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Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
December 16, 2016

This is to certify that the Minutes contained herein are a true and accurate account of actions taken by the Alabama Environmental Management Commission on December 16, 2016.

H. Lanier Brown, II, Chair
Alabama Environmental Management Commission

Certified this 10th day of February 2017.

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
December 16, 2016

Convened: 11:00 a.m.
Adjourned: 11:57 a.m.

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Part A

STATE OF ALABAMA

ENVIRONMENTAL MANAGEMENT COMMISSION

MONTGOMERY, ALABAMA

IN RE: ENVIRONMENTAL MANAGEMENT COMMISSION MEETING
DECEMBER 16, 2016

* * * * * * * *

PROCEEDINGS before the Environmental Management Commission, held in the Main Hearing Room of the Alabama Department of Environmental Management, 1400 Coliseum Boulevard, Montgomery, Alabama, and reported by Greta H. Duckett, Certified Court Reporter, on Friday, December 16, 2016, commencing at approximately 11:00 a.m.

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MEMBERS OF THE COMMISSION:

H. Lanier Brown, II, Esq., Chairman
W. Scott Phillips, Vice Chairman
James E. Laier, Ph.D., P.E.
Craig Martin, D.V.M.
Mary J. Merritt
Samuel L. Miller, M.D.
Terry R. Richardson, Ph.D.

THE CHAIRMAN: Good morning. I call to order the December 16, 2016, meeting of the Alabama Environmental Management Commission. I acknowledge that we have a quorum here today. In fact, all members are present.

The first item on the agenda is consideration of the minutes from the meeting held on October 21st, 2016. Those minutes have been circulated to the Commissioners prior to the meeting. And I will entertain a motion.

DR. MARTIN: I move we accept the minutes as presented.

DR. MILLER: Second.

THE CHAIRMAN: All in favor.

(Commission members in favor of the motion so indicated.)

THE CHAIRMAN: It passes.

Next on the agenda is elections for the chairs and members of the

Personnel and Rulemaking committees. A list of nominations for the Personnel Committee includes Sam Miller as chair, Jim Laier and Craig Martin as members; and for the Rulemaking Committee, Scott Phillips as chair, with Mary Merritt and Terry Richardson as members.

And I'll entertain a motion if anybody has one.

DR. RICHARDSON: I move to accept the nominations for the committees as cited.

DR. LAIER: Second.

THE CHAIRMAN: Call for the question.

All in favor.

(Commission members in favor of the motion so indicated.)

THE CHAIRMAN: Item 3 on the agenda is a report from the Director.

Mr. Lefleur, good morning.

MR. LEFLEUR: Good morning. And good morning and welcome to all of those who are present for this second meeting for the Alabama Environmental Management Commission for fiscal year 2017. Today's report will briefly update you on the Department's budget status, report on some recent developments and anticipated changes at EPA that will affect the Department, and report on the state of the environment in Alabama.

The efficiency and cost-shedding programs reviewed in past Commission meetings continue to be implemented and are showing good results. Work continues with members of the Legislature to fund the CAFO program through a General Fund appropriation. If the Legislature does not provide

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adequate funding, then, as a result of recent proposed rulemaking which provides for the collection of prorated CAFO fees, it's anticipated CAFO fees in an amount sufficient to make up any shortfall will begin being collected in the second quarter of calendar year 2017.

With the resolution of the CAFO funding issues, the Department's budget will be stable and the Department will be able to predictably meet all of its regulatory obligations moving forward. I would also like to note that stable funding, albeit at a very low level, along with continued high levels of performance, will no doubt be favorably weighed by EPA as it considers action on the pending NPDES withdrawal petition.

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As a final financial item, I am pleased to report that the long-awaited process to select projects that will receive RESTORE Act funds from the 2010 BP oil spill has begun. The Department will submit an application before the January 13, 2017, deadline to obtain funding to construct a single facility in Mobile to replace the two woefully substandard facilities housing the Mobile Field Office and the Coastal Program. This is the most important unmet financial need of the Department. Further reports will keep you informed on our progress.

As everyone is well aware, Donald Trump won the recent presidential election and has announced that he intends for Scott Pruitt, the current Attorney

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General of Oklahoma, to be the new head of EPA. Should Mr. Pruitt be confirmed by the Senate, we can expect a number of changes to occur at EPA in the coming months and years. What those changes will be we can only speculate, but it is anticipated the emphasis on climate change and greater federal control that drove EPA rulemaking, such as the Clean Power Plant and Waters of the U.S. revisions, will likely be redirected to more conventional clean air, water, and land activities. It is also likely the federal-state balance envisioned in the cooperative federalism concept contained in the bedrock federal environmental laws will be restored.

There are several other significant changes currently underway at EPA headquarters and

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Region 4. At EPA headquarters, it became public last week that the Office of Civil Rights, OCR, previously a stand-alone division, has been moved under the EPA Office of General Counsel. The reasons for and the effect of this move are not clear, but moving forward, OCR will function as a part of EPA Office of General Counsel and will be subordinate to that structure. We are hopeful this move will result in more timely action on the several Title VI complaints against the Department, one of which has been pending for 13 years.

At EPA Region 4, Regional Administrator Heather McTeer Toney has announced that her last day will be January 20th, 2017, and her current Deputy Regional Administrator will be acting as Regional Administrator until a new

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Region 4 Administrator is in place.
Also announced last week, Mary Walker will replace Jim Giattina as the Chief of the Water Protection Division for Region 4. Ms. Walker has an impressive resume and was most recently Assistant Director and Chief Operating Officer of the Georgia Environmental Protection Division. I congratulate Ms. Walker on her new role and look forward to working with her in the future.
Calendar year 2016 is drawing to a close. As in years past, a number of my reports to you this past year have focused on various performance measures in the Department's NPDES, Drinking Water, Air, and Resource Conservation Recovery Act programs. Those reports have highlighted how the Department has performed on a

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five-year horizon against all other states using standard metrics from EPA. Today's report takes a longer view and compares the state of Alabama's environment when reliable records first became available 20 to 30 years ago versus where it is now. This report on the "then versus now" will look at what the public thinks, what the federal government thinks, and what the data shows.
We start with what the public thinks. Beginning in 1998, every five years, the Department has commissioned a survey of public opinion in Alabama for the purpose of determining how well the public understands matters related to the environment. The public has both correct and incorrect perceptions about the environment.
Some of the correct perceptions

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are, in 2013, 88 percent ranked the environment good versus 76 percent in 1998. 36 percent ranked water cleaner than 25 years ago versus 19 percent in 1998. Keep in mind that since water has been getting cleaner, the baseline from which the "25 years ago" comparison is made is higher as time passes.
31 percent ranked air cleaner than 25 years ago versus 18 percent in 1998. Once again, since air has been getting cleaner, the baseline from which the comparison is made is higher as time passes.
The public also has a number of incorrect perceptions, which means we still have work to do in educating the public. In 2013, 62 percent did not realize motor vehicles are the biggest source of air pollution in Alabama and the nation. 86 percent of the public

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did not realize that stormwater is the biggest source of water pollution. And despite the fact that environmental standards are carefully crafted to be protective of human health and the environment, only 76 percent of the public realizes that this is the case.
And I now move on to what the federal government thinks, in this case, the U.S. Office of the Inspector General. This single map shows what our regular performance dashboard presentations also show, which is that compliance and enforcement programs in Alabama are in the top 10 in the nation. The top 10 programs are shown in dark green on the map.
The remaining portion of today's report will be a series of comparisons of the environmental

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data for air, water, and land showing environmental measures when reliable data first became available and those same measures today. Beginning with air data, there are six basic air quality standards: fine particles, ozone, oxides of nitrogen, SO2, carbon monoxide, and lead. There is also a regional haze goal that is not a standard but rather is a goal.

Over time, most of the standards have been revised, as we've shown on this slide, and become more stringent. Fine particles and ozone standards have seen four revisions since the Clean Air Act was passed in 1971, while the others have been more stable. In 2008, the 2018 goal for total reductions in haze was set.

As we'll show on this slide,

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one by one, Alabama has been able to attain individual air quality standards even as the standards have been becoming tighter. The fine particle standard was first met in 2013, followed by ozone in 2014, the NOx standard was first met back in 1971, SO2 in 1977, carbon monoxide in 1971, and lead in 2015. With the attainment by lead in 2015, for the first time since the Clean Air Act was enacted in 1971, the state of Alabama reached attainment for all air quality standards. The 2018 regional haze goal was met in 2013, which is five years early.

As shown on this graph, emissions in Alabama have declined materially since 1990, and improvement continues even after ever more stringent air quality standards were attained. Today,

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the public in Alabama can breathe easier than it could in 1990.

Moving on to water data. In the water media, we look at drinking water data first because it is arguably the most important since it directly impacts every individual in Alabama.

Potential contaminants in drinking water fall into four categories: organic chemicals, inorganic chemicals, radionuclides, and microbes. In 1982, when the Department was created, there were 23 drinking water contaminants regulated. By 2016, that number had increased to 89, with most of the increase being in the organic chemicals category. We are obviously regulating more potential contaminants in drinking water.

With more contaminants to monitor, the logical question is,

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"How well are the water systems doing?" This next slide addresses that question.

In 1982, 82 percent of the water systems in Alabama were in compliance with the standards for the 23 regulated contaminants. In 2016, 99 percent of the water systems in Alabama were in compliance with the standards for the 89 contaminants now regulated. The citizens of Alabama have much safer drinking water today than in 1982.

Another measure of water quality looks at the impairments to water bodies in the state. Section 303(d) of the Clean Water Act calls for a listing of water bodies that are impaired for various pollutants, such as nutrients, pathogens, metals, and suspended solids. This chart

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couples both the extent of the impairments and the number of pollutants. For example, if one mile of stream is impaired for nutrients and pathogens, that would be counted as two miles of impaired stream.

This chart is a snapshot in 1998 and another snapshot in 2016. Once again, it shows a favorable trend. But there is a bit more information needed to see the whole picture.

Rather than looking at a snapshot, this next slide looks at what occurred cumulatively during the period from 1998 to 2016. Over the years, as more bodies have been assessed, more impairments have been identified. During the period between 1998 and 2016, the beginning and end dates shown in the previous slide, impaired water

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bodies have been added to the 303(d) list when identified, as you see displayed on the screen. During that same period, others have qualified for removal as a result of improved water quality or the development of a total maximum daily loading determination, as you now see displayed.

Thus, while the current level of impaired water bodies is lower than in the past, as shown on the last slide, there has been an even greater reduction in impaired water bodies since 1998 than might appear.

The 303(d) list identifies impaired water bodies. Water bodies are also tracked and are designated or classified by the quality of their water. The data on this slide goes back to 1982, which is a bit further back than

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the previous slide.

Looking at the three highest quality designations or classifications -- Outstanding Natural Resource Waters, Outstanding Alabama Waters, and Treasured Alabama Lakes -- you can see that in 1982 no waters were yet designated or classified in the highest categories. By 2016, Alabama was recognized to have natural waters of outstanding quality that are considered important both nationally and statewide. Alabama has also recognized exceptionally high-quality waters resulting from the impoundment of water courses into reservoirs with the Treasured Alabama Lakes designation.

Conversely, at the other end of the scale, the number of miles of water courses in the lowest

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classifications, which is below the fish and wildlife classification and suitable only for industrial and agricultural use, has declined from more than 700 miles to less than 200 miles. Since 1982, the amount of water in Alabama designated or classified as high quality has increased, and the amount designated or classified as low quality has declined.

Moving on to the data from the land media. We begin by looking at two areas that have had heightened levels of public interest: landfills and the chemical weapons stored for many years in Alabama. Landfills are a necessary feature if we are to dispose of solid waste generated by each of us in a safe, efficient, and effective manner. In 1989, Alabama had 141 unlined municipal solid waste landfills.

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All of those have been closed safely. And today there are 31 state-of-the-art lined MSW landfills handling all the municipal solid waste in Alabama.

As many of us are aware, the U.S. Department of Defense for many years stored chemical weapons at the Anniston Army Depot. Beginning in 2003, ADEM oversaw the destruction of more than 650,000 deteriorating chemical weapons without a single unpermitted discharge. Alabama is a safer place to live now that those weapons are gone. The destruction program has now become a model for how to eliminate chemical weapons.

Alabama, like other states, has to deal not only with permitted landfills but also with unauthorized solid waste dumps. Since 2009, more than 1,600

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unauthorized solid waste dumps have been remediated. Nearly 1,200 of those have been remediated by actions against the responsible parties, while the remaining ones, representing innocent landowners, have been cleaned up using funds provided by the $1-per-ton fee on solid waste disposal in landfills, which was initiated in 2009.

In addition to safely disposing of solid waste, efforts have been expanding to reduce the total amount of solid waste in Alabama by promoting recycling. Once again, significant progress has been made over the years. Since 1989, solid waste recycling rates in Alabama have more than tripled from 5 percent to 16 percent, which now comes to more than 1.3 million tons per year.

Scrap tires present a special

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problem as fire hazards and breeding grounds for vectors. Since 2006, more than 300 illegal scrap tire dumps containing more than 8 million tires have been cleaned up. Today, solid waste in Alabama's environment is being dealt with far more responsibly.

In the past, underground storage tanks, typically found at gas stations, have been subject to leaks due to corrosion or physical damage. Leaking petroleum products contaminate both soil and groundwater. New regulations and technology now prevent or provide for early detection of leaks from the tanks installed in recent years, but many legacy sites exist in Alabama, as they do throughout the nation.

Since 1989, of the more than 12,000 leak sites that have been

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identified in Alabama, approximately 11,000 sites have been cleaned up, with the remaining 1,000 in some stage of the cleanup process. There is less contaminated soil and groundwater in Alabama now than in 1989.

This final slide shows what has been happening with other contaminated legacy sites known as brownfields. As with underground storage tanks, new regulatory programs and technology have all but halted the development of new brownfield sites. The brownfield program has identified approximately 450 legacy brownfield sites.

Since 2001, approximately 300 sites have been returned to productive use, and more than 100 of the remaining sites are actively enrolled in the brownfields

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program. The land returned to productive use is very often in prime areas for future industrial development. Both the environment and economic prospects in Alabama have been improved since 2001.

With a new federal administration coming to the White House, this is an opportune time to reflect on the environmental progress that has been made in Alabama during the last 20 to 30 years. Administrations have come and gone, but environmental progress has continued. The public sees Alabama's progress, although more education is needed. The federal authorities see Alabama's progress, and the data shows the progress. The progress has come through the cooperative efforts of federal and state regulatory agencies as well as industry, the

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environmental community, and involved citizens.

And that's not to say that there was always agreement among all of the players about important issues. Quite the contrary. Opposing points of view often occurred, but often that led to better results. Results are what we are all looking for.

This report looks back at some highlights of what's been achieved and is a commitment to continue the work. The state of the environment in Alabama is much improved over what it was 20 to 30 years ago. The current state of the environment is good, and all of the trends are favorable.

With that, I'll conclude today's report, and I'll be pleased to answer any questions.

THE CHAIRMAN: Does anyone have

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any questions for the Director?

(No response.)

THE CHAIRMAN: Thank you.

MR. LEFLEUR: Thank you, and Merry Christmas.

THE CHAIRMAN: The next item on the agenda is a report from the Chair. And all I have to say is I wish everyone a happy holiday as well.

Item 5 on the agenda is consideration of the adoption of proposed amendments to ADEM Administrative Code, Water Quality Program Regulation, Sections 335-6-1, -5, and -6. And we'll call on the Department for comments.

MS. MONK: Good morning. Honorable Chair and members of the Commission, I am Christy Monk, and I am Chief of the Office of Water Services within the Water Division.

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You have before you the complete hearing record for proposed revisions to the Water Program's Division 6 regulations.

On September 25th, 2016, the Department initiated the rulemaking process to consider proposed revisions to ADEM Administrative Code Chapters 335-6-1, 335-6-5, and 335-6-6. These chapters prescribe the general provisions for the Water Quality Program, the indirect discharge permit and pretreatment rules, and the rules for the National Pollutant Discharge Elimination System Program, respectively.

The Department's proposed revisions reflect changes in federal rules which require the electronic reporting of certain monitoring data, program reports, notices, and certifications

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required from NPDES-regulated entities. These requirements were published in the Federal Register on October 22nd, 2015.

And the rule is referred to as the NPDES Electronic Reporting Rule. The electronic reporting requirements will be implemented in two phases. In phase one, all regulated entities required to submit discharge monitoring reports will be required to submit these reports electronically starting on December 21st, 2016. In phase two, regulated entities will be required to submit certain program reports, notices, and certifications electronically starting on December 21st, 2020.

In addition to the proposed revisions incorporating the requirements of the NPDES Electronic Reporting Rule, several

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administrative corrections were proposed to Chapters 335-6-5 and 335-6-6. These proposed revisions would not add or modify any requirements.

On November 10th, 2016, a public hearing was held to receive data, views, and comments from interested persons regarding the proposed revisions. Written comments were accepted anytime during the public comment period, which extended from September 25th through November 10th, 2016. No one presented testimony at the hearing, and no written comments were received during the public-comment period. The Department proposes that the Commission adopt the rule revisions as proposed.

I will be happy to answer any questions the Commission may have.

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THE CHAIRMAN: Do any of the Commissioners have any questions?

(No response.)

MR. PHILLIPS: I move we adopt the proposed amendment.

MS. MERRITT: I second.

THE CHAIRMAN: Call for the second.

All in favor, say aye.

(Commission members in favor of the motion so indicated.)

THE CHAIRMAN: Thank you.

Next on the agenda, item 6, is consideration of the adoption of proposed amendments to ADEM Administrative Code, Water Quality Program regulations Sections 335-6-10 and -11.

I call on the Department for comments.

MR. JOHNSON: Honorable Chair, members of the Commission, I'm Chris Johnson, Chief of the Water

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Quality Branch of the Water Division.

You have before you the complete hearing record to the proposed changes to Water Quality Program Regulations found in Chapters 335-6-10 and 335-6-11.

In September of 2016, the Department initiated the rulemaking process to extend the recreational season, revise bacteria criteria, and update chlorophyll-a criteria in Chapter 335-6-10, and upgrade the use classification of the waterbody segment in the Tennessee River Basin in Chapter 335-6-11. Other changes were minor and administrative in nature.

The Department held a public hearing on November 10th, 2016, to receive data, views, and comments from interested persons regarding the proposed revisions to Alabama's

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water quality standards. Written comments were accepted anytime during the public comment period, which extended from September 25th through November 10th, 2016.

During the comment period, the Department received written comments from three organizations. At the hearing on November 10th, 2016, no oral comments or testimonies were received. All comments received were generally supportive of the Department's proposed changes. However, each organization encouraged the Department to make additional changes beyond those proposed in this rulemaking.

Comments relevant to the rulemaking proposal were summarized by the Department and were addressed in the reconciliation statement that is included in the

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hearing record provided to you earlier.

As discussed in the reconciliation statement, the Department requests that the Commission adopt the revisions as proposed. I will be happy to address any questions the Commission may have.

THE CHAIRMAN: Any questions?

MR. PHILLIPS: I move we adopt the proposed amendments.

DR. LAIER: Second.

THE CHAIRMAN: Call for the question.

All in favor.

(Commission members in favor of the motion so indicated.)

THE CHAIRMAN: Thank you.

Item 7 on the agenda is consideration of the adoption of proposed amendments to ADEM Administrative Code, Water Supply

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Program Regulations, Section 335-7-11.

Again, we call on the Department to comment.

MR. COX: Honorable Chairman, members of the Commission, I'm George Cox, Chief of the Ground Source Section of the Drinking Water Branch in the Water Division.

You have before you the complete hearing record for the proposed changes to the Department's Division 7 Public Water Supply Program Regulations. The proposed changes include clarification of rule language in one chapter, as noted in the summary of reasons supporting the adoption of these proposed amendments.

On November 9th, 2016, a public hearing was held to receive comments from interested persons

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regarding the proposed revisions. Written comments were accepted anytime during the public comment period, which extended from September 25th through November 9th, 2016.

During the comment period, the Department received written comments from one individual. At the hearing on November 9th, 2016, no written or oral statements were presented. All comments have been addressed and resolved, and the reconciliation statement is included in your package. The Department requests that the Commission adopt the proposed revisions.

I'll be happy to address any questions the Commission may have.

THE CHAIRMAN: Any questions?

MR. PHILLIPS: I move we adopt the proposed amendments.

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DR. MARTIN: Second.
THE CHAIRMAN: Now I'll call for the question.
All in favor.
(Commission members in favor of the motion so indicated.)
THE CHAIRMAN: Thank you.
Item 8 on the agenda is consideration of a Petition For Rulemaking to Amend ADEM Administrative Code Rule 335-6-10-.07, Water Criteria For Toxic Pollutants.
I previously requested on behalf of the Commission that Director Lefleur assist the Commission by providing comments. Those comments have been provided by the Department and were submitted to the Commissioners. We also have the Petitioner here today to comment. And I call Mr. Ludder to the podium.

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MR. LUDDER: Thank you, Mr. Chairman, members of the Commission.
The Petitioners regard the protection of human health to be the Department's -- it should be the Department's priority purpose. Among other priorities, it should be at the top.
The bulk of this petition addresses the revision of toxic standards, toxic water quality criteria, that address human health. For example, the EPA has proposed -- or not proposed, has recommended water quality criteria for methyl mercury back in 2001. The Department has yet to adopt criteria for methyl mercury. Methyl mercury, as you all know, is primarily the result of air deposition of mercury on waters and then consumption through organisms

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and fish. People eat the fish. People are exposed to mercury in the fish. But the Department has yet to adopt a criterion for methyl mercury 15 years after EPA recommended a value.
I would point out for methyl mercury in particular, just last month, EPA adopted a federal rule applicable to the state of Washington imposing on them a methyl mercury criterion because they failed to adopt a criterion for 15 years. EPA has that authority.
There are a number of other chemicals in our petition. One, I believe, acrolein for aquatic life protection. That was also -- a criterion for acrolein was recommended by EPA in 2009, and ADEM has yet to adopt.
Now, the question has come up,

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you know, do we have another alternative forum to address these issues? And it's been suggested that the triennial review forum is that opportunity. This is a process where ADEM invites public comment on all standards, including criteria, once every three years. And as an outcome of that process, ADEM decides what rules to change. You don't get to make that decision; ADEM makes the decision of what rules they want to propose for change.
So for years and years, we have been suggesting to ADEM to adopt methyl mercury criteria. And every triennial review that we have raised comments, they have rejected our suggestions. In the last triennial review, which is just occurring now, we made comments. Several groups have made comments

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that the -- all of the criteria for toxics should be revisited because we think that back in 19- -- I think it was '94 -- this commission adopted a fish consumption rate of 30 grams per day, which is used to establish criteria. The study on which that was based, we think, supports a 45-gram-per-day fish consumption rate.

Those issues were debated back then, but there is new information available now from EPA suggesting that you can't pick and choose the data. You have to assume that an angler consumes all of his -- 100 percent of his fish from one water body. You don't get to say he consumes X amount at this water body and X amount at this water body, this water body is polluted, this water body is not, so together it's safe. You don't get to do

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that.

EPA's policy is, for purposes of the Clean Water Act, that you assume 100 percent of fish consumption takes place in one water body, and you essentially adopt criterion for every water body, assuming 100 percent of consumption in each water body.

So the study that was reviewed in 1994 says 45 grams per day was consumed -- excuse me -- 30 grams per day was consumed at tailwaters and reservoirs, but it also says 15 additional grams per day are consumed in rivers and lakes. So under EPA's policy, you have to consider both. What the Department and this Commission did was ignore the 15 grams per day in rivers and lakes.

Now, if we're right, we think that ought to be reviewed. It

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certainly ought to be reviewed in the triennial review. Well, we made that comment to ADEM. And they said, We looked at that back in 1994, and we're not going to look at it again.

Well, they don't get to do that, frankly. They have to review it.

Now, what we're suggesting is that on some of these issues this Commission needs to step in and rectify the problem. We need to protect human health. We can't necessarily wait two more years for ADEM to decide it's a priority. We need to protect human health, and we have the information now.

And frankly, absent your action and absent the Department's action, we will go to EPA and ask them to take action. Like I said, they've already done it in the state of

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Washington. In the state of Washington, they imposed a fish consumption rate of 175 grams per day, because Indian populations were consuming fish at that rate. They also imposed a methyl mercury criterion, the same as they recommended in 2001 and which ADEM refuses to adopt.

So my suggestion here is simply make the promulgation of priority toxic pollutants a priority for this agency. Don't let ADEM defer action. Move the process along now. Thank you.

THE CHAIRMAN: Thank you. Any response?

MR. LEFLEUR: Many of the issues brought up are in the paper that's within your file. I would point out a couple of points: one, that EPA has -- all of our water-quality standards go to EPA

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for sign-off. EPA has raised no issues about the water-quality standards in the state of Alabama. I would presume that EPA would continue with their prior activities if a petition is presented to EPA.

I don't want to get into the individual issues that were brought up of fish consumption and so forth, except to say that fish-consumption level in the state of Alabama is higher than any state in Region 4 and higher than all but two states and two tribal areas.

Once again, we invite and encourage all people who have concern about the water-quality standards to participate in the well-established triennial review process where suggestions can be made and data can be collected over a period of time to review trends

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and other relevant factors.

And we will certainly take each of the 18 items that are in this petition and review them once again. Once again, the petition has all 18 items as a single unit, and for many of those units, there is no supported evidence to imply that those levels need to be changed. Therefore, we recommended that the petition be denied.

Is there anything from our water-quality folks that you would like to add to that? Chris? Okay.

If you have any questions, I'll be happy to defer to Chris.

THE CHAIRMAN: Any questions?

(No response.)

MR. LEFLEUR: Thank you.

THE CHAIRMAN: The Commission is required by regulation to either initiate rulemaking proceedings or deny the petition in writing on the

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merits, stating the reasons therefor. In this instance, I think our options are to refer the petition for rulemaking to the Department with the proposed amendments or to deny the request with the understanding that the petition will be reviewed in the context of the ongoing triennial review.

DR. MILLER: Mr. Chairman, I move at this time that we deny the petition.

THE CHAIRMAN: With the understanding that it will be --

DR. MILLER: -- forwarded on, evaluated by the Department.

DR. MARTIN: Second.

THE CHAIRMAN: Any comments or questions?

(No response.)

THE CHAIRMAN: Call for the question.

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All in favor, say aye.

(Commission members in favor of the motion so indicated.)

THE CHAIRMAN: Next on the agenda is item number 9, which is a Joint Motion to Modify Administrative Order in appeal number 16-104-AP issued September 12, 2016, to Rickey G. Shelby, Valley Grande, Dallas County, Alabama. The joint motion and proposed order would reduce the assessed penalty from $3,500 to $2,500, and there are no other issues in dispute, and the request for hearing is resolved and concluded.

I would entertain the motion whether to adopt or deny the joint proposed order.

DR. MILLER: If I'm understanding this correctly, the only thing that changes is the

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amount of the fine?
THE CHAIRMAN: Correct.
DR. MILLER: Well, I vote that we accept the change.
THE CHAIRMAN: You move?
DR. MILLER: I'll move.
THE CHAIRMAN: Can I get a second?
DR. RICHARDSON: Second.
THE CHAIRMAN: All in favor?
(Commission members in favor of the motion so indicated.)
THE CHAIRMAN: Is there any other business that needs to be brought before the Commission?
Then the next item is to note that the proposed 2017 meeting dates include February 10, April 21, June 16, August 18, October 20, December 15, to start at 11:00 a.m. right here in this room.
And I'll entertain a motion.

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DR. RICHARDSON: I move to adopt the proposed meeting dates and times.
MR. PHILLIPS: Second.
THE CHAIRMAN: All in favor?
(Commission members in favor of the motion so indicated.)
THE CHAIRMAN: Next is the public comment period. I remind everybody it's three minutes.
Apparently, Mr. Ludder just enjoys speaking to us. So come on up.
MR. LUDDER: Thank you, Mr. Chairman. I've asked Debi to pass out some documents related to this issue.
Basically, in August of 2016, the Department published a document called Community Engagement. And in that document, you'll see on page 3 there is a statement whereby the Department advocates the

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promotion of the use of what are often called rubber crumbs, or scrap tires that are shredded into small pieces of rubber, on playgrounds and recreational areas. It's often used, I guess, to cushion impacts of falling children.
There is considerable debate about whether these rubber crumbs are really safe because of the particles that become airborne and are breathed in by children. There is a joint agency investigation ongoing now at the federal government level by EPA, the Centers For Disease Control, and the Consumer Products Safety Commission to investigate the safety of the use of these rubber crumbs.
There is also -- and that is shown in the second document,

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Federal Research on Recycled Tire Crumb Used on Playing Fields. As indicated in there, that research is not completed yet. There was a protocol developed for conducting sampling. That sampling has occurred, but I think the analysis and the report have not come out yet.
The third document is what I consider to be a fairly good summary of what investigations have occurred in the past concerning the safety of rubber crumbs. So without judging whether it's safe or not, I think the issue is, is it advisable for the Department to promote the use of rubber crumbs when the question of safety hasn't yet been answered.
And I would suggest to you that it's premature to promote the use of rubber crumbs and exposure of

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children to rubber crumbs until that question has been answered. And I would encourage the Commission to advise the Director, which it has the right to do, to suspend any promotion of the use of rubber crumbs until the safety issue is resolved. Thank you.

THE CHAIRMAN: Question. Is there anything out there showing that it's unsafe?

MR. LUDDER: I think some of the materials in that document, the third document, do suggest that.

MR. PHILLIPS: Does the document talk about when EPA anticipates publishing their report?

MR. LUDDER: The one that says "Children and Athletes at Play," yeah, that summarizes a lot of the research that has been done. And I think some of those do reflect

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concerns. Obviously, the joint agency investigation will attempt to answer that question, but, you know, in the interest --

MR. PHILLIPS: Any projection of when that's going to be done?

MR. LUDDER: According to that document, they said the end of this year. But in EPA time frames, that's probably next year, if at all now.

THE CHAIRMAN: Thank you.

MR. LUDDER: Thank you.

MR. LEFLEUR: We will take what he suggests under advisement. We have not seen any of these documents, so we'll review those and take it under advisement.

THE CHAIRMAN: Mr. Ludder, you make sure you get copies to the Department.

MR. LUDDER: I've got one.

THE CHAIRMAN: Thank you. And

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thank you for adhering to the time restraints.

Next, Michael William Mullen will address us about some concerns he has.

MR. MULLEN: Thank you, lady and gentlemen.

Two concerns. One is I would ask that you remind the Director that you are the ones that make policy and that the Director does not make policy.

In an action that the Director did recently in sending -- sending -- no problem with the Director sending a letter to President-elect Trump, but when that letter contains specifics, such as rolling back the Federal Power Plan, rolling back the Waters of the U.S. Plan, and deferring EPA functions to State enforcement, that infers that this is a policy

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of the Department. And the Director needs to be informed by you folks that you make policy.

And if he's going to send a letter like that, you all ought to be approving that letter if it includes things that infer or imply that that's the policy of this Department. And I don't believe you have given him that authorization. That's the first thing.

The second thing is an ongoing complaint about ADEM enforcement. ADEM is just not doing enforcement that creates any incentive, any deterrence to continued violations or new violations. I won't mention by name, because there's still a chance they can come before you. But when a industry discharges to a municipal wastewater treatment plant and is in violation for two

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years and gets a fine that amounts to less than $10 a day, that's not a whole lot of deterrence. And when ADEM lets it go on that long -- and then they've got another 180 days to come into compliance.

On construction sites, when a construction site starts disturbing the land in the first week in August, okay, it's detected in the middle of September. The individual has not obtained registration; hasn't done the NOI, or if he has, he still hasn't paid the fee; there's not a single BMP on the site after a warning letter; he doesn't respond to the warning letter in a timely manner; he doesn't respond to the NOV in a timely manner; and here it is December, and unless it's -- unless it's pending and not yet in e-file,

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there's no action. There's nothing to create deterrents to other people doing this sort of action.

So that's my two concerns that I would express. You know, it's one thing to put up on the screen how great we're doing on enforcement on majors and that sort of thing. But in a construction stormwater area, it's pitiful.

You know, I don't go to very many sites that aren't in noncompliance, and a lot of them stay in noncompliance for months. And it's something you ought to be on this man's case about to come up with some actual figures that say what's happening in that area. It's indefensible what's going on, and I don't think they can defend it. Thank you.

THE CHAIRMAN: Thank you. Do any of the Commissioners have any

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questions or comments regarding Mr. Mullen's presentation?

MR. PHILLIPS: The Director.

THE CHAIRMAN: Does the Director?

MR. LEFLEUR: I respect Mr. Mullen's opinions on each of those items, and I'll leave it at that.

THE CHAIRMAN: Then I will call for a motion to adjourn.

DR. MILLER: I move we adjourn.

DR. RICHARDSON: Second.

THE CHAIRMAN: All in favor.

(Commission members in favor of the motion so indicated.)

THE CHAIRMAN: We are adjourned.

* * * * * * * * *

END OF PROCEEDINGS

* * * * * * * * *

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REPORTER'S CERTIFICATE

ATE OF ALABAMA
NTGOMERY COUNTY

I, Greta H. Duckett, Alabama rtified Court Reporter No. 12, Registered ofessional Reporter, Certified Realtime porter and Commissioner for the State of abama at Large, hereby certify that on iday, December 16, 2016, I reported the OCEEDINGS in the matter of the foregoing use, and that the pages herein contain a ue and accurate transcription of said oceedings.

I further certify that I am neither n nor of counsel to the parties to said use, nor in any manner interested in the sults thereof.

