

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-6-15-.42
Rule Title: Underground Storage Tank Regulation Fee

 New X Amend Repeal Adopt by Reference

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 and, if so, to what degree? YES-INDIRECTLY VERY MINOR

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking 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 Mary Elliott

Date December 20, 2022

REC'D & FILED
DEC 20 2022
LEGISLATIVE SVC AGENCY

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULE NO. & TITLE: 335-6-15-.42 Underground Storage Tank Regulation Fee (Amend)

INTENDED ACTION: Revise Division 6 of the ADEM Administrative Code.

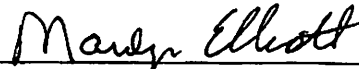
SUBSTANCE OR PROPOSED ACTION: To amend the Underground Storage Tank Regulation Fee.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held February 9, 2023 at 10:00 am in the Main Hearing Room at the ADEM Central Office located at 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: February 9, 2023

CONTACT PERSON AT AGENCY: Lynn Roper, Office of Land Services, ADEM Land Division (334-271-7728)



Lance R. LeFleur
Director

335-6-15-42 Underground Storage Tank Regulation Fee. Any owner of an underground storage tank shall pay a yearly Underground Storage Tank Regulation Fee of ~~\$36.00~~ ~~not less than \$15.00 and not more than \$30.00~~ per regulated underground storage tank per year. ~~The amount of the fee shall be determined annually by the Director.~~ 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: Sonja Massey, Curt Johnson, Lee Davis, Vernon H. Crockett.

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

History: April 5, 1989.

Amended: Effective: October 2, 2003; **Amended:** Effective: December 8, 2017.
Proposed: December 20, 2022

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

Control No. 335 Department or Agency Environmental Management

Rule No: Rule 335-6-15-.42

Rule Title: Underground Storage Tank Regulation Fee

 New X Amend Repeal Adopt by Reference

 This rule has no economic impact.

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

1. NEED/EXPECTED BENEFIT OF RULE:

This rule regulates the payment of fees for regulation of Underground Storage Tanks.

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

This rule requires any underground storage tank owner to pay a yearly fee for every regulated underground storage tank.

3. EFFECT OF THIS RULE ON COMPETITION:

This rule affects all entities in the state equally.

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

There will be only a minimal effect due to this rule and it will not affect one geographic area more than another.

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

There will be only a minimal effect on employment, if any, because of this rule.

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

Fees are required for those entities that are required to register under this rule.

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

There should not be any long impact from this rule.

The public will benefit from this rule since ADEM will have the ability to oversee the use of underground storage tanks to ensure that human health and the environment is protected.

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

None that ADEM is aware.

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

This rule will allow ADEM to implement and oversee the use of underground storage tanks to ensure human health and the environment is protected.

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

By not implementing this rule, entities throughout the State may install underground storage tanks without the knowledge of ADEM oversight and regulation.