

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-1-6-.07
Rule Title: Payment of Fees (Schedules A-J)

 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? **YES-INDIRECTLY VERY MINOR**

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? **YES**

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.

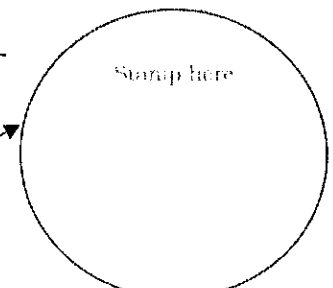
Certification of Authorized Official

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 Maulya Ellett

Date September 21, 2015

Date Filed



APA-2
11/96

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
GENERAL ADMINISTRATION DIVISION**

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULE NO. & TITLE 335-1-6-.04 Permit Application 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 and 335-1-6-.07 of the Administrative Code.

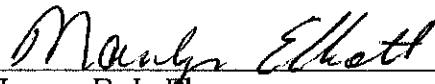
SUBSTANCE OR PROPOSED ACTION: The proposed action of rules 335-1-6-.04 and 335-1-6-.07 would increase the Department's permit fees.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Comments, both written and oral, will be received at a public hearing to be held on November 12, 2015, at the Alabama Department of Environmental Management, 1400 Coliseum Blvd., Montgomery, AL 36110. In addition, written comments will be accepted by ADEM provided they are received by 5:00 p.m. the close of business, November 12, 2015.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: November 12, 2015

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



Lance R. LeFleur
Director

335-1-6-.07 Payment of Fees.

(1) Payment of permit application/registration fees required under subparagraphs (1)(a) and (1)(b) or paragraph (2) of rule 335-1-6-.04 shall be included with the permit application/registration. No permit application shall be processed without payment of such fees.

(2) Any fee required under subparagraph (1)(c) of rule 335-1-6-.04 shall be billed to the applicant. Payment of such fee shall be made within thirty days of the invoice date. No final decision regarding the permit application shall be made until after payment of such fee. Failure to make payment as provided herein shall constitute cause for non-processing/denial of the permit application.

(3) Payment of fees required under rule 1-6-.05 shall be made within thirty days of the date of the invoice which the Department shall send to the person making the application or request or requiring the certificate.

(4) Payment of fees required under rule 335-1-6-.06 shall be included with the application for such license, variance or certification. No application shall be processed without payment of such fees.

(5) All fees paid pursuant to the requirements of this chapter shall be non-refundable.

(6) All fees and remittances shall be made payable to the Alabama Department of Environmental Management.

Author: Marilyn Elliott, Russell A. Kelly.

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

History: February 13, 1985.

Amended: January 16, 1997; March 31, 1999; January 9, 2002; May 16, 2002; October 4, 2002, August 4, 2004; January 10, 2006; July 11, 2006; November 14, 2006; January 22, 2008; January 19, 2010; November 29, 2011; July 30, 2013; XXXX, XX, 2016.

**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.	\$7,520 <u>9,025</u>
b) Commercial and Residential Development 25 acres or greater and less than 100 acres in size.	\$15,890 <u>19,070</u>
c) Commercial and Residential Development 100 acres or greater in size.	\$21,600 <u>25,920</u>
Groundwater extraction from a well having capacity of 50 gpm or more (335-8-2-.09).	\$3,330 <u>3,995</u>
<u>Construction on Beaches and Dunes (335-8-2-.08)</u>	
a) 1 single family dwelling or 1 duplex.	\$1,110 <u>1,330</u>
b) 2 single family dwellings or 2 duplexes.	\$1,460 <u>1,750</u>
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.	\$14,555 <u>17,765</u>
d) Hardened erosion control structure, including retaining walls, seawalls, bulkheads and similar structure, or the placement of rip-rap.	\$1,695 <u>2,035</u>
<u>Beach Nourishment Projects on Gulf Beaches</u>	
a) Gulf Beach Nourishment Project filling less than 1,000 square feet of State waterbottoms.	\$1,580 <u>1,895</u>
b) Gulf Beach Nourishment Project filling 1,000 square feet to 100,000 square feet of State waterbottoms.	\$3,155 <u>3,785</u>
c) Gulf Beach Nourishment Project filling greater than 100,000 square feet of State waterbottoms.	\$5,820 <u>6,985</u>
<u>Projects Impacting Wetlands</u>	
a) Project involving the dredging or filling of less than 1,000 square feet of wetlands.	\$1,770 <u>2,125</u>
b) Project involving the dredging or filling of 1,000 square feet or more of wetlands.	\$3,530 <u>4,235</u>
c) Pile Supported residential, multifamily or commercial structure (does not include piers, walkways, gazebos).	\$3,285 <u>3,940</u>
<u>Projects Impacting Water Bottoms</u>	