This 30th day of December, 2017.

GRETA H. DUCKETT, ACCR-12, RPR, CRR
Commissioner for the
State of Alabama at Large
MY LICENSE EXPIRES: 9/30/2017
MY COMMISSION EXPIRES: 5/17/17

REPORTER'S CERTIFICATE

STATE OF ALABAMA

MONTGOMERY COUNTY

I, Greta H. Duckett, Alabama Certified Court Reporter No. 12, Registered Professional Reporter, Certified Realtime Reporter and Commissioner for the State of Alabama at Large, hereby certify that on Friday, December 16, 2016, I reported the PROCEEDINGS in the matter of the foregoing cause, and that the pages herein contain a true and accurate transcription of said proceedings.

I further certify that I am neither kin nor of counsel to the parties to said cause, nor in any manner interested in the results thereof.

This 30th day of December, 2017.

Greta H. Duckett

GRETA H. DUCKETT, ACCR-12, RPR, CRR
Commissioner for the
State of Alabama at Large
MY LICENSE EXPIRES: 9/30/2017
MY COMMISSION EXPIRES: 5/17/17

Part B

Attachment Index

Attachment 1

Amended 12/05/16

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
DATE: December 16, 2016
TIME: 11:00 a.m.
LOCATION: Alabama Department of Environmental Management (ADEM) Building
Alabama Room (Main Conference Room)
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400

* The Agenda for this meeting will be available on the ADEM website, www.adem.alabama.gov, under Environmental Management Commission.

** The Minutes for this meeting will be available on the ADEM website under Environmental Management Commission.

1. CONSIDERATION OF MINUTES OF MEETING HELD ON OCTOBER 21, 2016

2. ELECTIONS

The Commission will elect Chairs and Members of the Commission's Personnel and Rulemaking Committees.

3. REPORT FROM THE ADEM DIRECTOR

4. REPORT FROM THE COMMISSION CHAIR

5. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE 335-6, WATER QUALITY PROGRAM REGULATIONS, CHAPTERS 335-6-1, 335-6-5, AND 335-6-6 (NPDES-RELATED MATTER)

The Commission will consider proposed amendments to ADEM Administrative Code 335-6, Water Quality Program Regulations for NPDES and Pretreatment Programs, Chapters 335-6-1, 335-6-5, and 335-6-6. These proposed amendments would include the requirements of the NPDES Electronic Reporting Rule promulgated October 22, 2015. Beginning December 21, 2016, NPDES-regulated entities will be required by rule to electronically submit Discharge Monitoring Reports. Beginning December 21, 2020, NPDES-regulated entities will be required to electronically submit General Permit Reports [Notices of Intent (NOI), No Exposure Certifications (NEC), and Notices of Termination (NOT)]; Municipal Separate Storm Sewer System (MS4) Program Reports; Sewer Overflow/Bypass Event Reports; and CWA section 316(b) Annual Reports. The amendments will also include provisions for NPDES-regulated entities to request an electronic reporting waiver. The Department held a public hearing on the proposed amendments on November 10, 2016.

6. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE 335-6, WATER QUALITY PROGRAM REGULATIONS, CHAPTERS 335-6-10 AND 335-6-11 (NPDES-RELATED MATTER)

The Commission will consider proposed amendments to ADEM Administrative Code 335-6, Water Quality Program Regulations, Chapters 335-6-10 and 335-6-11. These proposed amendments include amending Administrative Code rule 335-6-10-.02 to add definitions; Administrative Code rule 335-6-10-.05 and 335-6-10-.09 to extend the incidental water contact and recreational season; Administrative Code rule 335-6-10-.09 to correct an error in the bacteria criteria; Administrative Code rule 335-6-10-.07, 335-6-10-.08, 335-6-10-.09, 335-6-10-.12, 335-6-11-.01, and 335-6-11-.02 to correct grammatical errors and clarify existing language; Administrative Code rule 335-6-10-.11 to update the river basin names and update West Point Chlorophyll *a* criteria; and Administrative Code rule 335-6-11-.02 to update location names to correspond with the GNIS, to update river basin names, and to upgrade Swan Creek in the Tennessee River Basin from Agricultural and Industrial (A&I) to Fish and Wildlife (F&W) use classification. The Department held a public hearing on the proposed amendments on November 10, 2016.

7. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE 335-7, WATER SUPPLY PROGRAM REGULATIONS, CHAPTER 335-7-11

The Commission will consider proposed amendments to ADEM Administrative Code 335-7, Water Supply Program Regulations, Chapter 335-7-11. The proposed amendments include revisions to the Lead and Copper Rule regulations, which are being made in response to comments from EPA. No new requirements are being added. The revisions are only intended to clarify rule language. The Department held a public hearing on the proposed amendments on November 9, 2016.

8. CONSIDERATION OF PETITION FOR RULEMAKING TO AMEND ADEM ADMINISTRATIVE CODE RULE 335-6-10-.07, WATER QUALITY CRITERIA FOR TOXIC POLLUTANTS, EMC RULEMAKING PETITION 17-02 (NPDES-RELATED MATTER), PETITIONERS – ENVIRONMENTAL DEFENSE ALLIANCE, INC., BLACK WARRIOR RIVERKEEPER, INC., CAHABA RIVER SOCIETY, INC., CAHABA RIVERKEEPER, INC., CHOCTAWHATCHEE RIVERKEEPER, INC., COOSA RIVERKEEPER, INC., FRIENDS OF THE LITTLE CAHABA RIVER, INC., AND GASP

The Commission will consider the Petition for Rulemaking to amend ADEM Administrative Code Rule 335-6-10-.07, Water Quality Criteria for Toxic Pollutants. The Petition seeks to revise and adopt water quality criteria for the protection of human health and aquatic life.

9. RICKEY G. SHELBY V. ADEM, EMC DOCKET NO. 17-01

The Commission will consider the Parties' Joint Motion to Modify Administrative Order in this appeal/request for hearing concerning ADEM's Administrative Order No. 16-104-AP issued on September 12, 2016, to Rickey G. Shelby, Valley Grande, Dallas County, Alabama.

10. OTHER BUSINESS

11. FUTURE BUSINESS SESSIONS

PUBLIC COMMENT PERIOD

BRIEF STATEMENTS BY MEMBERS OF THE PUBLIC REGISTERED TO SPEAK

Members of the public that wish to make a brief statement at a Commission meeting may do so by first signing in on a register maintained by the Commission office prior to each regularly scheduled meeting. The register will close ten minutes prior to convening each meeting of the Commission. Following completion of all agenda items, the Commission Chair will call on members of the public wishing to make a statement in the order their names appear on the register. Speakers are encouraged to limit their statement to matters that directly relate to the Commission's functions. Speakers will be asked to observe a three minute time limit. While an effort will be made to hear all members of the public signed on the register, the Commission may place reasonable limitations on the number of speakers to be heard. (Guideline 11, Guidelines for Public Comment).

The Guidelines for Public Comment are used in the application of ADEM Administrative Code 335-2, Environmental Management Commission Regulations, Rule 335-2-3-.05, Agenda and Public Participation. The Guidelines for Public Comment serve to educate and inform the public as to how the Commission interprets and intends to apply the Rule. The revised Rule 335-2-3-.05 was effective October 7, 2016.

Attachment 2

BEFORE THE
ENVIRONMENTAL MANAGEMENT COMMISSION
OF THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Accept nominations to committees as cited by Chair

ORDER

This cause having come before the Environmental Management Commission pursuant to the above motion, and having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

1. That the above motion is hereby adopted; and

2. That a copy of the list of committees is attached and made a part hereof; and

3. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below.

ISSUED this 16th day of December 2016.

APPROVED:

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

DISAPPROVED:

Commissioner

Commissioner

Commissioner

This is to certify that this Order is a true and accurate account of the actions taken by the Environmental Management Commission on this 16th day of December 2016.

H. Lanier Brown, II, Chair
Environmental Management Commission
Certified this 16th day of December 2016

ATTACHMENT A

12/16/16

Alabama Environmental Management Commission 2017 Committees

Personnel Committee

Chair: Sam Miller

Members: Jim Laier
Craig Martin

Rulemaking Committee

Chair: Scott Phillips

Members: Mary Merritt
Terry Richardson

Attachment 3

ADEM

Alabama Department Of Environmental Management

Report on State of the Environment in Alabama to Alabama Environmental Management Commission

December 16, 2016

adem.alabama.gov

ADEM Alabama Department Of Environmental Management

The Environment: Then verses Now

- What does the Alabama public think?
- What does the Federal government think?
- What does the data show?

ADEM

Alabama Department Of Environmental Management

Survey of Public Opinion

- Every 5 years 1998 – 2013 [4 times]
- Correct perceptions:
  - 88% rank environment good vs. 76% in 1998
  - 36% rank water cleaner than 25 yrs ago vs. 19% in 1998
  - 31% rank air cleaner than 25 yrs ago vs. 18% in 1998

ADEM

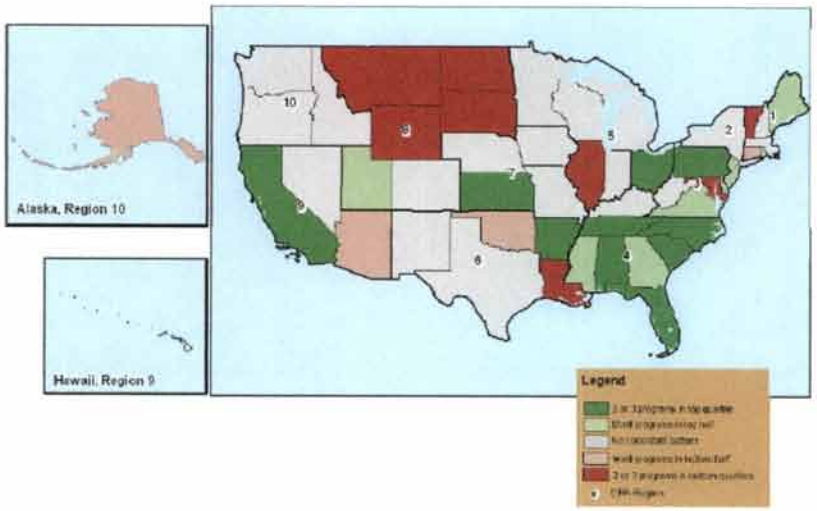
Alabama Department Of Environmental Management

Survey of Public Opinion

- Incorrect perceptions:
  - 62% do not realize motor vehicles biggest source of air pollution in Alabama and Nation
  - 86% do not realize storm water biggest source of water pollution
  - Only 76% agree standards are protective of human health and the environment

ADEM Alabama Department Of Environmental Management

Figure C-4: Majority top-tier and majority bottom-tier states as measured by rates of inspections, penalties assessed, and HPVs



Source: OIG analysis of OECA data.

ADEM

Alabama Department Of Environmental Management

AIR DATA

ADEM

Alabama Department Of Environmental Management

Air Quality and related standards

- PM2.5
- Ozone
- NO_x
- SO_2
- CO
- Pb
- Haze

ADEM **Alabama Department Of Environmental Management**

Air Quality and related standards

- PM2.5 – 1971; 1987; 1997; 2006; 2012
- Ozone – 1971; 1979; 1997; 2008; 2015
- NO_x – 1971; 2010
- SO_2 – 1971; 2010
- CO – 1971
- Pb – 1978; 2008
- Haze – goal of 2018 set in 2008

ADEM

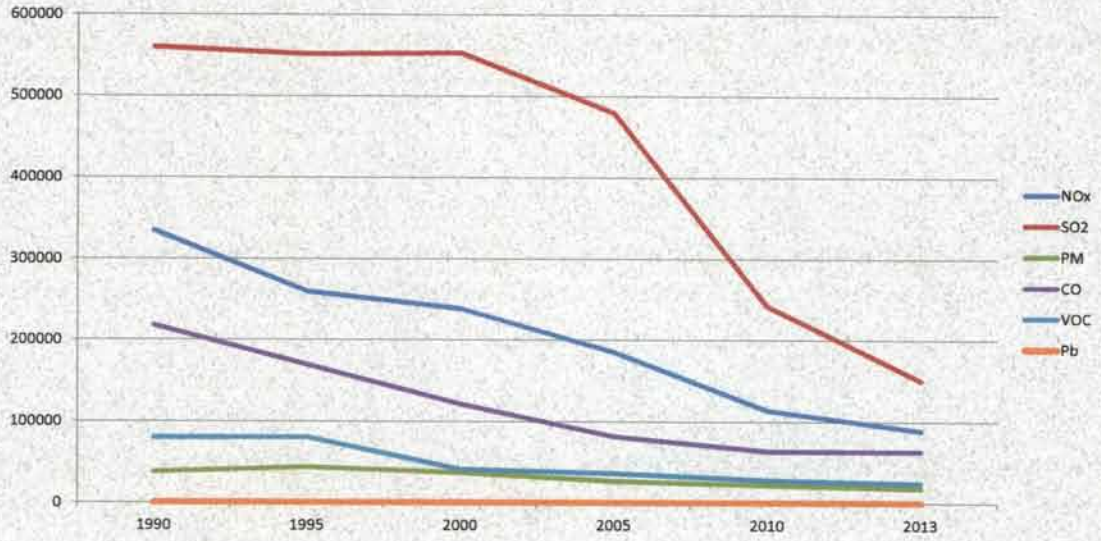
Alabama Department Of Environmental Management

Statewide Attainment of Air Quality and related standards

- PM2.5 – 2013
- Ozone – 2014
- NO_x – 1971
- SO_2 – 1977
- CO – 1971
- Pb – 2015
- Haze – 2013

Alabama Department Of Environmental Management

AL Emissions from Major Sources, 1990 - 2013



ADEM Alabama Department Of Environmental Management

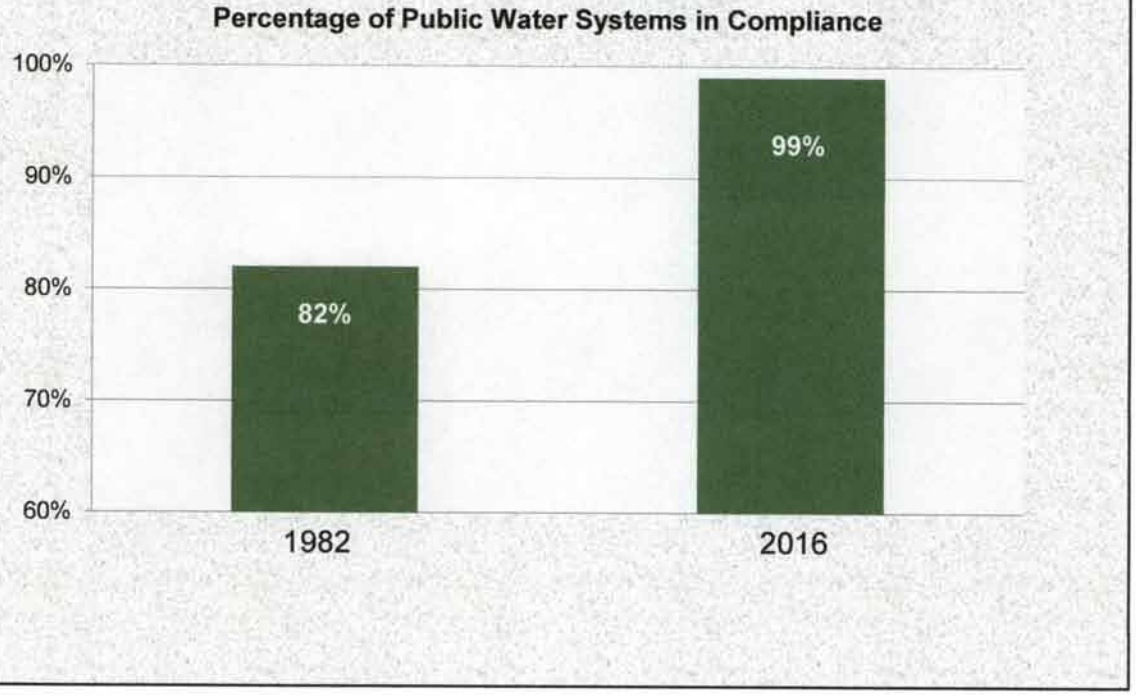
WATER DATA

ADEM Alabama Department Of Environmental Management

Number of Drinking Water Contaminants Regulated

	1982	2016
• Organic chemicals	7	55
• Inorganic chemicals	10	19
• Radionuclides	3	7
• Microbes	3	8
Total	23	89

Alabama Department Of Environmental Management



ADEM **Alabama Department Of Environmental Management**

303(d) Impaired water body / pollutant combinations

	1998	2016
River/Stream (miles)	4,480	2,432
Lake/Reservoir (1000s ac)	278	219
Ocean/Estuary (1000s ac)	498	460

ADEM

Alabama Department Of Environmental Management

303(d) Impaired water body / pollutant combinations 1998-2016

	Listed	Removed	TMDL's
River / Stream (miles)	10,779	4,829	3,517
Lake / Reservoir (1000s ac)	535	202	109
Ocean / Estuary (1000s ac)	562	95	7

ADEM

Alabama Department Of Environmental Management

Water Designations & Classifications

	1982	2016
• ***Highest Quality Waters:***		
— Outstanding National Resource Waters		
➢ miles	0	805
➢ acres	0	1,920
— Outstanding Alabama Waters		
➢ miles	0	350
➢ acres	0	3,806
— Treasured Alabama Lakes (acres)	0	39,738
• ***Lowest Use Classifications:***		
— Lower than Fish & Wildlife (miles)	713	158

ADEM Alabama Department Of Environmental Management

LAND DATA

ADEM Alabama Department Of Environmental Management

Landfills and Chemical Weapons

- Improved landfills 1989 - 2016:
  - 141 unlined MSW landfills safely closed
  - 31 state-of-the-art lined MSW landfills today
- 650,000 Chemical weapons stored in Alabama destroyed 2003 - 2013

ADEM

Alabama Department Of Environmental Management

Unauthorized solid waste dumps (UAD)

- 1,640 UADs remediated 2009 – 2016
  - 1,170 UADs remediated by responsible parties
  - 470 UADs innocent landowners held harmless

ADEM

Alabama Department Of Environmental Management

Solid waste & Scrap tire recycling

- Solid waste recycling since 1989
  - rate increased from 5% to 16%
  - rate increased from .2 million TPY to 1.35 million TPY
- Scrap tire cleanup since 2006
  - 312 illegal scrap tire dumps cleaned up
  - 8.8 million passenger tires cleaned up

ADEM

Alabama Department Of Environmental Management

Underground Storage Tanks (UST)

Since 1989:

- 12,000 UST leak sites identified
- 11,000 UST sites cleaned up
- 1,000 UST sites currently being cleaned up

ADEM

Alabama Department Of Environmental Management

Brownfields (BF)

- 450 BF sites identified 2001 – 2016
- 300 BF sites returned to productive use
  - 4,700 acres returned to productive use
- 119 BF sites currently actively enrolled
  - 3,400 acres currently actively enrolled

Attachment 4

ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-6 of the Department's Water Division's Water Quality Program Rules and Regulations in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

WHEREAS, a public hearing was held before a representative of the Alabama Department of Environmental Management designated by the Environmental Management Commission for the purpose of receiving data, views and arguments on the amendment of such proposed rules; and

WHEREAS, the Alabama Department of Environmental Management did not receive any written or oral comments at the public hearing or during the public comment period.

NOW THEREFORE, pursuant to Ala. Code. §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code. § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-6 [rules 335-6-1-.04/Electronic Reporting Requirements (New); 335-6-5-.14/Signatories to Permit Applications and Reports (Amend); 335-6-5-.15/Conditions Applicable to SID Permits (Amend); 335-6-6-.03/Requirement for NPDES Permit (Amend); 335-6-6-.09/Signatories to Permit Applications and Reports (Amend); 335-6-6-.11/Conditions Applicable to Storm Water Discharges by Operators of Municipal Storm Sewers (Amend); 335-6-6-.12/Conditions Applicable to All NPDES Permits (Amend); and 335-6-6-.23/General Permits (Amend)] of the Department's Water Quality Program rules, administrative code attached hereto. to become effective thirty-five days, unless otherwise indicated, after filing with the Alabama Legislative Reference Service.

ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION

ADEM Admin. Code division 335-6 – Water Quality Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 16th day of December 2016.

APPROVED:

DISAPPROVED:

ABSTAINED:

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 16th day of December 2016.

H. Lanier Brown, II, Chair
Environmental Management Commission
Certified this 16th day of December 2016

335-6-1-.04 Electronic Reporting Requirements.

(1) Purpose and Applicability.

(a) This rule, in conjunction with the reporting requirements specified in chapters 335-6-5 and 335-6-6, specifies the requirements for the electronic reporting of the information specified in paragraph (2) of this rule.

(b) This rule applies to any person who:

1. Is required to apply for or has obtained a State Indirect Discharge (SID permit under chapter 335-6-5;

2. Is required to apply for or has obtained an individual NPDES permit or coverage under a general NPDES permit under chapter 335-6-6; or

3. Submits a stormwater no exposure certification (NEC) or has an approved stormwater no exposure certification (NEC) in lieu of an individual or general permit under chapter 335-6-6.

(2) Reports, Notices, and Certifications Subject to Electronic Reporting.

(a) Beginning on the applicable compliance date specified in paragraph (3) of this rule, regulated persons shall electronically submit the following reports, as applicable, with the minimum set of data required for those reports as specified in Appendix A to 40 CFR part 127 (2016):

1. Discharge Monitoring Reports [subparagraphs 335-6-5-.15(12)(e)1. and 335-6-6-.12(l)5.(i)];

2. Municipal Separate Storm Sewer System (MS4) Program Reports [rule 335-6-6-.11, 40 CFR §§122.34(g)(3) and 122.42(c)];

3. Sewer Overflow and Bypass Incident Event Reports [subparagraphs 335-6-6-.12(l)6.(ii), 335-6-6-.12(m)2.(i), and 335-6-6-.12(m)2.(ii)]; and

4. Clean Water Act (CWA) Section 316(b) Annual Reports [paragraph 335-6-6-.10(g) and 40 CFR part 125, subparts I, J, and N].

(b) Beginning on the applicable compliance date specified in paragraph (3) of this rule, persons seeking coverage under NPDES general permits or termination of coverage under NPDES general permits, and persons submitting stormwater certifications for exclusion from NPDES permit requirements shall electronically submit the following notices and certifications with the minimum set of data required for those notices and certifications as specified in Appendix A to 40 CFR part 127 (2016):

1. Notice of intent (NOI) to discharge by persons seeking coverage under a general NPDES permit (rather than an individual NPDES permit), as described in paragraph 335-6-6-.23(15);

2. Notice of termination (NOT), as described in subparagraph 335-6-6-.23(7)(d); and

3. No exposure certification (NEC), as described in rule 335-6-6-.03 and 40 CFR §122.26(g)(1)(iii).

(3) Compliance Dates. Persons subject to this rule, with the exception of those covered by waivers under paragraph (6) of this rule, shall electronically submit the following reports, notices, and certifications beginning on the dates specified in Table 1 of this paragraph:

Table 1. Compliance Date for Electronic Submissions

Information	Start Date of Electronic Submissions
Discharge Monitoring Reports [subparagraphs 335-6-5-.15(12)(e)1. and 335-6-6-.12(l)5.(i)]	December 21, 2016
Municipal Separate Storm Sewer System (MS4) Program Reports [rule 335-6-6-.11, 40 CFR §§122.34(g)(3) and 122.42(c)]	December 21, 2020
Sewer Overflow and Bypass Incident Event Reports [335-6-6-.12(l)6.(ii), 335-6-6-.12(m)2.(i), and 335-6-6-.12(m)2.(ii)]	December 21, 2020
CWA Section 316(b) Annual Reports [paragraph 335-6-6-.10(g) and 40 CFR part 125, subparts I, J, and N]	December 21, 2020
Notice of intent (NOI) to discharge by persons seeking coverage under a general NPDES permit (rather than an individual NPDES permit), as described in paragraph 335-6-6-.23(15)	December 21, 2020
Notice of termination (NOT), as described in subparagraph 335-6-6-.23(7)(d)	December 21, 2020
No exposure certification (NEC), as described in rule 335-6-6-.03 and 40 CFR §122.26(g)(1)(iii)	December 21, 2020

(4) Signatory and Certification Standards for Electronic Reporting. The applicable signatory and certification requirements identified in 40 CFR part 3

(2016) and rule 335-6-5-.14 or 335-6-6-.09 shall apply to the electronic submission of the reports, notices, and certifications specified in paragraph (2) of this rule.

(5) Other Requirements.

(a) Persons subject to this rule shall comply with the applicable requirements for quality assurance and quality control specified in 40 CFR §127.13 (2016).

(b) Persons subject to this rule shall comply with the applicable requirements for timeliness, accuracy, completeness, and consistency specified in 40 CFR §127.14 (2016).

(6) Waivers from Electronic Reporting.

(a) Persons subject to this rule shall electronically submit to the Director the minimum set of data in compliance with this rule, 40 CFR part 3 (2016), and rule 335-6-5-.14 or 335-6-6-.09, as applicable, unless a waiver from electronic reporting is granted in compliance with this paragraph.

(b) Temporary Waivers. Temporary waivers from electronic reporting may be granted by the Director to persons subject to this rule.

1. Each temporary waiver from electronic reporting shall not extend beyond five years; however, persons subject to this rule may re-apply for a temporary waiver from electronic reporting. It is the duty of the person subject to this rule to re-apply for a new temporary waiver from electronic reporting. The Director cannot grant a temporary waiver from electronic reporting to a person subject to this rule without first receiving such a request from that person.

2. To apply for a temporary waiver from electronic reporting, the person subject to this rule shall submit the following information to the Director:

(i) Permittee and/or facility name;

(ii) NPDES or SID permit number (if applicable);

(iii) Facility address;

(iv) Name, address and contact information for the owner, operator, or duly authorized facility representative;

(v) Brief written statement regarding the basis for requesting the temporary waiver; and

(vi) Any other information required by the Department.

3. The Director shall determine whether to grant or deny a temporary waiver from electronic reporting. The Director shall provide notice of his/her

determination to the person submitting a request for a temporary waiver from electronic reporting as specified in subparagraph (6)(e) of this rule.

4. Persons subject to this rule who have been granted a temporary waiver from electronic reporting shall continue to provide to the Director the minimum set of data required as specified in Appendix A to 40 CFR part 127 (as well as other required information in compliance with statutes, regulations, the NPDES or SID permit, another control mechanism, or an enforcement order) in hard-copy format.

5. A temporary waiver from electronic reporting is not transferrable.

(c) Permanent Waivers. Permanent waivers from electronic reporting may be granted by the Director to persons subject to this rule.

1. Permanent waivers from electronic reporting are available only to facilities and entities owned and/or operated by members of religious communities that choose not to use certain modern technologies (*e.g.*, computers, electricity). The Director cannot grant a permanent waiver from electronic reporting to a person subject to this rule without first receiving such a request from that person.

2. To apply for a permanent waiver from electronic reporting, the person subject to this rule shall submit the information listed in subparagraph (6)(b)2. of this rule to the Director.

3. The Director shall determine whether to grant or deny a permanent waiver from electronic reporting. The Director shall provide notice of his/her determination to the person submitting a request for a permanent waiver from electronic reporting as specified in subparagraph (6)(e) of this rule.

4. Persons subject to this rule that have been granted a permanent waiver from electronic reporting shall continue to provide to the Director the minimum set of data required as specified in Appendix A to 40 CFR part 127 (as well as other required information in compliance with statutes, regulations, the NPDES or SID permit, another control mechanism, or an enforcement order) in hard-copy format.

5. A permanent waiver from electronic reporting is not transferrable.

(d) Episodic Waivers. Episodic waivers from electronic reporting may be granted by the Director to persons subject to this rule. The following conditions apply to episodic waivers.

1. No waiver request is required for a person to obtain an episodic waiver from electronic reporting.

2. Episodic waivers from electronic reporting are not transferrable.

3. An episodic waiver from electronic reporting shall not extend beyond sixty days.

4. The Director shall decide if the episodic waiver provision allows persons to delay their electronic submissions for a short time (i.e., no more than forty days) or to submit in hard-copy format. Episodic waivers from electronic reporting are available to persons in the following circumstances:

(i) Large scale emergencies involving catastrophic circumstances beyond the control of the person, such as forces of nature (*e.g.*, hurricanes, floods, fires, earthquakes) or other disasters.

(ii) Prolonged electronic reporting system outages (*i.e.*, outages longer than ninety-six hours).

5. The Director shall provide notice, individually or through means of mass communication, when such an episodic waiver is available, to include: the persons that may use the episodic waiver; the likely duration of the episodic waiver; and any other directions regarding how those persons should provide the minimum set of data required as specified in Appendix A to 40 CFR part 127 (as well as other required information in compliance with statutes, regulations, the NPDES or SID permit, another control mechanism, or an enforcement order) to the Director.

(e) Review of requests for temporary and permanent waivers from electronic reporting.

1. The Director shall review requests for temporary and permanent waivers from electronic reporting and shall either grant or deny those requests within 120 days of receipt.

2. The Director shall provide the person requesting a temporary or permanent waiver from electronic reporting with notice that the request has been granted or denied.

Author: Christy Monk.
Statutory Authority: Code of Alabama 1975, §§ 22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
History: Effective XXXX XX, 2017.

335-6-5-.14 Signatories to Permit Applications and Reports.

(1) The application for a SID Permit, a request for variance from categorical pretreatment standards, and a category determination request shall be signed by a responsible official, as indicated below:

(a) In the case of a corporation, by a principal executive officer of at least the level of vice president;

(b) In the case of a partnership, by a general partner;

(c) In the case of a sole proprietorship, by the proprietor; or

(d) In the case of a municipal, state, federal, or other public entity by either a principal executive officer, or ranking elected official.

(2) All reports required by permits and other information requested by the Department shall be signed by a person described under paragraph 335-6-5-.14(1) or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(a) The authorization is made in writing by a person described in paragraph 335-6-5-.14(1);

(b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity and;

(c) The written authorization is submitted to the Department.

(3) If an authorization under paragraph 335-5-6-.14(2) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of said paragraph must be submitted to the Department prior to or together with any reports or information signed by the newly authorized representative.

(4) Any person signing a document under this rule shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(5) Electronic Reporting. If documents described in this chapter are required to be submitted electronically by this chapter or rule 335-6-1-.04, any

person providing the electronic signature for such documents shall meet all relevant requirements of this rule and shall ensure that all of the relevant requirements of rule 335-6-1-.04 are met for that submission.

Author: John Poole, Christy Monk.
Statutory Authority: Code of Alabama 1975, §§ 22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
History: April 29, 1991.
Amended: XXXX XX, 2017.

335-6-5-.15 Conditions Applicable to SID Permits. The following requirements apply to SID Permits issued to significant industrial dischargers. Provisions implementing these requirements shall be incorporated into each permit.

(1) Duty to comply with a SID Permit.

(a) The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the AWPCA and the FWPCA and is grounds for enforcement action, for permit termination, revocation and re-issuance, suspension, modification; or denial of a permit renewal application.

(b) The permittee shall comply with applicable pretreatment categorical and general standards or prohibitions established under the FWPCA within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

(c) Any person who violates a permit condition is subject to a civil penalty as authorized by Code of Alabama 1975, § 22-22A-5(18) (1987 Cum. Supp.) and/or a criminal penalty as authorized by the AWPCA.

(2) If the permittee wishes to continue a discharge regulated by the permit after the expiration date of that permit, the permittee must apply for re-issuance of the permit at least 180 days prior to its expiration and, except as provided in rule 335-6-5-.11, must obtain a new permit prior to the expiration of the existing permit. If the permittee does not desire to continue the discharge of wastewater allowed by an expiring permit, the permittee shall notify the Department at least 180 days prior to expiration of the permit of the permittee's intention not to request reissuance of the permit.

(3) It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce production or other activities in order to maintain compliance with the conditions of the permit.

(4) The permittee shall take all reasonable steps to minimize or prevent any violation of the permit or to minimize or prevent any adverse impact of any permit violation.

(5) The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities only when necessary to achieve compliance with the conditions of the permit.

(6) The permit may be modified, revoked and re-issued, suspended, or terminated for cause. The filing of a request by a permittee for a permit modification, revocation and re-issuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(7) The permit does not convey any property rights of any sort or any exclusive privilege.

(8) The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and re-issuing, suspending, or terminating the permit or to determine compliance with the permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by the permit.

(9) The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and

(d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the AWPCA, any substances or parameters at any location.

(10) Monitoring and records keeping requirements.

(a) All permits shall specify:

1. Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods (including biological monitoring methods when appropriate);

2. Required monitoring, including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring; and

3. Applicable reporting requirements based upon the impact of the regulated activity.

(b) To assure compliance with permit limitations, all permits may specify requirements to monitor:

1. The mass and/or other measurement for each pollutant limited in the permit;

2. The volume of effluent discharged from each outfall;

3. Whole effluent toxicity determinations;

4. Other measurements as appropriate; including pollutants in internal waste streams, pollutants in intake water for net limitations, pollutants subject to notification requirements, frequency, and rate of discharge; and

5. To determine the impact on the treatment works, any of the preceding measurements of influent and effluent from the treatment works.

(c) Samples and measurements taken for the purpose of monitoring shall be in accordance with the terms of the SID Permit.

(d) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the above reports or the application for this permit, for a period of at least three years from the date of the sample measurement, report or application. This period may be extended by request of the Director at any time. If litigation or other enforcement action, under the AWPCA and/or the FWPCA, is ongoing which involves any of the above records, the records shall be kept until the litigation is resolved.

