

APA-1
4/18

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 420 Alabama Department of Public Health

Rule Number 420-1-10

Rule Title Alabama Legacy for Environmental Research Trust

 New Amend X Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? N/A

Is there a reasonable relationship between the state's police power and the protection of the public health, safety or welfare? N/A

Is there another, less restrictive method of regulation available that could adequately protect the public? N/A

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? N/A

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? N/A

Are all facts of the rulemaking process designed solely for the purpose of and so they have as their primary effect, the protection of the public? N/A

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? N/A

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 §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 Services Agency.

Signature of Certifying Officer *F. J. ...*

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LEGISLATIVE SVC AGENCY

FORM APA2
10/17

STATE BOARD OF HEALTH
NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Public Health

RULE NUMBER AND TITLE: 420-1-10.

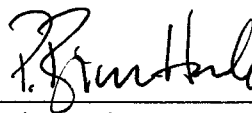
INTENDED ACTION: To repeal the current rule.

SUBSTANCE OF PROPOSED ACTION: This legislation that established the trust was repealed in 2018; therefore this rule is no longer needed.

TIME, PLACE, AND MANNER OF PRESENTING VIEWS: A public hearing will be held on March 18, 2019 at 10:00 a.m., at the RSA Tower, Suite 1540, 201 Monroe Street, Montgomery, AL 36104.

FINAL DATE FOR COMMENTS AND COMPLETION OF NOTICE: Written or oral comments will be received until the close of the record at 5:00 p.m. on Friday, April 4, 2019. All comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Leigh Willis, Director of Community Environmental Protection, Department of Public Health, P.O. Box 303017, Montgomery, Alabama 36130-3017, Telephone number (334) 206-5373.



P. Brian Hale, Agency Secretary

ALABAMA DEPARTMENT OF PUBLIC HEALTH
ADMINISTRATION
ADMINISTRATIVE CODE

CHAPTER 420-1-10
ALABAMA LEGACY FOR ENVIRONMENTAL RESEARCH TRUST (ALERT)

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420-1-10-.01 Purpose.

(1) The purpose of the Alabama Legacy for Environmental Research Trust (ALERT) fund is to establish a trust fund as required by Act No. 92-658, which will provide the opportunity for qualifying public institutions of higher education to receive grants from the trust fund for funding of environmental research, public awareness, and industrial/business environmental education in the areas of hazardous waste production, reduction, transportation and disposal.

(2) Administered by the Alabama Department of Public Health (ADPH), the Alabama Legacy for Environmental Research Trust (ALERT) fund offers a fifty (50) percent matching grant program to Alabama public institutions of higher education which, at the time of passage of Act No. 92-658, for establishment of a trust fund, have established programs in environmental research and service in the areas of hazardous waste production, reduction, transportation and disposal.

Author: Melvin Maraman

Statutory Authority: Act No. 92-658.

History: Final adoption filed July 21, 1993, effective August 25, 1993. Repealed: filed xx/xx/xxxx; effective xx/xx/xxxx

420-1-10-.02 Definition Of Terms.

(1) Alabama Department of Public Health (ADPH): The State agency as defined by Code of Ala. 1975, §22-1-1.

(2) Alabama Legacy for Environmental Research Trust (ALERT): That fund established by Alabama Act No. 92-658, for funding of environmental research, public awareness, and industrial/business environmental education in the areas of hazardous waste production, reduction, transportation and disposal at those public institutions of higher education, with established programs at passage of Act 92-658.

(3) ALERT Fund Administration Committee (Committee): That Committee established for the purpose of program development, reviewing documentation for qualifying public institutions of higher education and for the determination of funds allocation. The Committee shall be composed of the State Health Officer, who will serve as the Chair, the Chairperson of ACHE, and the General Manager of a commercial hazardous waste treatment, storage, and disposal facility in the State of Alabama, to be appointed by the State Health Officer, or the respective designee of these committee members.

(4) Calendar Year: The period of time between January 1 and December 31.

(5) Current Financial Statement: A current financial statement is a monthly or quarterly statement, as determined by the ALERT Fund Administration Committee, issued by university administration, which includes a summary of funds allocation for program purposes in the previous month or quarter, and a resulting balance.

(6) Fiscal Year: The period of time between October 1 and September 30 or other 12 month period defined by the Legislature as the state government fiscal year.

(7) Grant Application Cut-off Date: Sixty days prior to the beginning of the fourth quarter of each calendar year is the cut-off date for those qualified universities to file their request for matching grants for the next fiscal year, except that in the initial year after passage of Act 92-658, qualification and grant applications may be accepted by ADPH at any time.

(8) Grant: That portion of money allocated by the ALERT Fund Administration Committee for qualifying universities from a grant fund of \$500,000 annually.

(9) Qualifying Documentation: Qualifying documentation includes, but is not limited to, a program description of existing activities at passage of Act 92-658 in

environmental research, public awareness, and industrial/business environmental education in the areas of hazardous waste production, reduction, transportation and disposal, or additional program elements as determined by the Committee. A letter from the university's president shall be a part of qualifying documentation to verify program existence, matching fund availability and university support for environmental research and service.

(10) **Qualifying University:** Those universities, as determined by the ALERT Fund Administration Committee, which have submitted required documentation of environmental research and service programs in existence upon passage of Act No. 92-658, and upon such determination are eligible for matching fund grants from the Alabama Legacy for Environmental Research Trust (ALERT).