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

<u>Type of Activity</u>	<u>Fee</u>
a) Project involving the filling of less than 1,000 square feet of water bottom.	\$1,770 <u>2,125</u>
b) Project involving the filling of 1,000 square feet or more of water bottom.	\$3,530 <u>4,235</u>
c) Project involving the dredging of less than 10,000 cubic yards of material from the water bottom.	\$1,770 <u>2,125</u>
d) Project involving the dredging of 10,000 cubic yards to 100,000 cubic yards of material from the water bottom.	\$3,530 <u>4,235</u>
e) Project involving the dredging of greater than 100,000 cubic yards of material from the water bottom.	\$6,545 <u>7,855</u>
f) Project which involves the construction of coastal or inland marinas, canals, or creek relocation or modification.	\$3,530 <u>4,235</u>
g) Raised creek crossing.	\$665800
<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.	\$665800
b) Shoreline stabilization project involving greater than 200 feet of shoreline stabilization including bulkhead construction or placement of rip-rap.	\$1,110 <u>1,330</u>
Groin, jetty, and/or other sediment catching shoreline structure.	\$1,400 <u>1,680</u>
Construction of pile supported pier, dock, boardwalk, or other similar structure.	\$665800
Siting, construction and operation of energy facility.	\$20,400 <u>24,480</u>
Mitigation bank project.	\$7,275 <u>8,730</u>
State agency permits subject to review, not otherwise specified in Schedule B.	\$1,400 <u>1,680</u>
Federal license or permits not otherwise specified in Schedule B.	\$1,400 <u>1,680</u>
Project requiring certification for a Federal Energy Regulatory Commission permit or authorization.	\$5,460 <u>6,550</u>
All other projects and/or consistency reviews not otherwise specified in Schedule B which are subject to ADEM's Division 8 regulations.	\$665800
Certification transfer or to change the name of the applicant only.	\$665800
Modifications, and/or time extension, not requiring public notice.	\$665800

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

<u>Type of Activity</u>	<u>Fee</u>
Modifications and/or time extension, requiring public notice shall be one-half the fee listed in schedule B but in no case less than \$665800.	½ or <u>\$665800</u>
Additive fee for variance request.	\$2,730 <u>3,275</u>

**FEE SCHEDULE C
HAZARDOUS WASTE PERMITS**

<u>TYPE OF ACTIVITY</u>	<u>INITIAL UNIT (1)</u>	<u>NEW DESIGN/ ADDITIONAL UNIT (2)</u>	<u>MINOR MOD (3)</u>	<u>MAJOR MOD (4)</u>	<u>CLOSURE PLAN (5)</u>
Permit Type (6)	\$1,755	-----	\$965	\$1,755	-----
Transport-Hazardous Waste/ Used Oil	<u>2,105</u>			<u>2,105</u>	
Base Application (Non Transporter) (25)	\$5,820	-----	-----	-----	-----
	<u>6,985</u>				
Storage (Container/Tank/Containment Building)	\$30,395	\$22,935	\$1,935	\$7,520	\$6,795
	<u>36,475</u>	<u>27,520</u>	<u>2,320</u>	<u>9,025</u>	<u>8,154</u>
Drip Pad	\$30,395	\$22,935	\$1,935	\$7,520	\$6,795
	<u>36,475</u>	<u>27,520</u>	<u>2,320</u>	<u>9,025</u>	<u>8,154</u>
Treatment (7)	\$38,595	\$29,015	\$2,430	\$9,525	\$8,135
	<u>46,315</u>	<u>34,820</u>	<u>2,915</u>	<u>11,430</u>	<u>9,760</u>
Thermal Treatment (8)	\$92,960	\$69,785	\$6,005	\$23,115	\$8,135
	<u>111,550</u>	<u>83,740</u>	<u>7,205</u>	<u>27,740</u>	<u>9,760</u>
Land Treatment	\$52,125	\$39,195	\$3,285	\$12,930	\$16,325
	<u>62,550</u>	<u>47,035</u>	<u>3,940</u>	<u>15,515</u>	<u>18,590</u>
Waste Pile	\$43,995	\$33,135	\$2,730	\$10,860	\$16,325
	<u>52,795</u>	<u>39,760</u>	<u>3,275</u>	<u>13,030</u>	<u>19,590</u>
Surface Impoundment	\$71,175	\$53,520	\$4,500	\$17,655	\$16,325
	<u>85,410</u>	<u>64,225</u>	<u>5,400</u>	<u>21,185</u>	<u>19,590</u>
Landfill	\$89,925	\$67,535	\$5,715	\$22,155	\$16,325
	<u>107,910</u>	<u>81,040</u>	<u>6,850</u>	<u>26,585</u>	<u>19,590</u>