(e) Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;

2. The individual(s) who performed the sampling or measurements;

3. The date(s) analyses were performed;

4. The individual(s) who performed the analyses or under whose direct supervision the analyses were performed;

5. The analytical techniques or methods used; and

6. The results of such analyses.

(f) All records required to be kept for a period of three years shall be kept at the permitted facility or an alternate location approved by the Department in writing and shall be available for inspection.

(g) Monitoring shall be conducted according to test procedures approved under 40 CFR Part 136 (1994), unless other test procedures have been approved by the Director or specified in the permit. Upon the establishment of a program for certifying testing laboratories which perform wastewater analyses, only a laboratory certified by the state may be used for contracting wastewater analyses used for SID Permit reporting.

(h) Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained or performed under the permit shall, upon conviction, be subject to penalties as provided by the AWPCA.

(i) If sampling performed by any permittee results in a permit violation, the permittee shall repeat the sampling and analysis within 24 hours after becoming aware of the violation and shall submit the results to the Department with the discharge monitoring report for the period in which the violation occurred. If the permit requires daily sampling for the parameter found to be in noncompliance or if the parameter has been sampled for and tested again before the permittee becomes aware of the violation, this requirement shall not apply.

(11) Signatory Requirements. All applications, reports, or information submitted to the Director shall be signed and certified according to the requirements under rule 335-6-5-.14.

(12) Reporting Requirements.

(a) The permittee shall apply for a permit modification at least 180 days in advance of any planned physical alterations or additions to a facility. Application is required only when the alteration or addition could result in the discharge of additional pollutants or increase the quantity of pollutants discharged or when the alteration or additions would subject the permittee to the requirements of a categorical pretreatment standard. This notification applies to pollutants that are or are not subject to discharge limitations in the permit.

(b) The permittee shall give advance notice to the Director of any planned changes in or other circumstances regarding a facility which may result in noncompliance with permit requirements.

(c) Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished as provided by applicable state and federal law.

(d) The permit is not transferable to any person except by modification or revocation and re-issuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the AWPCA or FWPCA. The Director may require the submittal of a

complete permit application by the new operator and may issue a new permit or the Director may, in the case of a change in operator where no significant change in operations has occurred that would affect compliance with the SID Permit, where no additional discharges would be added that would require coverage by an SID Permit and where no additional requirements under the AWPCA or FWPCA are necessary, accomplish transfer of the SID Permit by the following procedure:

1. The current permittee and the prospective permittee shall apply for a transfer of the permit at least thirty days in advance of the change in operator.

2. This application shall include a written agreement between the existing and new permittees containing the specific date for transfer of permit responsibilities, coverage and liability. This application shall be signed by a representative of both the existing and new permittee, both representatives shall meet the requirements of a signatory to permit applications set forth in rule 335-6-5-.14 and shall be accompanied by the appropriate fee required under chapter 335-1-6.

(e) Discharge monitoring shall be required by all SID Permits in accordance with the following requirements.

1. Monitoring results shall be summarized for each month on a Discharge Monitoring Report ~~form~~ (DMR). ~~approved by the Department and~~ The DMR shall be submitted so that the DMR is received by the ~~Department~~ Director no later than the ~~28th~~ twenty-eighth day of the month following the reporting period specified in the permit, unless otherwise expressed by the Director. DMRs shall be submitted electronically by the permittee to the Director in compliance with rules 335-6-1-.04 and 335-6-5-.14, with the exception of any period during which the permittee has been granted an electronic reporting waiver for such reports in accordance with paragraph 335-6-1-.04(6).

2. Monitoring reports shall be submitted with a frequency dependent on the nature and effect of the discharge, but in no case less than once each six months, and as required by the SID Permit.

3. If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 (1994) or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean (zero discharge days shall not be used in these calculations) unless otherwise specified by the Director in the permit. When monitoring is in accordance with permit requirements, a less than detectable result shall be considered a zero when calculating averages.

5. The permittee shall be required to monitor for all parameters limited by the permit at least once each six months and report the results of all required monitoring at least once each six months.

(f) Noncompliance reporting shall be required by the SID Permit in accordance with the following requirements.

1. Twenty-four hour reporting. The permittee shall report to the Director within 24 hours of becoming aware of any noncompliance which has caused interference or pass through or an unpermitted direct or indirect discharge to a water of the state and shall follow up the oral report with a written submission to the Director no later than five days after becoming aware of the unpermitted discharge, interference, or pass through.

2. The permittee shall report all instances of noncompliance not reported under the preceding subparagraph, at the time monitoring reports are submitted.

3. Written noncompliance reports shall include the following information:

(i) Description of the noncompliance and its cause;

(ii) Period of noncompliance; including exact dates and times, or, if not corrected, the anticipated time it is expected to continue;

(iii) Description of the steps taken and/or being taken to reduce or eliminate the noncompliance and to prevent its recurrence;

4. Within the next 30 days after the permittee becomes aware of the exceedance of a permit limit for any parameter, the permittee shall sample and test for this parameter and submit the results of the testing to the Department. If the permit monitoring frequency requires the monitoring of the parameter more often than once every 30 days this requirement is satisfied and additional sampling is not required.

(g) Bypass.

1. Bypass Not Exceeding Limitations. The permittee may allow any bypass to occur which does not cause permit limitations, categorical pretreatment standards, nor general pretreatment standards to be violated or exceeded but only if it also is necessary for essential maintenance to assure efficient operation of the waste treatment facility. The permittee shall monitor the bypassed wastewater at least daily and at a frequency sufficient to prove compliance with permit discharge limitations and shall include the results of all such monitoring in the DMR submitted for the period(s) of bypass.

2. Notice.

(i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least ten days before the date of the bypass.

(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in subparagraph 335-6-5-.15(12)(f).

3. Prohibition of bypass.

(i) Bypass is prohibited and the Director may take enforcement action against a permittee for bypass, unless:

(I) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(II) There were no feasible alternatives to the bypass, such as the use of auxiliary waste treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(III) The permittee submitted notices as required under subparagraph 335-6-5-.15(g)2.(i) and the bypass was approved by the Director.

(ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the conditions listed above in subparagraph 335-6-5-.15(g)3.

(13) The SID Permit shall contain the following upset requirements.

(a) An upset constitutes an affirmative defense to an action brought for noncompliance with permit limitations if the requirements of subparagraph 335-6-6-.12(n)2. are met.

(b) Conditions Necessary for Demonstration of an Upset. A permittee who wishes to establish the affirmative defense of an upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and that the permittee can identify the specific cause(s) of the upset;

(ii) The wastewater treatment facility was at the time being properly operated;

(iii) The permittee submitted notice of the noncompliance caused by the upset as required under 335-6-5-.15(12)(f) and

(iv) The permittee complied with any remedial measures required under paragraph 335-6-5-.15(4).

(c) In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

(14) New, reissued, modified or revoked and reissued SID Permits shall incorporate all applicable requirements of this chapter pertaining to SID Permits.

(15) A SID Permit issued for a "new discharger" or "new source" shall expire eighteen months after issuance if "construction" has not begun during the eighteen-month period.

(16) That portion of a SID Permit authorizing the discharge of increased quantities of pollutants to accommodate the modification of an existing facility shall expire if "construction" of the modification has not begun within eighteen months after issuance of the SID Permit or modification of the SID Permit to allow the discharge of increased quantities of pollutants.

(17) The SID Permit shall require the permittee to make notification of hazardous wastes discharges in accordance with rule 335-6-5-.05(7).

(18) The SID Permit shall require categorical dischargers to submit baseline reports in accordance with rule 335-6-5-.05(3).

(19) The SID Permit shall specify the physical location of the sampling point(s) to be used when performing discharge monitoring.

(20) The SID Permit shall require the permittee to notify the publicly or privately owned treatment works and the Department of any slug type discharge that may cause interference with the treatment works. Such notification shall be made to the treatment works immediately after the permittee becomes aware of the event and to the Department during the first normal business day after becoming aware of the event. The permittee shall coordinate with the operator of the treatment works and shall develop a notification procedure that is acceptable to the operator. The permit shall also provide for the establishment of a formal slug load control program if determined by the Director to be required to prevent pass through or interference.

(21) The SID Permit shall require the permittee to report on compliance with any categorical pretreatment standard applicable to the permitted discharge within 90 days following the final compliance date for the applicable standard. The report shall contain the information required by 40 CFR 403.12(d) (1994).

(22) The SID Permit shall require the permittee to comply with the requirements of any categorical pretreatment standard not later than three years after its effective date, unless another compliance date is specified by the standard.

(23) The SID Permit shall require the permittee to provide spill prevention, control and/or management for any stored pollutant(s) that may, if spilled, be reasonably expected to enter a water of the state or the collection system for a publicly or privately owned treatment works. Any containment system used for spill control and management shall be constructed of materials compatible with the substance(s) stored and of materials which shall prevent the pollution of groundwater and shall be capable of retaining 110 percent of the volume of the largest container of pollutants for which the containment system is provided.

Author: John Poole, Christy Monk.
Statutory Authority: Code of Alabama 1975, §§ 22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
History: April 29, 1991.
Amended: XXXX XX, 2017

335-6-6-.03 Requirement for NPDES Permit.

(1) No person shall discharge pollutants into waters of the state without first having obtained a valid NPDES permit or coverage under a valid General NPDES Permit unless such discharge is:

(a) Of sewage from vessels, effluent from properly functioning marine engines, laundry, shower, and galley sink wastes, or any other discharge incidental to the normal operation of a vessel. This exclusion does not apply to:

1. The discharge of any solid wastes, garbage, ashes, rubbish, or hazardous waste within the meaning of Code of Alabama (1975), §22-27-2 (1984 Rplc. Vol.), any other pollutant, industrial waste or other waste within the meaning of Code of Alabama (1975), §22-22-1(b) (1984 Rplc. Vol.), or any discharge in violation of rule 335-6-6-.02;

2. Waste resulting from the improper operation of a vessel, or from the improper storage or handling of a solid or liquid product on board a vessel; or

3. Any waste resulting from any operations of a vessel in use for a purpose other than a means of transportation.

(b) Of dredged or fill material which is regulated under Section 404 of the FWPCA;

(c) In compliance with the instructions of an On-Scene Coordinator pursuant to 33 CFR 153.10(e) (1994) or 40 CFR Part 300 (1994) and 40 CFR Part 122.3(d) (1994);

(d) From non-point source agricultural and silvicultural activities, including runoff from orchards, cultivated crops, pastures, range lands and forest lands, but not including discharges from animal feeding operations (AFO) and concentrated animal feeding operations (CAFO), discharges from concentrated aquatic animal production facilities, aquaculture projects and discharges from silvicultural sources as defined in regulations referenced in rule 335-6-6-.10;

(e) A return flow from irrigated agriculture;

(f) A discharge to a publicly owned treatment works or a privately owned treatment works that has been approved and granted a State Indirect Discharge Permit by the Department;

(g) A discharge to an injection well that has been permitted by the Department or the State Oil and Gas Board;

(2) No person, required to apply for a storm water discharge permit by 40 CFR §122.26 (~~2000~~2016), shall discharge pollutants into waters of the state without first having applied for a valid NPDES permit, coverage under a valid General NPDES Permit, or coverage under a valid NPDES Registration. New

dischargers shall obtain a valid NPDES permit, coverage under a valid General Permit, or coverage under a valid NPDES Registration prior to conducting any activity for which application for a storm water discharge permit is required by 40 CFR §122.26 (July 2016).

Author: John Poole; Richard Hulcher; Truman Green.
Statutory Authority: Code of Alabama 1975, § 22-22-1, § 22-22-9, § 22-22A-5.
History: October 19, 1979. **Amended:** January 24, 1989; April 29, 1991, July 12, 1995, March 31, 1999, August 1, 2002, January 23, 2003; September 29, 2015; XXXX XX, 2017.

335-6-6-.09 Signatories to Permit Applications and Reports.

(1) The application for an NPDES permit shall be signed by a responsible official, as indicated below:

(a) In the case of a corporation, by a principal executive officer of at least the level of vice president, or a manager assigned or delegated in accordance with corporate procedures, with such delegation submitted in writing if required by the Department, who is responsible for manufacturing, production, or operating facilities and is authorized to make management decisions which govern the operation of the regulated facility;

(b) In the case of a partnership, by a general partner;

(c) In the case of a sole proprietorship, by the proprietor; or

(d) In the case of a municipal, state, federal, or other public entity by either a principal executive officer, or ranking elected official.

(2) All reports required by permits and other information requested by the Department shall be signed by a person described in paragraph 335-6-6-.09(1) or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(a) The authorization is made in writing by a person described in paragraph 335-6-6-.09(1);

(b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity and;

(c) The written authorization is submitted to the Department.

(3) If an authorization under paragraph 335-6-6-.09(2) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of said paragraph must be submitted to the Department prior to or together with any reports or information signed by the newly authorized representative.

(4) Any person signing a document under this rule shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(5) Electronic reporting. If documents described in this chapter are required to be submitted electronically by this chapter or rule 335-6-1-.04, any person providing the electronic signature for such documents shall meet all relevant requirements of this rule and shall ensure that all of the relevant requirements of rule 335-6-1-.04 are met for that submission.

Author: John Poole, Ed Hughes, Christy Monk.
Statutory Authority: Code of Alabama 1975, § 22-22-9, § 22-22-14, § 22-22A-5.
History: October 19, 1979.
Amended: January 24, 1989; August 1, 2002; XXXX XX, 2017.

335-6-6-.11 Conditions Applicable to Storm Water Discharges by Operators of Municipal Storm Sewers. NPDES permits issued to operators of large or medium municipal separate storm sewer systems (MS4s) shall include the applicable requirements of 40 CFR ~~Part~~ §122.42(c) (~~2000~~2016). NPDES permits issued to operators of small MS4's shall include the applicable requirements of 40 CFR ~~Parts~~ §§122.30 – 122.37 (~~2000~~2016).

Author: John Poole, Truman Green.
Statutory Authority: Code of Alabama 1975, § 22-22-9, § 22-22A-5.
History: October 19, 1979. **Amended:** January 24, 1989; April 29, 1991; January 23, 2003; XXXX XX, 2017.

335-6-6-.12 Conditions Applicable to All NPDES Permits. The following requirements apply to all NPDES permits. Provisions implementing these requirements shall be incorporated into each permit.

(a) Duty to Comply.

1. The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the AWPCA and the FWPCA and is grounds for enforcement action, for permit termination, revocation and re-issuance, suspension, modification; or denial of a permit renewal application.

2. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the FWPCA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

3. Any person who violates a permit condition is subject to a civil penalty as authorized by Code of Alabama (1975) §22-22A-5(18) (1987 Cum. Supp.) and/or a criminal penalty as authorized by the AWPCA.

(b) Duty to Reapply. If the permittee wishes to continue a discharge regulated by the permit after the expiration date of that permit, the permittee must apply for re-issuance of the permit at least 180 days prior to its expiration and, except as provided in rule 335-6-6-.06 and subparagraph 335-6-6-.08(1)(k)9., must obtain a new permit prior to the expiration of the existing permit. If the permittee does not desire to continue the discharge of wastewater allowed by an expiring permit, the permittee shall notify the Department at least 180 days prior to expiration of the permit of the permittee's intention not to request reissuance of the permit.

(c) It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce production or other activities in order to maintain compliance with the conditions of the permit.

(d) Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any violation of the permit or to minimize or prevent any adverse impact of any permit violation.

(e) Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities only when necessary to achieve compliance with the conditions of the permit.

(f) Permit Actions. The permit may be modified, revoked and reissued, suspended, or terminated for cause. The filing of a request by a permittee for a permit modification, revocation and re-issuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(g) Property Rights. The permit does not convey any property rights of any sort or any exclusive privilege.

(h) Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and re-issuing, suspending, or terminating the permit or to determine compliance with the permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by the permit.

(i) Inspection and Entry. The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and

4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the AWPCA, any substances or parameters at any location.

(j) Monitoring and Records.

1. All permits shall specify:

(i) Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods (including biological monitoring methods when appropriate);

(ii) Required monitoring, including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring; and

(iii) Applicable reporting requirements based upon the impact of the regulated activity and as provided by rules 335-6-1-.04 and 335-6-6-

.12. Reporting shall be no less frequent than as specified in rule 335-6-6-.12.

2. To assure compliance with permit limitations, all permits shall specify requirements to monitor:

(i) The mass and/or other measurement for each pollutant limited in the permit;

(ii) The volume of effluent discharged from each outfall; and

(iii) Other measurements as appropriate; including pollutants in internal waste streams, pollutants in intake water for net limitations, pollutants subject to notification requirements, frequency, and rate of discharge.

3. Samples and measurements taken for the purpose of monitoring shall be in accordance with the terms of the NPDES permit.

4. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the above reports or the application for this permit, for a period of at least three years from the date of the sample measurement, report or application. This period may be extended by request of the Director at any time. If litigation or other enforcement action, under the AWPCA and/or the FWPCA, is ongoing which involves any of the above records, the records shall be kept until the litigation is resolved.

5. Records of monitoring information shall include:

(i) The date, exact place, and time of sampling or measurements;

(ii) The individual(s) who performed the sampling or measurements;

(iii) The date(s) analyses were performed;

(iv) The individual(s) who performed the analyses;

(v) The analytical techniques or methods used; and

(vi) The results of such analyses.

6. All records required to be kept for a period of three years shall be kept at the permitted facility or an alternate location approved by the Department in writing and shall be available for inspection.

7. Monitoring shall be conducted according to EPA-approved test procedures in 40 CFR Part 136, unless other test procedures have been approved by the Director or specified in the permit. Upon the establishment of a program for certifying commercial laboratories which perform wastewater

analyses, only a laboratory certified by the state may be used for contracting wastewater analyses used for NPDES reporting.

8. Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained or performed under the permit shall, upon conviction, be subject to penalties as provided by the AWPCA.

(k) Signatory Requirements. All applications, reports, or information submitted to the Director shall be signed and certified according to the requirements of rule 335-6-6-.09.

(l) Reporting Requirements.

1. Planned Changes. The permittee shall apply for a permit modification at least 180 days in advance of any planned physical alterations or additions to a facility. Application is required only when:

(i) The alteration or addition could result in the discharge of additional pollutants or increase the quantity of pollutants discharged. This notification applies to pollutants that are or are not subject to discharge limitations in the permit, as well as to pollutants subject to notification requirements under rule 335-6-6-.13; or

(ii) The alteration or addition would result in additional discharge points that would require coverage under an NPDES permit.

2. Anticipated Noncompliance. The permittee shall give advance notice to the Director of any planned changes in or other circumstances regarding a facility which may result in noncompliance with permit requirements.

3. Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished as provided by applicable state and federal law.

4. Transfers. The permit is not transferable to any person except by modification or revocation and re-issuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the AWPCA or FWPCA. The Director may require the submittal of a complete permit application by the new operator and may issue a new permit or the Director may, in the case of a change in operator where no significant change in operations has occurred that would affect compliance with the NPDES permit, where no additional discharges would be added that would require coverage by an NPDES permit and where no additional requirements

under the AWPCA or FWPCA are necessary, accomplish transfer of the NPDES permit by the following procedure:

(i) The current permittee and the prospective permittee shall apply for a transfer of the permit at least thirty days in advance of the change in operator.

(ii) This application shall include a written agreement between the existing and new permittees containing the specific date for transfer of permit responsibilities, coverage and liability. This application shall be witnessed and accompanied by the appropriate fee required under chapter 335-1-6.

5. Monitoring Reports.

(i) Monitoring results shall be summarized for each monitoring period on a Discharge Monitoring Report ~~form~~ (DMR). ~~approved by the Department~~ The DMR ~~and~~ shall be submitted so that the DMR is received by the ~~Department~~ Director no later than the ~~28th~~ twenty-eighth day of the month following the reporting period specified in the permit, unless otherwise expressed by the Director. DMRs shall be submitted electronically by the permittee to the Director in compliance with rules 335-6-1-.04 and 335-6-6-.09, with the exception of any period during which the permittee has been granted an electronic reporting waiver for such reports in accordance with paragraph 335-6-1-.04(6).

(ii) Except as allowed under subparagraph (l)5.(v) ~~below~~of this rule, monitoring reports shall be submitted with a frequency dependent on the nature and effect of the discharge, but in no case less than once per year, and as required by the NPDES permit.

(iii) If the permittee monitors any pollutant more frequently than required by the permit using EPA-approved test procedures in 40 CFR Part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

(iv) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean (zero discharge days shall not be used in these calculations) unless otherwise specified by the Director in the permit.

(v) Except for those storm water discharges associated with industrial activity that are subject to an effluent limitation guideline under applicable Federal Regulations, requirements to report results of storm water discharge monitoring shall be established on a case-by-case basis with a frequency dependent on the nature and effect of the discharge. At a minimum, a permit for such a discharge must require:

(I) The discharger to conduct an annual inspection of the facility site to identify areas contributing to a storm water discharge associated with industrial activity and evaluate whether measures to reduce pollutant loadings

identified in a best management practices plan are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed;

(II) The discharger to maintain a record for a period of three years a record summarizing the results of the inspection and a certification that the facility is in compliance with the plan and the permit, and identifying any incidents of non-compliance;

(III) Such report and certification to be signed by a person meeting the requirements of paragraph 335-6-6-.09(1);

(IV) Permits for storm water discharges associated with industrial activity from inactive mining operations may, where annual inspections are impracticable, require certification once every three years by a Registered Professional Engineer licensed to practice in the State of Alabama that the facility is in compliance with the permit, or alternative requirements; and

(V) Permits which do not require submittal of monitoring result reports at least annually shall require that the permittee report all instances of noncompliance, not required to be reported by this chapter, at least annually.

6. Noncompliance Reporting.

(i) Twenty-four Hour Reporting. The permittee shall report to the Director, within ~~24~~ twenty-four hours of becoming aware of the noncompliance, any noncompliance which may endanger health or the environment. This shall include, but not be limited to, the following circumstances:

(I) Violation of a discharge limitation for any pollutants identified in the permit to be reported within ~~24~~ twenty-four hours;

(II) A discharge which threatens human health or welfare, fish or aquatic life, or water quality standards;

(III) A discharge which does not comply with an applicable toxic pollutant effluent standard or prohibition established under Section 307(a) of the FWPCA;

(IV) A discharge which contains a quantity of a hazardous substance which has been determined may be harmful to the public health or welfare under Section 311(b)(4) of the FWPCA; and

(V) A direct or indirect unpermitted discharge of a pollutant to a water of the state, regardless of the cause of the discharge. This requirement shall not apply to spills or releases that are properly

reported to the Department under any other state or federal requirement, if the report is made in accordance with the other requirement.

(ii) In addition to the ~~oral~~ report required by subparagraph 335-6-6-.12(l)6.(i), the permittee shall submit a ~~written submission~~ report shall also be submitted to the Director no later than five days after becoming aware of the circumstances identified in subparagraph 335-6-6-.12(l)6.(i) ~~above~~. The report shall contain the applicable information required by subparagraph 335-6-6-.12(l)6.(iv) and shall be submitted in a format approved by the Director. Beginning December 21, 2020, all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events submitted pursuant to this subparagraph shall be submitted electronically[ESK1] in compliance with rules 335-6-1-.04 and 335-6-6-.09, with the exception of any period during which the permittee has been granted an electronic reporting waiver for such reports in accordance with paragraph 335-6-1-.04(6).

(iii) The permittee shall report all instances of noncompliance not reported under subparagraphs 335-6-6.12(l)6.(i) and (ii) at the time monitoring reports are submitted.

(iv) Written reports required by subparagraph 335-6-6-.12(l)6.(ii) or (iii) shall include the following information:

(I) Description of the noncompliance and its cause;

(II) Period of noncompliance; including exact dates and times, or, if not corrected, the anticipated time it is expected to continue;

(III) Description of the steps taken ~~and/~~or ~~being taken~~planned to reduce or eliminate the noncompliance and to prevent its recurrence; and

(IV) For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, the reports shall include:

I. Type of event (i.e. combined sewer overflow, sanitary sewer overflow, or bypass event);

II. Type of sewer overflow structure (e.g., manhole, combine sewer overflow outfall);

III. Discharge volume untreated by the treatment works treating domestic sewage;

IV. Type(s) of human health and environmental impacts of the event; and

V. Whether the noncompliance was related to wet weather.

(v) Immediate notification. The permittee shall report to the Director, the public, the county health department, and any other affected entity such as

public water systems, as soon as possible upon becoming aware of any notifiable sanitary sewer overflow.

(m) Bypass.

1. Bypass Not Exceeding Limitations. The permittee may allow any bypass to occur which does not cause discharge limitations to be exceeded and which enters the same receiving water as the permitted outfall but only if it also is for essential maintenance to assure efficient operation of the waste treatment facility. The permittee shall monitor the bypassed wastewater at a frequency, at least daily, sufficient to prove compliance with permit discharge limitations. These bypasses are not subject to the provisions of subparagraph 335-6-6-.12(m)3.

2. Notice.

(i) Anticipated Bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the ~~Department~~Director, if possible at least ten days before the date of the bypass. Beginning December 21, 2020, all notices submitted pursuant to this subparagraph shall be submitted electronically in compliance with rules 335-6-1-.04 and 335-6-6-.09, with the exception of any period during which the permittee has been granted an electronic reporting waiver for such notices in accordance with paragraph 335-6-1-.04(6).

(ii) Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass as required in subparagraph 335-6-6-.12(l)6. Beginning December 21, 2020, all notices submitted pursuant to this subparagraph shall be submitted electronically in compliance with rules 335-6-1-.04 and 335-6-6-.09, with the exception of any period during which the permittee has been granted an electronic reporting waiver for such notices in accordance with paragraph 335-6-1-.04(6).

3. Prohibition of Bypass.

(i) Bypass is prohibited and the Director may take enforcement action against a permittee for bypass, unless:

(I) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(II) There were no feasible alternatives to the bypass, such as the use of auxiliary waste treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(III) The permittee submitted notices as required under subparagraph 335-6-6-.12(m)2. and the bypass was approved by the Director.

(ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the conditions listed above in subparagraph 335-6-6-.12(m)3.

(n) Upset.

1. Effect of an Upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit limitations if the requirements of subparagraph 335-6-6-.12(n)2. are met.

2. Conditions Necessary for Demonstration of an Upset. A permittee who wishes to establish the affirmative defense of an upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and that the permittee can identify the specific cause(s) of the upset;

(ii) The wastewater treatment facility was at the time being properly operated;

(iii) The permittee submitted notice of the upset as required in subparagraph 335-6-6-.12(l)6.; and

(iv) The permittee complied with any remedial measures required under paragraph 335-6-6-.12(d).

3. Burden of Proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

(o) New, reissued, modified or revoked and reissued permits shall incorporate all applicable requirements of rule 335-6-6-.12 and rule 335-6-6-.13.

(p) An NPDES permit issued for a "new discharger" or "new source" shall expire eighteen months after issuance if "construction" has not begun during the eighteen-month period.

(q) That portion of an NPDES permit authorizing the discharge of increased quantities of pollutants to accommodate the modification of an existing facility shall expire if "construction" of the modification has not begun within eighteen months after issuance of the NPDES permit or modification of the NPDES permit to allow the discharge of increased quantities of pollutants.

(r) The permittee shall provide spill prevention, control and/or management for any stored pollutant(s) that may, if spilled, be reasonably expected to enter a water of the state or the collection system for a publicly or privately owned treatment works. Any containment system used for spill control

and management shall be constructed of materials compatible with the substance(s) stored and of materials which shall prevent the pollution of groundwater and shall be capable of retaining 110 percent of the volume of the largest container of pollutants for which the containment system is provided.

Author: John Poole, Ed Hughes, Christy Monk.
Statutory Authority: Code of Alabama 1975, § 22-22-9, § 22-22-14, § 22-22A-5.
History: October 19, 1979.
Amended: January 24, 1989; April 29, 1991; July 12, 1995; August 1, 2002; September 29, 2015; XXXX XX, 2017.

335-6-6-.23 General Permits.

(1) Category. A general permit may be written to regulate:

(a) Storm water discharges or

(b) A category of discharges that all:

1. Involve the same or substantially similar types of discharges;

2. Discharge the same types of pollutants;

3. Require the same effluent limitations or operating conditions;

4. Require the same or similar monitoring; and

5. In the opinion of the Director are more appropriately controlled under a general permit than under individual permits.

(2) Prohibitions.

(a) A discharger, classified as a major discharger by EPA, shall not receive coverage under a general permit. The identity of major dischargers may be obtained from EPA or the Department.

(b) A discharger, not in compliance with Department rules applicable to its wastewater discharges or not in compliance with an individual NPDES permit applicable to the discharge in question, shall not receive coverage under a general permit.

(3) Area. A general permit shall be written to cover a category of discharges described in the permit, within a geographical area. The area shall correspond to existing geographic or political boundaries, such as:

(a) Designated planning areas under Sections 208 and 303 of the CWA;

(b) Sewer districts or sewer authorities;

(c) City, county, or state political boundaries;

(d) State highway systems;

(e) Standard metropolitan statistical areas as defined by the Office of Management and Budget;

(f) Urbanized areas as designated by the Bureau of the Census; or

(g) Any other appropriate division or combination of boundaries.

(4) Applications.

(a) Any interested party may make application to the Director requesting the issuance or modification of a general permit. The Director may deny the application: if he determines that application does not meet the criteria set forth in this rule for the issuance of a general permit; if the application does not contain sufficient information upon which to make a decision; or if he determines that the issuance of a general permit for the discharges addressed by the application is prohibited by this rule or other applicable state or federal laws or rules. If the Director accepts the application, a general permit addressing the discharges described by the petition shall be developed and proposed in accordance with this rule.

(b) The Director may, on his own initiative, develop and propose for issuance a general permit for a category of wastewater dischargers meeting the criteria of this rule.

(5) Provisions and Limitations.

(a) With the exception of those provisions identified in subparagraph 335-6-6-.23(4)(b), the requirements of rules 335-6-6-.02, 335-6-6-.07, 335-6-6-.10, 335-6-6-.11, 335-6-6-.12, 335-6-6-.13, 335-6-6-.14, 335-6-6-.15 and 335-6-6-.16 concerning permit provisions and determination of permit limitations shall apply to general permits. Provisions implementing all applicable requirements of these rules shall be incorporated into each general permit, and permit limitations, determined in accordance with all applicable requirements of these rules, shall be incorporated into each general permit. In addition to the above listed requirements, any requirement of 40 CFR ~~Section~~ §122.28(b) (~~1994~~2016) shall apply to general permits.

(b) The following requirements of rules 335-6-6-.12, 335-6-6-.13, and 335-6-6-.14 shall not apply to general permits:

1. Paragraph 335-6-6-.12(b);

2. Paragraph 335-6-6-.12(f);

3. Subparagraph 335-6-6-.12(l)1.;

4. Paragraph 335-6-6-.12(p);

5. Paragraph 335-6-6-.12(q);

6. Paragraph 335-6-6-.13(b); and

7. Subparagraph 335-6-6-.14(3)(j).

(c) Each general permit shall contain provisions implementing the requirements under paragraphs 335-6-6-.23(14) and (15).

(d) Each general permit may specify the appropriate public notice procedures required to be followed by each discharger prior to the coverage of any discharge under the general permit. Notice by individual dischargers shall not be required in instances where the Department can notice the dischargers with notice of the permit. For instance during renewal of a permit, those dischargers already covered may be noticed with the permit.

(e) The monitoring requirements of each general permit shall be in accordance with the requirements for individual permits referenced by this rule and shall be consistent with the requirements of 40 CFR Sections 122.42, 122.44, and 122.48 (1994).

(6) Compliance Schedules. A general permit may, when appropriate, specify a schedule of compliance leading to compliance with the FWPCA and the AWPCA. General permit compliance schedules shall comply with the requirements of rule 335-6-6-.16 and all dischargers covered under the general permit shall be subject to the same compliance schedule.

(7) Modification, Revocation and Reissuance, ~~and~~ Termination of General Permits, and Termination of Coverage under Permits.

(a) Subject to the public notice procedures of rule 335-6-6-.21, the Director may modify or revoke and reissue any general permit during its term for cause including, but not limited to, the causes listed below:

1. When the Director receives any information that was not available at the time of permit issuance and that would have justified the application of different permit conditions at the time of issuance,

2. When the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued,

3. Upon failure of the state to notify, as required by Section 402(b)(3) of the FWPCA, another state whose waters may be affected by a discharge,

4. When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology based treatment requirements appropriate to the discharge under 40 CFR 125.3(c) (1994),

5. To correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions,

6. When the permit limitations are found not to be protective of water quality standards, or

7. For any applicable cause set forth in 40 CFR ~~Sections~~ §§ 122.61, 122.62, 122.63, ~~and~~ or 122.64 (1994).

(b) Subject to the public notice procedures of rule 335-6-6-.21, the Director may terminate any general permit during its term for any of the causes for modification listed in subparagraph 335-6-6-.23(7)(a).

(c) The Director may terminate coverage of a discharge under a general permit for cause. Cause shall include, but not be limited to: noncompliance with the permit; noncompliance with Department rules; or a finding that the general permit does not control the wastewater discharge sufficiently to protect water quality or comply with treatment based limits applicable to the discharge.

(d) Any person covered by a general permit may apply for termination of coverage by applying for an individual NPDES permit or by submitting a Notice of Termination (NOT), provided the criteria for termination specified in the general permit are met. Beginning December 21, 2020, Notices of Termination submitted pursuant to this rule shall be submitted electronically to the Director in compliance with the relevant requirements of rule 335-3-6-1-.04, with the exception of any period during which the permittee has been granted an electronic reporting waiver for Notices of Termination in accordance with paragraph 335-6-1-.04(6).

