

07/04

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 880 Department or Agency: Alabama Surface Mining
Commission

Rule No: 880-X-12A-.09

Rule Title: Fees

X New 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? No

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

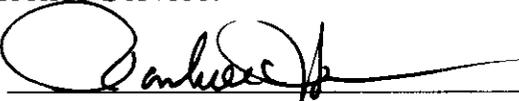
Are all facets of the rulemaking process designed solely
for the purpose of, and so they have, as their primary effect,
the protection of the public? Yes
.....

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:  _____

Date: 6/30/2010 _____

(DATE FILED)
(STAMP)

APA-2
11/96

ALABAMA SURFACE MINING COMMISSION

NOTICE OF INTENDED ACTION

AGENCY NAME: Surface Mining Commission

RULE NO. & TITLE:

880-X-12A-.09 Fees

INTENDED ACTION: The Alabama Surface Mining Commission proposes to adopt new rule 880-X-12A-.09 imposing fees authorized by statute relating to the certification and renewal of certification of persons engaged in blasting activities at surface coal mines.

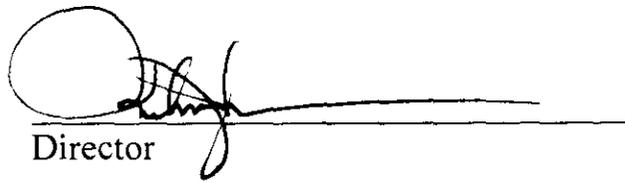
SUBSTANCE OF PROPOSED ACTION: The proposed action would impose a fee on persons seeking certification or recertification from the Surface Mining Commission as a certified blaster.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Persons wishing to submit comments or suggestions concerning this rulemaking may do so in writing. If requested by one or more persons, a public hearing will be held on September 22, 2010 at 10:00 A.M. in the ASMC Hearing Room, Third Floor, 1811 Second Avenue (Pinnacle Bank Building), Jasper, Alabama. Written comments must be submitted no later than 4:30 p.m. on September 22, 2010, to:

Alabama Surface Mining Commission
Randall C. Johnson, Director
P. O. Box 2390
Jasper, Alabama 35502-2390

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
September 22, 2010

CONTACT PERSON AT AGENCY: Randall C. Johnson, Director



Director

Copies of the proposed regulations are available (either hard copy or on disc) at the Alabama Surface Mining Commission, 1811 Second Avenue, Second Floor, Pinnacle Bank Building, Jasper, Alabama.

APA-6
11/96

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

Control No: 880

Department or Agency: Alabama Surface Mining Commission

Rule No: 880-X-12A-.09

Rule Title: Determination of Amount of Penalty

New Amend Repeal Adopt by
Reference

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. **NEED/EXPECTED BENEFIT OF RULE:** This rule amendment is needed to promote compliance with public safety and environmental protection performance standards of surface mining laws applicable to coal operators.
2. **COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:** This rule will allow the Commission to recoup the cost of administering a blaster training, examination, and certification program from program participants as mandated by Ala. Code §9-16-74(4).
3. **EFFECT OF THIS RULE ON COMPETITION:** None anticipated.
4. **EFFECT OF THIS RULE ON COST OF LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED.** None anticipated.

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: None anticipated.

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE: There are no additional costs associated with implementing or enforcing this rule amendment.

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 economic impact of this rule amendment on any individual or any coal operator will be slight. Landowners, members of the public and the State of Alabama should realize both short-term and long-term positive economic impacts from the state maintaining the ability to provide a properly funded training program for the certification of persons engaged as blasters at surface coal mines.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON: Approval of this rule would generate annual revenue of approximately \$3,000 for use by the Commission in administering this legislatively mandated program without significantly increasing the economic impact on any program participant or coal operator.

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH: Implementation of this rule amendment will promote continued compliance with blasting performance standards under the Surface Mining Act essential to protection of the public and the environment.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED: Possible reduction in the training and skill of persons engaged in blasting activities at surface coal mines.

880-X-12A-.09 Fees.

(a) Certification Fee. Each applicant for blaster certification shall pay a non-refundable application fee of \$100.00 prior to sitting for the comprehensive written examination.

(b) Renewal Fee. Each applicant for renewal of certification as a certified blaster shall submit the required application form along with a non-refundable fee of \$50.00.

(c) Reciprocity Fee. A non-refundable application fee of \$50.00 shall accompany any application for certification as a certified blaster through reciprocity.

Author: Randall C. Johnson

Statutory Authority: Code of Ala. 1975, § 9-16-74(4)

History: