

**SUMMARY OF REASONS
SUPPORTING PROPOSED MODIFICATION OF DIVISION 1 REGULATIONS
FOR THE ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

Under the provisions of the Alabama Environmental Management Act, 22-22A-1 et seq., Code of Alabama 1975, as amended, the Department of Environmental Management was given the authority to adopt rules and regulations to cover the reasonable cost of issuance, reissuance, modification or denial of any permit, license, certification or variance. Such costs include the examination and processing of applications, plans, specifications or any other data and any necessary public hearings and investigations. A fee schedule was established via regulation in February 1985, and has been modified on several occasions.

Part of the Legislative intent in the ADEM statute reads: "It is also declared to be the intent of the Legislature to retain for the State, within the constraints of appropriate federal law, the control over its air, land and water resources and to secure cooperation between agencies of the State, agencies of other states, interstate agencies and the federal government in carrying out these objectives." Currently, ADEM administers all the major federal programs that can be implemented at the state level.

Section 22-22A-4(n) in part states: "Specifically, the Department is designated as the State air pollution control agency for the purposes of the Federal Clean Air Act, 42 U.S.C. 7401 et seq., as amended; as the State water pollution control agency for the agency responsible for the promulgation and enforcement of drinking water regulations in accordance with the Federal Safe Drinking Water Act, 42 U.S.C.A 201 et seq., as amended; the State agency responsible for the promulgation and enforcement of solid and hazardous waste regulations in accordance with the Solid Waste Disposal Act, 42 U.S.C. 3251 et seq., as amended; including 42 U.S.C. 6901 et seq., as amended; and is hereby authorized to take all actions necessary and appropriate to secure to this State the benefits of Federal environmental laws."

The current Rule 335-1-6-.04(3) allows the Department to consider the budgetary circumstance when accessing AFO\CAFO fees. This amended Rule will give the Department the flexibility needed to access the fee whole or in part in order to collect the appropriate amount necessary to manage the AFO\CAFO Program.