 to outline the procedures for cost adjustments to application 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-.01 Applicability.

(a) The provisions of this Chapter shall apply to any person making application to the Department for issuance, reissuance or modification of a permit, registration, license or certification, except as provided in Rule 335-1-6-.03.

(b) Beginning January 1, 2028, and each year thereafter, the application fees specified in 335-1-6, with the exception of those for Well Driller Licenses found in Schedule G, shall be subject to a cost adjustment based on the following procedure: By the end of January of 2028, and each January thereafter, the Director shall submit an increase for the fees specified in 335-1-6, based on the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) (All Items - U.S. City Average) maintained by the U.S. Department of Labor, Bureau of Labor Statistics, for the immediately preceding calendar year, January to December, rounded down to the nearest five dollars. The recommendation shall be submitted to the Chair of the Legislative Council, for the Legislative Council's review and approval. In the event the recommendation is not disapproved by the Legislative Council by the end of March of each year, the recommendation shall be deemed to be approved, and the new fees will be effective on April 1 of each year. In the event one or more years elapses during which there is no adjustment as provided for herein, the same procedure may be followed to obtain a net cumulative increase since the previous increase.

(c) In accordance with 335-1-6-.01(b), the Department may begin adjusting application fees by the CPI on April 1, 2028. Effective April 1, 2028, all application fees will be found on the Department's website.

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

History: Effective February 13, 1985. **Amended:** Filed December 12, 1996; effective January 16, 1997. **Amended:** Filed February 24, 1999; effective March 31, 1999. **Amended:** Published ; effective .

**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-.01

Rule Title: Applicability

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

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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 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

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

Signature of certifying officer

Jeffery W. Kitchens

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Date

Monday, May 18, 2026