**FEE SCHEDULE C
HAZARDOUS WASTE PERMITS**

<u>TYPE OF ACTIVITY</u>	<u>INITIAL UNIT (1)</u>	<u>NEW DESIGN/ ADDITIONAL UNIT (2)</u>	<u>MINOR MOD (3)</u>	<u>MAJOR MOD (4)</u>	<u>CLOSURE PLAN (5)</u>
Post-Closure (9)	\$68,445 <u>82,135</u>	\$51,465 <u>61,760</u>	\$4,260 <u>5,110</u>	\$16,995 <u>20,395</u>	-----
SWMU Only (10)	\$13,590 <u>16,310</u>	-----	\$855 <u>1,025</u>	\$3,390 <u>4,070</u>	-----
Miscellaneous Units	\$78,150 <u>93,780</u>	\$58,730 <u>70,475</u>	\$4,850 <u>5,820</u>	\$19,415 <u>23,300</u>	-----
Corrective Action Management Unit (17)	\$35,315 <u>42,380</u>	\$26,520 <u>31,825</u>	\$2,310 <u>2,770</u>	\$8,865 <u>10,640</u>	Varies (18)
Non-Unit Specific Modifications (11)	-----	-----	\$965 <u>1,160</u>	\$4,500 <u>5,400</u>	-----
Modifications to Incorporate Final Corrective Measures	-----	-----	-----	\$12,125 <u>14,550</u>	-----

**FEE SCHEDULE C
HAZARDOUS WASTE PERMITS**

<u>TYPE OF ACTIVITY</u>	<u>INITIAL UNIT (1)</u>	<u>NEW DESIGN/ ADDITIONAL UNIT (2)</u>	<u>MINOR MOD (3)</u>	<u>MAJOR MOD (4)</u>	<u>CLOSURE PLAN (5)</u>
ADDITIVE FEES (12)					
Groundwater Contamination (13)					
Plume Undefined	\$51,635 <u>61,960</u>	\$38,715 <u>46,460</u>	---	---	---
Plume Defined	\$27,180 <u>32,615</u>	\$20,340 <u>24,410</u>	---	---	---
Trial Burn (14)	\$13,590 <u>16,310</u>	---	---	---	---
RCRA Facility Assessment (RFA) (24)	\$13,590 <u>16,310</u>	---	---	---	---
RCRA Facility Investigation (RFI) Certification (15)	\$20,390 <u>24,470</u>	\$15,660 <u>18,790</u>	---	---	---
Corrective Action Program (CAP) or Corrective Measures Implementation (CMI) Plan Certification (16)	\$35,325 <u>42,390</u>	\$26,520 <u>31,825</u>	\$2,315 <u>2,780</u>	\$8,865 <u>10,640</u>	---
Temporary Unit	\$29,910 <u>35,890</u>	\$22,455 <u>26,946</u>	\$1,940 <u>2,330</u>	\$7,460 <u>8,950</u>	\$6,795 <u>8,155</u>
Off-Site Waste Analysis Certification (19)	\$6,795 <u>8,155</u>	---	\$675 <u>810</u>	\$1,770 <u>2,125</u>	---
Indirect Risk Assessment (20)	\$135,920 <u>163,105</u>	---	---	---	---

**FEE SCHEDULE C
HAZARDOUS WASTE PERMITS**

TYPE OF ACTIVITY	INITIAL UNIT (1)	NEW DESIGN/ ADDITIONAL UNIT (2)	MINOR MOD (3)	MAJOR MOD (4)	CLOSURE PLAN (5)
Confirmatory Sampling (CS) Work Plan Certification (21)	\$16,995 <u>20,395</u>	\$12,755 <u>15,305</u>	---	---	---
Interim Measures (IM) Work Plan Certification (22)	\$16,995 <u>20,395</u>	\$12,755 <u>15,305</u>	---	---	---
Corrective Measures Study (CMS) Certification (23)	\$20,630 <u>24,755</u>	\$15,780 <u>18,935</u>	---	---	---