(11) **Reduction:** The act of reducing waste generated at the source, recovery of useful material from waste, or recycling of waste material for reuse.

Author: Melvin Maraman

Statutory Authority: Act No. 92-658.

History: Final adoption filed July 21, 1993, effective August 25, 1993. Repealed: filed xx/xx/xxxx; effective xx/xx/xxxx

420-1-10-.03 Administrative Role.

(1) Pursuant to Act No. 92-658, ADPH is required to administer the ALERT fund.

(2) ADPH shall establish the ALERT Fund Administration Committee (Committee), which shall review all documentation and select qualified universities. Such Committee shall determine funds allocation. The Committee shall be composed of the State Health officer or his/her designee as the Chair, the Chairperson of the Alabama Commission on Higher Education or his/her designee, and the General Manager of a commercial treatment, storage, and disposal facility for hazardous waste in the State of Alabama, who shall be appointed by the State Health Officer.

(3) The Director of the Alabama State Department of Finance shall deposit \$500,000 annually to the ALERT as authorized by Act No. 92-658.

(4) ADPH is responsible for collecting for verification by the ALERT Committee qualifying documentation from universities requesting matching grants, date and time stamping the documentation, providing supplemental information to the

Committee as requested or required, and distribution of funds upon direction of the Committee, based upon availability of funds.

(5) The Committee shall award grants based on submitted documentation from established programs for those activities listed in the "Purpose" section of these regulations, as mandated by Act No. 92-658.

(6) Qualifying universities requesting a matching grant must submit a current financial statement, which verifies university funds are available for the required matching amount from program related to the designated purpose of the ALERT funds.

(7) The ADPH is authorized to charge a 5% administrative handling fee to the ALERT fund. The handling fee will be computed on all ALERT funds disbursed to grantees and paid from current fiscal year appropriate ALERT funds.

(8) The Committee may propose further restrictions or requirements regarding the ALERT program as needed, including expanding research as needed to address public health concerns on environmental issues in the State.

Author: Melvin Maraman

Statutory Authority: Act No. 92-658.

History: Final adoption filed July 21, 1993, effective August 25, 1993. Amended: Filed May 20, 1996; effective June 24, 1996. Repealed: filed xx/xx/xxxx; effective xx/xx/xxxx

420-1-10-.04 Grant Submittal Requirements.

(1) Universities must submit program qualifying documentation to the ADPH for review by the ALERT Fund Administration Committee (Committee) to become eligible to apply for and participate in the distribution of funds from the ALERT fund.

(2) Upon verification of qualifying documentation by the Committee, the University may apply for a grant from the trust fund.

(3) Grants distributed from the ALERT fund may only be used for purposes authorized in the "Purpose" section of this Chapter. Grant recipients may work with not-for-profit organizations and contract with them if their purpose is consistent with the purposes of the Act and these regulations.

(4) Upon initial verification of qualified programs, each qualifying university is allowed and encouraged to apply and reapply for grants on an annual basis.

Author: Melvin Maraman

Statutory Authority: Act No. 92-658.

History: Final adoption filed July 21, 1993, effective August 25, 1993. Repealed: filed xx/xx/xxxx; effective xx/xx/xxxx

420-1-10-.05 Grant Distribution Procedures.

(1) Qualifying universities are given the opportunity to receive matching grants based on the content of their grant application submittal. The ALERT Fund Administration Committee will determine which applications offer the most comprehensive opportunities for the furtherance of environmental research and service in the areas of hazardous waste production, reduction, transportation and disposal, or additional program elements as determined by the Committee, and base grant amounts accordingly. All applications may not be funded in the full amount requested, if at all, on an annual basis.

(2) Universities may submit qualifying information at any time during the initial year after passage of Act 92-658 to ADPH for consideration by the Committee; however, subsequent new qualification of a university shall not occur past August 1 for the next fiscal year.

(3) After determination of grant allocations by the Committee, ADPH will notify all applicants by First Class mail as to the decisions of the Committee.

(4) There will be one distribution per fiscal year from the fund to grant recipients when funds are allocated and available. No allocations will be made without available funds and total grants shall not exceed the balance of funds in the ALERT fund less previous committed funds.

(5) The ADPH is authorized to charge a 5% administrative handling fee to the ALERT fund. The handling fee will be computed on all ALERT funds disbursed to grantees and paid from current fiscal year appropriate ALERT funds.

(6) ADPH will distribute grants to those chosen by the Committee based on a schedule determined by the Committee.

Author: Melvin Maraman

Statutory Authority: Act No. 92-658.

History: Amended: Filed May 20, 1996; effective June 24, 1996. Repealed: filed xx/xx/xxxx; effective xx/xx/xxxx

420-1-10-.06 Reporting Of Achievements.

(1) Universities shall report through ADPH to the Committee the achievements of their environmental research and services programs in the areas of hazardous waste production, reduction, transportation and disposal, or additional program elements as determined by the Committee, that demonstrate the beneficial use of funds from ALERT.

(2) Achievement reports shall be completed annually and submitted during the first quarter of the fiscal year for the previous grant year.

(3) The report shall cover as many of the criteria in the stated purpose found in the "Purpose" section of this Chapter.

(4) Achievement of objectives shall be an important consideration in determining reauthorization of matching grant funds in subsequent years.

Author: Melvin Maraman

Statutory Authority: Act No. 92-658.

History: Final adoption filed July 21, 1993, effective August 25, 1993. Repealed: filed xx/xx/xxxx; effective xx/xx/xxxx