

APA-1

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-1-1-.08
Rule Title: Communications with 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? 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? 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

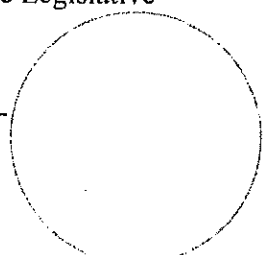
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

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 *Manly Elliott* 

Date May 22, 2017

APA-2

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION**

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Environmental Management
Rule No. & Title: 335-1-1-.08 Communications with the Department (Amend)
Intended Action: The Alabama Department of Environmental Management proposes to amend rule 335-1-1-.08

Substance of Proposed Action:

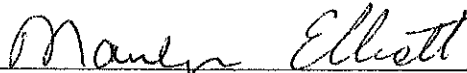
The Department proposes to make an administrative correction in this rule.

Time, Place, Manner of Presenting Views:

Comments may be submitted in writing or orally at a public hearing to be held at 1:30 PM, July 13, 2017, in the ADEM Main Hearing Room, 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

Final Date for Comment and Completion of Notice: July 13, 2017

Contact Person at Agency: David Hutchinson, (334) 271-7711



Lance R. Lefleur
Director

335-1-1-.08 Communications with the Department.

(1) Correspondence, applications, reports, or other documents required to be submitted to the Department either by the ADEM Admin. Code, or any permit, order, or directive issued by the Department may be submitted as follows:

(a) By U.S. Mail, addressed to ADEM, at P. O. Box 301463, Montgomery, Alabama 36130-1463. The address shall specifically indicate the individual or program to whom the submission is to be delivered.

(b) By hand delivery or overnight or express mail, addressed to ADEM, 1400 Coliseum Blvd., Montgomery, Alabama 36110-20592400. The address shall specifically indicate the individual or program to whom the submission is to be delivered.

(c) By electronic means, in accordance with Ala. Code §§ 8-1A-1 to 8-1A-20 (2002 Rplc. Vol.).

(i) If e-mail is employed, it is the submitter's responsibility to ascertain the correct e-mail address of the individual to whom the submission is to be sent. The correct recipient and his or her e-mail address may be obtained by calling the program to which the submission will be sent.

(ii) The electronic submittal shall contain all required information and be formatted in an electronic file format provided or approved by ADEM.

(iii) The documents may be submitted in electronic form on a compact disk and delivered via e-mail, U.S. mail, hand delivery, or overnight or express mail.

(iv) Where a signature is required but an electronic signature is not otherwise prohibited, a written signature is not necessary for documents sent electronically. An electronic signature, such as an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record is acceptable.

(v) The receipt date for an electronic submittal via e-mail shall be the date and time the document is received by the Department as indicated by the computer software accepting the submission, in accordance with Ala. Code §8-1A-15 (2002 Rplc. Vol.).

Author: Olivia H. Rowell, David Hutchinson.

Statutory Authority: Ala. Code § 22-22A-5(3) (2005 Cum. Supp.) and §§ 8-1A-1 to 8-1A-20 (2002 Rplc. Vol.).

History: November 14, 2006.

Amended: XXXX XX, 2017.

GENERAL ADMINISTRATION REGULATIONS

On their effective date, August 1, 1988, portions of these regulations replaced existing regulations covering the issues of organization and availability of public information contained in chapters administered by the Air and Water Divisions of the Department. Specifically, the following regulations were repealed when this chapter was adopted:

1. ADEM Air Regulations Part 1.3--"Organization" of the Air Pollution Control Rules and Regulations.
2. ADEM Air Regulations Part 1.4--"Availability of Records and Information" of the Air Pollution Control Rules and Regulations.
3. ADEM Air Regulations Part 1.5--"Employee Responsibilities and Conduct" of the Air Pollution Control Rules and Regulations.
4. ADEM Water Quality Regulations chapter 335-6-1-.03--"Public Information" of the Water Division - Water Quality Program rules.