FEE SCHEDULE C (Continued)

EXPLANATORY NOTES

- (1) Fee applies to initial unit (design) of a given type at a facility.
- (2) Fee applies to additional designs and/or units of the same type unit or process at a given facility.
- (3) Refer to rule 335-14-8-.04(3) for classification of minor mods. Each separate mod request requires a separate fee payment. Multiple changes to a permit consolidated in one mod request will be charged a single fee for each applicable unit. (e.g., A facility permitted for container storage and a landfill who requests modifications to both units will be charged the appropriate fee for each unit.)
- (4) Refer to rule 335-14-8-.04(2) for classification of major mods. Each separate mod request requires a separate fee payment. Multiple changes to a permit consolidated in one mod request will be charged a single fee for each applicable unit. (e.g., A facility permitted for container storage and a landfill who requests modifications to both units will be charged the appropriate fee for each unit.)
- (5) If clean closure is not attained and a post-closure permit is required, then the cost is credited to the post-closure permit fee. Closure plan fees shall be charged per unit to be closed.
- (6) Fees for miscellaneous units (rule 335-14-5-.24) and for other units not specifically listed shall be assessed based on the fees established for the permit type most closely analogous to the activity in question. For example, an open burning/open detonation unit would be assessed fees for thermal treatment; a stabilization unit would be assessed fees for treatment; etc.
- (7) Fee applies to all treatment units except land treatment units and thermal treatment units.
- (8) Fee applies to incinerators, boilers, industrial furnaces, and other thermal treatment units.
- (9) Fee applies to each hazardous waste management unit which is subject to post-closure permitting requirements. Multiple units which are closed under a single (common) cap will be charged the fee for a single post-closure unit. Fee also applies to certification of post-closure plans required by order.
- (10) Fee applies to permits which include solid waste management unit (SWMU) requirements (pursuant to ADEM Admin. Code rs. 335-14-5-.06(12), 335-14-5-.19, 335-14-8-.02(5)(d), but do not include regulated hazardous waste management unit requirements. This fee applies to facilities which have completed all closure and post-closure requirements for regulated hazardous waste management units, but do not complete all SWMU requirements.
- (11) Fee applies to modifications which are not unit specific (i.e., mods not affecting the unit type, design, or configuration). Examples: contingency plan changes, transfer of ownership, personnel training plan changes, changes to groundwater monitoring system, etc.

FEE SCHEDULE C (Continued)

EXPLANATORY NOTES

- (12) Additive fees are levied in addition to base application fees as applicable. Total fees due are sum of base application fees and additive fees applicable to a given facility/application.
- (13) Initial fee applies to the first contaminant plume at a facility. The additional unit fee will be charged for each additional, separate plume at the same facility.
- (14) Fee applies to each trial burn performed.
- (15) Initial fee applies to the first investigation at a facility imposed by the Department under ADEM Admin. Code r. 335-14-5-.06(12). The fee is applicable at the time the investigation is imposed. The additional unit fee will be charged for each additional, separate investigation at the same facility (e.g. an investigation of a newly discovered area of contamination). This fee is also applicable to any investigation required by statute or order that is designed to assess the extent of contamination at a facility or a single unit within a facility.
- (16) Fee applies to each separate corrective action program proposal or corrective measures implementation plan submitted. CAPs which integrate multiple technologies (e.g., pump and treat, biological, chemical, physical, etc.) into a single system shall be charged a single fee for the system. Facilities which have multiple separate programs (e.g., two separate groundwater contamination plumes, one remediated using pump and treat and the other using vapor extraction) shall be charged a separate fee for each separate system. This fee is also applicable to passive corrective measures (e.g. land-use restrictions, monitored natural attenuation).
- (17) Fee applies to each separate corrective action management unit (CAMU) designated/approved at a facility. This fee is in addition to any other fees applicable to any hazardous waste management units included within a CAMU.
- (18) Fee determined based on type of units (Storage - \$4,0454.855; Treatment [except Land Treatment] - \$4,8505.820; Disposal/Land Treatment - \$9,71011.650).
- (19) Fee applies to facilities which receive hazardous waste from off-site sources (e.g., commercial facilities).
- (20) Fee applies to thermal treatment units required to conduct indirect risk assessments.
- (21) Initial fee applies to the first CS work plan at a facility. The additional unit fee will be charged for each additional, separate CS workplan at the same facility.
- (22) Initial fee applies to the first IM work plan at a facility. The additional unit fee will be charged for each additional, separate IM workplan at the same facility.
- (23) Initial fee applies to the first CMS work plan at a facility. The additional unit fee will be charged for each additional, separate CMS workplan at the same facility.
- (24) Fee is charged per each RFA Report prepared for a given facility.
- (25) Base application fee calculated for 10-year permit period.