(e) Termination of coverage by a general permit shall be processed consistent with the rules of this chapter applicable to individual NPDES permits except a public notice period is not required for termination of coverage requested by the permittee, and a public notice is not required for termination if a public notice for coverage authorized by the Department is not required by the general permit.

(8) When an individual NPDES Permit is issued for a discharge otherwise subject to a general permit, the applicability of the general permit to that discharge is automatically terminated on the effective date of the individual permit.

(9) Issuance of an Individual NPDES Permit to a Person Eligible for Coverage or Covered by a General Permit.

(a) The Director may require any person with any discharges, otherwise eligible for coverage under a general permit, to apply for an individual NPDES Permit for any or all of the discharges at that facility by notifying that person that an application is required. Notification shall consist of a written description of the reason(s) for the decision, appropriate permit application forms and directions, a statement establishing the required date for submission of the application, and a statement informing the person that upon issuance of the individual permit coverage by the general permit for the applicable discharges shall automatically terminate. Reasons for requiring application for an individual permit may be:

1. Noncompliance with the general permit,

2. Noncompliance with Department rules,

3. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the wastewater being discharged,

4. Effluent guidelines are promulgated for a point source(s) covered by the general permit,

5. A Water Quality Management Plan applicable to the wastewater being discharged under the general permit,

6. Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under the general permit or either a temporary reduction or permanent reduction or elimination of the authorized discharge is necessary,

7. Standards for sewage sludge use or disposal have been promulgated for the sludge use or disposal practice covered by the general permit,

8. The discharge(s) is a significant contributor of pollutants. In making this decision the Director may consider:

(i) The location of the waters with respect to waters of the state,

(ii) The size of the discharge,

(iii) The quantity and nature of the pollutants discharged to waters of the state, and

9. A determination that the water of the state receiving the discharge is not meeting applicable water quality standards.

~~(b) Any person covered by a general permit may apply for termination of coverage by applying for an individual NPDES permit.~~

~~(c) Termination of coverage by a general permit shall be processed consistent with the rules found in this chapter applicable to individual NPDES Permits except a public notice period shall not be required for termination of coverage requested by the permittee, and a public notice shall not be required for termination if a public notice for coverage authorized by the Department is not required by the general permit.~~

(~~d~~b) Any person may petition the Director for withdrawal of general permit coverage from a discharger. The Director shall consider the information submitted by the petitioner and any other information he may be aware of and may obtain additional information from the discharger and through inspections by Department staff and shall decide if coverage should be withdrawn. The petitioner shall be informed of the Director's decision and shall be provided a summary of the information considered.

(10) Enforcement. Any general permit issued or reissued by the Department is a permit for the purposes of the AWPCA and the FWPCA, and any terms, conditions, or limitations of the permit are enforceable under state and federal law and as described under rule 335-6-6-.18.

(11) Permit Development. When the Department is satisfied that a general permit should be issued it shall develop a draft general permit in accordance with the procedures under rule 335-6-6-.19.

(12) Fact Sheets. A fact sheet shall be prepared for each draft general permit and shall be available to the public upon request. The fact sheet shall include, when applicable:

(a) A brief description of the category(s) of dischargers to be permitted by the general permit;

(b) A description of the geographic area to covered by the general permit; and

(c) The information required under rule 335-6-6-.20 to be included in fact sheets.

(13) Public Notice Requirements. Public notice of the Department's tentative decision to issue a general permit shall be accomplished in accordance with the requirements under rule 335-6-6-.21.

(14) EPA Review. Concurrent with issuance of public notice, the Department shall submit the draft general permit and fact sheet to EPA for review. EPA shall be allowed a review period of 90 days and a general permit shall not be issued over the specific written objection of the EPA.

(15) Notice of Intent.

(a) General permits shall specify the deadlines for submitting notices of intent to be covered and the date(s) when a discharger is authorized to discharge under the permit.

(b) General permits shall specify whether a discharger that has submitted a complete and timely notice of intent to be covered in accordance with the general permit and that is eligible for coverage under the permit, is authorized to discharge, in accordance with the permit either upon receipt of the notice of intent by the Director, after a waiting period specified in the general permit, on a date specified in the general permit, or upon acknowledgment of the notice of intent by the Director.

(c) Discharges other than discharges from publicly owned treatment works, combined sewer overflows, municipal separate storm sewer systems, primary industrial facilities, and storm water discharges associated with industrial activity, may, at the discretion of the Director,

be authorized to discharge under a general permit without submitting a notice of intent where the Director finds that a notice of intent requirement would be inappropriate. In making such a finding, the Director shall consider: the type of discharge; the expected nature of the discharge; the potential for toxic and conventional pollutants in the discharges; the expected volume of the discharges; other means of identifying discharges covered by the permit; and the estimated number of discharges to be covered by the permit. The Director shall provide in the public notice of the general permit the reasons for not requiring a notice of intent.

(d) A notice of intent shall include:

1. A description of the processes generating the wastewater for which coverage is desired, which description shall be in sufficient detail to allow the Department to determine that the wastewater discharge is included in the category permitted by the general permit;

2. The latitude and longitude of the discharge points for each wastewater discharge and the name of the waterbody receiving each wastewater discharge for which coverage under the general permit is desired;

3. A contact person, address and phone number for each location to be covered under the general permit; and

4. Any other information specified by the general permit.

(e) A notice of intent shall be signed by a person meeting the requirements for signatories to permit applications under rule 335-6-6-.09 and the person signing the notice of intent shall make the certification required for submission of documents under rule 335-6-6-.09.

(f) If required by a specific general permit, proof of public notice as required by the permit under which the applicant seeks to discharge must be submitted with the notice of intent.

(g) Beginning December 21, 2020, all Notices of Intent submitted in compliance with this rule shall be submitted electronically to the Department in compliance with the relevant requirements of rule 335-3-6-1-.04, with the exception of any period during which the permittee has been granted an electronic reporting waiver for Notices of Intent in accordance with paragraph 335-6-1-.04(6).

(16) Signatories to Reports. Discharge monitoring reports and any other submissions required by a general permit shall be signed in accordance with the requirements of rule 335-6-6-.09.

(17) Duration of General Permits.

(a) General permits shall not be issued for a term longer than five years unless a longer term is allowed by 40 CFR Part 122 and is approved by

the Director. The term of the permit does not mean that coverage for a discharger is for five years; coverage for a discharger, which begins after the effective date of the permit, shall be determined by the Director or his designee and can be for the remaining term of the general permit.

(b) Should a general permit expire prior to reissuance, the permit shall be extended administratively until the Department can complete reissuance of the permit.

(c) Should a general permit expire and the Director decide not to reissue the permit, the Director shall notify each discharger permitted by the general permit to submit an individual permit application and shall give the discharger at least 90 days to submit the application. The general permit shall be extended until the Department completes the permit decision process for individual NPDES permits for all persons covered under the general permit and who have submitted applications for an individual permit within the time period required by the Director.

(d) Should the Director revoke or terminate a general permit, the Director shall notify each discharger permitted by the general permit to submit an individual permit application and shall give the discharger at least 90 days to submit the application. The effective date of the action shall be the date on which the Department completes the permit decision process for individual NPDES permits for all persons covered under the general permit and who have submitted applications for an individual permit within the time period required by the Director.

Author: John Poole, Ed Hughes, Richard Hulcher, Christy Monk.
Statutory Authority: Code of Alabama 1975, §§ 22-22-1 to 22-22-14 and §§ 22-22A-1 to 22-22A-16.
History: April 29, 1991.
Amended: July 12, 1995; August 1, 2002; August 3, 2010; September 29, 2015; XXXX XX, 2017.

Attachment 5

ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-6 of the Department's Water Division's Water Quality Program Rules and Regulations in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

WHEREAS, a public hearing was held before a representative of the Alabama Department of Environmental Management designated by the Environmental Management Commission for the purpose of receiving data, views and arguments on the amendment of such proposed rules; and

WHEREAS, the Alabama Department of Environmental Management has reviewed the oral and written submissions introduced into the hearing record, and has prepared a concise statement of the principal reasons for and against the adoption of the proposed rules incorporating therein its reasons for the adoption of certain revisions to the proposed rules in response to oral and written submissions, such revisions, where appropriate, having been incorporated into the proposed rules attached hereto; and

WHEREAS, the Environmental Management Commission has considered fully all oral and written submissions respecting the proposed amendments and the Reconciliation Statement prepared by the Alabama Department of Environmental Management.

NOW THEREFORE, pursuant to Ala. Code. §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code. § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-6 [335-6-10-.02/Definitions (Amend); 335-6-10-.05/General Conditions Applicable to All Water Quality Criteria (Amend); 335-6-10-.07/Toxic Pollutant Criteria Applicable to State Waters (Amend); 335-6-10-.08/Waste Treatment Requirements (Amend); 335-6-10-.09/Specific

ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION

Water Quality Criteria (Amend) 335-6-10-.11/Water Quality Criteria Applicable to Specific Lakes (Amend); 335-6-10-.12/Implementation of the Antidegradation Policy (Amend); 335-6-11-.01/The Use Classification System (Amend); 335-6-11-.02/Use Classifications (Amend);] of the Department's Water Division – Water Supply Program rules, administrative code attached hereto, to become effective forty-five days, unless otherwise indicated, after filing with the Alabama Legislative Reference Service.

ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION

ADEM Admin. Code division 335-6 – Water Quality Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 16th day of December 2016.

APPROVED:

DISAPPROVED:

ABSTAINED:

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 16th day of December 2016.

H. Lanier Brown, II, Chair
Environmental Management Commission
Certified this 16th day of December 2016

335-6-10-.02 Definitions.

(1) "Coastal Waters" means those waters, adjacent to the shoreline, and lying seaward of the continuous 10 foot contour extending seaward to the outer limit of the United States territorial sea which contain a measureable quantity or percentage of sea water, including but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries .

(~~2~~1) "Commission" means the Environmental Management Commission, established by the Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 to 22-22A-16.

(~~2~~3) "Department" means the Alabama Department of Environmental Management, established by the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 to 22-22A-16.

(~~3~~4) "Existing Uses" means those legitimate beneficial uses of a water body attained in fact on or after November 28, 1975, whether or not they are included as classified uses in ADEM Administrative Code rule 335-6-11-.02.

(~~4~~5) "Industrial Waste" means liquid or other wastes resulting from any process of industry, manufacture, trade or business or from the development of natural resources.

(~~5~~6) "NPDES" means National Pollutant Discharge Elimination System.

(~~6~~7) "Other Wastes" means all other substances, whether liquid, gaseous or solid, from all other sources including, but not limited to, any vessels, or other conveyances traveling or using the waters of this State, except industrial wastes or sewage, which may cause pollution of any waters of the State.

(~~7~~8) "Pollutant" includes but is not limited to dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. Pollutant does not mean (a) sewage from vessels; or (b) water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State, and if the Department determines that such injection or disposal will not result in the degradation of ground or surface water resources.

(~~8~~9) "Pollution" means the discharge of a pollutant or combination of pollutants.

(~~9~~10) "Sewage" means water-carried human wastes from residences, buildings, industrial establishments or other places including, but not limited to,

any vessels, or other conveyances traveling or using the waters of this State, together with such ground, surface, storm or other waters as may be present.

(~~10~~11) "State Waters" or "Waters of the State" means all waters of any river, stream, watercourse, pond, lake, coastal, or surface water, wholly or partially within the State, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce.

Author: James E. McIndoe; Chris L. Johnson.
Statutory Authority: Code of Alabama 1975, §§ 22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
History: May 5, 1967. **Amended:** June 19, 1967; July 17, 1972; February 26, 1973; May 30, 1977; December 19, 1977; February 4, 1981; March 2, 1990; April 3, 1991; XXXXXX, 2017.

335-6-10-.05 General Conditions Applicable to All Water Quality Criteria.

(1) The quality of any waters receiving sewage, industrial wastes or other wastes, regardless of their use, shall be such as will not cause the best usage of any other waters to be adversely affected by such sewage, industrial wastes or other wastes.

(2) Tests or analytical procedures to determine compliance or noncompliance with water quality criteria shall be in accordance with the methods specified in 40 CFR 136.3 (2003). Where other tests or analytical procedures are found to be more applicable and satisfactory, these may be used upon acceptance and approval by the Department.

(3) In making any tests or analytical determinations to determine compliance or noncompliance with water quality criteria, samples shall be collected in such manner and at such locations approved by a duly authorized representative of the Department as being representative of the receiving waters after reasonable opportunity for dilution and mixture with the wastes discharged thereto. Mixing zones, i.e., that portion of the receiving waters where mixture of effluents and natural waters take place, shall not preclude passage of free-swimming and drifting aquatic organisms to the extent that their populations are significantly affected.

(4) Natural waters may, on occasion, have characteristics outside of the limits established by these criteria. The criteria contained herein relate to the condition of waters as affected by the discharge of sewage, industrial wastes or other wastes, not to conditions resulting from natural forces.

(5) All waters, where attainable, shall be suitable for recreation in and on the waters during the months of ~~June~~ May through ~~September~~ October except that recreational use is not recommended in the vicinity of discharges or other conditions which the Department or the Department of Public Health does not control.

(6) Where necessary to attain compliance with a new water quality standard, existing permits for the discharge of wastewaters shall be modified or reissued to limit the discharge of a substance causing or contributing to the failure of a water of the state to meet the new standard. Compliance with the modified limit shall be required as soon as practical, but in all cases within three years of the adoption of the new standard.

Author: James E. McIndoe; Chris L. Johnson.
Statutory Authority: Code of Alabama 1975, §§ 22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
History: May 5, 1967. **Amended:** June 19, 1967; July 17, 1972; February 26, 1973; May 30, 1977; December 19, 1977; February 4, 1981; March 2, 1990; April 3, 1991; January 14, 2005; XXXXXX, 2017.

335-6-10-.07 Toxic Pollutant Criteria Applicable to State Waters.

(1) The U.-S. Environmental Protection Agency has listed the chemical constituents given in Table 1 as toxic pollutants pursuant to Section 307(a)(1) of the Federal Water Pollution Control Act (FWPCA). Concentrations of these toxic pollutants in State waters shall not exceed the criteria indicated in Table 1 to the extent commensurate with the designated usage of such waters.

(a) The freshwater and marine aquatic life criteria for certain pollutants are dependent on hardness or pH. For these pollutants, the criteria are given by the following equations. In the hardness-dependent equations for metals, a conversion factor converts the total recoverable value to a criterion expressed as the dissolved fraction in the water column. All numeric values listed for metals in Table 1 at the end of this chapter are expressed as dissolved metals unless otherwise noted.

1. Cadmium

(i) freshwater acute aquatic life:

$$\text{conc. } (\mu g/l) = (e^{(1.0166[\ln(\text{hardness in mg/l as } CaCO_3)]-3.924)})(CF); \quad \textbf{(Eq. 1)}$$

$$\text{conversion factor (CF)} = 1.136672-[\ln(\text{hardness})(0.041838)]$$

(ii) freshwater chronic aquatic life:

$$\text{conc. } (\mu g/l) = (e^{(0.7409[\ln(\text{hardness in mg/l as } CaCO_3)]-4.719)})(CF); \quad \textbf{(Eq. 2)}$$

$$\text{conversion factor (CF)} = 1.101672-[\ln(\text{hardness})(0.041838)]$$

2. Chromium (trivalent)

(i) freshwater acute aquatic life:

$$\text{conc. } (\mu g/l) = (e^{(0.8190[\ln(\text{hardness in mg/l as } CaCO_3)]+3.7256)})(CF); \quad \textbf{(Eq. 3)}$$

$$\text{conversion factor (CF)} = 0.316$$

(ii) freshwater chronic aquatic life:

$$\text{conc. } (\mu g/l) = (e^{(0.8190[\ln(\text{hardness in mg/l as } CaCO_3)]+0.6848)})(CF); \quad \textbf{(Eq. 4)}$$

$$\text{conversion factor (CF)} = 0.860$$

3. Copper

(i) freshwater acute aquatic life:

$$\text{conc. } (\mu g/l) = (e^{(0.9422[\ln(\text{hardness in mg/l as } CaCO_3)]-1.700)})(CF); \quad \textbf{(Eq. 5)}$$

$$\text{conversion factor (CF)} = 0.960$$

(ii) freshwater chronic aquatic life:

conc. (µg/l) = $(e^{(0.8545[\ln(\text{hardness in mg/l as } CaCO_3)]-1.702)})(CF)$; **(Eq. 6)**

conversion factor (CF) = 0.960

4. Lead

(i) freshwater acute aquatic life:

conc. (µg/l) = $(e^{(1.273[\ln(\text{hardness in mg/l as } CaCO_3)]-1.460)})(CF)$; **(Eq. 7)**

conversion factor (CF) = 1.46203-[ln(hardness)(0.145712)]

(ii) freshwater chronic aquatic life:

conc. (µg/l) = $(e^{(1.273[\ln(\text{hardness in mg/l as } CaCO_3)]-4.705)})(CF)$; **(Eq. 8)**

conversion factor (CF) = 1.46203-[ln(hardness)(0.145712)]

5. Nickel

(i) freshwater acute aquatic life:

conc. (µg/l) = $(e^{(0.8460[\ln(\text{hardness in mg/l as } CaCO_3)]+2.255)})(CF)$; **(Eq. 9)**

conversion factor (CF) = 0.998

(ii) freshwater chronic aquatic life:

conc. (µg/l) = $(e^{(0.8460[\ln(\text{hardness in mg/l as } CaCO_3)]+0.0584)})(CF)$; **(Eq. 10)**

conversion factor (CF) = 0.997

6. Pentachlorophenol

(i) freshwater acute aquatic life:

conc. (µg/l) = $e^{[1.005(pH)-4.869]}$ **(Eq. 11)**

(ii) freshwater chronic aquatic life:

conc. (µg/l) = $e^{[1.005(pH)-5.134]}$ **(Eq. 12)**

7. Silver

(i) freshwater acute aquatic life:

conc. (µg/l) = $(e^{[1.72[\ln(\text{hardness in mg/l as } CaCO_3)]-6.59)})(CF)$; **(Eq. 13)**

conversion factor (CF) = 0.85

8. Zinc

(i) freshwater acute aquatic life:

conc. (µg/l) = $(e^{(0.8473[\ln(\text{hardness in mg/l as } CaCO_3)]+0.884)})(CF)$; **(Eq. 14)**

conversion factor (CF) = 0.978

(ii) freshwater chronic aquatic life:

conc. (µg/l) = $(e^{(0.8473[\ln(\text{hardness in mg/l as } CaCO_3)]+0.884)})(CF)$; **(Eq. 15)**

conversion factor (CF) = 0.986

(b) The marine aquatic life criteria apply only to ~~interstate and~~ coastal waters of the Escatawpa River Basin, coastal waters of the Mobile River - Mobile Bay Basin, and ~~interstate and~~ coastal waters of the Perdido River Basin, as identified in rule 335-6-11-.02 of the Department's regulations. The acute aquatic life criteria apply to all waters of the State. The chronic aquatic life criteria apply only to waters classified Outstanding Alabama Water, Public Water Supply, Swimming and Other Whole Body Water-Contact Sports, Shellfish Harvesting, Fish and Wildlife, and Limited Warmwater Fishery, as identified in rule 335-6-11-.02 of the Department's regulations.

(c) For the purpose of establishing effluent limitations pursuant to chapter 335-6-6 of the Department's regulations, the minimum 7-day low flow that occurs once in 10 years ($7Q_{10}$) shall be the basis for applying the chronic aquatic life criteria, except as noted in rule 335-6-10-.09(6), and the minimum 1-day low flow that occurs once in 10 years ($1Q_{10}$) shall be the basis for applying the acute aquatic life criteria, except as noted in rule 335-6-10-.09(7)(c)(5). Where a permit specifies a minimum flow greater than $7Q_{10}$, the specified minimum flow may be used as the basis for applying the acute and chronic aquatic life criteria for that permit.

(d) Except as noted in Table 1, two human health criteria are provided for each pollutant--a criterion for consumption of water and fish, and a criterion for consumption of fish only. For certain pollutants, the human health criterion for consumption of water and fish may represent a maximum contaminant level (MCL) developed under the Safe Drinking Water Act.

1. For pollutants classified by the U.S. Environmental Protection Agency as non-carcinogens, the criteria shall be given by the following equations, except where numeric values are given in Table 1.

(i) Consumption of water and fish:

conc. (mg/l) = $(HBW \times RfD \times RSC)/[(FCR \times BCF) + WCR]$ **(Eq. 16)**

(ii) Consumption of fish only:

conc. (mg/l) = $(HBW \times RfD \times RSC)/(FCR \times BCF)$ **(Eq. 17)**

where (in Equations 16 and 17):

HBW = human body weight, set at 70 kg

RfD = reference dose, in mg/(kg-day)

RSC = relative source contribution

FCR = fish consumption rate, set at 0.030 kg/day

BCF = bioconcentration factor, in l/kg

WCR = water consumption rate, set at 2 l/day

(iii) The values used for the reference dose (RfD) shall be values available through the U.S. Environmental Protection Agency's Integrated Risk Information System (IRIS), and values used for the bioconcentration factor (BCF) and relative source contribution (RSC) shall be values contained in ambient water quality criteria documents published by the U.S. Environmental Protection Agency, except where other values are established pursuant to subparagraph (1)(g). The RfD, RSC, and BCF values for specific pollutants are provided in Appendix A.

2. For pollutants classified by the U.S. Environmental Protection Agency as carcinogens, the criteria shall be given by the following equations, except where numeric values are given in Table 1.

(i) Consumption of water and fish:

conc. (mg/l) = (HBW x RL)/(CPF x [(FCR x BCF) + WCR]) **(Eq. 18)**

(ii) Consumption of fish only:

conc. (mg/l) = (HBW x RL)/(CPF x FCR x BCF) **(Eq. 19)**

where (in Equations 18 and 19):

HBW = human body weight, set at 70 kg

RL = risk level, set at 1×10^{-6} (except for arsenic which is set at 1×10^{-5})

CPF = cancer potency factor, in (kg-day)/mg

FCR = fish consumption rate, set at 0.030 kg/day

BCF = bioconcentration factor, in l/kg

WCR = water consumption rate, set at 2 l/day

(iii) The values used for the cancer potency factor (CPF) shall be values available through the U.S. Environmental Protection Agency's Integrated Risk Information System (IRIS), and values used for the bioconcentration factor (BCF) shall be values contained in ambient water quality criteria documents published by the U.S. Environmental Protection Agency, except where other values are established pursuant to subparagraph (1)(g). The CPF and BCF values for specific pollutants are provided in Appendix A.

(e) The criteria given in Table 1 for consumption of water and fish, or computed from equation 16 or equation 18 for consumption of water and fish, shall apply only to those waters of the State classified Public Water Supply, as identified in rule 335-6-11-.02 of the Department's regulations. The criteria given in Table 1 for consumption of fish only, or computed from equation 17 or equation 19 for consumption of fish only, shall apply to all waters of the State.

(f) For the purposes of establishing effluent limitations pursuant to chapter 335-6-6 of the Department's regulations, the minimum 7-day low flow that occurs once in 10 years ($7Q_{10}$) shall be the basis for applying the human health criteria for pollutants classified as non-carcinogens, and the mean annual flow shall be the basis for applying the human health criteria for pollutants classified as carcinogens; except that where a permit specifies a minimum flow greater than $7Q_{10}$, the specified minimum flow may be used as the basis for applying the human health criteria for pollutants classified as non-carcinogens for that permit.

(g) Numeric criteria may be computed by the Department from equations 16, 17, 18, and 19 using values for the reference dose (RfD), relative source contribution (RSC), cancer potency factor (CPF), and bioconcentration factor (BCF) determined by the Department in consultation with the ~~State~~ Alabama Department of Public Health after review of information available from sources other than the U.S. Environmental Protection Agency's Integrated Risk Information System (IRIS) or ambient water quality criteria documents. Such criteria, or the RfD, RSC, CPF, and BCF values used to compute criteria, shall not be effective until adopted following established rulemaking procedures.

Author: James E. McIndoe; Chris L. Johnson.
Statutory Authority: Code of Alabama 1975, §§ 22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
History: March 2, 1990. **Amended:** April 3, 1991; May 28, 1992; August 29, 1994; May 30, 1997; September 7, 2000; January 12, 2001; January 14, 2005; September 21, 2005; May 29, 2007; May 27, 2008; November 25, 2008; April 1, 2014; XXXXXX, 2017.

335-6-10-.08 Waste Treatment Requirements. The following treatment requirements apply to all industrial waste discharges, sewage treatment plants, and combined waste treatment plants:

(a) As a minimum, secondary treatment, "equivalent to secondary treatment", or alternate levels as provided for in rules and regulations promulgated by the U.S. Environmental Protection Agency at 40 CFR Part 133 (2013), shall be applied to all sanitary waste discharges. The term "secondary treatment" is applied to biologically degradable waste and is interpreted to mean a facility which at design flow is capable of removing substantially all floating and settleable solids and to achieve a minimum removal of 85 percent of both the 5-day biochemical oxygen demand and suspended solids which, in the case of municipal wastes, is generally considered to produce an effluent quality containing a BOD_5 concentration of 30 mg/l and a suspended solids concentration of 30 mg/l. ~~For municipal waste treatment facilities with effluent concentration limitations that are more stringent than secondary treatment, minimum removal of 85 percent of both the 5-day biochemical oxygen demand and suspended solids shall be at the Department's discretion.~~ Equivalent to secondary treatment and alternate levels shall be defined by the U.S. Environmental Protection Agency at 40 CFR Part 133 (2013). Disinfection, where necessary, will also be required. Waste treatment requirements also include those established under the provisions of Sections 301, 304, 306, and 307 of the Federal Water Pollution Control Act (FWPCA). In addition, the Department may require secondary treatment of biologically degradable industrial wastewaters when the application of guidelines published under federal law do not produce a similar reduction in the parameters of concern. In the application of this requirement, consideration will be given to efficiencies achieved through in-process improvements.

(b) In all cases, an analysis of water use and flow characteristics for the receiving stream shall be provided to determine the degree of treatment required. Where indicated by the analysis, a higher degree of treatment may be required.

(c) The minimum 7-day low flow that occurs once in 10 years shall be the basis for design criteria.

Author: James E. McIndoe; Lynn Sisk; Chris L. Johnson.
Statutory Authority: Code of Alabama 1975, §§ 22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
History: May 5, 1967. **Amended:** June 19, 1967; July 17, 1972; February 26, 1973; May 30, 1977; December 19, 1977; February 4, 1981; March 2, 1990; April 3, 1991; January 14, 2005; April 1, 2014; XXXXXX, 2017.

335-6-10-.09 Specific Water Quality Criteria.

(1) **OUTSTANDING ALABAMA WATER**

(a) Best usage of waters: activities consistent with the natural characteristics of the waters.

(b) Conditions related to best usage:

1. High quality waters that constitute an outstanding Alabama resource, such as waters of state parks and wildlife refuges and waters of exceptional recreational or ecological significance, may be considered for classification as an Outstanding Alabama Water (OAW).

(c) Specific criteria:

1. Sewage, industrial wastes, or other wastes:

(i) Existing point source discharges to an Outstanding Alabama Water shall be allowed; however, within three years of assignment of the OAW classification or at permit renewal, whichever is later, existing point sources shall be required to meet the effluent limitations specified for new point source discharges in subparagraph (ii) hereof.

(ii) New point source discharges or expansions of existing point source discharges shall not be allowed unless a thorough evaluation of all practicable treatment and disposal alternatives by the permit applicant has demonstrated to the satisfaction of the Department that there is no feasible alternative to discharge to the waters classified OAW. At a minimum, domestic wastewater discharges shall be required to meet monthly average effluent limitations of 15 mg/l biochemical oxygen demand (5-day), 3 mg/l ammonia nitrogen, and 6 mg/l dissolved oxygen, and shall be required to provide disinfection of the effluent. Non-domestic wastewater discharges shall be required to provide a comparably stringent level of treatment as determined by the Department.

(iii) Effluent limitations for new point source discharges or expansions of existing point source discharges to waters upstream of, or tributary to, waters classified OAW shall be established by the Department such that the impact of the discharge within the waters classified OAW is no greater than if the discharge occurred at the OAW boundary at the treatment levels specified in subparagraph (ii) hereof.

(iv) All NPDES permits shall contain toxics limits that will ensure compliance with all applicable water quality standards. Such limits shall be acute and chronic toxicity limits for individual toxic substances, whole effluent toxicity limits, or both. For permittees subject to whole effluent toxicity limitations, both acute and chronic testing will be required. Whole effluent acute toxicity will be demonstrated if the effluent causes more than 10 percent mortality of test organisms when tested at an effluent concentration of 100 percent. For permittees whose discharge will result in an in-stream waste concentration of 10

percent or more, whole effluent chronic toxicity limits will be based on an in-stream concentration of 100 percent; for permittees whose discharge will result in an in-stream waste concentration of less than 10 percent, whole effluent chronic toxicity limits will be based on the in-stream waste concentration.

(v) Nonpoint source discharges shall use best management practices adequate to protect water quality consistent with the Department's nonpoint source control program.

(vi) All NPDES permits and nonpoint sources shall incorporate or employ water pollution prevention or waste reduction measures as established by the Department.

2. pH: sewage, industrial wastes or other wastes shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.0, nor greater than 8.5. For salt waters and estuarine waters to which this classification is assigned, wastes as herein described shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.5, nor greater than 8.5.

3. Temperature:

(i) The maximum temperature in streams, lakes, and reservoirs, other than those in river basins listed in subparagraph (ii) hereof, shall not exceed 90 °F.

(ii) The maximum temperature in streams, lakes, and reservoirs in the Tennessee and Cahaba River Basins, and for that portion of the Tallapoosa River Basin from the tailrace of Thurlow Dam at Tallassee downstream to the junction of the Coosa and Tallapoosa Rivers which has been classified by the Alabama Department of Conservation and Natural Resources as supporting smallmouth bass, sauger, or walleye, shall not exceed 86 °F.

(iii) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 5 °F in streams, lakes, and reservoirs in non-coastal and non-estuarine areas.

(iv) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 4 °F in coastal or estuarine waters during the period October through May, nor shall the rise exceed 1.5 °F during the period June through September.

(v) In lakes and reservoirs there shall be no withdrawal from, nor discharge of heated waters to, the hypolimnion unless it can be shown that such discharge or withdrawal will be beneficial to water quality.

(vi) In all waters the normal daily and seasonal temperature variations that were present before the addition of artificial heat shall be maintained, and there shall be no thermal block to the migration of aquatic organisms.

(vii) Thermal permit limitations in NPDES permits may be less stringent than those required by subparagraphs (i) - (iv) hereof when a showing by the discharger has been made pursuant to Section 316 of the Federal Water Pollution Control Act (FWPCA), 33 U.S.C. § 1251 et seq. or pursuant to a study of an equal or more stringent nature required by the State of Alabama authorized by Title 22, Section 22-22-9(c), Code of Alabama 1975, that such limitations will assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife, in and on the body of water to which the discharge is made. Any such demonstration shall take into account the interaction of the thermal discharge component with other pollutants discharged.

4. Dissolved oxygen:

(i) For a diversified warm water biota, including game fish, daily dissolved oxygen concentrations shall not be less than 5.5 mg/l at all times; except under extreme conditions due to natural causes, it may range between 5.5 mg/l and 4 mg/l, provided that the water quality is favorable in all other parameters. The normal seasonal and daily fluctuations shall be maintained above these levels. In no event shall the dissolved oxygen level be less than 4 mg/l due to hydroelectric turbine discharges from existing hydroelectric generation impoundments. All new hydroelectric generation impoundments, including addition of new hydroelectric generation units to existing impoundments, shall be designed so that the discharge will contain at least 5.5 mg/l dissolved oxygen where practicable and technologically possible. The Environmental Protection Agency, in cooperation with the State of Alabama and parties responsible for impoundments, shall develop a program to improve the design of existing facilities.

(ii) In coastal waters, surface dissolved oxygen concentrations shall not be less than 5.5 mg/l, except where natural phenomena cause the value to be depressed.

(iii) In estuaries and tidal tributaries, dissolved oxygen concentrations shall not be less than 5.5 mg/l, except in dystrophic waters or where natural conditions cause the value to be depressed.

(iv) In the application of dissolved oxygen criteria referred to above, dissolved oxygen shall be measured at a depth of 5 feet in waters 10 feet or greater in depth; and for those waters less than 10 feet in depth, dissolved oxygen criteria will be applied at mid-depth.

5. Toxic substances attributable to sewage, industrial wastes, or other wastes: only such amounts, whether alone or in combination with other substances, as will not exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in rule 335-6-10-.07, to fish and aquatic life, including shrimp and crabs in estuarine or salt waters or the propagation thereof.

6. Taste, odor, and color-producing substances attributable to sewage, industrial wastes, or other wastes: only such amounts, whether alone or in

combination with other substances, as will not exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in rule 335-6-10-.07, to fish and aquatic life, including shrimp and crabs in estuarine and salt waters or adversely affect the propagation thereof; impair the palatability or marketability of fish and wildlife or shrimp and crabs in estuarine and salt waters; or unreasonably affect the aesthetic value of waters for any use under this classification.

7. Bacteria: in non-coastal waters, bacteria of the *E. coli* group shall not exceed a geometric mean of 126 colonies/100 ml nor exceed a maximum of 235 colonies/100 ml in any sample. In coastal waters, bacteria of the enterococci group shall not exceed a geometric mean of 35 colonies/100 ml nor exceed a maximum of 104 colonies/100 ml in any sample. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours.

