

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management  
Rule No. 335-1-6-.04  
Rule Title: Permit Application Fees  
       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       

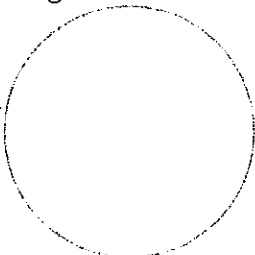
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?        YES       

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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.

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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        *Marilyn 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:** 335-1-6-.04 Permit Application Fees (Amend)

**Intended Action:** The Alabama Department of Environmental Management proposes to amend rule 335-1-6-.04

**Substance of Proposed Action:**

The Department proposes to make administrative corrections in this rule which include deleting an obsolete fee schedule and a reference to the deleted schedule.

**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



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Lance R. LeFleur  
Director

**335-1-6-.04 Permit Application Fees.**

(1) Except as provided in paragraph (2) of this rule, any person making application to the Department for the issuance, reissuance or modification of a permit shall be subject to a three-part application fee consisting of the following:

(a) a fee of \$1,610 per application relating to a greenfield site. This fee shall not apply to Schedule B and ~~Schedule F~~ or to AFO/CAFO registration in Schedule D if continuing education certification is submitted with initial registration and each annual registration request as required by rule 335-6-7-.18;

(b) a fee which shall be the sum of the fees for each applicable type of permit application, and each action deemed necessary to complete evaluation of the application, as specified in Fee Schedules A through J; and

(c) a public hearing fee of \$8,450 if a public hearing relating to the permit application is held.

(2) Any person making application to the Department for modification of a permit to change the name of the permittee only or to transfer the permit only shall be subject to a \$800 fee per application.

(3) Fees required by AFO/CAFO registration may be suspended in part or whole by category by the Director to reflect the budgetary circumstances of the AFO/CAFO program.

**Author:** Marilyn Elliott, Russell Kelly, David Hutchinson.

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

**History:** February 13, 1985.

**Amended:** October 30, 1990; January 16, 1997; March 31, 1999; January 9, 2002; January 10, 2006; November 14, 2006; January 22, 2008; May 26, 2009; November 29, 2011; July 30, 2013; February 4, 2016; March 31, 2017; XXXX XX, 2017.

**FEE SCHEDULE B  
COASTAL USE PERMITS STATEWIDE WATER QUALITY CERTIFICATION  
AND PROJECT REVIEWS**

<u>Type of Activity</u>	<u>Fee</u>
<u>Commercial and/or Residential Development</u>	
a) Commercial and Residential Development greater than 5 acres and less than 25 acres in size.	\$9,025
b) Commercial and Residential Development 25 acres or greater and less than 100 acres in size.	\$19,070
c) Commercial and Residential Development 100 acres or greater in size.	\$25,920
Groundwater extraction from a well having capacity of 50 gpm or more (335 8 2 .09).	\$3,995
<u>Construction on Beaches and Dunes (335-8-2-.08)</u>	
a) 1 single family dwelling or 1 duplex.	\$1,330
b) 2 single family dwellings or 2 duplexes.	\$1,750
c) Commercial (non-residential) structure, multi-unit residential structure having more than 2 units, or any other combination of living units not covered under a) or b) above.	\$17,765
d) Hardened erosion control structure, including retaining walls, seawalls, bulkheads and similar structure, or the placement of rip rap.	\$2,035
<u>Beach Nourishment Projects on Gulf Beaches</u>	
a) Gulf Beach Nourishment Project filling less than 1,000 square feet of State waterbottoms.	\$1,895
b) Gulf Beach Nourishment Project filling 1,000 square feet to 100,000 square feet of State waterbottoms.	\$3,785
c) Gulf Beach Nourishment Project filling greater than 100,000 square feet of State waterbottoms.	\$6,985
<u>Projects Impacting Wetlands</u>	
(a) Project involving the dredging or filling of less than 1,000 square feet of wetlands.	\$2,125
(b) Project involving the dredging or filling of 1,000 square feet or more of wetlands.	\$4,235
(c) Pile Supported residential, multifamily or commercial structure (does not include piers, walkways, gazebos).	\$3,940
<u>Projects Impacting Water Bottoms</u>	
a) Project involving the filling of less than 1,000 square feet of water bottom.	\$2,125
b) Project involving the filling of 1,000 square feet or more of water bottom.	\$4,235

<u>Type of Activity</u>	<u>Fee</u>
c) Project involving the dredging of less than 10,000 cubic yards of material from the water bottom.	\$2,125
d) Project involving the dredging of 10,000 cubic yards to 100,000 cubic yards of material from the water bottom.	\$4,235
e) Project involving the dredging of greater than 100,000 cubic yards of material from the water bottom.	\$7,855
f) Project which involves the construction of coastal or inland marinas, canals, or creek relocation or modification.	\$4,235
g) Raised creek crossing.	\$800
<u>Shoreline Stabilization of Non Gulf-Fronting Properties</u>	
a) Shoreline stabilization project involving less than 200 feet of shoreline stabilization, including bulkhead construction or placement of rip-rap.	\$800
b) Shoreline stabilization project involving greater than 200 feet of shoreline stabilization including bulkhead construction or placement of rip-rap.	\$1,330
Groin, jetty, and/or other sediment catching shoreline structure.	\$1,680
Construction of pile supported pier, dock, boardwalk, or other similar structure.	\$800
Siting, construction and operation of energy facility.	\$24,480
Mitigation bank project.	\$8,730
State agency permits subject to review, not otherwise specified in Schedule B.	\$1,680
Federal license or permits not otherwise specified in Schedule B.	\$1,680
Project requiring certification for a Federal Energy Regulatory Commission permit or authorization.	\$6,550
All other projects and/or consistency reviews not otherwise specified in Schedule B which are subject to ADEM's Division 8 regulations.	\$800
Certification transfer or to change the name of the applicant only.	\$800
Modifications, and/or time extension, not requiring public notice.	\$800
Modifications and/or time extension, requiring public notice shall be one half the fee listed in schedule B but in no case less than <del>\$665</del> 800.	½ or \$800
Additive fee for variance request.	\$3,275

**FEE SCHEDULE F**

**[RESERVED]**

**~~NPDES CONSTRUCTION MATERIALS, NON-COAL, NON-METALLIC MINING,  
ETC.~~**

~~Construction Materials Non-Coal Non-Metallic Mining, Excavation, Borrow, Disturbance, Development Dry Processing Storage, and Transloading Sites Less Than Five Acres Base Annual and Additive Registration and General Permit Authorization Fees.~~

<del>Description</del>	<del>Base Annual Registration, Authorization Fee</del>	<del>Major Modification Fee 1/</del>	<del>Tier 1 Water Fee Additive Increment Fee 2/</del>
<del>Base Fee Sites less than 5- acres. (Sites 5 acres and greater require Individual NPDES Permit Coverage)</del>	<del>\$670</del>	<del>\$430</del>	<del>\$305</del>

~~1/ A Major Modification Additive Increment Fee is required for a request for Major Modification of an existing registration approval or authorization.~~

~~2/ An Impacted Watershed Additive Increment Fee, required for all registrations/ authorizations for projects discharging to any Tier 1 water, shall be submitted with each initial registration/authorization request, and each Major Modification Request, and each subsequent annual registration/authorization request.~~