

APA-1
11/96

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 335 Department or Agency Environmental Management
Rule No. 335-1-1-.04
Rule Title: Organization of the Department

 New X Amend Repeal Adopt by Reference

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 and, if so, to what degree?

 NO

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 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.

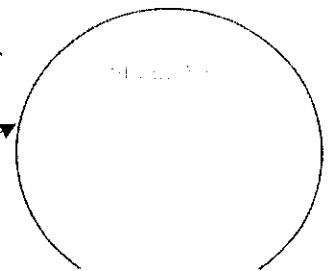
Certification of Authorized Official

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 Reference Service.

Signature of certifying officer *Mandy Elliott*

Date 07-20-2017

Date Filed



APA-2
11/96

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION 335-1, ADEM ADMINISTRATIVE CODE**

NOTICE OF INTENDED ACTION

AGENCY NAME: Environmental Management

RULE NO. & TITLE: Rule 335-1-1-.03 – Organization and Duties of the Commission
(Amended)
Rule 335-1-1-.04 – Organization of the Department (Amended)

INTENDED ACTION: Revise Division 1 of the ADEM Administrative Code with the amendment of Rules 335-1-1-.03 (Organization and Duties of the Commission), and 335-1-1-.04 (Organization of the Department)

SUBSTANCE OF PROPOSED ACTION:


Revisions to the Division 1 Code are being proposed to include the federal Clean Air Act requirements that members of Boards and Commissions which oversee State air quality efforts conform to requirements in the Act involving disclosure of potential conflicts of interest. The Alabama Environmental Management Commission (EMC) serves this oversight function in Alabama, and the Act of the State Legislature which created ADEM in 1982 has language which not only complies with the disclosure requirements of the federal Clean Air Act, but has been acknowledged by the USEPA as doing so. The USEPA has determined that these disclosure requirements should be contained in ADEM's rules as well as in the Legislative Act. In order to meet these requirements, ADEM is requesting public comment on its proposal to: 1) Ask the EMC to incorporate into Departmental rules provisions of the Alabama Environmental Management Act that require members of the EMC to meet state and federal ethics laws and regulations; 2) Ask the EMC to incorporate language into Departmental rules applying similar requirements to the Director, the Deputy Director, and the Division Chiefs (i.e., the ADEM employees authorized to act on behalf of the Director to issue permits and enforcement orders); and 3) Submit the amended rules to EPA for incorporation into the state implementation plan (SIP).

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held 10:00 a.m., September 6, 2017, in the ADEM Hearing Room, 1400 Coliseum Blvd., Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: September 8, 2017

CONTACT PERSON AT AGENCY: Ronald W. Gore (334) 271-7868


Lance R. LeFleur
Director

335-1-1-.04 Organization of the Department.

(1) The Department is under the direction, supervision, and control of the Director who is designated by the Commission.

(2) The Director is assisted by a Deputy Director who is a merit system employee and who has charge and general supervision of the Department in the absence or disability of the Director.

(3) The Director establishes Divisions for the purposes of distributing duties, responsibilities, and work among the various personnel of the Department.

(4) The Deputy Director, Division Chiefs, and all other Departmental personnel are merit system employees selected by the Director consistent with the provisions of merit system law and the rules and regulations of the State Personnel Board.

(5) The Director, Deputy Director, Division Chiefs, and all other Departmental personnel shall meet all requirements of the state ethics law.

(6) The Director, Deputy Director, and Division Chiefs shall meet all requirements of the conflict of interest provisions of applicable federal laws and regulations.

Author: Marilyn Elliott.

Statutory Authority: Code of Alabama 1975, §§ 22-22A-5, 22-22A-6, 22-22A-8, 41-22-4, 41-22-5.

History: August 1, 1988; XXXXXX, 2017.