TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 335		Department or Agency Environ			mental Management	
Rule No.	335-6-1607					
Rule Title:	Trust Fund Fee and Charge					
***************************************	New	X	Amend	Re	peal _	Adopt by Reference
Would the a significantly welfare, or s	harm or		posed rule er the public healt	h,		YES
	e power a	nd the p	ship between the protection of the are?			YES
			ive method of d adequately prot	ect		NO
indirectly in	creasing t	he cost	the effect of direct s of any goods or o what degree?	ly or	_	NO
	the harm	that mi	, more harmful to ght result from th			N/A
solely for th	e purpose	of, and	ng process designo so they have, as t of the public?			YES
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Does the pro	oposed ru	le have	an economic impa	ict?		NO
If the propos accompanie 41-22-23, <u>C</u>	d by a fisc	cal note	conomic impact, the prepared in accor 975.	he propos dance wit	sed rule is t th subsecti	required to be on (f) of section
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Certification	of Autho	rized Of	ficial			
requirement	ts of Chap le filing re	iter 22, ' quireme	Title 41, <u>Code of A</u> ents of the Admini	labama 1	975, and t	compliance with the hat it conforms to Division of the
Signature of	f certifying	g officer	Mauly	. Ell	est	and the second s
Date <u>Septe</u>	ember 20,	2011	<i>q</i>			**
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Date Filed

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT WATER DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME:

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULE NO. & TITLE:

335-6-16-.07

Trust Fund Fee and Charge (Amend)

INTENDED ACTION:

The Alabama Department of Environmental Management

proposes to amend Chapter 335-6-16.

SUBSTANCE OR PROPOSED ACTION: Revisions to the Division 6 Code are being proposed to provide updated regulations to implement a decrease in the Trust Fund Charge from \$0.0125 to \$0.01 per gallon.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held November 4. 2011 at 11:00 a.m. at the offices of the Alabama Department of Environmental Management, 1400 Coliseum Blvd, Montgomery, AL 36109, or by mail to P.O. Box 301463. Montgomery, AL 36130-1463.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: November 4, 2011

CONTACT PERSON AT AGENCY:

- Elliott

Sonja Massey [334/271-7832]

Director

335-6-16-.07 Trust Fund Fee and Charge.

- (1) In order to participate in the liability limitations and reimbursement benefits of the Tank Trust Fund, an UST and/or AST owner or operator shall pay an annual Tank Trust Fund Fee, if any. The Commission may set annual fees the total of which shall not exceed \$150 per regulated tank.
- (2) Each year UST and/or AST owners or operators will be notified by the Department of the amount of the required Tank Trust Fund Fee, if any, which will be due within thirty (30) days of the invoice date. For underground storage tanks and/or aboveground storage tanks brought into service on or after October 1 of each year the Tank Trust Fund fee is due with the registration of the tank(s) with the Department.
- (3) To protect the financial integrity of the fund, the Commission may make special assessments of Tank Trust Fund Fees. However, the total fee, if any, shall not exceed \$150 per regulated tank per year. Special assessment fees will be due within thirty (30) days of the invoice date.
- (4) The failure to pay Tank Trust Fund Fees, if any, within the time prescribed by the Department shall make the owner or operator of an UST and/or AST liable for a late charge penalty in an amount not to exceed \$100 per tank for each day such payment is delinquent and will result in the loss of Trust Fund eligibility. The Director, for good cause shown, may abate all or part of said late charge penalty.
 - (5) The Trust Fund Fee is set at \$0.00 per tank.
 - (6) The Trust Fund Charge is set at \$0.0125 per gallon.

Author: Sonja Massey, James Stevens and Gregory Stephens. **Statutory Authority:** <u>Code of Alabama</u> 1975, §§ 22-35-5.

History: June 1, 1989.

Amended: June 1, 1994; October 1, 2004; January 1, 2010-; XXXXX.