8. Radioactivity: the concentrations of radioactive materials present shall not exceed the requirements of the State Department of Public Health.

9. Turbidity: there shall be no turbidity of other than natural origin that will cause substantial visible contrast with the natural appearance of waters or interfere with any beneficial uses which they serve. Furthermore, in no case shall turbidity exceed 50 Nephelometric units above background. Background will be interpreted as the natural condition of the receiving waters without the influence of man-made or man-induced causes. Turbidity levels caused by natural runoff will be included in establishing background levels.

(2) **PUBLIC WATER SUPPLY**

(a) Best usage of waters: source of water supply for drinking or food-processing purposes.*

(b) Conditions related to best usage: the waters, if subjected to treatment approved by the Department equal to coagulation, sedimentation, filtration and disinfection, with additional treatment if necessary to remove naturally present impurities, and which meet the requirements of the Department, will be considered safe for drinking or food-processing purposes.

(c) Other usage of waters: it is recognized that the waters may be used for incidental water contact year-round and for whole body water-contact recreation during the months of ~~June~~ May through ~~September~~October, except that water contact is strongly discouraged in the vicinity of discharges or other conditions beyond the control of the Department or the Alabama Department of Public Health.

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* **NOTE:** In determining the safety or suitability of waters for use as sources of water supply for drinking or food-processing purposes after approved treatment, the Commission will be guided by the physical and chemical standards specified by the Department.

(d) Conditions related to other usage: the waters, under proper sanitary supervision by the controlling health authorities, will meet accepted standards of water quality for outdoor swimming ~~places~~ areas and will be considered satisfactory for swimming and other whole body water-contact sports.

(e) Specific criteria:

1. Sewage, industrial wastes, or other wastes: none which are not effectively treated or controlled in accordance with rule 335-6-10-.08.

2. pH: sewage, industrial wastes or other wastes shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.0, nor greater than 8.5.

3. Temperature:

(i) The maximum temperature in streams, lakes, and reservoirs, other than those in river basins listed in subparagraph (ii) hereof, shall not exceed 90 °F.

(ii) The maximum temperature in streams, lakes, and reservoirs in the Tennessee and Cahaba River Basins, and for that portion of the Tallapoosa River Basin from the tailrace of Thurlow Dam at Tallassee downstream to the junction of the Coosa and Tallapoosa Rivers which has been designated by the Alabama Department of Conservation and Natural Resources as supporting smallmouth bass, sauger, or walleye, shall not exceed 86 °F.

(iii) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 5 °F in streams, lakes, and reservoirs in non-coastal and non-estuarine areas.

(iv) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 4 °F in coastal or estuarine waters during the period October through May, nor shall the rise exceed 1.5 °F during the period June through September.

(v) In lakes and reservoirs there shall be no withdrawal from, nor discharge of heated waters to, the hypolimnion unless it can be shown that such discharge or withdrawal will be beneficial to water quality.

(vi) In all waters the normal daily and seasonal temperature variations that were present before the addition of artificial heat shall be maintained, and there shall be no thermal block to the migration of aquatic organisms.

(vii) Thermal permit limitations in NPDES permits may be less stringent than those required by subparagraphs (i) - (iv) hereof when a showing by the discharger has been made pursuant to Section 316 of the Federal Water Pollution Control Act (FWPCA), 33 U.S.C.§ 1251 et seq. or pursuant to a study of an equal or more stringent nature required by the State of Alabama authorized by Title 22, Section 22-22-9(c), Code of Alabama, 1975, that such limitations will assure the

protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife, in and on the body of water to which the discharge is made. Any such demonstration shall take into account the interaction of the thermal discharge component with other pollutants discharged.

4. Dissolved oxygen:

(i) For a diversified warm water biota, including game fish, daily dissolved oxygen concentrations shall not be less than 5 mg/l at all times; except under extreme conditions due to natural causes, it may range between 5 mg/l and 4 mg/l, provided that the water quality is favorable in all other parameters. The normal seasonal and daily fluctuations shall be maintained above these levels. In no event shall the dissolved oxygen level be less than 4 mg/l due to discharges from existing hydroelectric generation impoundments. All new hydroelectric generation impoundments, including addition of new hydroelectric generation units to existing impoundments, shall be designed so that the discharge will contain at least 5 mg/l dissolved oxygen where practicable and technologically possible. The Environmental Protection Agency, in cooperation with the State of Alabama and parties responsible for impoundments, shall develop a program to improve the design of existing facilities.

(ii) In coastal waters, surface dissolved oxygen concentrations shall not be less than 5 mg/l, except where natural phenomena cause the value to be depressed.

(iii) In estuaries and tidal tributaries, dissolved oxygen concentrations shall not be less than 5 mg/l, except in dystrophic waters or where natural conditions cause the value to be depressed.

(iv) In the application of dissolved oxygen criteria referred to above, dissolved oxygen shall be measured at a depth of 5 feet in waters 10 feet or greater in depth; and for those waters less than 10 feet in depth, dissolved oxygen criteria will be applied at mid-depth.

5. Toxic substances; color producing; heated liquids; or other deleterious substances attributable to sewage, industrial wastes, or other wastes: only such amounts, whether alone or in combination with other substances, and only such temperatures as will not render the waters unsafe or unsuitable as a source of water supply for drinking or food-processing purposes, or exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in rule 335-6-10-.07, to fish, wildlife and aquatic life, or adversely affect the aesthetic value of waters for any use under this classification.

6. Taste and odor producing substances attributable to sewage, industrial wastes, or other wastes: only such amounts, whether alone or in combination with other substances or wastes, as will not cause taste and odor difficulties in water supplies which cannot be corrected by treatment as specified under subparagraph (b), or impair the palatability of fish.

7. Bacteria:

(i) In non-coastal waters, bacteria of the *E. coli* group shall not exceed a geometric mean of 548 colonies/100 ml; nor exceed a maximum of 2,507 colonies/100 ml in any sample. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours. In coastal waters, bacteria of the enterococci group shall not exceed a maximum of 275 colonies/100 ml in any sample.

(ii) For incidental water contact and whole body water-contact recreation during the months of ~~June~~ May through ~~September~~October, the bacterial quality of water is acceptable when a sanitary survey by the controlling health authorities reveals no source of dangerous pollution and when the geometric mean *E. coli* organism density does not exceed 126 colonies/100 ml nor exceed a maximum of ~~487~~298 colonies / 100 ml in any single sample in non-coastal waters. In coastal waters, bacteria of the enterococci group shall not exceed a geometric mean of 35 colonies/100 ml nor exceed a maximum of 158 colonies/100 ml in any sample. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours. When the geometric mean bacterial organism density exceeds these levels, the bacterial water quality shall be considered acceptable only if a second detailed sanitary survey and evaluation discloses no significant public health risk in the use of the waters. Waters in the immediate vicinity of discharges of sewage or other wastes likely to contain bacteria harmful to humans, regardless of the degree of treatment afforded these wastes, are not acceptable for swimming or other whole body water-contact sports.

8. Radioactivity: no radionuclide or mixture of radionuclides shall be present at concentrations greater than those specified by the requirements of the State Department of Public Health.

9. Turbidity: there shall be no turbidity of other than natural origin that will cause substantial visible contrast with the natural appearance of waters or interfere with any beneficial uses which they serve. Furthermore, in no case shall turbidity exceed 50 Nephelometric units above background. Background will be interpreted as the natural condition of the receiving waters, without the influence of man-made or man-induced causes. Turbidity levels caused by natural runoff will be included in establishing background levels.

(3) **SWIMMING AND OTHER WHOLE BODY WATER-CONTACT SPORTS**

(a) Best usage of waters: swimming and other whole body water-contact sports.*

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* **NOTE**: In assigning this classification to waters intended for swimming and water-contact sports, the Commission will take into consideration the relative proximity of discharges of wastes and will recognize the potential hazards involved in locating swimming areas close to waste discharges. The Commission

(b) Conditions related to best usage: the waters, under proper sanitary supervision by the controlling health authorities, will meet accepted standards of water quality for outdoor swimming ~~places~~ areas and will be considered satisfactory for swimming and other whole body water-contact sports. The quality of waters will also be suitable for the propagation of fish, wildlife and aquatic life. The quality of salt waters and estuarine waters to which this classification is assigned will be suitable for the propagation and harvesting of shrimp and crabs.

(c) Specific criteria:

1. Sewage, industrial wastes, or other wastes: none which are not effectively treated or controlled in accordance with rule 335-6-10-.08.

2. pH: sewage, industrial wastes or other wastes shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.0, nor greater than 8.5. For estuarine waters and salt waters to which this classification is assigned, wastes as described herein shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.5, nor greater than 8.5.

3. Temperature:

(i) The maximum temperature in streams, lakes, and reservoirs, other than those in river basins listed in subparagraph (ii) hereof, shall not exceed 90 °F.

(ii) The maximum temperature in streams, lakes, and reservoirs in the Tennessee and Cahaba River Basins, and for that portion of the Tallapoosa River Basin from the tailrace of Thurlow Dam at Tallassee downstream to the junction of the Coosa and Tallapoosa Rivers which has been designated by the Alabama Department of Conservation and Natural Resources as supporting smallmouth bass, sauger, or walleye, shall not exceed 86 °F.

(iii) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 5 °F in streams, lakes, and reservoirs in non-coastal and non-estuarine areas.

(iv) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 4 °F in coastal or estuarine waters during the period October through May, nor shall the rise exceed 1.5 °F during the period June through September.

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will not assign this classification to waters, the bacterial quality of which is dependent upon adequate disinfection of waste and where the interruption of such treatment would render the water unsafe for bathing.

(v) In lakes and reservoirs there shall be no withdrawal from, nor discharge of heated waters to, the hypolimnion unless it can be shown that such discharge or withdrawal will be beneficial to water quality.

(vi) In all waters the normal daily and seasonal temperature variations that were present before the addition of artificial heat shall be maintained, and there shall be no thermal block to the migration of aquatic organisms.

(vii) Thermal permit limitations in NPDES permits may be less stringent than those required by subparagraphs (i) - (iv) hereof when a showing by the discharger has been made pursuant to Section 316 of the Federal Water Pollution Control Act (FWPCA), 33 U.S.C. § 1251 et seq. or pursuant to a study of an equal or more stringent nature required by the State of Alabama authorized by Title 22, Section 22-22-9(c), Code of Alabama, 1975, that such limitations will assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife, in and on the body of water to which the discharge is made. Any such demonstration shall take into account the interaction of the thermal discharge component with other pollutants discharged.

4. Dissolved oxygen:

(i) For a diversified warm water biota, including game fish, daily dissolved oxygen concentrations shall not be less than 5 mg/l at all times; except under extreme conditions due to natural causes, it may range between 5 mg/l and 4 mg/l, provided that the water quality is favorable in all other parameters. The normal seasonal and daily fluctuations shall be maintained above these levels. In no event shall the dissolved oxygen level be less than 4 mg/l due to discharges from existing hydroelectric generation impoundments. All new hydroelectric generation impoundments, including addition of new hydroelectric generation units to existing impoundments, shall be designed so that the discharge will contain at least 5 mg/l dissolved oxygen where practicable and technologically possible. The Environmental Protection Agency, in cooperation with the State of Alabama and parties responsible for impoundments, shall develop a program to improve the design of existing facilities.

(ii) In coastal waters, surface dissolved oxygen concentrations shall not be less than 5 mg/l, except where natural phenomena cause the value to be depressed.

(iii) In estuaries and tidal tributaries, dissolved oxygen concentrations shall not be less than 5 mg/l, except in dystrophic waters or where natural conditions cause the value to be depressed.

(iv) In the application of dissolved oxygen criteria referred to above, dissolved oxygen shall be measured at a depth of 5 feet in waters 10 feet or greater in depth; and for those waters less than 10 feet in depth, dissolved oxygen criteria will be applied at mid-depth.

5. Toxic substances; color producing substances; odor producing substances; or other deleterious substances attributable to sewage, industrial

wastes, or other wastes: only such amounts, whether alone or in combination with other substances or wastes, as will not render the water unsafe or unsuitable for swimming and water-contact sports; exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in rule 335-6-10-.07, to fish, wildlife, and aquatic life or, where applicable, shrimp and crabs; impair the palatability of fish, or where applicable, shrimp and crabs; impair the waters for any other usage established for this classification or unreasonably affect the aesthetic value of waters for any use under this classification.

6. Bacteria:

(i) Waters in the immediate vicinity of discharges of sewage or other wastes likely to contain bacteria harmful to humans, regardless of the degree of treatment afforded these wastes*, are not acceptable for swimming or other whole body water-contact sports.

(ii) In all other areas, the bacterial quality of water is acceptable when a sanitary survey by the controlling health authorities reveals no source of dangerous pollution and when the geometric mean *E. coli* organism density does not exceed 126 colonies/100 ml nor exceed a maximum of 235 colonies/100 ml in any sample in non-coastal waters. In coastal waters, bacteria of the enterococci group shall not exceed a geometric mean of 35 colonies/100 ml nor exceed a maximum of 104 colonies/100 ml in any sample. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours. When the geometric mean bacterial organism density exceeds these levels, the bacterial water quality shall be considered acceptable only if a second detailed sanitary survey and evaluation discloses no significant public health risk in the use of the waters.

(iii) The policy of nondegradation of high quality waters shall be stringently applied to bacterial quality of recreational waters.

7. Radioactivity: the concentrations of radioactive materials present shall not exceed the requirement of the State Department of Public Health.

8. Turbidity: there shall be no turbidity of other than natural origin that will cause substantial visible contrast with the natural appearance of waters or interfere with any beneficial uses which they serve. Furthermore, in no case shall turbidity exceed 50 Nephelometric units above background. Background will be interpreted as the natural condition of the receiving waters, without the

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* **NOTE**: In assigning this classification to waters intended for swimming and water-contact sports, the Commission will take into consideration the relative proximity of discharges of wastes and will recognize the potential hazards involved in locating swimming areas close to waste discharges. The Commission will not assign this classification to waters, the bacterial quality of which is dependent upon adequate disinfection of waste and where the interruption of such treatment would render the water unsafe for bathing.

influence of man-made or man-induced causes. Turbidity levels caused by natural runoff will be included in establishing background levels.

(4) **SHELLFISH HARVESTING**

(a) Best usage of waters: propagation and harvesting of shellfish for sale or use as a food product.

(b) Conditions related to best usage: waters will meet the sanitary and bacteriological standards included in the *National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish: ~~2011~~ 2015 Revision*, published by the Food and Drug Administration, U.S. Department of Health and Human Services and the requirements of the State Department of Public Health. The waters will also be of a quality suitable for the propagation of fish and other aquatic life, including shrimp and crabs. Only coastal waters may be considered for classification as Shellfish Harvesting.

(c) Other usage of waters: it is recognized that the waters may be used for incidental water contact year-round and for whole body water-contact recreation during the months of ~~June~~ May through ~~September~~October, except that water contact is strongly discouraged in the vicinity of discharges or other conditions beyond the control of the Department or the Alabama Department of Public Health.

(d) Conditions related to other usage: the waters, under proper sanitary supervision by the controlling health authorities, will meet accepted standards of water quality for outdoor swimming ~~places~~ areas and will be considered satisfactory for swimming and other whole body water-contact sports.

(e) Specific criteria:

1. Sewage, industrial wastes, or other wastes: none which are not effectively treated in accordance with rule 335-6-10-.08.

2. pH: sewage, industrial wastes or other wastes shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.5, nor greater than 8.5.

3. Temperature:

(i) The maximum temperature in streams, lakes, and reservoirs, other than those in river basins listed in subparagraph (ii) hereof, shall not exceed 90 °F.

(ii) The maximum temperature in streams, lakes, and reservoirs in the Tennessee and Cahaba River Basins, and for that portion of the Tallapoosa River Basin from the tailrace of Thurlow Dam at Tallassee downstream to the junction of the Coosa and Tallapoosa Rivers which has been designated by the Alabama Department of Conservation and Natural Resources as supporting smallmouth bass, sauger, or walleye, shall not exceed 86 °F.

(iii) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 5 °F in streams, lakes, and reservoirs in non-coastal and non-estuarine areas.

(iv) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 4 °F in coastal or estuarine waters during the period October through May, nor shall the rise exceed 1.5 °F during the period June through September.

(v) In lakes and reservoirs there shall be no withdrawal from, nor discharge of heated waters to, the hypolimnion unless it can be shown that such discharge or withdrawal will be beneficial to water quality.

(vi) In all waters the normal daily and seasonal temperature variations that were present before the addition of artificial heat shall be maintained, and there shall be no thermal block to the migration of aquatic organisms.

(vii) Thermal permit limitations in NPDES permits may be less stringent than those required by subparagraphs (i) - (iv) hereof when a showing by the discharger has been made pursuant to Section 316 of the Federal Water Pollution Control Act (FWPCA), 33 U.S.C. § 1251 et seq. or pursuant to a study of an equal or more stringent nature required by the State of Alabama authorized by Title 22, Section 22-22-9(c), Code of Alabama, 1975, that such limitations will assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife, in and on the body of water to which the discharge is made. Any such demonstration shall take into account the interaction of the thermal discharge component with other pollutants discharged.

4. Dissolved oxygen:

(i) For a diversified warm water biota, including game fish, daily dissolved oxygen concentrations shall not be less than 5 mg/l at all times; except under extreme conditions due to natural causes, it may range between 5 mg/l and 4 mg/l, provided that the water quality is favorable in all other parameters. The normal seasonal and daily fluctuations shall be maintained above these levels. In no event shall the dissolved oxygen level be less than 4 mg/l due to discharges from existing hydroelectric generation impoundments. All new hydroelectric generation impoundments, including addition of new hydroelectric generation units to existing impoundments, shall be designed so that the discharge will contain at least 5 mg/l dissolved oxygen where practicable and technologically possible. The Environmental Protection Agency, in cooperation with the State of Alabama and parties responsible for impoundments, shall develop a program to improve the design of existing facilities.

(ii) In coastal waters, surface dissolved oxygen concentrations shall not be less than 5 mg/l, except where natural phenomena cause the value to be depressed.

(iii) In estuaries and tidal tributaries, dissolved oxygen concentrations shall not be less than 5 mg/l, except in dystrophic waters or where natural conditions cause the value to be depressed.

(iv) In the application of dissolved oxygen criteria referred to above, dissolved oxygen shall be measured at a depth of 5 feet in waters 10 feet or greater in depth; and for those waters less than 10 feet in depth, dissolved oxygen criteria will be applied at mid-depth.

5. Toxic substances attributable to sewage, industrial wastes, or other wastes: only such amounts, whether alone or in combination with other substances, as will not exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in rule 335-6-10-.07, to fish and aquatic life, including shrimp and crabs; or affect the marketability of fish and shellfish, including shrimp and crabs.

6. Color, taste, and odor-producing substances and other deleterious substances attributable to sewage, industrial wastes, or other wastes: only such amounts, whether alone or in combination with other substances, as will not exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in rule 335-6-10-.07, to fish and shellfish, including shrimp and crabs; adversely affect marketability or palatability of fish and shellfish, including shrimp and crabs; or unreasonably affect the aesthetic value of waters for any use under this classification.

7. Bacteria:

(i) Not to exceed the limits specified in the *National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish: ~~2011~~ 2015 Revision,* published by the Food and Drug Administration, U.-S. Department of Health and Human Services.

(ii) In coastal waters, bacteria of the enterococci group shall not exceed a maximum of 275 colonies/100 ml in any sample.

(iii) For incidental water contact and whole body water-contact recreation during the months of ~~June~~ May through ~~September~~October, the bacterial quality of water is acceptable when a sanitary survey by the controlling health authorities reveals no source of dangerous pollution and when ~~the geometric mean *E. coli* organism density does not exceed 126 colonies/100 ml nor exceed a maximum of 235 colonies/100 ml in any sample in non-coastal waters. In coastal waters, bacteria of~~ the enterococci group ~~shall~~ does not exceed a geometric mean of 35 colonies/100 ml nor exceed a maximum of 104 colonies/100 ml in any sample in coastal waters. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours. When the geometric mean bacterial organism density exceeds these levels, the bacterial water quality shall be considered acceptable only if a second detailed sanitary survey and evaluation discloses no significant public health risk in the use of the waters. Waters in the immediate vicinity of discharges of sewage or other wastes likely to contain

bacteria harmful to humans, regardless of the degree of treatment afforded these wastes, are not acceptable for swimming or other whole body water-contact sports.

8. Radioactivity: the concentrations of radioactive materials present shall not exceed the requirements of the State Department of Public Health.

9. Turbidity: there shall be no turbidity of other than natural origin that will cause substantial visible contrast with the natural appearance of waters or interfere with any beneficial uses which they serve. Furthermore, in no case shall turbidity exceed 50 Nephelometric units above background. Background will be interpreted as the natural condition of the receiving waters without the influence of man-made or man-induced causes. Turbidity levels caused by natural runoff will be included in establishing background levels.

(5) **FISH AND WILDLIFE**

(a) Best usage of waters: fishing, propagation of fish, aquatic life, and wildlife~~, and any other usage except for swimming and water-contact sports or as a source of water supply for drinking or food processing purposes~~.

(b) Conditions related to best usage: the waters will be suitable for fish, aquatic life and wildlife propagation. The quality of salt and estuarine waters to which this classification is assigned will also be suitable for the propagation of shrimp and crabs.

(c) Other usage of waters: it is recognized that the waters may be used for incidental water contact year-round and whole body water-contact recreation during the months of ~~June~~ May through ~~September~~October, except that water contact is strongly discouraged in the vicinity of discharges or other conditions beyond the control of the Department or the Alabama Department of Public Health.

(d) Conditions related to other usage: the waters, under proper sanitary supervision by the controlling health authorities, will meet accepted standards of water quality for outdoor swimming ~~places~~ areas and will be considered satisfactory for swimming and other whole body water-contact sports.

(e) Specific criteria:

1. Sewage, industrial wastes, or other wastes: none which are not effectively treated in accordance with rule 335-6-10-.08.

2. pH: sewage, industrial wastes or other wastes shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.0, nor greater than 8.5. For salt waters and estuarine waters to which this classification is assigned, wastes as herein described shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.5, nor greater than 8.5.

3. Temperature:

(i) The maximum temperature in streams, lakes, and reservoirs, other than those in river basins listed in subparagraph (ii) hereof, shall not exceed 90° F.

(ii) The maximum temperature in streams, lakes, and reservoirs in the Tennessee and Cahaba River Basins, and for that portion of the Tallapoosa River Basin from the tailrace of Thurlow Dam at Tallassee downstream to the junction of the Coosa and Tallapoosa Rivers which has been designated by the Alabama Department of Conservation and Natural Resources as supporting smallmouth bass, sauger, or walleye, shall not exceed 86 °F.

(iii) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 5 °F in streams, lakes, and reservoirs in non-coastal and non-estuarine areas.

(iv) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 4 °F in coastal or estuarine waters during the period October through May, nor shall the rise exceed 1.5 °F during the period June through September.

(v) In lakes and reservoirs there shall be no withdrawal from, nor discharge of heated waters to, the hypolimnion unless it can be shown that such discharge or withdrawal will be beneficial to water quality.

(vi) In all waters the normal daily and seasonal temperature variations that were present before the addition of artificial heat shall be maintained, and there shall be no thermal block to the migration of aquatic organisms.

(vii) Thermal permit limitations in NPDES permits may be less stringent than those required by subparagraphs (i) - (iv) hereof when a showing by the discharger has been made pursuant to Section 316 of the Federal Water Pollution Control Act (FWPCA), 33 U.S.C. § 1251 et seq. or pursuant to a study of an equal or more stringent nature required by the State of Alabama authorized by Title 22, Section 22-22-9(c), Code of Alabama, 1975, that such limitations will assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife, in and on the body of water to which the discharge is made. Any such demonstration shall take into account the interaction of the thermal discharge component with other pollutants discharged.

4. Dissolved oxygen:

(i) For a diversified warm water biota, including game fish, daily dissolved oxygen concentrations shall not be less than 5 mg/l at all times; except under extreme conditions due to natural causes, it may range between 5 mg/l and 4 mg/l, provided that the water quality is favorable in all other parameters. The normal seasonal and daily fluctuations shall be maintained above these levels. In no event shall the dissolved oxygen level be less than 4 mg/l due to discharges from existing hydroelectric generation impoundments. All new hydroelectric generation impoundments, including addition of new hydroelectric generation units to existing impoundments, shall be designed so that the discharge will contain at least 5 mg/l dissolved oxygen where practicable and technologically possible. The Environmental Protection Agency, in cooperation with the State of Alabama and parties responsible for impoundments, shall develop a program to improve the design of existing facilities.

(ii) In coastal waters, surface dissolved oxygen concentrations shall not be less than 5 mg/l, except where natural phenomena cause the value to be depressed.

(iii) In estuaries and tidal tributaries, dissolved oxygen concentrations shall not be less than 5 mg/l, except in dystrophic waters or where natural conditions cause the value to be depressed.

(iv) In the application of dissolved oxygen criteria referred to above, dissolved oxygen shall be measured at a depth of 5 feet in waters 10 feet or greater in depth; and for those waters less than 10 feet in depth, dissolved oxygen criteria will be applied at mid-depth.

5. Toxic substances attributable to sewage, industrial wastes, or other wastes: only such amounts, whether alone or in combination with other substances, as will not exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in rule 335-6-10-.07, to fish and aquatic life, including shrimp and crabs in estuarine or salt waters or the propagation thereof.

6. Taste, odor, and color-producing substances attributable to sewage, industrial wastes, or other wastes: only such amounts, whether alone or in combination with other substances, as will not exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in rule 335-6-10-.07, to fish and aquatic life, including shrimp and crabs in estuarine and salt waters or adversely affect the propagation thereof; impair the palatability or marketability of fish and wildlife or shrimp and crabs in estuarine and salt waters; or unreasonably affect the aesthetic value of waters for any use under this classification.

7. Bacteria:

(i) In non-coastal waters, bacteria of the *E. coli* group shall not exceed a geometric mean of 548 colonies/100 ml; nor exceed a maximum of 2,507 colonies/100 ml in any sample. In coastal waters, bacteria of the enterococci group shall not exceed a maximum of 275 colonies/100 ml in any sample. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours.

(ii) For incidental water contact and whole body water-contact recreation during the months of ~~June~~ May through ~~September~~October, the bacterial quality of water is acceptable when a sanitary survey by the controlling health authorities reveals no source of dangerous pollution and when the geometric mean *E. coli* organism density does not exceed 126 colonies/100 ml nor exceed a maximum of ~~487~~ 298 colonies/100 ml in any sample in non-coastal waters. In coastal waters, bacteria of the enterococci group shall not exceed a geometric mean of 35 colonies/100 ml nor exceed a maximum of 158 colonies/100 ml in any sample. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours. When the geometric bacterial coliform organism density exceeds these levels, the bacterial water quality shall be considered acceptable only if a second detailed sanitary survey and evaluation discloses no significant public health risk in the use of the waters. Waters in the immediate vicinity of discharges of sewage or other wastes likely to contain bacteria harmful to

humans, regardless of the degree of treatment afforded these wastes, are not acceptable for swimming or other whole body water-contact sports.

8. Radioactivity: the concentrations of radioactive materials present shall not exceed the requirements of the State Department of Public Health.

9. Turbidity: there shall be no turbidity of other than natural origin that will cause substantial visible contrast with the natural appearance of waters or interfere with any beneficial uses which they serve. Furthermore, in no case shall turbidity exceed 50 Nephelometric units above background. Background will be interpreted as the natural condition of the receiving waters without the influence of man-made or man-induced causes. Turbidity levels caused by natural runoff will be included in establishing background levels.

(6) **LIMITED WARMWATER FISHERY**

(a) The provisions of the Fish and Wildlife water use classification at rule 335-6-10-.09(5) shall apply to the Limited Warmwater Fishery water use classification, except as noted below. Unless alternative criteria for a given parameter are provided in paragraph (e) below, the applicable Fish and Wildlife criteria at paragraph 10-.09(5)(e) shall apply year-round. At the time the Department proposes to assign the Limited Warmwater Fishery classification to a specific waterbody, the Department may apply criteria from other classifications within this chapter if necessary to protect a documented, legitimate existing use.

(b) Best usage of waters (May through November): agricultural irrigation, livestock watering, industrial cooling and process water supplies, and any other usage, except fishing, bathing, recreational activities, including water-contact sports, or as a source of water supply for drinking or food-processing purposes.

(c) Conditions related to best usage (May through November):

1. The waters will be suitable for agricultural irrigation, livestock watering, and industrial cooling waters. The waters will be usable after special treatment, as may be needed under each particular circumstance, for industrial process water supplies. The waters will also be suitable for other uses for which waters of lower quality will be satisfactory.

2. This category includes watercourses in which natural flow is intermittent, or under certain conditions non-existent, and which may receive treated wastes from existing municipalities and industries. In such instances, recognition is given to the lack of opportunity for mixture of the treated wastes with the receiving stream for purposes of compliance. It is also understood in considering waters for this classification that urban runoff or natural conditions may impact any waters so classified.

(d) Other usage of waters: none recognized.

(e) Specific criteria:

1. Dissolved oxygen (May through November): treated sewage, industrial wastes, or other wastes shall not cause the dissolved oxygen to be less than 3.0 mg/l. In the application of dissolved oxygen criteria referred to above, dissolved oxygen shall be measured at a depth of 5 feet in waters 10 feet or greater in depth; and for those waters less than 10 feet in depth, dissolved oxygen criteria will be applied at mid-depth.

2. Toxic substances and taste-, odor-, and color-producing substances attributable to treated sewage, industrial wastes, and other wastes: only such amounts as will not render the waters unsuitable for agricultural irrigation, livestock watering, industrial cooling, and industrial process water supply purposes; interfere with downstream water uses; or exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in rule 335-6-10-.07, to fish and aquatic life, including shrimp and crabs in estuarine or salt waters or the propagation thereof. For the purpose of establishing effluent limitations pursuant to chapter 335-6-6 of the Department's regulations, the minimum 7-day low flow that occurs once in 2 years ($7Q_2$) shall be the basis for applying the chronic aquatic life criteria. The use of the $7Q_2$ low flow for application of chronic criteria is appropriate based on the historical uses and/or flow characteristics of streams to be considered for this classification.

3. Bacteria: In non-coastal waters, bacteria of the *E. coli* group shall not exceed a geometric mean of 548 colonies/100 ml; nor exceed a maximum of 2,507 colonies/100 ml in any sample. In coastal waters, bacteria of the enterococci group shall not exceed a maximum of 275 colonies/100 ml in any sample. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours.

(7) **AGRICULTURAL AND INDUSTRIAL WATER SUPPLY**

(a) Best usage of waters: agricultural irrigation, livestock watering, industrial cooling and process water supplies, and any other usage, except fishing, bathing, recreational activities, including water-contact sports, or as a source of water supply for drinking or food-processing purposes.

(b) Conditions related to best usage:

(i) The waters, except for natural impurities which may be present therein, will be suitable for agricultural irrigation, livestock watering, industrial cooling waters, and fish survival. The waters will be usable after special treatment, as may be needed under each particular circumstance, for industrial process water supplies. The waters will also be suitable for other uses for which waters of lower quality will be satisfactory.

(ii) This category includes watercourses in which natural flow is intermittent and non-existent during droughts and which may, of necessity, receive treated wastes from existing municipalities and industries, both now and in the future. In such instances, recognition must be given to the lack of

opportunity for mixture of the treated wastes with the receiving stream for purposes of compliance. It is also understood in considering waters for this classification that urban runoff or natural conditions may impact any waters so classified.

(c) Specific criteria:

1. Sewage, industrial wastes, or other wastes: none which are not effectively treated or controlled in accordance with rule 335-6-10-.08.

2. pH: sewage, industrial wastes or other wastes shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.0, nor greater than 8.5. For salt waters and estuarine waters to which this classification is assigned, wastes as herein described shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.5, nor greater than 8.5.

3. Temperature: the maximum temperature rise above natural temperatures due to the addition of artificial heat shall not exceed 5 °F in streams, lakes, and reservoirs, nor shall the maximum water temperature exceed 90 °F.

4. Dissolved oxygen: sewage, industrial wastes, or other wastes shall not cause the dissolved oxygen to be less than 3.0 mg/l. In the application of dissolved oxygen criteria referred to above, dissolved oxygen shall be measured at a depth of 5 feet in waters 10 feet or greater in depth; and for those waters less than 10 feet in depth, dissolved oxygen criteria will be applied at mid-depth.

5. Color, odor, and taste-producing substances, toxic substances, and other deleterious substances, including chemical compounds attributable to sewage, industrial wastes, and other wastes: only such amounts as will not render the waters unsuitable for agricultural irrigation, livestock watering, industrial cooling, industrial process water supply purposes, and fish survival, nor interfere with downstream water uses. For the purpose of establishing effluent limitations pursuant to chapter 335-6-6 of the Department's regulations, the minimum 7-day low flow that occurs once in 10 years ($7Q_{10}$) shall be the basis for applying the acute aquatic life criteria. The use of the $7Q_{10}$ low flow for application of acute criteria is appropriate based on the historical uses and/or flow characteristics of streams to be considered for this classification.

6. Bacteria: In non-coastal waters, bacteria of the E. coli group shall not exceed a geometric mean of 700 colonies/100 ml; nor exceed a maximum of 3,200 colonies/100 ml in any sample. In coastal waters, bacteria of the enterococci group shall not exceed a maximum of 500 colonies/100 ml in any sample. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours.

