

**335-1-1-.07 Departmental Forms, Instructions, and Procedures.**

(1) Designation as the State Environmental Control Agency. The Department is the State Environmental Control Agency for the purposes of federal environmental law including the Federal Clean Air Act, 42 U.S.C. 7401 et seq., as amended; the Federal Clean Water Act, 33 U.S.C. 1251 et seq., as amended; the Federal Safe Drinking Water Act, 42 U.S.C. A 201 et seq., as amended. The Department is authorized to take all actions necessary and appropriate to secure the benefits of federal environmental laws. The Department operates in conformity with such federal laws, policies, and procedures, as provided in the Act.

(2) Policies and Procedures. The Commission, through the adoption of rules pursuant to Code of Alabama 1975, § 22-22A-7(c)(6), establishes environmental policies and procedures.

(3) Form and Instructions. The Director may require such forms within the rules as he deems necessary. The content of such forms and instructions for their completion may be prescribed by the Director including the changes of such from time to time. Federal forms as published by the Environmental Protection Agency may be used in lieu of state developed forms. Departmental forms prescribed by the Director shall be identified and numbered as follows:

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**Amended:** Effective: January 19, 2009. **Amended:** Effective: January 19, 2010.  
**Amended:** Effective: January 18, 2011. **Amended:** Effective: November 29, 2011.  
**Amended:** Effective: November 27, 2012. **Amended:** Effective: May 27, 2014.  
**Amended:** Effective: July 28, 2015. **Amended:** Effective: August 5, 2016.  
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**Amended:** Proposed: December 20, 2021.

### **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, Brian C. Espy.

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

**History:** Effective: February 13, 1985; **Amended:** Effective: January 16, 1997; **Amended:** Effective: March 31, 1999; **Amended:** Effective: January 9, 2002; **Amended:** Effective: May 16, 2002; **Amended:** Effective: October 4, 2002; **Amended:** Effective: August 4, 2004; **Amended:** Effective: January 10, 2006; **Amended:** Effective: July 11, 2006; **Amended:** Effective: November 14, 2006; **Amended:** Effective: January 22, 2008; **Amended:** Effective: January 19, 2010; **Amended:** Effective: November 29, 2011; **Amended:** Effective: May 27, 2014; **Amended:** Effective: February 4, 2016; **Amended:** Filed April 24, 2018; Effective: June 8, 2018. **Amended:** Filed: June 25, 2019; Effective: August 9, 2019. **Amended:** Filed: February 28, 2020; Effective: April 13, 2020. **Amended:** Filed: December 15, 2020; Effective: February 15, 2021; **Amended:** **Proposed:** December 20, 2021.

**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>
<b>Application</b> <sup>(1)</sup>	\$5,060	\$250	\$500
With Variance	\$16,855	NA	NA
<b>Assessment Review</b> <sup>(2)</sup>	\$6,740	\$1,680	\$3,370
<b>Assessment Report</b>	\$4,260		
<b>Cleanup Review</b> <sup>(2)</sup>	<del>\$12,470</del> \$13,270	\$1,680	\$3,370
<b>Cleanup Report</b>	<del>\$7,720</del> \$8,520		
<b>Letter of Concurrence</b>			
Unconditional	\$1,680	NA	NA
Conditional	\$4,210	NA	NA
<b>Property Eligibility Determination</b> <sup>(3)</sup>	\$670	NA	NA

**Responsible Party Applicant**

<u>Type of Activity</u>	<u>Associated Fee</u>	<u>Minor_ Modification</u>	<u>Major_ Modification</u>
<b>Application</b> <sup>(1)</sup>	\$5,060	\$250	\$500
With Variance	\$16,855	NA	NA
<b>Assessment Review</b> <sup>(2)</sup>	\$24,470	\$2,770	\$10,640
<b>Assessment Report</b>	\$10,520		
<b>Cleanup Review</b> <sup>(2)</sup>	\$43,0865	\$2,770	\$10,640
<b>Cleanup Report</b>	<del>\$178,6435</del>		
<b>Letter of Concurrence</b>			
Unconditional	\$1,680	NA	NA
Conditional	\$4,210	NA	NA
<b>Property Eligibility Determination</b> <sup>(2)</sup>	\$670	NA	NA

**Additive Fees<sup>(4)</sup>**

<b>Public Notice</b> <sup>(5)</sup>	<del>\$800</del>
<b>Groundwater Monitoring</b> <sup>(65)</sup>	\$1,000
<b>Risk Assessment RM-1</b>	\$1,700

<b>Risk Assessment RM-2</b>	\$4,350
<b>Operation and Maintenance Plan<sup>(6)</sup></b>	\$1,500

- (1) Submittal of the appropriate application fee is required prior to the review of any plans, reports, and, or certifications.
- (2) An Assessment and/or Cleanup Review fee is assessed when review of a plan and report is required as determined by the Department.
- (3) Property eligibility determinations are valid for a period of one year from date of issuance.

(4) Additive fees are levied on the assessment or cleanup fees as applicable. Total fees due are a sum of assessment and/or cleanup fees and additive fees applicable to a given applicant.

(4)(5) A Public Notice fee is assessed on any Plan or Report which proposes final cleanup remedy recommendations, such as removal of contaminants and/or an Environmental Covenant.

(5)(6) These fees are assessed annually until required activities are complete and/or terminated by the Department.

(6)(7) Fee is added to a Cleanup ~~R~~review and/or ~~R~~report fee, when an Operation and Maintenance (OAM) is required as a part of the approved remedy. Modification of O~~A~~&M activities would require a modification of the Cleanup Report and submittal of required fees.