**FEE SCHEDULE D
WATER PERMITS**

<u>Type of Activity</u>	<u>Initial Registration/Issuance Reissuance or Modification (effluent limit change) (injection zone change or compatibility study)</u>	<u>Modification (no effluent limit change) (no injection zone change or no compatibility study)</u>
Major Industrial Discharger	\$14,990 <u>17,990</u>	\$3,285 <u>3,940</u>
Minor Industrial Discharger	\$4,680 <u>5,615</u>	\$2,600 <u>3,120</u>
Major Municipal & Private	\$5,885 <u>7,060</u>	\$2,730 <u>3,140</u>
Minor Municipal & Private & Water Treatment	\$3,575 <u>4,290</u>	\$1,875 <u>2,250</u>
Municipal Stormwater (MS-4)	\$5,885 <u>7,060</u>	\$2,730 <u>3,275</u>
Mineral/Resource Extraction Mining, Storage Transloading, Dry Processing	\$4,850 <u>5,820</u>	\$2,835 <u>3,400</u>
Wet Preparation, Processing, Beneficiation	\$5,715 <u>6,860</u>	\$3,285 <u>3,940</u>
Coalbed Methane	\$5,715 <u>6,860</u>	\$3,285 <u>3,940</u>
General Permit	\$1,155 <u>1,385</u>	\$665 <u>800</u>
Minor NPDES Modifications	-----	\$665 <u>800</u>
ADDITIVE FEES		
Modeling with Data Collection (10 Stations)	\$50,325 <u>60,390</u>	\$50,325 <u>60,390</u>
Modeling with Data Collection (5 Stations)	\$41,095 <u>49,315</u>	\$41,095 <u>49,315</u>
Modeling - desktop	\$4,045 <u>4,855</u>	\$4,045 <u>4,855</u>
Review of Model Performed by Others	\$2,255 <u>2,705</u>	\$2,255 <u>2,705</u>
Seasonal Limits	\$4,045 <u>4,855/</u> additional season	\$4,045 <u>4,855/</u> additional season
Biomonitoring & Toxicity Limits	\$845 <u>1,015</u>	\$845 <u>1,015</u>
316b Phase I, Phase II, and Phase III Facilities [Permit Issuance/Re-issuance Modification]	\$4,220 <u>5,065</u>	0

**FEE SCHEDULE D
WATER PERMITS**

<u>Type of Activity</u>	<u>Initial Registration/Issuance Reissuance or Modification (effluent limit change) (injection zone change or compatibility study)</u>	<u>Modification (no effluent limit change) (no injection zone change or no compatibility study)</u>
Review of Site Specific Impingement and Entrainment Studies and/or Comprehensive Demonstration Studies	\$33,770 <u>40,525</u> ¹	0
SID		
Indirect Discharge (SID)	\$3,210 <u>3,850</u>	\$1,770 <u>2,125</u>
Indirect Discharge with EPA Established Categorical Effluent Guidelines	\$3,645 <u>4,375</u>	\$2,190 <u>2,520</u>
UIC		
Class III Well	\$28,040 <u>33,650</u>	\$1,875 <u>2,250</u>
Class V Well	\$3,575 <u>4,290</u>	\$1,875 <u>2,250</u>
General Permit	\$1,155 <u>1,385</u>	\$665 <u>800</u>
WATER SUPPLY		
Surface Water Treatment Plant/System	\$3,830 <u>4,595</u>	\$1,875 <u>2,250</u>
Distribution System	\$2,495 <u>2,995</u>	\$1,635 <u>1,960</u>
Groundwater Supply (Well/System)	\$3,095 <u>3,715</u>	\$1,635 <u>1,960</u>
Name Change/Permit Minor Mod	-----	\$665 <u>800</u>
AFO/CAFO Individual Permit	\$6,195 <u>7,435</u>	\$4,850 <u>5,820</u>
AFO/CAFO Registration:		
AFO	\$375 <u>450</u>	\$125 <u>150</u>
CAFO:		
1-999 Animal Units	\$605 <u>725</u>	\$375 <u>450</u>
1,000-1,499 Animal Units	\$1,160 <u>1,390</u>	\$680 <u>815</u>
1,500-1,999 Animal Units	\$1,715 <u>2,060</u>	\$980 <u>1,175</u>
2,000 or more Animal Units	\$2,270 <u>2,725</u>	\$1,290 <u>1,550</u>

