

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-1-6-.07 (Fee Schedule J)
Rule Title: Payment of Fees
 New 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 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? NO

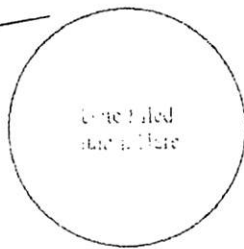
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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 Services Agency.

Signature of certifying officer *Mindy Elliott*

Date: July 21, 2020



REC'D & FILED

JUL 20 2020

LEGISLATIVE SVC AGENCY

APA-2
11/96

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
GENERAL ADMINISTRATION DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: Environmental Management

RULE NO. & TITLE

335-1-1-.07	Departmental Forms, Instructions, and Procedures (Amend)
335-1-6-.03	Exemptions (Amend)
335-1-6-.07 (Fee Schedule C)	Payment of Fees (Amend)
335-1-6-.07 (Fee Schedule J)	Payment of Fees (Amend)

INTENDED ACTION:

The Alabama Department of Environmental Management proposes to amend Rule 335-1-1-.07 of the Administrative Code, and proposes to amend Rule 335-1-6-.07 (Fee Schedule C & J) of the Administrative Code.

SUBSTANCE OR PROPOSED ACTION:

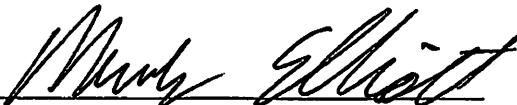
The Department proposes to amend Rule 335-1-1-.07 in order to modify and add forms required with the implementation of ADEM Program Regulations. The Department proposes to amend Rule 335-1-6-.07 in order to restructure the Hazardous Waste Programs fees outlined in Fee Schedule C, to address fee changes related to Hazardous Waste Land Disposal Facilities. The Department proposes to amend Rule 335-1-6-.07 in order to correct a citation of the Environmental Covenants fees outlined in Fee Schedule J.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held September 17, 2020 at 9:30 a.m. in the Hearing Room at the Alabama Department of Environmental Management, 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: September 17, 2020

CONTACT PERSON AT AGENCY: Russell A. Kelly (334)271-7714



Lance R. LeFleur
Director

**FEE SCHEDULE J
ENVIRONMENTAL COVENANTS FEES**

<u>Type of Activity</u>	<u>Initial Issuance</u>	<u>Modification</u>
Processing and Review Fee		
Institutional Controls	\$4,285	\$1,070
Engineering Controls	\$6,425	\$1,610
Registry Recording Fee		
For Class 1 controls*	\$13,705	\$635
For Class 2 controls*	\$9,420	\$635
For Class 3 controls*	\$5,245	\$635

* - For classification of institutional and engineering controls, see ADEM Admin. Code r. 335-5-1-.03(i).

Registry Recording Fee also includes costs of performing inspections for a 30-year period.

For sites utilizing both institutional controls and engineering controls, the processing and review fees shall be the greater of the applicable fees.

For sites with more than one classification of institutional or engineering control, the registry recording fee shall be the greater of the applicable fees.

For a property or site containing multiple individually deeded parcels covered by one or more similar covenants, the owner or operator may pay all applicable fees listed in Fee Schedule J or the owner or operator or other responsible party may include a provision in an order or agreement executed between the owner or operator or other responsible person and the Department to pay fees as provided in 335-5-1-.06(e).