7. Radioactivity: the concentrations of radioactive materials present shall not exceed the requirements of the State Department of Public Health.

8. Turbidity: there shall be no turbidity of other than natural origin that will cause substantial visible contrast with the natural appearance of waters or interfere with any beneficial uses which they serve. Furthermore, in no case shall turbidity exceed 50 Nephelometric units above background. Background will be interpreted as the natural condition of the receiving waters without the influence of man-made or man-induced causes. Turbidity levels caused by natural runoff will be included in establishing background levels.

Author: James E. McIndoe; Lynn Sisk; Chris L. Johnson.
Statutory Authority: Code of Alabama 1975, §§ 22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
History: May 5, 1967. **Amended:** June 19, 1967; July 17, 1972; February 26, 1973; May 30, 1977; December 19, 1977; February 4, 1981; March 2, 1990; April 3, 1991; December 30, 1992; September 7, 2000; May 27, 2004; January 14, 2005; January 19, 2010; January 18, 2011; April 1, 2014; XXXXXX, 2017.

335-6-10-.11 Water Quality Criteria Applicable to Specific Lakes.

(1) For certain lakes and reservoirs, waterbody-specific criteria are appropriate to enhance nutrient management. The response to nutrient input may vary significantly lake-to-lake, and for a given lake year-to-year, depending on a number of factors such as rainfall distribution and hydraulic retention time. For this reason, lake nutrient quality targets necessary to maintain and protect existing uses, expressed as chlorophyll *a* criteria, may also vary lake-to-lake. Because the relationship between nutrient input and lake chlorophyll *a* levels is not always well-understood, it may be necessary to revise the criteria as additional water quality data and improved assessment tools become available.

(2) The following lake-specific criteria apply to the waters listed below, in addition to any other applicable criteria commensurate with the designated usage of such waters.

(a) **The Alabama River Basin**

1. Claiborne Lake: those waters impounded by Claiborne Lock and Dam on the Alabama River. The lake has a surface area of 5,930 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 15 µg/l, as measured at the deepest point, main river channel, dam forebay.

2. Dannelly Lake: those waters impounded by Millers Ferry Lock and Dam on the Alabama River. The lake has a surface area of 17,200 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 17 µg/l, as measured at the deepest point, main river channel, dam forebay.

(b) **The Black Warrior River Basin**

1. Warrior Lake: those waters impounded by Warrior Lock and Dam on the Black Warrior River. The lake has a surface area of 7,800 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 12 µg/l, as measured at the deepest point, main river channel, dam forebay.

2. Oliver Lake: those waters impounded by William Bacon Oliver Lock and Dam on the Black Warrior River. The lake has a surface area of 800 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 12 µg/l, as measured at the deepest point, main river channel, dam forebay.

3. Holt Lake: those waters impounded by Holt Lock and Dam on the Black Warrior River. The lake has a surface area of 3,200 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 16 µg/l, as measured at the deepest point, main river channel, dam forebay.

4. Lake Tuscaloosa: those waters impounded by Lake Tuscaloosa Dam on the North River. The lake has a surface area of 5,885 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 8 µg/l, as measured at the deepest point, main river channel, dam forebay.

5. Bankhead Lake: those waters impounded by John Hollis Bankhead Lock and Dam on the Black Warrior River. The lake has a surface area of 9,200 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 16 µg/l, as measured at the deepest point, main river channel, dam forebay.

6. Smith Lake: those waters impounded by Lewis M. Smith Dam on the Sipsey Fork River. The lake has a surface area of 21,200 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 5 µg/l, as measured at the deepest point, main river channel, dam forebay; 5 µg/l, as measured at the deepest point, main river channel, at Duncan Creek/Sipsey River confluence (downstream of the Alabama Highway 257 bridge); and 5 µg/l, as measured at the deepest point, main river channel, immediately downstream of Brushy Creek confluence.

7. Inland Lake: those waters impounded by Inland Lake Dam on the Blackburn Fork of the Little Warrior River. The lake has a surface area of 1,095 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 6 µg/l, as measured at the deepest point, main river channel, dam forebay.

(~~b~~c) **The Cahaba River Basin**

1. Lake Purdy: those waters impounded by Lake Purdy Dam at the headwaters of the Cahaba River. The lake has a surface area of 1,050 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 16 µg/l, as measured at the deepest point, main river channel, dam forebay; or 18 µg/l, as measured at the deepest point, main river channel, immediately upstream of the Irondale Bridge.

(e~~d~~) **The Chattahoochee River Basin**

1. Walter F. George Lake: those waters impounded by Walter F. George Lock and Dam on the Chattahoochee River. The lake has a surface area of 45,181 acres at full power pool, 18,672 acres of which are within Alabama. The Alabama-Georgia state line is represented by the west bank of the original river channel, and the points of measurement for the criteria given below are located in Georgia waters.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 15 µg/l, as measured at the deepest point, main river channel, dam forebay; or 18 µg/l, as measured at the deepest point, main river channel, approximately 0.25 miles upstream of U.S. Highway 82.

2. Lake Harding: those waters impounded by Bartletts Ferry Dam on the Chattahoochee River. The lake has a surface area of 5850 acres at full pool, 2,176 acres of which are within Alabama. The point of measurement for the criterion given below is located in Georgia waters.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 15 µg/l, as measured at the deepest point, main river channel, dam forebay.

3. West Point Lake: those waters impounded by West Point Dam on the Chattahoochee River. The lake has a surface area of 25,864 acres at full power pool, 2,765 acres of which are within Alabama. The point of measurement for the criterion given below is located in Georgia waters.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed ~~27~~ 22 µg/l, as measured at the ~~LaGrange, Georgia Water Intake~~deepest point, main river channel, dam forebay; or 24 µg/l, as measured at the LaGrange Water Intake.

(~~d~~e) **The Coosa River Basin**

1. Weiss Lake: those waters impounded by Weiss Dam on the Coosa River. The lake has a surface area of 30,200 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 20 µg/l, as measured at the deepest point, main river channel, power dam forebay; or 20 µg/l, as measured at the deepest point, main river channel, immediately upstream of causeway (Alabama Highway 9) at Cedar Bluff. If the mean of photic-zone composite chlorophyll *a* samples collected monthly April through October is significantly less than 20 µg/l for a given year, the Department will re-evaluate the chlorophyll *a* criteria, associated nutrient management strategies, and available data and information, and recommend changes, if appropriate, to maintain and protect existing uses.

2. Neely Henry Lake: those waters impounded by Neely Henry Dam on the Coosa River. The lake has a surface area of 11,235 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 18 µg/l, as measured at the deepest point, main river channel, dam forebay; or 18 µg/l, as measured at the deepest point, main river channel, immediately upstream of Alabama Highway 77 bridge.

3. Logan Martin Lake: those waters impounded by Logan Martin Dam on the Coosa River. The lake has a surface area of 15,263 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 17 µg/l, as measured at the deepest point, main river channel, dam forebay; or 17 µg/l, as measured at the deepest point, main river channel, approximately 1.5 miles downstream of Alabama Highway 34 bridge.

4. Lay Lake: those waters impounded by Lay Dam on the Coosa River. The lake has a surface area of 12,000 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 17 µg/l, as measured at the deepest point, main river channel, dam forebay; or 17 µg/l, as measured at the deepest point, main river channel, immediately downstream of Peckerwood Creek/Coosa River confluence.

5. Mitchell Lake: those waters impounded by Mitchell Dam on the Coosa River. The lake has a surface area of 5,850 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 14 µg/l, as measured at the deepest point, main river channel, dam forebay; or 16 µg/l, as measured at the deepest point, main river channel, downstream of Foshee Islands.

6. Jordan Lake: those waters impounded by Jordan Dam on the Coosa River. The lake has a surface area of 6,800 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 14 µg/l, as measured at the deepest point, main river channel, dam forebay.

(f) **The Escambia River Basin**

1. Point A Lake: those waters impounded by Point A Dam on the Conecuh River. The lake has a surface area of 900 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 9 µg/l, as measured at the deepest point, main river channel, dam forebay.

2. Gantt Lake: those waters impounded by Gantt Dam on the Conecuh River. The lake has a surface area of 2,767 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 11 µg/l, as measured at the deepest point, main river channel, dam forebay.

(eg) **The Escatawpa River Basin**

1. Big Creek Lake (J.B. Converse Lake): those waters impounded on Big Creek. The lake is a tributary-storage reservoir and has a surface area of 3,600 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 11 µg/l, as measured at the deepest point, main river channel, dam forebay.

~~(f) **The Lower Tombigbee River Basin**~~

~~1. Coffeeville Lake: those waters impounded by Coffeeville Dam on the Tombigbee River. The lake has a surface area of 8,500 acres at full pool.~~

~~(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 10 µg/l, as measured at the deepest point, main river channel, upstream of the lock canal.~~

~~(g) **The Perdido/Escambia River Basin**~~

~~1. Lake Jackson: This natural lake, located in Florala, Alabama, has a surface area of 256 acres at full pool.~~

~~(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 7 µg/l, as measured at mid-lake.~~

~~2. Point A Lake: those waters impounded by Point A Dam on the Conecuh River. The lake has a surface area of 900 acres at full pool.~~

~~(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 9 µg/l, as measured at the deepest point, main river channel, dam forebay.~~

~~3. Gantt Lake: those waters impounded by Gantt Dam on the Conecuh River. The lake has a surface area of 2,767 acres at full pool.~~

~~(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 11 µg/l, as measured at the deepest point, main river channel, dam forebay.~~

~~4. Lake Frank Jackson: those waters impounded on Lightwood Knot Creek. The lake has a surface area of 1,000 acres at full pool.~~

~~(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 12 µg/l, as measured at the deepest point, main creek channel, dam forebay.~~

(h) **The Tallapoosa River Basin**

1. Thurlow Lake: those waters impounded by Thurlow Dam on the Tallapoosa River. The reservoir has a surface area of 574 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 5 µg/l, as measured at the deepest point, main river channel, dam forebay.

2. Yates Lake: those waters impounded by Yates Dam on the Tallapoosa River. The lake has a surface area of 2,000 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 5 µg/l, as measured at the deepest point, main river channel, dam forebay.

3. Lake Martin: those waters impounded by Martin Dam on the Tallapoosa River. The lake has a surface area of 40,000 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 5 µg/l, as measured at the deepest point, main river channel, dam forebay; or 5 µg/l, as measured at the deepest point main river channel, immediately upstream of Blue Creek embayment; or 5 µg/l as measured at the deepest point, main creek channel, immediately upstream of Alabama Highway 63 (Kowaliga) bridge.

4. R.L. Harris Lake: those waters impounded by R.L. Harris Dam on the Tallapoosa River. The lake has a surface area of 10,660 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 10 µg/l, as measured at the deepest point, main river channel, dam forebay; or 12 µg/l, as measured at the deepest point, main river channel, immediately upstream of the Tallapoosa River - Little Tallapoosa River confluence.

(i) **The Tennessee River Basin**

1. Pickwick Lake: those waters impounded by Pickwick Dam on the Tennessee River. The reservoir has a surface area of 43,100 acres at full pool, 33,700 acres of which are within Alabama. The point of measurement for the criterion given below is located in Tennessee waters.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through September shall not exceed 18 µg/l, as measured at the deepest point, main river channel, dam forebay.

2. Wilson Lake: those waters impounded by Wilson Dam on the Tennessee River. The lake has a surface area of 15,930 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through September shall not exceed 18 µg/l, as measured at the deepest point, main river channel, dam forebay.

3. Wheeler Lake: those waters impounded by Wheeler Dam on the Tennessee River. The lake has a surface area of 67,100 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through September shall not exceed 18 µg/l, as measured at the deepest point, main river channel, dam forebay.

4. Guntersville Lake: those waters impounded by Guntersville Dam on the Tennessee River. The lake has a surface area of 69,700 acres at full pool, 67,900 of which are within Alabama.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll *a* samples collected monthly April through September shall not exceed 18 µg/l, as measured at the deepest point, main river channel, dam forebay.

5. Cedar Creek Lake: those waters impounded by Cedar Creek Dam on Cedar Creek. The reservoir has a surface area of 4,200 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 8 µg/l, as measured at the deepest point, main creek channel, dam forebay.

6. Little Bear Creek Lake: those waters impounded by Little Bear Dam on Little Bear Creek. The reservoir has a surface area of 1,600 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 8 µg/l, as measured at the deepest point, main creek channel, dam forebay.

7. Bear Creek Lake: those waters impounded by Bear Creek Dam on Bear Creek. The reservoir has a surface area of 670 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 16 µg/l, as measured at the deepest point, main creek channel, dam forebay.

~~6~~8. Upper Bear Creek Lake: those waters impounded by Upper Bear Creek Dam on Upper Bear Creek. The reservoir has a surface area of 1,850 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 16 µg/l, as measured at the deepest point, main creek channel, dam forebay.

(j) **The ~~Upper~~ Tombigbee River Basin**

1. Coffeeville Lake: those waters impounded by Coffeeville Dam on the Tombigbee River. The lake has a surface area of 8,500 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 10 µg/l, as measured at the deepest point, main river channel, upstream of the lock canal.

~~1~~2. Demopolis Lake: those waters impounded by Demopolis Dam downstream of the confluence of the Tombigbee and the Black Warrior Rivers. The lake has a surface area of 10,000 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 10 µg/l, as measured at the deepest point, main river channel, dam forebay.

~~2~~3. Gainesville Lake: those waters impounded by Gainesville Dam on the Tombigbee River. The lake has a surface area of 6,400 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 14 µg/l, as measured at the deepest point, main river channel, dam forebay.

~~3~~4. Aliceville Lake: those waters impounded by Tom Bevill Dam on the Tombigbee River. The lake has a surface area of 8,300 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 18 µg/l, as measured at the deepest point, main river channel, dam forebay.

(j) **The Yellow River Basin**

1. Lake Jackson: This natural lake, located in Florala, Alabama, has a surface area of 256 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 7 µg/l, as measured at mid-lake.

2. Lake Frank Jackson: those waters impounded on Lightwood Knot Creek. The lake has a surface area of 1,000 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 12 µg/l, as measured at the deepest point, main creek channel, dam forebay.

~~(k) **The Warrior River Basin**~~

~~1. Warrior Lake: those waters impounded by Warrior Lock and Dam on the Black Warrior River. The lake has a surface area of 7,800 acres at full pool.~~

~~(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 12 µg/l, as measured at the deepest point, main river channel, dam forebay.~~

~~2. Oliver Lake: those waters impounded by William Bacon Oliver Lock and Dam on the Black Warrior River. The lake has a surface area of 800 acres at full pool.~~

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 12 µg/l, as measured at the deepest point, main river channel, dam forebay.

3. Holt Lake: those waters impounded by Holt Lock and Dam on the Black Warrior River. The lake has a surface area of 3,200 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 16 µg/l, as measured at the deepest point, main river channel, dam forebay.

4. Lake Tuscaloosa: those waters impounded by Lake Tuscaloosa Dam on the North River. The lake has a surface area of 5,885 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 8 µg/l, as measured at the deepest point, main river channel, dam forebay.

5. Bankhead Lake: those waters impounded by John Hollis Bankhead Lock and Dam on the Black Warrior River. The lake has a surface area of 9,200 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 16 µg/l, as measured at the deepest point, main river channel, dam forebay.

6. Smith Lake: those waters impounded by Lewis M. Smith Dam on the Sipsey Fork River. The lake has a surface area of 21,200 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 5 µg/l, as measured at the deepest point, main river channel, dam forebay; 5 µg/l, as measured at the deepest point, main river channel, at Duncan Creek/Sipsey River confluence (downstream of the Alabama Highway 257 bridge); and 5 µg/l, as measured at the deepest point, main river channel, immediately downstream of Brushy Creek confluence.

7. Inland Lake: those waters impounded by Inland Lake Dam on the Blackburn Fork of the Little Warrior River. The lake has a surface area of 1,095 acres at full pool.

~~(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 6 µg/l, as measured at the deepest point, main river channel, dam forebay.~~

Author: James E. McIndoe; Lynn Sisk; Chris L. Johnson.
Statutory Authority: Code of Alabama 1975, §§ 22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
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335-6-10-.12 Implementation of the Antidegradation Policy.

(1) The antidegradation policy at rule 335-6-10-.04 addresses three categories of waters/uses:

(a) High quality waters that constitute an outstanding national resource (Tier 3);

(b) Waters where the quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water (Tier 2); and

(c) Existing instream water uses and the level of water quality necessary to protect the existing uses (Tier 1).

(2) Tier 3 waters are those waters designated pursuant to the Outstanding National Resource Water (ONRW) special designation at rule 335-6-10-.10, and are identified in rule 335-6-11-.02.

(3) Tier 1 waters are:

(a) Those waters (except waters assigned the use classification of Outstanding Alabama Water, which are Tier 2 waters) identified ~~on the most recent EPA-approved Section 303(d) list;~~as Category 4 or Category 5 waters;

(b) Those waters (except waters assigned the use classification of Outstanding Alabama Water, which are Tier 2 waters) for which attainment of applicable water quality standards has been, or is expected to be, achieved through implementation of effluent limitations more stringent than technology-based controls (BPT, BAT, and secondary treatment); and

(c) Those waters assigned the use classification of Limited Warmwater Fishery or Agricultural and Industrial Water Supply (as identified in rule 335-6-11-.02).

(4) Tier 2 waters are all other waters (those waters not identified as either Tier 3 waters or Tier 1 waters), including all waters assigned the use classification of Outstanding Alabama Water (as identified in rule 335-6-11-.02).

(5) All new or expanded discharges to Tier 2 waters (except discharges eligible for coverage under general permits) covered by the NPDES permitting program are potentially subject to the provisions of rule 335-6-10-.04(3). Applicants for such discharges are required to demonstrate that the proposed discharge is necessary for important economic or social development as a part of the permit application process.

(6) After receipt of a permit application for a potentially covered discharge, the Department will determine whether the proposed discharge is to a Tier 2 water, as defined in paragraph (4) above. Of necessity, this determination will be made on a case-by-case basis.

(7) The basic framework of the permitting process is unchanged for a covered discharge to a Tier 2 water. However, the process is enhanced to document the consideration of Tier 2 provisions. The additional documentation includes:

(a) The Department's determination that the application is for a new or expanded discharge;

(b) The Department's determination that the receiving stream is considered to be a Tier 2 water; and

(c) The Department's determination, based on the applicant's demonstration, that the proposed discharge is necessary for important economic or social development in the area in which the waters are located.

(8) All three items will be documented in the permit file and/or fact sheet, and will be used by the Department in its decision process. The public notice process will be used to announce a preliminary Department decision to deny or to allow a covered discharge to a Tier 2 water, while the final determination will be made concurrently with the final Department decision regarding the permit application for a covered discharge.

(9) Documentation by the applicant shall include:

(a) An evaluation of discharge alternatives completed by a Registered Professional Engineer licensed to practice in the State of Alabama.

1. The applicant shall document the discharge alternatives evaluation by completing and submitting the following forms[1], or by submitting the same information in another format acceptable to the Department:

(i) ADEM Form 311, Alternatives Analysis; and, as applicable,

(ii) ADEM Form 312, Calculation of Total Annualized Costs for Public-Sector Projects, or ADEM Form 313, Calculation of Total Annualized Costs for Private-Sector Projects. Alternatives with total annualized project costs that are less than 110% of the total annualized project costs for the Tier 2 discharge proposal are considered viable alternatives.

(b) A demonstration that the proposed discharge will support important economic or social development in the area in which the waters are located, documented by the applicant's response, in writing, to the following questions. The applicant shall provide supporting information for each response.

1. What environmental or public health problem will the discharger be correcting?

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[1] Forms are listed in ADEM Admin. Code r. 335-1-1-.07 and are available for downloading on the ADEM web page under Forms.

2. How much will the discharger be increasing employment (at its existing facility or as the result of locating a new facility)?

3. How much reduction in employment will the discharger be avoiding?

4. How much additional state or local taxes will the discharger be paying?

5. What public service to the community will the discharger be providing?

6. What economic or social benefit will the discharger be providing to the community?

Author: James E. McIndoe; Lynn Sisk; Chris L. Johnson.
Statutory Authority: Code of Alabama 1975, §§ 22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
History: August 1, 2002. **Amended:** January 18, 2011; XXXXXX, 2017.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION - WATER QUALITY PROGRAM

CHAPTER 335-6-11
~~WATER~~ USE CLASSIFICATIONS FOR ~~INTERSTATE AND INTRASTATE~~SURFACE WATERS

TABLE OF CONTENTS

335-6-11-.01 The Use Classification System.

(1) Use classifications utilized by the State of Alabama are as follows:

Outstanding Alabama Water	OAW
Public Water Supply	PWS
Swimming and Other Whole Body Water-Contact Sports	S
Shellfish Harvesting	SH
Fish and Wildlife	F&W
Limited Warmwater Fishery	LWF
Agricultural and Industrial Water Supply	A&I

(2) Use classifications apply water quality criteria adopted for particular uses based on existing utilization, uses reasonably expected in the future, and those uses not now possible because of correctable pollution but which could be made if the effects of pollution were controlled or eliminated. Of necessity, the assignment of use classifications must take into consideration the physical capability of waters to meet certain uses.

(3) Those use classifications presently included in the standards are reviewed informally by the Department's staff as the need arises, and the entire standards package, to include the use classifications, receives a formal review at least once every three years. Efforts currently underway through local 201 planning projects will provide additional technical data on certain ~~streams~~ waterbodies in the State, information on treatment alternatives, and applicability of various management techniques, which, when available, will hopefully lead to new_ decisions regarding use classifications. Of particular interest are those segments which are currently classified for any usage which has an associated degree of quality criteria considered to be less than that applicable to a classification of "Fish and Wildlife." As rapidly as it can be demonstrated that new classifications are feasible and attainable on these segments from an economic and technological viewpoint, based on the information being generated pursuant to water quality studies and the planning efforts previously outlined, such improvement will be proposed. For those segments where such a demonstration cannot be made, use attainability analyses describing in detail the factors preventing attainment of the "Fish and Wildlife" use will be prepared pursuant to federal requirements and updated as new information becomes available.

(4) Although it is not explicitly stated in the classifications, it should be understood that the use classification of "Shellfish Harvesting" is only applicable in the coastal area and, therefore, is included only in the Mobile River Basin, Escatawpa River Basin, and the Perdido ~~Escambia~~ River Basin. It should also be noted that with the exception of those segments in the "Public Water Supply" classification, every segment, in addition to being considered acceptable for its designated use, is also considered acceptable for any other use with a less stringent associated criteria.

(5) Not all waters are included by name in the use classifications since it would be a tremendous administrative burden to list all ~~stream~~

waterbody segments in the State. In addition, in virtually every instance where a segment is not included by name, the Department has no information or ~~stream~~ waterbody data upon which to base a decision relative to the assignment of a particular classification. An effort has been made, however, to include all major ~~stream~~ waterbody segments and all segments ~~which~~that, to the Department's knowledge, are currently recipients of point source discharges. Those segments which are not included by name will be considered to be acceptable for a "Fish and Wildlife" classification unless it can be demonstrated that such a generalization is inappropriate in specific instances.

Author: James E. McIndoe; Chris L. Johnson.
Statutory Authority: Code of Alabama 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
History: May 5, 1967. **Amended:** June 19, 1967; April 1, 1970; October 16, 1972; September 17, 1973; May 30, 1977; December 19, 1977; February 4, 1981; April 5, 1982; December 11, 1985; March 26, 1986; September 7, 2000; May 27, 2008; April 1, 2014; XXXXXX, 2017.

335-6-11-.02 **Use Classifications.**

(1) **THE ALABAMA RIVER BASIN**

~~INTERSTATE WATERS~~

~~Stream~~Waterbody	From	To	Classification
ALABAMA RIVER	MOBILE RIVER	Claiborne Lock and Dam	F&W
ALABAMA RIVER (Claiborne Lake)	Claiborne Lock and Dam	~~Frisco Railroad Crossing~~Alabama and Gulf Coast Railway	S/F&W
ALABAMA RIVER (Claiborne Lake)	~~Frisco Railroad Crossing~~Alabama and Gulf Coast Railway	River Mile 131	F&W
ALABAMA RIVER (Claiborne Lake)	River Mile 131	Millers Ferry Lock and Dam	PWS
ALABAMA RIVER (Dannelly Lake)	Millers Ferry Lock and Dam	Sixmile Creek~~Blackwell Bend (Six Mile Creek)~~	S/F&W
ALABAMA RIVER (Dannelly Lake)	~~Blackwell Bend (Six Mile~~Sixmile Creek~~)~~	~~Jones Bluff Lock and Dam~~Robert F Henry Lock and Dam	F&W
ALABAMA RIVER (Woodruff Lake)	~~Jones Bluff Lock and Dam~~Robert F Henry Lock and Dam	Pintlala Creek	S/F&W
ALABAMA RIVER (Woodruff Lake)	Pintlala Creek	Its source	F&W

~~INTRASTATE WATERS~~

~~Stream~~Waterbody	From	To	Classification
Little River	ALABAMA RIVER	Its source	S/F&W

~~Stream~~Waterbody	From	To	Classification
Chitterling Creek (Little River Lake)	Within Little River State Forest		S/F&W
Randons Creek	~~ALABAMA RIVER~~Lovetts Creek	Its source	F&W
Bear Creek	Randons Creek	Its source	F&W
Limestone Creek	ALABAMA RIVER	Its source	F&W
Double Bridges Creek	Limestone Creek	Its source	F&W
Hudson Branch	Limestone Creek	Its source	F&W
Big Flat Creek	ALABAMA RIVER	Its source	S/F&W
Pursley Creek	~~ALABAMA RIVER~~ Claiborne Lake	Its source	F&W
~~Unnamed tributary south of Camden~~	~~Pursley Creek~~	~~Its source~~	~~F&W~~
Beaver Creek (Claiborne Lake)	ALABAMA RIVER	Extent of reservoir	F&W
Beaver Creek	~~ALABAMA RIVER~~ Claiborne Lake	Its source	F&W
Cub Creek	Beaver Creek	Its source	F&W
Turkey Creek	Beaver Creek	Its source	F&W
Rockwest Creek	~~ALABAMA RIVER~~Claiborne Lake	Its source	F&W
~~Unnamed tributary west of Camden~~	~~Rockwest Creek~~	~~Its source~~	~~F&W~~
Pine Barren Creek	~~ALABAMA RIVER~~ Dannelly Lake	Its source	S/F&W
Chilatchee Creek	~~ALABAMA RIVER~~ Dannelly Lake	Its source	S/F&W
Bogue Chitto Creek	~~ALABAMA RIVER~~ Dannelly Lake	Its source	F&W

~~Stream~~Waterbody	From	To	Classification
Sand Creek	Bogue Chitto Creek	Its source	F&W
~~Big~~ Cedar Creek	~~ALABAMA RIVER~~Dannelly Lake	Its source	S/F&W
Valley Creek	~~ALABAMA RIVER~~Dannelly Lake	Selma-Summerfield Road~~.~~	F&W
Valley Creek	Selma-Summerfield Road~~.~~	~~Its source~~Valley Creek Lake Dam	S/F&W
Valley Creek (Valley Creek Lake)	Within Paul M Grist State Park		S/F&W
Mulberry Creek	~~ALABAMA RIVER~~Dannelly Lake	~~Plantersville~~Harris Branch	S/F&W
Mulberry Creek	~~Plantersville~~Harris Branch	Its source	F&W
Gale Creek	Mulberry Creek	Its source	F&W
Charlotte Creek	Gale Creek	Its source	F&W
Big Swamp Creek	~~ALABAMA RIVER~~ Dannelly Lake	Its source	S/F&W
Swift Creek	~~ALABAMA RIVER~~ Woodruff Lake	Its source	S/F&W
Pintlala Creek	~~ALABAMA RIVER~~ Woodruff Lake	Its source	S/F&W
Autauga Creek	~~ALABAMA RIVER~~Woodruff Lake	Matthews Branch	F&W
Autauga Creek	Matthews Branch	Its source	S/F&W
Catoma Creek	~~ALABAMA RIVER~~Woodruff Lake	Its source	F&W
Mortar Creek	ALABAMA RIVER	Its source	F&W
~~Valley Creek Lake~~	~~Within Valley Creek~~Paul M Grist State Park		~~S/F&W~~
~~Little River Lake~~	~~Within Little River State Forest~~		~~S/F&W~~

~~(2)~~[4] **THE CAHABA RIVER BASIN**

~~INTRASTATE WATERS~~

~~Stream~~Waterbody	From	To	Classification
CAHABA RIVER	ALABAMA RIVER	Junction of lower Little Cahaba River	OAW/S
CAHABA RIVER	~~Junction of lower~~ Little Cahaba River (Bibb County)	Shelby County Road 52	OAW/F&W
CAHABA RIVER	Shelby County Road 52	Dam near U.S. Highway 280	F&W
CAHABA RIVER	Dam near U.S. Highway 280	Grant's Mill Road	OAW/PWS
CAHABA RIVER	Grant's Mill Road	U.S. Highway 11	F&W
CAHABA RIVER	U.S. Highway 11	Its source	OAW/F&W
Childers Creek	CAHABA RIVER	Its source	F&W
Oakmulgee Creek	CAHABA RIVER	Its source	S
Little Oakmulgee Creek	Oakmulgee Creek	Its source	S
Rice Creek	CAHABA RIVER	Its source	F&W
Waters Creek	CAHABA RIVER	Its source	S
Old Town Creek	CAHABA RIVER	Its source	S
Blue Girth Creek	CAHABA RIVER	Its source	S
Affonee Creek	CAHABA RIVER	Its source	S
Haysop Creek	CAHABA RIVER	Its source	F&W
Schultz Creek	CAHABA RIVER	Its source	S
Little Cahaba River (Bibb County)	CAHABA RIVER	Its source ~~(junction of Mahan and Shoal Creeks)~~	OAW/F&W
Sixmile Creek	Little Cahaba River	Its source	S
Mahan Creek	Little Cahaba River	Its source	F&W

~~Stream~~Waterbody	From	To	Classification
Shoal Creek	Little Cahaba River	Its source	F&W
Caffee Creek	CAHABA RIVER	Its source	F&W
Shades Creek	CAHABA RIVER	Its source	F&W
Buck Creek	CAHABA RIVER	Cahaba Valley Creek	F&W
Buck Creek	Cahaba Valley Creek	Shelby County Road 44	LWF[4]
Buck Creek	Shelby County Road 44	Its source	F&W
Cahaba Valley Creek	Buck Creek	Its source	F&W
Peavine Creek	Buck Creek	Its source	F&W
Oak Mountain State Park Lakes			PWS
Patton Creek	CAHABA RIVER	Its source	F&W
Little Shades Creek	CAHABA RIVER	Its source	F&W
Little Cahaba River (Jefferson-Shelby Counties)	CAHABA RIVER	~~Head of~~ Lake Purdy Dam	PWS
Little Cahaba River (Lake Purdy)	Lake Purdy Dam	Extent of reservoir	PWS
Little Cahaba River (Jefferson County)	~~Head of~~ Lake Purdy	Its source	F&W

(~~3~~5) **THE CHATTAHOOCHEE RIVER BASIN**

~~INTERSTATE WATERS~~

[4]Applicable dissolved oxygen level is 4.0 mg/l during May through November. Fish and Wildlife E. coli bacteria criteria at paragraph 10-.09(5)(e)7 are applicable year-round. For the purpose of establishing effluent limitations pursuant to chapter 335-6-6 of the Department's regulations, the minimum 7-day low flow that occurs once in 10 years ($7Q_{10}$) shall be the basis for applying the chronic aquatic life criteria.