¹ Due upon submittal of CDS

**FEE SCHEDULE E
SOLID WASTE PERMITS/REGISTRATION**

<u>Type of Activity</u>	<u>Initial Issuance</u>	<u>Modification</u>	<u>Reissuance</u>
Medical Waste Transfer Facility	\$1,695 <u>2,035</u>	\$605 <u>725</u>	\$1,140 <u>1,330</u>
New Technology Review	\$8,505 <u>10,205</u>	-----	-----
Commercial Treatment Facility	\$13,715 <u>16,460</u>	\$6,065 <u>7,280</u>	\$7,650 <u>9,180</u>
Commercial Transportation of Medical Waste	\$2,910 <u>3,490</u>	\$1,215 <u>1,460</u>	\$1,695 <u>2,035</u>
Storage of Untreated Medical Waste	\$2,190 <u>2,630</u>	\$555 <u>665</u>	\$1,635 <u>1,960</u>
Municipal Solid Waste Landfill	\$69,900 <u>83,880</u>	-----	\$15,530 <u>18,635</u>
Minor Mod. (1)*	-----	\$2,730 <u>3,275</u>	-----
Major Mod. (2)*	-----	\$27,180 <u>32,615</u>	-----
Construction/Demolition Waste Landfill	\$5,955 <u>7,145</u>	-----	\$2,250 <u>2,700</u>
Minor Mod. (1)*	-----	\$1,215 <u>1,460</u>	-----
Major Mod. (2)*	-----	\$2,430 <u>2,915</u>	-----
Industrial Waste Landfill	\$10,560 <u>12,670</u>	-----	\$3,395 <u>4,075</u>
Minor Mod. (1)*	-----	\$1,215 <u>1,460</u>	-----
Major Mod. (2)*	-----	\$3,645 <u>4,375</u>	-----
Compost Facility	\$4,050 <u>4,860</u>		\$1,530 <u>1,835</u>
Minor Mod.		\$1,020 <u>1,225</u>	
Major Mod		\$1,620 <u>1,945</u>	
ADDITIVE FEES			
Geological Review	\$4,055 <u>4,865</u>	\$2,730 <u>3,275</u>	\$2,730 <u>3,275</u>
Solid Waste Disposal Notification	\$180 <u>215</u>	\$180 <u>215</u>	\$180 <u>215</u>
Variance Request	\$1,215 <u>1,460</u>	\$1,215 <u>1,460</u>	\$1,215 <u>1,460</u>

*1. These are modifications as included in ADEM Admin. Code rule 335-13-5-.06(2).

*2. These are modifications as included in ADEM Admin. Code rule 335-13-5-.06(1).

FEE SCHEDULE F
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.

Description	Base Annual Registration, Authorization Fee	Major Modification Fee 1/	Tier 1 Water Fee Additive Increment Fee 2/
Base Fee – Sites less than 5 acres. (Sites 5 acres and greater require Individual NPDES Permit Coverage)	\$560670	\$360430	\$255305

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.

**FEE SCHEDULE G
VARIANCES, CERTIFICATIONS AND LICENSES**

<u>Type of Activity</u>	<u>Initial Issuance</u>	<u>Reissuance</u>
Well Driller's License	\$200	\$200
<u>Water and Wastewater Operator Certification</u>		
Examination Fee	\$270 <u>325</u>	-----
Water and Wastewater Operator Certification Issuance Fee	\$105 <u>125</u>	-----
Water and Wastewater Operator Certification Renewal via Internet	-----	\$60 <u>70</u>
Water and Wastewater Operator Certification Renewal via Mail	-----	\$80 <u>95</u>
Water and Wastewater Operator Certification Renewal Late Fee	-----	\$180 <u>215</u> ¹
Water and Wastewater Operator Reciprocal Certification	\$150 <u>180</u>	-----
Microbiological lab certification	\$300 <u>360</u>	\$300 <u>360</u>
<u>Chemical laboratory certification</u>		
Metals	\$300 <u>360</u>	
Pesticides	\$300 <u>360</u>	
Herbicides	\$300 <u>360</u>	
Volatile Organic Chemicals	\$300 <u>360</u>	
Synthetic Organic Chemicals	\$450 <u>540</u>	
Disinfection Byproducts	\$450 <u>540</u>	
 Inorganics	 \$300 <u>360</u>	
Radiologicals	\$300 <u>360</u>	
Asbestos	\$300 <u>360</u>	
Dioxin	\$300 <u>360</u>	
Maximum annual chemical lab certification fee	\$1,215 <u>1,460</u>	
Coastal Variance	See Schedule B	

