

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control 335 Department or Agency Environmental Management  
Rule No. 335-1-6-.05  
Rule Title: Water Quality Certification and Coastal Area Management  
Certification 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**

\*\*\*\*\*  
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 Elliot*          

Date August 22, 2011

Date Filed 

APA-2  
11/96

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
GENERAL ADMINISTRATION DIVISION

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

<b><u>RULE NO. &amp; TITLE</u></b>	335-1-6-.04	Permit Application Fees (Amend)
	335-1-6-.05	Water Quality Certification and Coastal Area Management Certification Fees (Amend)
	335-1-6-.07	Payment of Fees (Schedules A-J) (Amend)

**INTENDED ACTION:** The Alabama Department of Environmental Management proposes to amend rules 335-1-6-.04, 335-1-6-.05 and 335-1-6-.07 of the Administrative Code.

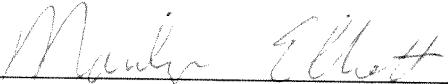
**SUBSTANCE OR PROPOSED ACTION:** The proposed action of rules 335-1-6-.04, 335-1-6-.05, and 335-1-6-.07 would increase the Department's permit fees.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:**

Comments may be submitted in writing or orally at a public hearing to be held September 21, 2011, at 10:00 a.m. in the Hearing Room at the Alabama Department of Environmental Management, 1400 Coliseum Blvd., Montgomery, AL 36110.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:** October 5, 2011.

**CONTACT PERSON AT AGENCY:** Russell A. Kelly (334) 271-7715

  
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Lance R. LeFleur  
Director

**335-1-6-.05 Water Quality Certification and Coastal Area Management Certification Fees.** Any person making application for the issuance, reissuance or modification of a water quality certification pursuant to section 401 of the Federal Water Pollution Control Act, 33 U.S.C. § 1341, and/or making request for a permit or consistency determination pursuant to chapter 335-8-1, shall be subject to the highest applicable fee as provided in Fee Schedule B ~~or F~~, as appropriate.

**Author:** Marilyn Elliott.

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

**History:** February 13, 1985.

**Amended:** October 30, 1990; January 16, 1997; XXXXXX, 2011.