

APA-1  
11/96

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control 335 Department or Agency Environmental Management  
Rule No. 335-3-15-.05  
Rule Title: Public Participation

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

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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 Mandy Elliott

Date 01-20-17

Date Filed 

APA-2  
11/96

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
AIR DIVISION

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Environmental Management

**RULE NO. & TITLE:** Rule 335-3-15-.05 – Public Participation (Amend)

**INTENDED ACTION:** Revise Division 3 of the ADEM Administrative Code with the amendment of Rule 335-3-15-.05 (Public Participation).

**SUBSTANCE OF PROPOSED ACTION:**

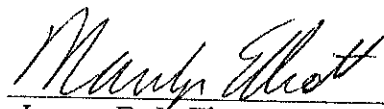
Rule 335-3-15-.05 is being revised to incorporate amendments to EPA public notice regulations that removed the mandatory requirement to provide public notice for draft permits (and certain other program actions) by newspaper publication and instead provides for electronic-notice (e-notice) of these actions.

**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., March 8, 2017, in ADEM Hearing Room, 1400 Coliseum Blvd., Montgomery, Alabama 36110.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:** March 10, 2017

**CONTACT PERSON AT AGENCY:** Larry Brown (334) 271-7878

  
\_\_\_\_\_  
Lance R. LeFleur  
Director

**335-3-15-.05 Public Participation.**

(a) The provisions of this Rule apply only to potential major sources as specified in Rules 335-3-15-.04(1)(b) and -.04(4)(b). Notice shall be given ~~by publication in a newspaper of general circulation in the area where the source is located or in a State publication designed to give general public notice~~ posted on the Department's web site for the duration of the public comment period and also to persons on a mailing transmitted sent to a list developed by the Department for persons desiring notice of permit action, including persons who have requested in writing to be on such a list. The notice shall contain a link to the draft proposed permit. A copy of the notice shall also be provided to EPA;

(b) The notice shall identify the affected facility; the name and address of the permittee; the address of the Department; the activity or activities involved in the permit action; the emissions change involved in any permit modification; the name, address, and telephone number of a person (or an email or web site address) from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, except for information entitled to be kept confidential, and all other materials available to the Department that are relevant to the permit decision; a brief description of the comment procedures required by this Rule; and the time and place of any hearing that may be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled);

(c) The Department shall provide at least 15 days for public comment; and

(d) The Department shall keep a record of the commenters and also of the issues raised during the public participation process.

**Author:** Richard E. Grusnick

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

**History:** Effective Date: December 28, 1993.

**Amended:** November 21, 1996; ~~XXXXXX~~, 2017.