¹ See ADEM Admin. Code r. 335-10-1-.11(3)

<u>Hazardous Waste</u>	<u>Initial Issuance</u>	<u>Modification</u>	<u>Reissuance</u>
Disposal Certification of Waste at a Commercial Hazardous Waste Landfill	\$ <u>300360</u>	\$ <u>300360</u>	\$ <u>300360</u>
Variance from Classification as a Solid Waste Pursuant to ADEM Admin. Code r. 335-14-1-.03(10)	\$ <u>13,590</u> <u>16,310</u>	-----	\$ <u>13,590</u> <u>16,310</u>
Delisting Certification Pursuant to ADEM Admin. Code r. 335-14-1-.03(2)	\$ <u>13,590</u> <u>16,310</u>	-----	-----
Variance from a Hazardous Waste Treatment Standard Pursuant to ADEM Admin. Code r. 335-14-9-.04(5)	\$ <u>3,645</u> <u>4,375</u>	-----	\$ <u>3,645</u> <u>4,375</u>
Notification of Regulated Waste Activity	\$ <u>150180</u>	-----	\$ <u>150180</u>
Variance to be classified as a boiler pursuant to ADEM Admin. Code r. 335-14-1-.03(12)	\$ <u>3,645</u> <u>4,375</u>	-----	\$ <u>3,645</u> <u>4,375</u>
Variance to extend the effective date of a LDR on a case-by-case basis	\$ <u>3,645</u> <u>4,375</u>	-----	\$ <u>3,645</u> <u>4,375</u>
Variance to allow land disposal of a prohibited waste	\$ <u>3,645</u> <u>4,375</u>	-----	\$ <u>3,645</u> <u>4,375</u>
Hazardous Waste Generator Closure Certification	\$ <u>3,645</u> <u>4,375</u>	-----	\$ <u>3,645</u> <u>4,375</u>

Type of Activity	Initial Issuance	Reissuance	Reissuance After Expiration
Solid Waste Landfill Operator Certification			
Landfill Operator Certification Issuance Fee	\$ <u>105</u> <u>125</u>	-----	-----
Landfill Operator Certification Renewal Fee	-----	\$ <u>8095</u>	-----
Landfill Operator Certification Late Renewal Fee	-----	-----	\$ <u>260</u> <u>310</u>
Landfill Operator Reciprocal Certification Fee	\$ <u>150</u> <u>180</u>	-----	-----

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**FEE SCHEDULE H
BROWNFIELD REDEVELOPMENT AND VOLUNTARY CLEANUP PROGRAM**

Non-Responsible Party Applicant

<u>TYPE OF ACTIVITY</u>	<u>Review Fee</u>	<u>MINOR MODIFICATION</u>	<u>MAJOR MODIFICATION</u>
Application (1)	\$4,215,060	NA	NA
With Variance	\$14,045,855	NA	NA
Assessment Plan Review	\$5,615,740	\$1,400,680	\$2,810,370
Cleanup Plan Review	\$11,060,270	\$1,400,680	\$2,810,370
Letter of Concurrence			
Unconditional	\$1,400,680	NA	NA
Conditional	\$3,510,210	NA	NA
Property Eligibility Determination (2)	\$560,670	NA	NA

Responsible Party Applicant

<u>TYPE OF ACTIVITY</u>	<u>ASSOCIATED FEE</u>	<u>MINOR MODIFICATION</u>	<u>MAJOR MODIFICATION</u>
Application (1)	\$4,215,060	NA	NA
With Variance	\$14,045,855	NA	NA
Assessment Plan Review	\$20,390,470	\$2,310,770	\$8,865,640
Cleanup Plan Review	\$36,554,865	\$2,310,770	\$8,865,640
Letter of Concurrence			
Unconditional	\$1,400,680	NA	NA
Conditional	\$3,510,210	NA	NA
Property Eligibility Determination (2)	\$560,670	NA	NA

- (1) Submittal of the appropriate application fee is required prior to the review of any plans, reports, and, or certifications.
- (2) Property eligibility determinations are valid for a period of one year from date of issuance.