~~Stream~~Waterbody	From	To	Classification
CHATTAHOOCHEE RIVER	Alabama-Florida state line	~~Water supply intake of Great Southern Division, Great Northern Paper Co.~~Woods Branch	F&W
CHATTAHOOCHEE RIVER	~~Water supply intake of Great Southern Division, Great Northern Paper Co.~~Woods Branch	~~Cowikee Creek~~Walter F George Dam	S/F&W
CHATTAHOOCHEE RIVER (Walter F George Lake)	Walter F George Dam	Cowikee Creek	S/F&W
CHATTAHOOCHEE RIVER (Walter F George Lake)	Cowikee Creek	14th Street Bridge between Columbus and Phenix City	F&W
CHATTAHOOCHEE RIVER	14th Street Bridge between Columbus and Phenix City	~~Osanippa Creek~~Oliver Dam	PWS/S/F&W
CHATTAHOOCHEE RIVER (Lake Oliver)	Oliver Dam	Goat Rock Dam	PWS/S/F&W
CHATTAHOOCHEE RIVER (Goat Rock Lake)	Goat Rock Dam	Bartletts Ferry Dam	PWS/S/F&W
CHATTAHOOCHEE RIVER (Lake Harding)	Bartletts Ferry Dam	Osanippa Creek	PWS/S/F&W
CHATTAHOOCHEE RIVER (Lake Harding)	Osanippa Creek	~~West Point Manufacturing Company water supply intake at Lanett~~Johnson Island	F&W
CHATTAHOOCHEE RIVER	Johnson Island	River Mile 197.2	F&W

~~Stream~~Waterbody	From	To	Classification
CHATTAHOOCHEE RIVER	~~West Point Manufacturing Company water supply intake at Lanett~~River Mile 197.2	West Point Dam	PWS
CHATTAHOOCHEE RIVER (West Point Lake)	West Point Dam	~~West Point Lake limits~~Extent of reservoir in Alabama	S/F&W
Oseligee Creek	Alabama-Georgia state line	Its source	F&W
Wehadkee Creek	Alabama-Georgia state line	Its source	F&W
Finley Creek	~~Alabama-Georgia State line~~Stroud Creek	Its source	F&W
Hardley Creek	Alabama-Georgia State line	Its source	F&W
Veasey Creek	Alabama-Georgia State line	Its source	F&W

~~INTRASTATE WATERS~~

~~Stream~~Waterbody	From	To	Classification
Omusee Creek	CHATTAHOOCHEE RIVER	Its source	F&W
Spivey Mill Creek	Omusee Creek	Its source	F&W
Abbie Creek	CHATTAHOOCHEE RIVER	Its source	F&W
Skippers Creek	Abbie Creek	Its source	F&W
~~Owens Branch~~Vann Mills Creek	Abbie Creek	Its source	F&W
Cheneyhatchee Creek	~~CHATTAHOOCHEE RIVER~~ Walter F George Lake	Its source	S/F&W

~~Stream~~Waterbody	From	To	Classification
Barbour Creek	~~CHATTAHOOCHEE RIVER~~ Walter F George Lake	Its source	F&W
Chewalla Creek	~~CHATTAHOOCHEE RIVER~~ Walter F George Lake	Its source	S/F&W
Cowikee Creek (Walter F George Lake)	CHATTAHOOCHEE RIVER	Its source	S/F&W
North Fork of Cowikee Creek	~~Cowikee Creek~~ Walter F George Lake	Its source	F&W
Middle Fork of Cowikee Creek	North Fork of Cowikee Creek	Its source	S/F&W
Hurtsboro Creek	North Fork of Cowikee Creek	Its source	F&W
South Fork of Cowikee Creek	~~Cowikee Creek~~ Walter F George Lake	Its source	S/F&W
Hatchechubbee Creek	CHATTAHOOCHEE RIVER	Russell County Highway 4, west of Pittsview	S/F&W
Hatchechubbee Creek	Russell County Highway 4, west of Pittsview	Its source	F&W
Ihagee Creek	CHATTAHOOCHEE RIVER	Its source	S/F&W
Uchee Creek	~~CHATTAHOOCHEE RIVER~~ Walter F George Lake	Russell County Road 39	S/F&W
Uchee Creek	Russell County Road 39	~~Alabama Highway 169~~Island Creek	PWS/S/F&W
Uchee Creek	~~Alabama Highway 169~~Island Creek	Its source	S/F&W
Halawakee Creek (Lake Harding)	CHATTAHOOCHEE RIVER	Three miles upstream of Lee County Road 279	PWS/F&W

~~Stream~~Waterbody	From	To	Classification
Halawakee Creek	Three miles upstream of Lee County Road 279	Its source	F&W
Osanippa Creek	~~CHATTAHOOCHEE RIVER~~ Lake Harding	Its source	F&W
Kellum Hill Creek	Osligee Creek	Its source	F&W
Allen Creek	Kellum Hill Creek	Its source	F&W
Moore's Creek	CHATTAHOOCHEE RIVER	Its source	F&W
Guss Creek	Wehadkee Creek	Its source	F&W
Gladney Mill Branch	Guss Creek	Its source	F&W

~~(46)~~ **THE CHIPOLA RIVER BASIN**

~~INTERSTATE WATERS~~

~~Stream~~Waterbody	From	To	Classification
Big Creek	~~Alabama-Florida state line~~Marshall Creek	Its source	F&W
Buck Creek	Alabama-Florida state line	Its source	F&W
Cowarts Creek	Alabama-Florida state line	Its source	F&W

~~INTRASTATE WATERS~~

~~Stream~~	~~From~~	~~To~~	~~Classification~~
Limestone Creek	Big Creek	Its source	F&W
Cypress Creek	Limestone Creek	Its source	F&W
Rocky Creek	Cowarts Creek	Its source	F&W

(~~5~~7) **THE CHOCTAWHATCHEE RIVER BASIN**

~~INTERSTATE WATERS~~

~~Stream~~Waterbody	From	To	Classification
Pea River	CHOCTAWHATCHEE RIVER	Laddon Creek	F&W
Pea River	Laddon Creek	Alabama-Florida state line	S/F&W
Pea River	Alabama-Florida state line	Flat Creek	S/F&W
Pea River	Flat Creek	Snake Branch	F&W
Pea River	Snake Branch	Bucks Mill Creek	S/F&W
Pea River	Bucks Mill Creek	U.S. Highway 84	F&W
Pea River	U.S. Highway 84	Red Oak Creek	S/F&W
Pea River	Red Oak Creek	Halls Creek	F&W
Pea River	Halls Creek	U.S. Highway 231	S/F&W
Pea River	U.S. Highway 231	Pike/Barbour County Road 77	F&W
Pea River	Pike/Barbour County Road 77	Kaiser Branch	S/F&W
Pea River	Kaiser Branch	Buckhorn Creek	F&W
Pea River	Buckhorn Creek	Connors Creek	S/F&W
Pea River	Connors Creek	Its source	F&W
CHOCTAWHATCHEE RIVER	Alabama-Florida state line	Alabama Highway 12	S/F&W
CHOCTAWHATCHEE RIVER	Alabama Highway 12	Brooking Mill Creek	F&W

~~Stream~~Waterbody	From	To	Classification
CHOCTAWHATCHEE RIVER	Brooking Mill Creek	Its Source	S/F&W
Wrights Creek	Alabama-Florida state line	Its source	F&W
Holmes Creek	Alabama-Florida state line	Its source	F&W
~~Ten Mile~~Tenmile Creek	Alabama-Florida state line	Its source	F&W

~~INTRASTATE WATERS~~

~~Stream~~Waterbody	From	To	Classification
Sandy Creek	Pea River	~~Samson~~Its source	F&W
Flat Creek	Pea River	~~Junction with~~ Eightmile Creek	F&W
Flat Creek	~~Junction with~~ Eightmile Creek	Its source	S/F&W
Eightmile Creek	Flat Creek	~~Its source~~Alabama-Florida state line	F&W
Corner Creek	Eightmile Creek	Its source	F&W
Cripple Creek	Pea River	Its source	F&W
Samson Branch	Pea River	Its source	F&W
Whitewater Creek	Pea River	Its source	F&W
Big Creek	Whitewater Creek	Its source	F&W
Walnut Creek	Whitewater Creek	Its source	F&W
Mims Creek	Whitewater Creek	Its source	F&W
Pea Creek	Pea River	Its source	F&W
Double Bridges Creek	CHOCTAWHATCHEE RIVER	Its source	F&W
Blanket Creek	Double Bridges Creek	Its source	F&W

~~Stream~~Waterbody	From	To	Classification
Claybank Creek	CHOCTAWHATCHEE RIVER	Lake Tholocco Dam	F&W
Claybank Creek (Lake Tholocco)	Lake Tholocco Dam	~~Its source~~Extent of reservoir	S/F&W
Claybank Creek	Lake Tholocco	Its source	F&W
Harrand Creek	Claybank Creek	Its source	F&W
~~Tributary of Harrand Creek~~Indian Camp Creek	Harrand Creek	Its source	F&W
Hurricane Creek (Geneva County)	CHOCTAWHATCHEE RIVER	Its source	F&W
Cox Mill Creek	Hurricane Creek	~~Hartford~~Its source	F&W
Little Choctawhatchee River	CHOCTAWHATCHEE RIVER	Its source	F&W
Newton Creek	Little Choctawhatchee River	Its source	F&W
Beaver Creek	Newton Creek	Its source	F&W
Hurricane Creek (Dale County)	CHOCTAWHATCHEE RIVER	Its source	F&W
West Fork ~~of~~ Choctawhatchee River	CHOCTAWHATCHEE RIVER	~~The falls approximately one-half mile upstream of Alabama Highway 27~~Big Creek	S/F&W
West Fork ~~of~~ Choctawhatchee River	~~The falls approximately one-half mile upstream of Alabama Highway 27~~Big Creek	Judy Creek	F&W
West Fork ~~of~~ Choctawhatchee River	Judy Creek	Its source	S/F&W

~~Stream~~Waterbody	From	To	Classification
Judy Creek	West Fork ~~of~~ Choctawhatchee River	Its source	F&W
Little Judy Creek	Judy Creek	Its source	F&W
Lindsey Creek	West Fork ~~of~~ Choctawhatchee River	Its source	F&W
East Fork ~~of~~ Choctawhatchee River	CHOCTAWHATCHEE RIVER	Its source	S/F&W
Blackwood Creek	East Fork ~~of~~ Choctawhatchee River	Its source	F&W

_____(~~6~~8) **THE COOSA RIVER BASIN**

~~INTERSTATE WATERS~~

~~Stream~~Waterbody	From	To	Classification
COOSA RIVER	~~Its junction with the~~ TALLAPOOSA RIVER	Dead River	F&W
COOSA RIVER	Dead River	Jordan Dam	S/F&W
COOSA RIVER (~~Lake~~ Jordan Lake)	Jordan Dam	Mitchell Dam	S/F&W
COOSA RIVER (~~Lake~~ Jordan Lake)	Bouldin Dam	Alabama Highway 111	PWS/S/F&W
COOSA RIVER (~~Lake~~ Mitchell Lake)	Mitchell Dam	Lay Dam	PWS/S/F&W
COOSA RIVER (Lay Lake)	Lay Dam	Southern RR Bridge (1-1/3 miles above Yellowleaf Creek)	PWS/S/F&W
COOSA RIVER (Lay Lake)	Southern RR Bridge (1-1/3 miles above Yellowleaf Creek)	River Mile 89 (1-1/2 miles above Talladega Creek)	S/F&W[4]

[4]Applicable dissolved oxygen level below existing impoundments is 4.0 mg/l.

~~Stream~~Waterbody	From	To	Classification
COOSA RIVER (Lay Lake)	River Mile 89 (1-1/2 miles above Talladega Creek)	Logan Martin Dam	PWS/S/F&W
COOSA RIVER (Logan Martin Lake)	Logan Martin Dam	Broken Arrow Creek	S/F&W
COOSA RIVER (Logan Martin Lake)	Broken Arrow Creek	Trout Creek	PWS/S/F&W
COOSA RIVER (Logan Martin Lake) ~~(Lake Henry)~~	Trout Creek	~~McCardney's Ferry (3 miles upstream of Big Canoe Creek)~~Neely Henry Dam	S/F&W
COOSA RIVER (Neely Henry Lake)	Neely Henry Dam	McCardney's Ferry (3 miles upstream of Big Canoe Creek)	S/F&W
COOSA RIVER (Neely Henry Lake)~~(Lake Henry)~~	McCardney's Ferry (3 miles upstream of Big Canoe Creek)	City of Gadsden's water supply intake	F&W
COOSA RIVER (Neely Henry Lake)~~(Lake Henry)~~	City of Gadsden's water supply intake	Weiss Dam powerhouse	PWS/S/F&W
COOSA RIVER ~~(Lake Henry)~~	Weiss Dam powerhouse	Sugar Creek	S/F&W
COOSA RIVER	Sugar Creek	Weiss Dam	F&W
COOSA RIVER (Weiss Lake)	Weiss Dam and Weiss Dam powerhouse	Spring Creek	PWS/S/F&W
COOSA RIVER (Weiss Lake)	Spring Creek	Alabama-Georgia state line	S/F&W
Bouldin Tailrace Canal (Callaway Creek)	COOSA RIVER	Bouldin Dam	F&W
Terrapin Creek	COOSA RIVER	Cherokee County Road 8	S/F&W
Terrapin Creek	Cherokee County Road 8	~~U.S.~~ Highway 278	F&W

~~Stream~~Waterbody	From	To	Classification
Terrapin Creek	U.S. Highway 278	Calhoun County Road 70, east of Vigo	PWS/S/F&W
Terrapin Creek	Calhoun County Road 70, east of Vigo	Alabama-Georgia state line	F&W
Little River and tributaries	~~COOSA RIVER (~~Weiss Lake~~)~~	~~Junction of East Fork of Little River and West Fork of Little River~~Its source	PWS/S/ F&W[3]
East Fork ~~of~~ Little River and tributaries	Little River	Alabama-Georgia state line	PWS/S/ F&W[3]
West Fork ~~of~~ Little River and tributaries	Little River	Alabama-Georgia state line	PWS/S/ F&W[3]
Chattooga River (Weiss Lake)	COOSA RIVER ~~(Weiss Lake)~~	~~Gaylesville~~Extent of reservoir	S/F&W
Chattooga River	~~Gaylesville~~Weiss Lake	Alabama-Georgia state line	F&W
Spring Creek	~~COOSA RIVER (~~Weiss Lake~~)~~	Alabama-Georgia state line	F&W

~~INTRASTATE WATERS~~

~~Stream~~Waterbody	From	To	Classification
Weoka Creek	~~COOSA RIVER (Lake~~ Jordan Lake~~)~~	Its source	S/F&W
Chestnut Creek	~~COOSA RIVER (Lake~~ Jordan Lake~~)~~	Its source	F&W
Hatchet Creek (Mitchell Lake)	COOSA RIVER	Extent of reservoir	S/F&W
Hatchet Creek	~~COOSA RIVER (Lake~~ Mitchell Lake~~)~~	Norfolk Southern Railway	OAW/S/F&W

[3]The special designation of Outstanding National Resource Water applies to this segment.

~~Stream~~Waterbody	From	To	Classification
Hatchet Creek	Norfolk Southern Railway	Junction of East Fork Hatchet Creek and West Fork Hatchet Creek	OAW/PWS/ S/F&W
East Fork Hatchet Creek	Hatchet Creek	Its source	OAW/F&W
West Fork Hatchet Creek	Hatchet Creek	Its source	OAW/F&W
Socapatoy Creek	Hatchet Creek	Its source	F&W
Weogufka Creek	~~Hatchet Creek (Lake~~ Mitchell Lake)	Its source	S/F&W
Walnut Creek (Mitchell Lake)	COOSA RIVER	Extent of reservoir	F&W
Walnut Creek	~~COOSA RIVER (Lake~~ Mitchell Lake)	Its source	F&W
Waxahatchee Creek (Lay Lake)	COOSA RIVER	Extent of reservoir	F&W
Waxahatchee Creek	~~COOSA RIVER~~ (Lay Lake)	Its source	F&W
~~Tributary of Waxahatchee Creek~~	~~Waxahatchee Creek~~	~~Its source~~	~~F&W~~
Buxahatchee Creek	~~Waxahatchee Creek~~ (Lay Lake)	Its source	F&W
Yellowleaf Creek (Lay Lake)	COOSA RIVER	Extent of reservoir	S/F&W
Yellowleaf Creek	~~COOSA RIVER~~ (Lay Lake)	Its source	S/F&W
Tallasseehatchee Creek	~~COOSA RIVER~~ (Lay Lake)	~~City of Sylacauga's water supply reservoir dam~~Howard Dam	F&W
Tallasseehatchee Creek	~~City of Sylacauga's water supply reservoir dam~~Howard Dam	Its source	PWS/F&W

~~Stream~~Waterbody	From	To	Classification
Shirtee Creek	Tallasseehatchee Creek	Its source	F&W
Talladega Creek	~~COOSA RIVER (~~Lay Lake~~)~~	~~Talladega County Road 303~~Drivers Branch	F&W
Talladega Creek	~~Talladega County Road 303~~Drivers Branch	Alabama Highway 77	PWS/F&W
Talladega Creek	Alabama Highway 77	Its source	F&W
Mump Creek	Talladega Creek	~~City of Talladega's water supply reservoir dam~~Mump Creek Reservoir Dam	F&W
Mump Creek	~~City of Talladega's water supply reservoir dam~~Mump Creek Reservoir Dam	Its source	PWS/F&W
Kelly Creek	~~COOSA RIVER (~~Lay Lake~~)~~	Its source	S/F&W
Wolf Creek	Kelly Creek	Its source	F&W
Choccolocco Creek	~~COOSA RIVER (~~Logan Martin Lake~~)~~	Unnamed ~~T~~tributary from Boiling Spring ~~(Boiling Spring Road)~~	F&W
Choccolocco Creek	Unnamed ~~T~~tributary from Boiling Spring ~~(Boiling Spring Road)~~	Egoniaga Creek	PWS/F&W
Choccolocco Creek	Egoniaga Creek	Its source	F&W
Eastaboga Creek	Choccolocco Creek	Its source	F&W
Cheaha Creek	Choccolocco Creek	~~Lake~~ Chinnabee Dam	S/F&W
Cheaha Creek (Lake Chinnabee)	~~Within Talladega National Forest~~Chinnabee Dam	Extent of reservoir	S/F&W

~~Stream~~Waterbody	From	To	Classification
Cheaha Creek	Lake Chinnabee	Its source	S/F&W
Kelly Creek	Cheaha Creek	Its source	F&W
Brecon Branch	Kelly Creek	Its source	F&W
Coldwater ~~Creek~~Spring Branch	Choccolocco Creek	Its source	F&W
Coldwater Spring			PWS/F&W
Snows Branch ~~Creek~~	Choccolocco Creek	Its source	F&W
Dye Creek	~~COOSA RIVER~~ (Logan Martin Lake)	Its source	F&W
Cane Creek	~~COOSA RIVER~~ (Logan Martin Lake)	Its source	F&W
Cave Creek	Cane Creek	Its source	F&W
Ohatchee Creek	~~COOSA RIVER~~ (Logan Martin Lake)	Its source	S/F&W
Tallasseehatchee Creek	Ohatchee Creek	Its source	F&W
~~Tributary of Tallahatchee Creek~~	~~Tallahatchee Creek~~	~~Its source~~	~~F&W~~
Big Canoe Creek	~~COOSA RIVER (Lake Henry~~Neely Henry Lake~~)~~	Its source	F&W
Little Canoe Creek	Big Canoe Creek	Its source	F&W
Spring Creek	Little Canoe Creek	Its source	F&W
Big Wills Creek	~~COOSA RIVER (Lake Henry-Lake Gadsden)~~Neely Henry Lake	Little Sand Valley Creek	S/F&W
Big Wills Creek	Little Sand Valley Creek	100 yards~~. Below~~ below Allen Branch	F&W

~~Stream~~Waterbody	From	To	Classification
Big Wills Creek	100 yards~~.~~ below Allen Branch	Its source	PWS/F&W
~~Lake Gadsden (Lake Henry)~~	~~U.S. Highway 411~~	~~Impoundment limits~~	~~F&W~~
Black Creek	~~Lake Henry (Lake Gadsden)~~Neely Henry Lake	Its source	F&W
Allen Branch	Big Wills Creek	Fort~~.~~ Payne ~~public water supply d~~Dam	F&W
Allen Branch	Fort~~.~~ Payne ~~public water supply d~~Dam	Its source	PWS/F&W
~~Coleman Lake~~	~~Within Talladega National Forest~~		~~S/F&W~~
~~Sweetwater Lake~~	~~Within Talladega National Forest~~		~~PWS/S/F&W~~
~~High Rock Lake~~	~~Within Talladega National Forest~~		~~S/F&W~~
Hillabee Creek (Hillabee Lake)	~~Within Talladega National Forest~~Hillabee Lake Dam	Extent of reservoir	PWS/S/F&W
~~Salt Creek Lake~~	~~Within Talladega National Forest~~		~~S/F&W~~
Shoal Creek	Choccolocco Creek	Whitesides Mill Lake Dam	S/F&W
Shoal Creek (Whitesides Mill Lake)	~~Western border of Talladega National Forest~~Whitesides Mill Lake Dam	Extent of reservoir	PWS/S/F&W
Shoal Creek	Whitesides Mill Lake	~~Sweetwater Lake~~Highrock Lake Dam	OAW/S/F&W
Shoal Creek (Highrock Lake)	Highrock Lake Dam	Extent of reservoir	OAW/S/F&W
Shoal Creek	Highrock Lake	Sweetwater Lake Dam	OAW/S/F&W
Shoal Creek (Sweetwater Lake)	Sweetwater Lake Dam	Extent of reservoir	OAW/PWS/S/F&W

~~Stream~~Waterbody	From	To	Classification
Shoal Creek	Sweetwater Lake	Its source	OAW/S/F&W
Coleman Lake	Coleman Lake Dam	Extent of reservoir	S/F&W
Ladiga Creek	Terrapin Creek	Terrapin Creek	PWS

(~~7~~10) **THE ESCATAWPA RIVER BASIN**

~~INTERSTATE WATERS~~COASTAL WATERS

~~Stream~~Waterbody	From	To	Classification
Mississippi Sound and contiguous waters excepting: that portion of Portersville Bay 1,000 feet on each side of a straight line connecting the shore at Bayou Coden to a lighted beacon (FLR 4 seconds "6") (Lat. 30°22'31.2"N/ Long. 088°14'25.8"W) and lighted beacon (FL 4 seconds "1") (Lat. 30°22'23.7"N/ Long. 088°14'34.8"W); that portion of Portersville Bay 1,000 feet on each side of a straight line connecting the shore at Bayou La Batre and lighted beacons (FR)(Lat. 30°23'11.0"N/ Long. 088°16'09.6"W), and (FLR 4 seconds "6") (Lat. 30°21'05.2"N/1 Long. 088°17'02.2"W); and that portion of Bayou Aloe within 1,000 feet of the outfall (Lat. 30°15'52.0"N/ Long. 088°07'02.1"W) of the Dauphin Island sewage treatment plant.			SH/S/F&W
Waters excepted in foregoing description of Portersville Bay and contiguous waters			F&W
West Fowl River	Fowl River Bay	Its source	S/F&W
Bayou Coden	Portersville Bay	Its source	F&W
Bayou La Batre	Portersville Bay	Its source	F&W
Little River	Portersville Bay	Its source	F&W

NON-COASTAL WATERS

Waterbody	From	To	Classification
Big Creek	Alabama-Mississippi state line	Big Creek ~~Reservoir~~Lake Dam	F&W

Big Creek (Big Creek Lake)	Big Creek ~~Reservoir~~Lake Dam	~~Its source~~Extent of reservoir	PWS/F&W
Big Creek	Big Creek Lake	Its source	PWS/F&W
ESCATAWPA RIVER	Alabama-Mississippi state line	Its source	S/F&W
Puppy Creek	ESCATAWPA RIVER	Its source	F&W

~~INTRASTATE WATERS~~

~~Stream~~	~~From~~	~~To~~	~~Classification~~
~~Puppy Creek~~	~~ESCATAWPA RIVER~~	~~Its source~~	~~F&W~~

NOTE: Waters of the Escatawpa River Basin classified for SWIMMING AND OTHER WHOLE BODY WATER-CONTACT SPORTS, SHELLFISH HARVESTING, and/or FISH AND WILDLIFE in which natural conditions provide an appropriate habitat for shrimp and crabs are to be suitable for the propagation and harvesting of shrimp and crabs.

(815) **THE ~~LOWER~~ TOMBIGBEE RIVER BASIN**

~~INTERSTATE WATERS~~

~~Stream~~Waterbody	From	To	Classification
TOMBIGBEE RIVER	MOBILE RIVER	One-half mile downstream from Norfolk Southern Railway Crossing	F&W
TOMBIGBEE RIVER	One-half mile downstream from Norfolk Southern Railway Crossing	~~Five miles upstream from U.S. Highway 43Smiths~~Jackson Creek	PWS/S/F&W
TOMBIGBEE RIVER	~~Five miles upstream from U.S. Highway 43Smiths~~Jackson Creek	~~Jackson~~ Coffeeville Lock and Dam	F&W
TOMBIGBEE RIVER (Coffeeville Lake)	~~Jackson~~ Coffeeville Lock and Dam	Beach Bluff (River Mile 141)	S/F&W

~~Stream~~Waterbody	From	To	Classification
TOMBIGBEE RIVER (Coffeeville Lake)	Beach Bluff (River Mile 141)	One-half mile downstream from Alabama Highway 114	F&W[1]
TOMBIGBEE RIVER (Coffeeville Lake)	One-half mile downstream from Alabama Highway 114	Three miles upstream from Alabama Highway 114	PWS/F&W[1]
TOMBIGBEE RIVER (Coffeeville Lake)	Three miles upstream from Alabama Highway 114	Demopolis Lock and Dam	F&W[1]
TOMBIGBEE RIVER (Demopolis Lake)	Demopolis Lock and Dam	BLACK WARRIOR RIVER	S/F&W
Okatuppa Creek	~~TOMBIGBEE RIVER~~ Coffeeville Lake	Alabama-Mississippi state line	F&W
Bogueloosa Creek	Okatuppa Creek	Its source	F&W
Tuckabum Creek	~~TOMBIGBEE RIVER~~ Coffeeville Lake	Alabama-Mississippi state line	F&W
Yantley Creek	Tuckabum Creek	Alabama-Mississippi state line	F&W
Sucarnoochee River	~~TOMBIGBEE RIVER~~ Coffeeville Lake	U~~.~~S~~.~~ Highway 11	F&W
Sucarnoochee River	U~~.~~S~~.~~ Highway 11	Miuka Creek	PWS/S/F&W
Sucarnoochee River	Miuka Creek	Alabama-Mississippi state line	F&W
Alamuchee Creek	Sucarnoochee River	Alabama-Mississippi state line	F&W
Toomsuba Creek	Alamuchee Creek	~~AT&N Railroad~~Norfolk Southern Railway	F&W
Toomsuba Creek	~~AT&N Railroad~~Norfolk Southern Railway	Alabama-Mississippi state line	PWS/F&W

[1]Applicable dissolved oxygen level below existing impoundments is 4.0 mg/l.

~~INTRASTATE WATERS~~

~~Stream~~Waterbody	From	To	Classification
Bilbo Creek	TOMBIGBEE RIVER	Its source	S/F&W
Bates Creek	Bilbo Creek	Its source	S/F&W
Lewis Creek	TOMBIGBEE RIVER	Its source	S/F&W
Bassetts Creek (Washington County)	TOMBIGBEE RIVER	Its source	S/F&W
Little Bassetts Creek (Washington County)	Bassetts Creek (Washington County)	Its source	F&W
Miles Creek	Little Bassetts Creek (Washington County)	Its source	F&W
Bassett Creek (Clarke County)	TOMBIGBEE RIVER	Its source	F&W
James Creek	Bassett Creek (Clarke County)	Its source	F&W
Jackson Creek	TOMBIGBEE RIVER	Its source	F&W
~~Satilpa~~ Salitpa Creek	TOMBIGBEE RIVER	Its source	S/F&W
Santa Bogue Creek	TOMBIGBEE RIVER	Its source	S/F&W
Turkey Creek	~~TOMBIGBEE RIVER~~ Coffeeville Lake	Its source	S/F&W
Bashi Creek	~~TOMBIGBEE RIVER~~ Coffeeville Lake	Its source	S/F&W
Wahalak Creek	~~TOMBIGBEE RIVER~~ Coffeeville Lake	Its source	F&W
Tishlarka Creek	Wahalak Creek	Its source	F&W
Horse Creek	~~TOMBIGBEE RIVER~~ Coffeeville Lake	Its source	S/F&W

~~Stream~~Waterbody	From	To	Classification
Beaver Creek	~~TOMBIGBEE RIVER~~ Coffeeville Lake	Its source	S/F&W
Kinterbish Creek	~~TOMBIGBEE RIVER~~ Coffeeville Lake	Its source	S/F&W
Chickasaw Bogue	~~TOMBIGBEE RIVER~~ Coffeeville Lake	Its source	F&W
Sycamore Creek	Chickasaw Bogue	Its source	F&W
Unnamed tributary ~~southwest of York~~ to Toomsuba Creek (Lake Louise)	Toomsuba Creek	Its source	PWS

~~(9~~11) **THE MOBILE RIVER-MOBILE BAY BASIN**

~~INTERSTATE AND~~ COASTAL WATERS

~~Stream~~Waterbody	From	To	Classification
~~Mobile River and all other rivers, creeks, lakes of the Mobile River Delta and their tributaries except as otherwise designated~~			~~F&W~~
MOBILE RIVER	Its mouth	Spanish River	LWF[4]
MOBILE RIVER	Spanish River	I-65	F&W
~~MOBILE RIVER~~	~~Barry Steam Plant~~	~~Tensaw River~~	~~PWS/F&W~~
~~MOBILE RIVER~~	~~Its mouth~~	~~Spanish River~~	~~LWF[4]~~
Tensaw River	~~Junction of Tensaw and~~ Apalachee Rivers	~~Junction of Briar Lake~~ I-65	OAW/S/F&W
Martin Branch	Red Hill Creek	10 feet above MSL	F&W

[4]For the purpose of establishing effluent limitations pursuant to chapter 335-6-6 of the Department's regulations, the minimum 7-day low flow that occurs once in 10 years ($7Q_{10}$) shall be the basis for applying the chronic aquatic life criteria.

~~[4]For the purpose of establishing effluent limitations pursuant to chapter 335-6-6 of the Department's regulations, the minimum 7-day low flow that occurs once in 10 years ($7Q_{10}$) shall be the basis for applying the chronic aquatic life criteria.~~

~~Stream~~Waterbody	From	To	Classification
~~Tensaw River~~	~~Junction of Briar Lake~~	~~Junction of Tensaw Lake~~	~~OAW/F&W~~
~~Briar Lake~~	~~Junction of Tensaw River~~	~~Junction of Tensaw Lake~~	~~OAW/F&W~~
~~Tensaw Lake~~	~~Junction of Tensaw River~~	~~Bryant Landing~~	~~OAW/F&W~~
MOBILE BAY	West of a line drawn due south from the western shore of Chacaloochee Bay (Lat. 30°40'47.3"N/ Long. 087°59'44.2"W)	North of a line drawn~~A point~~ due east of the mouth of Dog River (Lat. 30°33'53.2"N/ Long. 088°05'15.3"W)	F&W
MOBILE BAY	South of a line drawn due east from the mouth of Dog River (Lat. 30°33'53.2"N/ Long. 088°05'15.3"W) and east of a line drawn due south from the western shore of Chacaloochee Bay (Lat. 30°40'47.3"N/ Long. 087°59'44.2"W) and all other portions of MOBILE BAY		S/F&W
MOBILE BAY	All that portion lying south of a line extending in an easterly direction from the south bank of East Fowl River at its mouth (Lat. 30°27'03.1"N/ Long. 088°06'22.6"W) through lighted beacon (FL 2 seconds) (Lat. 30°27'07.5"N/ Long. 088°05'39.3"W) to lighted beacon (FLG 4 seconds "23") (Lat. 30°27'18.3"N/ Long. 088°00'58.3"W) at the Mobile Ship Channel thence in a northeasterly direction to Daphne (Bench Mark 157, Lat. 30°36'07.5"N/ Long. 087°54'16.4"W)		SH/F&W
Bon Secour Bay	In its entirety (east and south of a line connecting Mullet Point, Lat. 30°24'35.0"N/ Long. 087°54'23.2"W, and Engineers Point, Lat. 30°13'50.1"N/ Long. 088°01'26.2"W, at Fort Morgan)		SH/S/F&W

~~Stream~~Waterbody	From	To	Classification
~~Mississippi Sound and contiguous waters excepting: that portion of Portersville Bay 1,000 feet on each side of a straight line connecting the shore at Bayou Coden to a lighted beacon (FLR 4 seconds "6") (Lat. 30°22'31.2"N/ Long. 088°14'25.8"W) and lighted beacon (FL 4 seconds "1") (Lat. 30°22'23.7"N/ Long. 088°14'34.8"W); that portion of Portersville Bay 1,000 feet on each side of a straight line connecting the shore at Bayou La Batre and lighted beacons (FR)(Lat. 30°23'11.0"N/ Long. 088°16'09.6"W), and (FLR 4 seconds "6") (Lat. 30°21'05.2"N/1 Long. 088°17'02.2"W); and that portion of Bayou Aloe within 1,000 feet of the outfall (Lat. 30°15'52.0"N/ Long. 088°07'02.1"W) of the Dauphin Island sewage treatment plant.~~			~~SH/S/F&W~~
~~Waters excepted in foregoing description of Portersville Bay and contiguous waters~~			~~F&W~~
Oyster Bay south of the Intracoastal Waterway~~and that portion of Bon Secour River west of a line drawn due north from the east bank of the inlet connecting Oyster Bay and Bon Secour River~~			SH/F&W
Coastal waters of the Gulf of Mexico contiguous to the State of Alabama			SH/S/F&W
Intracoastal Waterway	Bon Secour Bay	Alabama Highway 59	F&W
Bon Secour River	Bon Secour Bay	~~One mile upstream from first bridge above its mouth~~ 10 feet above MSL	S/F&W
Boggy Branch	Bon Secour River	~~Its source~~ 10 feet above MSL	S/F&W
Weeks Bay	Bon Secour Bay	Fish River	S/F&W[3]
Magnolia River	Weeks Bay	~~Its source~~ 10 feet above MSL	OAW/S/F&W
Fish River	Weeks Bay	~~Clay City~~ 10 feet above MSL	S/F&W
Turkey Branch	Fish River	~~Its source~~ 10 feet above MSL	S/F&W
Waterhole Branch	Fish River	~~Its source~~ 10 feet above MSL	S/F&W

[3]The special designation of Outstanding National Resource Water applies to this segment.