**FEE SCHEDULE I
SCRAP TIRE PROGRAM PERMITS/REGISTRATIONS**

<u>Type of Activity</u>	<u>Initial Issuance</u>	<u>Modification</u>	<u>Reissuance</u>
Class One Processor Permit	\$2,535 <u>3,040</u>	\$630 <u>755</u>	\$1,260 <u>1,510</u>
Class Two Processor Permit	\$2,105 <u>2,525</u>	\$530 <u>635</u>	\$1,050 <u>1,260</u>
Class Three Processor Permit	\$2,105 <u>2,525</u>	\$530 <u>635</u>	\$1,050 <u>1,260</u>
Scrap Tire Transporter Permit	\$845 <u>1,015</u>	\$215 <u>260</u>	\$425 <u>510</u>
Limited-use Transporter Permit (see Note1)	\$215 <u>260</u>	-----	\$215 <u>260</u>
Registration as an Exempt Processor	\$845 <u>1,015</u>	\$215 <u>260</u>	\$425 <u>510</u>
Registration for Engineered Use of Tire Materials	\$845 <u>1,015</u>	-----	-----

Note1: A limited-use transporter permit is available to property owners remediating a scrap tire pile on their own property, and shall be issued for a limited amount of time and under conditions as prescribed by ADEM.

See ADEM Admin. Code r. 335-4-3-.03(b) for definitions of processors.

**Fee Schedule J
Environmental Covenants Fees**

<u>Type of Activity</u>	<u>Initial Issuance</u>	<u>Modification</u>
Processing and Review Fee		
Institutional Controls	<u>\$3,570,285</u>	<u>\$890,070</u>
Engineering Controls	<u>\$5,356,425</u>	<u>\$1,340,610</u>
Registry Recording Fee		
For Class 1 controls*	<u>\$11,420,137,705</u>	<u>\$530,635</u>
For Class 2 controls*	<u>\$7,850,420</u>	<u>\$530,635</u>
For Class 3 controls*	<u>\$4,370,245</u>	<u>\$530,635</u>

* - For classification of institutional and engineering controls, see ADEM Admin. Code r. 335-5-1-.03(h).

Registry Recording Fee also includes costs of performing inspections for a 30-year period.

For sites utilizing both institutional controls and engineering controls, the processing and review fees shall be the greater of the applicable fees.

For sites with more than one classification of institutional or engineering control, the registry recording fee shall be the greater of the applicable fees.

For a property or site containing multiple individually deeded parcels covered by one or more similar covenants, the owner or operator may pay all applicable fees listed in Fee Schedule J or the owner or operator or other responsible party may include a provision in an order or agreement executed between the owner or operator or other responsible person and the Department to pay fees as provided in 335-5-1-.06(e).

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No. 335 Department or Agency Environmental Management

Rule No: 335-1-6-.04; 335-1-6-.07

Rule Title: Permit Application Fees; Payment of Fees (Schedules A-J)

 New X Amend Repeal Adopt by Reference

 This rule has no economic impact.

 X This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

To recover the cost of the Department for permitting activities and to allow the Department to retain sufficient resources in the various permitting programs.

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

Increases in permitting fees allow the Department to collect additional fees and provides for adequate funding of the permitting programs. Collection of additional fees shall be in the same manner as existing fees and no additional resources will be expended by the Department for collection of the fee increases.

3. EFFECT OF THIS RULE ON COMPETITION:

The rule change should not have any effect on competition. The permit fee increase is uniformly applied.

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEORGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

The amendment to the existing rule minimally if at all effects cost-of-living increases and should have very little impact on business.

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

The permit fee increases (based upon general fund budget cuts) should have no negative effect on employment in Alabama.

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

Increase in permit fees will be used to provide adequate resources in the Department's permitting programs.

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

The short and long term economic impact is negligible. The permit fee increases are ~20% and normally permits cover a 5-year period. However businesses will benefit by the Department being adequately funded and providing the timely issuance of permits.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

The economic burden to business is negligible as compared to the benefit of receiving permits (necessary for conducting business) in a timely manner.

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

The environment and public health will be positively affected by this rule. The Department will be adequately staffed in the permitting programs thereby providing timely reviews and issuance of permits that are protective of the environment and public health.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

If the Department is not staffed adequately to review and issue permits protective of the environment, creating delays could have a negative impact on the environment and public health, allowing unpermitted discharges, illegal dumping, unavailability of public drinking water, etc.