~~Stream~~Waterbody	From	To	Classification
Cowpen Creek	Fish River	~~Its source~~ 10 feet above MSL	S/F&W
Polecat Creek	Fish River	10 feet above MSL	S/F&W
Point Clear Creek	MOBILE BAY	~~Its source~~ 10 feet above MSL	F&W
Fly Creek	MOBILE BAY	~~Its source~~ 10 feet above MSL	S/F&W
Rock Creek	MOBILE BAY	~~Its source~~ 10 feet above MSL	F&W
D'Olive Creek	D'Olive Bay	~~Its source~~ Lake Forest Dam	F&W
~~West Fowl River~~	~~Fowl River Bay~~	~~Its source~~	~~S/F&W~~
~~Bayou Coden~~	~~Portersville Bay~~	~~Its source~~	~~F&W~~
~~Bayou La Batre~~	~~Portersville Bay~~	~~Its source~~	~~F&W~~
~~Little River~~	~~Portersville Bay~~	~~Its source~~	~~F&W~~
East Fowl River	Fowl River	Its source	S/F&W
Fowl River	MOBILE BAY	~~Its source~~ 10 feet above MSL	S/F&W
Deer River and its forks	MOBILE BAY	Their sources	F&W
Dog River	MOBILE BAY	Halls Mill Creek	S/F&W
Dog River	Halls Mill Creek	Its source	F&W
Halls Mill Creek	Dog River	~~Its source~~ 10 feet above MSL	F&W
Alligator Bayou	Dog River	~~Its source~~ 10 feet above MSL	F&W
Rabbit Creek	Dog River	~~Its source~~ 10 feet above MSL	F&W
Rattlesnake Bayou	~~Dog River~~Rabbit Creek	~~Its source~~ 10 feet above MSL	F&W

~~Stream~~Waterbody	From	To	Classification
Robinson~~'s~~ Bayou	Dog River	Its source	F&W
Threemile Creek	MOBILE RIVER	Mobile Street	A&I
Industrial Canal	Threemile Creek	Its source	A&I
Chickasaw Creek	MOBILE RIVER	~~Limit of tidal effects (~~U~~.~~S~~.~~ Highway 43~~)~~	LWF
Hog Bayou	Chickasaw Creek	Its source	F&W
Little Lagoon (Baldwin County)	In its entirety		SH/S/F&W
Bayou Sara	MOBILE RIVER	U~~.~~S~~.~~ Highway 43	S/F&W
Bayou Sara	U~~.~~S~~.~~ Highway 43	~~Its source~~ 10 feet above MSL	F&W
Gunnison Creek	Bayou Sara	~~Its source~~ 10 feet above MSL	S/F&W
Steele Creek	Gunnison Creek	~~Its source~~ 10 feet above MSL	S/F&W
Norton Creek	Bayou Sara	10 feet above MSL	F&W

NOTE: Waters of the Mobile River-Mobile Bay Basin classified for SWIMMING AND OTHER WHOLE BODY WATER-CONTACT SPORTS, SHELLFISH HARVESTING and/or FISH AND WILDLIFE in which natural conditions provide an appropriate habitat for shrimp and crabs are to be suitable for the propagation and harvesting of shrimp and crabs.

~~INTRASTATE WATERS~~NON-COASTAL WATERS

~~Stream~~Waterbody	From	To	Classification
MOBILE RIVER	I-65	Barry Steam Plant	F&W
MOBILE RIVER	Barry Steam Plant	Tensaw River	PWS/F&W
MOBILE RIVER	Tensaw River	Its source	F&W
Tensaw River	I-65	Briar Lake	OAW/S/F&W
Tensaw River	Briar Lake	Tensaw Lake	OAW/F&W
Briar Lake	Tensaw River	Tensaw Lake	OAW/F&W

~~Stream~~Waterbody	From	To	Classification
Tensaw Lake	Tensaw River	Bryant Landing	OAW/F&W
Bon Secour River	~~One mile upstream from first bridge above its mouth~~ 10 feet above MSL	Its source	S/F&W
Boggy Branch	10 feet above MSL	Its source	S/F&W
Magnolia River	10 feet above MSL	Its source	OAW/S/F&W
Fish River	~~Clay City~~ 10 feet above MSL	Its source	S/F&W
Turkey Branch	10 feet above MSL	Its source	S/F&W
Waterhole Branch	10 feet above MSL	Its source	S/F&W
Cowpen Creek	10 feet above MSL	Its source	S/F&W
Fly Creek	10 feet above MSL	Its source	S/F&W
D'Olive Creek	Lake Forest Dam	Its source	F&W
Fowl River	10 feet above MSL	Its source	S/F&W
Polecat Creek	~~Fish River~~ 10 feet above MSL	Its source	S/F&W
Corn Branch	Fish River	Its source	F&W
Threemile Creek	Mobile Street	Its source	A&I
Gunnison Creek	10 feet above MSL	Its source	S/F&W
Steele Creek	10 feet above MSL	Its source	S/F&W
Chickasaw Creek	~~Limit of tidal effects~~ US Highway 43	~~Mobile College~~University of Mobile	F&W
Chickasaw Creek	~~Mobile College~~University of Mobile	Its source	S/F&W
Eight Mile Creek	Chickasaw Creek	City of Prichard's water supply intake	F&W

~~Stream~~Waterbody	From	To	Classification
Eight Mile Creek	City of Prichard's water supply intake	U.S. Highway 45	PWS/F&W
Eight Mile Creek	U.S. Highway 45	Its source	F&W
Norton Creek	~~Bayou Sara~~ 10 feet above MSL	Its source	F&W
Martin Branch	~~Tensaw River~~ 10 feet above MSL	Its source	F&W
Cold Creek	MOBILE RIVER	Cold Creek Dam ~~1 1/2 miles west of U.S. Highway 43~~	F&W[2]
Cold Creek	Cold Creek Dam ~~1 1/2 miles west of U.S. Highway 43~~	Its source	PWS/F&W

(~~10~~3) **~~THE PERDIDO/ESCAMBIA RIVER BASIN (TO INCLUDE THE BLACKWATER, CONECUH, PERDIDO, AND YELLOW RIVER SUB-BASINS)~~ RIVER BASIN**

~~INTERSTATE WATERS OF THE BLACKWATER RIVER BASIN~~

~~Stream~~Waterbody	From	To	Classification
BLACKWATER RIVER	Alabama-Florida state line	Its source	F&W
Big Juniper Creek	Alabama-Florida state line	Its source	F&W
Sweetwater Creek	Alabama-Florida state line	Its source	F&W
Rock Creek	Alabama-Florida state line	Its source	F&W

[2]Due to naturally occurring conditions, quality in this segment may not always be commensurate with the classification assigned.

~~Stream~~Waterbody	From	To	Classification
Boggy Hollow Creek	Alabama-Florida state line	Its source	F&W

(9) **THE ESCAMBIA RIVER BASIN**

~~INTERSTATE WATERS OF THE CONECUH RIVER BASIN~~

~~Stream~~Waterbody	From	To	Classification
CONECUH RIVER	Alabama-Florida state line	Point A Dam	F&W
CONECUH RIVER (Point A Lake)	Point A Dam	~~Head of Gantt Lake~~ Extent of reservoir	S/F&W
CONECUH RIVER	Point A Lake	Gantt Dam	S/F&W
CONECUH RIVER (Gantt Lake)	~~Head of Gantt Lake~~Gantt Dam	~~Its source~~Extent of reservoir	F&W
CONECUH RIVER	Gantt Lake	Its source	F&W
Little Escambia Creek	Alabama-Florida state line	Its source	F&W
Big Escambia Creek	Alabama-Florida state line	Its source	F&W
Pine Barren Creek	Alabama-Florida state line	Its source	F&W
Dixon Creek	Alabama-Florida state line	Its source	F&W
Canoe Creek	Alabama-Florida state line	Its source	F&W
Reedy Creek	Alabama-Florida state line	Its source	F&W
~~Beaver Dam~~Beaverdam Creek	Alabama-Florida state line	Its source	F&W

~~INTRASTATE WATERS OF THE CONECUH RIVER BASIN~~

~~Stream~~Waterbody	From	To	Classification

~~Stream~~Waterbody	From	To	Classification
Murder Creek	CONECUH RIVER	Its source	F&W
Mill Creek	Murder Creek	Its source	F&W
Sandy Creek	~~Murder~~ Mill Creek	Its source	F&W
Burnt Corn Creek	Murder Creek	Its source	S/F&W
Sepulga River	CONECUH RIVER	Its source	F&W
Pigeon Creek	Sepulga River	Its source	F&W
~~Unnamed Tributary~~	~~Pigeon Creek~~	~~Its source~~	~~F&W~~
Persimmon Creek	Sepulga River	Its source	F&W
Rocky Creek	Persimmon Creek	Its source	F&W
Prestwood Creek	CONECUH RIVER	Its source	F&W
~~Unnamed Tributary west of Andalusia~~	~~CONECUH RIVER~~	~~Its source~~	~~F&W~~
Patsaliga Creek	~~CONECUH RIVER~~Point A Lake	Its source	F&W
Little Patsaliga Creek	Patsaliga Creek	Its source	S/F&W
Double Branch	CONECUH RIVER	Its source	F&W
Sizemore Creek	Big Escambia Creek	Its source	S/F&W
Wet Weather Creek	Sizemore Creek	Its source	F&W

(12) **THE PERDIDO RIVER BASIN**

~~INTERSTATE AND COASTAL WATERS OF THE PERDIDO RIVER BASIN~~COASTAL WATERS

~~Stream~~Waterbody	From	To	Classification
PERDIDO BAY and all connecting coves and bayous	Gulf of Mexico	Its source	SH/S/F&W

~~Stream~~Waterbody	From	To	Classification
Intracoastal Waterway	Alabama Highway 59	Wolf Bay	F&W
Wolf Bay and all connecting coves and bayous	Intracoastal Waterway	Moccasin Bayou	OAW/SH/S/ F&W
Wolf Bay and all connecting coves and bayous	Moccasin Bayou	Its source	SH/S/F&W
Bay La Launch and all connecting coves and bayous	Wolf Bay	Arnica Bay	SH/S/F&W
Arnica Bay and all connecting coves and bayous	Bay La Launch	PERDIDO BAY	SH/S/F&W
Miflin Creek	Wolf Bay	~~Limit of tidal effects~~ 10 feet above MSL	S/F&W
Hammock Creek	Wolf Bay	~~Limit of tidal effects~~ 10 feet above MSL	S/F&W
Palmetto Creek	PERDIDO BAY	~~Its source~~ 10 feet above MSL	S/F&W
Spring Branch	PERDIDO BAY	~~Its source~~ 10 feet above MSL	S/F&W
Soldier Creek	PERDIDO BAY	~~Its source~~ 10 feet above MSL	S/F&W
PERDIDO RIVER	PERDIDO BAY	~~Its source~~ 10 feet above MSL	F&W
~~Perdido Creek~~	~~PERDIDO RIVER~~	~~Its source~~	~~F&W~~
~~Brushy Creek~~	~~Alabama-Florida state line~~	~~Its source~~	~~F&W~~
Wolf Creek	Wolf Bay	10 feet above MSL	F&W
Sandy Creek	Wolf Bay	10 feet above MSL	S/F&W
Blackwater River	PERDIDO RIVER	10 feet above MSL	F&W
Styx River	PERDIDO RIVER	10 feet above MSL	F&W

~~Stream~~Waterbody	From	To	Classification
Shelby Lakes	Within Gulf State Park		S/F&W
Coastal waters of the Gulf of Mexico Contiguous to the State of Alabama			SH/S/F&W

NOTE: Waters of the Perdido River Basin classified for SWIMMING AND OTHER WHOLE BODY WATER-CONTACT SPORTS, SHELLFISH HARVESTING and/or FISH AND WILDLIFE in which natural conditions provide an appropriate habitat for shrimp and crabs are to be suitable for the propagation and harvesting of shrimp and crabs.

~~INTRASTATE WATERS OF THE PERDIDO RIVER BASIN~~NON-COASTAL WATERS

~~Stream~~Waterbody	From	To	Classification
PERDIDO RIVER	10 feet above MSL	Its source	F&W
~~Wolf Creek~~	~~Wolf Bay~~	~~Its source~~	~~F&W~~
~~Sandy Creek~~	~~Wolf Bay~~	~~Its source~~	~~S/F&W~~
Miflin Creek	~~Limit of tidal effects~~ 10 feet above MSL	Its source	F&W
Hammock Creek	10 feet above MSL	Its source	S/F&W
~~BLACKWATER RIVER~~ Blackwater River	~~PERDIDO RIVER~~ 10 feet above MSL	Its source	F&W
Perdido Creek	PERDIDO RIVER	Its source	F&W
Brushy Creek	Alabama-Florida state line	Its source	F&W
Palmetto Creek	10 feet above MSL	Its source	S/F&W
Spring Branch	10 feet above MSL	Its source	S/F&W
Soldier Creek	10 feet above MSL	Its source	S/F&W
Negro Creek	~~BLACKWATER RIVER~~Blackwater River	Its source	F&W

~~Stream~~Waterbody	From	To	Classification
Rock Creek	~~BLACKWATER RIVER~~Blackwater River	Its source	F&W
Styx River	~~PERDIDO RIVER~~ 10 feet above MSL	Hollinger Creek	F&W
Styx River	Hollinger Creek	Its source	S/F&W
Hollinger Creek	Styx River	Its source	F&W
Dyas Creek	PERDIDO RIVER	Its source	S/F&W

(16) **THE YELLOW RIVER BASIN**

~~INTERSTATE WATERS OF THE YELLOW RIVER BASIN~~

~~Stream~~Waterbody	From	To	Classification
YELLOW RIVER	Alabama-Florida state line	Its source	F&W
Pond Creek	Alabama-Florida state line	Its source	F&W
Big Creek	Alabama-Florida state line	Its source	F&W
Horsehead Creek	Alabama-Florida state line	Its source	F&W
Fleming Creek	Alabama-Florida state line	Its source	F&W
Lake Jackson	Within Florala and north of Alabama-Florida state line		S/F&W

~~INTRASTATE WATERS OF THE YELLOW RIVER BASIN~~

~~Stream~~	~~From~~	~~To~~	~~Classification~~
Five Runs Creek	YELLOW RIVER	Its source	F&W
Indian Creek	YELLOW RIVER	Its source	F&W

~~Stream~~	~~From~~	~~To~~	~~Classification~~
Lightwood Knot Creek	YELLOW RIVER	~~Its source~~Frank Jackson Dam	F&W
Lightwood Knot Creek (Lake Frank Jackson)	Frank Jackson Dam	Extent of reservoir	S/F&W
Lightwood Knot Creek	Lake Frank Jackson	Its source	F&W
Cameron Creek	Lightwood Knot Creek	Its source	F&W
Bay Branch	Five Runs Creek	Its source	F&W
Blue Lake	Within Conecuh National Forest		S/F&W
Open Pond	Within Conecuh National Forest		S/F&W
Dowdy Pond	Within Conecuh National Forest		S/F&W

(~~11~~13) **THE TALLAPOOSA RIVER BASIN**

~~INTERSTATE WATERS~~

~~Stream~~Waterbody	From	To	Classification
TALLAPOOSA RIVER	ALABAMA RIVER	U~~.~~S~~.~~ Highway 231	F&W
TALLAPOOSA RIVER	U~~.~~S~~.~~ Highway 231	Thurlow Dam	PWS/F&W
TALLAPOOSA RIVER (Thurlow Lake)	Thurlow Dam	Yates Dam	PWS/S/F&W
TALLAPOOSA RIVER (Yates Lake)	Yates Dam	Martin Dam	PWS/S/F&W
TALLAPOOSA RIVER (Lake Martin)	Martin Dam	U~~.~~S~~.~~ Highway 280	S/F&W[5]

[5]The special designation of Treasured Alabama Lake applies to this segment.

~~Stream~~Waterbody	From	To	Classification
TALLAPOOSA RIVER (Lake Martin)	U.S. Highway 280	Hillabee Creek	PWS/S/ F&W[5]
TALLAPOOSA RIVER (Lake Martin)	Hillabee Creek	Irwin Shoals	S/F&W[5]
TALLAPOOSA RIVER	~~Hillabee Creek~~Irwin Shoals	R. L. Harris Dam	F&W
TALLAPOOSA RIVER (R. L. Harris Lake)	R. L. Harris Dam	Four miles upstream of Randolph County Road 88 (Lee Bridge)	S/F&W
TALLAPOOSA RIVER	Four miles upstream of Randolph County Road 88 (Lee Bridge)	One-half mile upstream of Cleburne County Road 36	F&W
TALLAPOOSA RIVER	One-half mile upstream of Cleburne County Road 36	Cleburne County Road 19	PWS/F&W
TALLAPOOSA RIVER	Cleburne County Road 19	Cane Creek	F&W
TALLAPOOSA RIVER	Cane Creek	Alabama-Georgia state line	OAW/F&W
Little Tallapoosa River (R. L. Harris Lake)	TALLAPOOSA RIVER ~~(R.L. Harris Lake)~~	U.S. Highway 431	S/F&W
Little Tallapoosa River (R. L. Harris Lake)	U.S. Highway 431	~~Five miles upstream of U.S. Highway 431~~ Wolf Creek	PWS/S/F&W
Little Tallapoosa River	~~Five miles upstream of U.S. Highway 431~~Wolf Creek	Alabama-Georgia state line	F&W

~~INTRASTATE WATERS~~

~~Stream~~Waterbody	From	To	Classification
~~Oakfuskee Creek (~~Line Creek~~)~~	TALLAPOOSA RIVER	Its source	F&W

~~Stream~~Waterbody	From	To	Classification
Old Town Creek	~~Oakfuskee Creek~~ (Line Creek)	Its source	F&W
Cubahatchee Creek	TALLAPOOSA RIVER	Its source	S/F&W
Calebee Creek	TALLAPOOSA RIVER	Its source	F&W
Uphapee Creek	TALLAPOOSA RIVER	Its source	F&W
Bulger Creek	Uphapee Creek	Its source	PWS/F&W
Parkerson Mill Creek	Chewacla Creek	Its source	F&W
Chewacla Creek	Uphapee Creek	Chewacla State Park Lake (Moore's Mill Creek)	F&W
Chewacla Creek	Chewacla State Park Lake (Moore's Mill Creek)	Its source	PWS/F&W
Moore's Mill Creek	Chewacla Creek (Dam at Chewacla State Park Lake)	Its source	S/F&W
Sougahatchee Creek	~~TALLAPOOSA RIVER~~ (Yates Lake)	Sougahatchee Lake Dam	F&W
Sougahatchee Creek	Sougahatchee Lake Dam	Its source	PWS/F&W
Pepperell Branch	Sougahatchee Creek	Its source	F&W
Head Creek	Sougahatchee Creek	Its source	F&W
Little Kowaliga Creek (Lake Martin)	Big Kowaliga Creek ~~(Lake Martin)~~	~~Reservoir Limits~~Extent of reservoir	PWS/S/ F&W[5]
Sandy Creek	~~TALLAPOOSA RIVER~~ (Lake Martin)	Its source	F&W
Chattasofka Creek	Sandy Creek	Its source	F&W

[5]The special designation of Treasured Alabama Lake applies to this segment.

~~Stream~~Waterbody	From	To	Classification
North Fork ~~of~~ Sandy Creek	Sandy Creek	Its source	F&W
Little Sandy Creek	Sandy Creek	~~Central of Georgia RR~~Norfolk Southern Railway	F&W
Little Sandy Creek	~~Central of Georgia RR~~Norfolk Southern Railway	Its source	PWS/F&W
Manoy Creek (Lake Martin)	TALLAPOOSA RIVER ~~(Lake Martin)~~	~~Reservoir Limits~~Extent of reservoir	PWS/S/ F&W[5]
~~Elkahatchee Creek~~	~~TALLAPOOSA RIVER (Lake Martin)~~	~~Alabama Highway 63~~	~~F&W~~
Elkahatchee Creek	Alabama Highway 63	Alabama Highway 22	PWS/F&W
Elkahatchee Creek	Alabama Highway 22	Its source	F&W
Harold Creek	Elkahatchee Creek	Its source	F&W
Sugar Creek	~~Elkahatchee Creek~~ Lake Martin	Its source	F&W
Coley Creek	~~TALLAPOOSA RIVER~~ (Lake Martin)	Its source	F&W
Hillabee Creek	~~TALLAPOOSA RIVER~~ Lake Martin	~~Jct. of~~ Oaktasasi ~~and Town~~ Creeks	F&W
Hillabee Creek	~~Jct. of~~ Oaktasasi ~~and Town~~ Creeks	~~County road bridge 3 miles east of Hackneyville~~Tallapoosa County Road 5	PWS/F&W
Hillabee Creek	~~County road bridge 3 miles east of Hackneyville~~Tallapoosa County Road 5	Its source	F&W
Oaktasasi Creek	Hillabee Creek	Its source	F&W
~~Christian Creek~~	~~Oaktasasi Creek~~	~~Its source~~	~~F&W~~
~~Dobbs~~ Whortleberry Creek	Oaktasasi Creek	Its source	F&W

~~Stream~~Waterbody	From	To	Classification
Town Creek	Hillabee Creek	Its source	F&W
Hackney Creek	Town Creek	Its source	PWS/F&W
Chatahospee Creek	TALLAPOOSA RIVER	Its source	F&W
Mill Creek	Chatahospee Creek	Its source	F&W
Finley Creek	Mill Creek	Its source	PWS/F&W
High Pine Creek	TALLAPOOSA RIVER	U.S. Highway 431 ~~crossing~~	F&W
High Pine Creek	U.S. Highway 431 ~~crossing~~	Its source	PWS
Jones Creek	High Pine Creek	Its source	PWS
Unnamed tributary to Jones Creek northwest of Roanoke	Jones Creek	Its source	PWS
Graves Creek	High Pine Creek	Its source	F&W
Town Creek	High Pine Creek	Its source	F&W
Hutton Creek	TALLAPOOSA RIVER	Its source	F&W
Beaverdam Creek	TALLAPOOSA RIVER	Its source	F&W
Crooked Creek	TALLAPOOSA RIVER	Alabama Highway 9	F&W
Crooked Creek	Alabama Highway 9	Its source	PWS/F&W
Horsetrough Creek	Crooked Creek	Its source	F&W
Wedowee Creek	~~Little Tallapoosa River~~R L Harris Lake	Its source	F&W
Cahulga Creek	TALLAPOOSA RIVER	U.S. Highway 78	F&W
Cahulga Creek	U.S. Highway 78	Its source	PWS/F&W

~~INTERSTATE WATERS~~

~~Stream~~Waterbody	From	To	Classification
TENNESSEE RIVER (Pickwick Lake)	Alabama-Tennessee state line	~~Lower~~ Downstream end of Seven Mile Island	PWS/S/F&W
TENNESSEE RIVER (Pickwick Lake)	~~Lower~~ Downstream end of Seven Mile Island	Sheffield water intake	F&W
TENNESSEE RIVER (Pickwick Lake)	Sheffield water intake	Wilson Dam	PWS/F&W
TENNESSEE RIVER (Wilson Lake)	Wilson Dam	Wheeler Dam	PWS/S/F&W
TENNESSEE RIVER (Wheeler Lake)	Wheeler Dam	Five miles upstream of Elk River (RM 289.3)	PWS/S/F&W
TENNESSEE RIVER (Wheeler Lake)	Five miles upstream of Elk River (RM 289.3)	U.S. Highway 31 (see Note 1 this basin)	S/F&W
TENNESSEE RIVER (Wheeler Lake)	U.S. Highway 31	Flint Creek	PWS/S/F&W
TENNESSEE RIVER (Wheeler Lake)	Flint Creek	Cotaco Creek	S/F&W
TENNESSEE RIVER (Wheeler Lake)	Cotaco Creek	Indian Creek	PWS/S/F&W
TENNESSEE RIVER (Wheeler Lake)	Indian Creek	Flint River	PWS/F&W
TENNESSEE RIVER (Wheeler Lake)	Flint River	Guntersville Dam	S/F&W
TENNESSEE RIVER (Guntersville Lake)	Guntersville Dam	Upper end of Buck's Island (see Note 2 this basin)	PWS/S/F&W

~~Stream~~Waterbody	From	To	Classification
TENNESSEE RIVER (Guntersville Lake)	Upper end of Buck's Island	Roseberry Creek	S/F&W
TENNESSEE RIVER (Guntersville Lake)	Roseberry Creek	Alabama-Tennessee state line (see Note 3 this basin)	PWS/S/F&W
Bear Creek	Alabama-Mississippi state line	Bear Creek Lake Dam	F&W
Bear Creek (Bear Creek Lake)	Bear Creek Lake Dam	Alabama Highway 187	PWS/S/F&W
Bear Creek	Alabama Highway 187	Upper Bear Creek Lake Dam	S/F&W
Bear Creek (Upper Bear Creek Lake)	Upper Bear Creek Lake Dam	Alabama Highway 243	PWS/S/F&W
Bear Creek	Alabama Highway 243	Its source	F&W
Cedar Creek	Bear Creek	Alabama-Mississippi state line	F&W
Cedar Creek	Alabama-Mississippi state line	Cedar Creek Lake Dam	F&W
Cedar Creek (Cedar Creek Lake)	Cedar Creek Lake Dam	Alabama Highway 24	PWS/S/F&W
Cedar Creek	Alabama Highway 24	Its source	F&W
Bear Creek (Pickwick Lake)	TENNESSEE RIVER ~~(Pickwick Lake)~~	U.S. Highway 72	S/F&W
Bear Creek	U.S. Highway 72	Alabama-Mississippi state line	F&W
Second Creek	~~TENNESSEE RIVER~~ (Pickwick Lake)	Alabama-Tennessee state line	F&W
Cypress Creek	~~TENNESSEE RIVER~~ (Pickwick Lake)	City of Florence Water Treatment Plant	F&W

~~Stream~~Waterbody	From	To	Classification
Cypress Creek	City of Florence Water Treatment Plant	Little Cypress Creek	PWS/F&W
Cypress Creek	Little Cypress Creek	Alabama-Tennessee state line	F&W
Little Cypress Creek	Cypress Creek	Alabama-Tennessee state line	F&W
Shoal Creek (Wilson Lake)	TENNESSEE RIVER ~~(Wilson Lake)~~	~~Indian Camp~~Indiancamp Creek	S/F&W
Shoal Creek	~~Indian Camp~~Indiancamp Creek	Alabama-Tennessee state line	F&W
Bluewater Creek (Wilson Lake)	TENNESSEE RIVER ~~(Wilson Lake)~~	U~~.~~S~~.~~ Highway 72	S/F&W
Bluewater Creek	U~~.~~S~~.~~ Highway 72	Alabama-Tennessee state line	F&W
Second Creek (Wheeler Lake)	TENNESSEE RIVER ~~(Wheeler Lake)~~	~~First bridge upstream from U.S. Highway 72~~Lauderdale County Road 92	S/F&W
Second Creek	~~First bridge upstream from U.S. Highway 72~~Lauderdale County Road 92	Alabama-Tennessee state line	F&W
Elk River (Wheeler Lake)	TENNESSEE RIVER ~~(Wheeler Lake)~~	Alabama Highway 99	S/F&W
Elk River	Alabama Highway 99	Alabama-Tennessee state line	PWS/F&W
Piney Creek	~~TENNESSEE RIVER (~~Wheeler Lake~~)~~	Alabama-Tennessee state line	F&W
Limestone Creek	~~TENNESSEE RIVER (~~Wheeler Lake~~)~~	Alabama-Tennessee state line	F&W
Flint River	~~TENNESSEE RIVER (~~Wheeler Lake~~)~~	Big Cove Creek	F&W

~~Stream~~Waterbody	From	To	Classification
Flint River	Big Cove Creek	Hurricane Creek	PWS/F&W
Flint River	Hurricane Creek	Alabama-Tennessee state line	F&W
Paint Rock River	~~TENNESSEE RIVER (~~Wheeler Lake~~)~~	Its source	F&W
Larkin Fork	Paint Rock River	Its source	F&W
Estill Fork	Paint Rock River	Alabama-Tennessee state line	OAW/F&W
Hurricane Creek	Paint Rock River	Alabama-Tennessee state line	OAW/F&W
Crow Creek	~~TENNESSEE RIVER (~~Guntersville Lake~~)~~	Alabama-Tennessee state line	F&W
Lookout Creek	Alabama-Georgia state line	Junction of East Fork Lookout Creek and West Fork Lookout Creek	S/F&W

~~**NOTE 1.** That portion of Wheeler Lake in the immediate vicinity of the discharge from the City of Decatur's sewage treatment plant is not considered suitable for SWIMMING AND OTHER WHOLE BODY WATER CONTACT SPORTS.~~

~~**NOTE 2.** Those portions of Guntersville Lake in the immediate vicinity of discharges from the City of Guntersville's sewage treatment plants are not considered suitable for SWIMMING and OTHER WHOLE BODY WATER CONTACT SPORTS nor for sources of PUBLIC WATER SUPPLY.~~

~~**NOTE 3.** That portion of Guntersville Lake in the immediate vicinity of the discharge of sewage from the City of Bridgeport is not considered suitable for use as a source of PUBLIC WATER SUPPLY nor for SWIMMING AND OTHER WHOLE BODY WATER CONTACT SPORTS.~~

~~INTRASTATE WATERS~~

~~Stream~~Waterbody	From	To	Classification
Little Bear Creek (Franklin County)	Cedar Creek	Little Bear Creek Lake Dam	S/F&W

~~Stream~~Waterbody	From	To	Classification
Little Bear Creek (Little Bear Creek Lake~~, Franklin County~~)	Little Bear Creek Lake Dam	Alabama Highway 187	PWS/S/F&W
Little Bear Creek (Franklin County)	Alabama Highway 187	Its source	S/F&W
~~Dunkin~~ Duncan Creek	Cedar Creek	Its source	PWS
Little Bear Creek	Bear Creek	Its source	PWS/S/F&W
Mud Creek	Cedar Creek	Its source	F&W
Flat Creek	Bear Creek	Its source	F&W
Cane Creek	~~TENNESSEE RIVER~~Pickwick Lake	Its source	S/F&W
Little Bear Creek (Colbert County)	~~TENNESSEE RIVER~~Pickwick Lake	Its source	S/F&W
Stinking Bear Creek	Little Bear Creek (Colbert County)	Its source	F&W
Spring Creek (Colbert County)	~~TENNESSEE RIVER~~Pickwick Lake	Its source	F&W
Tuscumbia Spring (Big Spring)			PWS
Cox Creek	Cypress Creek	Its source	F&W
Pond Creek	~~TENNESSEE RIVER~~Wilson Lake	Its source	A&I
Town Creek	~~TENNESSEE RIVER~~Wilson Lake	Its source	F&W
Big Nance Creek	~~TENNESSEE RIVER~~ Wilson Lake	Its source	F&W
Muddy Fork	Big Nance Creek	Crow Branch	A&I
Crow Branch	Muddy Fork	Its source	A&I
Clear Fork	Big Nance Creek	Its source	F&W
Sinking Creek	Clear Fork	Its source	PWS/F&W

~~Stream~~Waterbody	From	To	Classification
First Creek	~~TENNESSEE RIVER~~Wheeler Lake	Its source	S/F&W
Spring Creek (Lawrence County)	~~TENNESSEE RIVER~~Wheeler Lake	Its source	F&W
Swan Creek (Wheeler Lake)	TENNESSEE RIVER	~~Huntsville Brownsferry Road~~Extent of reservoir	F&W
Swan Creek	Wheeler Lake	Its source	F&W
Town Creek (Athens)	Swan Creek	Its source	F&W
Flint Creek (Wheeler Lake)	TENNESSEE RIVER	~~L & N Railroad~~CSX Railway	F&W
Flint Creek	~~L & N Railroad~~CSX Railway	Alabama Highway 36	PWS/F&W
Flint Creek	Alabama Highway 36	Shoal Creek	LWF[4]
Flint Creek	Shoal Creek	Its source	F&W
Shoal Creek	Flint Creek	Its source	F&W
Cotaco Creek	~~TENNESSEE RIVER~~ Wheeler Lake	Its source	S/F&W
Mill Pond Creek	Cotaco Creek	Junction with Gilliam Creek	F&W
Gilliam Creek	Mill Pond Creek	Its source	F&W
Bradford Creek	Barren Fork Creek	Its source	F&W
Indian Creek (Wheeler Lake)	TENNESSEE RIVER	Extent of reservoir	F&W
Indian Creek	~~TENNESSEE RIVER~~ Wheeler Lake	Its source	F&W

[4]For the purpose of establishing effluent limitations pursuant to chapter 335-6-6 of the Department's regulations, the minimum 7-day low flow that occurs once in 10 years ($7Q_{10}$) shall be the basis for applying the chronic aquatic life criteria.

~~Stream~~Waterbody	From	To	Classification
Huntsville Spring Branch	Indian Creek	Its source	F&W
Aldridge Creek	~~TENNESSEE RIVER~~ Wheeler Lake	Its source	F&W
Hurricane Creek	Flint River	Its source	F&W
Sand Branch	Hurricane Creek	Its source	F&W
Short Creek	~~TENNESSEE RIVER~~ Guntersville Lake	Scarham Creek	PWS/F&W
Short Creek	Scarham Creek	Its source	F&W
Drum Creek	Short Creek	Its source	F&W
East Fork of Drum Creek	Drum Creek	Its source	F&W
Turkey Creek	Short Creek	Its source	F&W
Town Creek (DeKalb County)	~~TENNESSEE RIVER~~ Guntersville Lake	Its source	F&W
South Sauty Creek	~~TENNESSEE RIVER~~ (Guntersville Lake)	Its source	S/F&W
North Sauty Creek (Guntersville Lake)	TENNESSEE RIVER	Extent of reservoir	PWS
North Sauty Creek	~~TENNESSEE RIVER~~ Guntersville Lake	Its source	PWS
Roseberry Creek	~~TENNESSEE RIVER~~ Guntersville Lake	Its source	F&W
Coon Creek (Guntersville Lake)	TENNESSEE RIVER	Extent of reservoir	S/F&W
Coon ~~Flat Rock~~ Creek	~~TENNESSEE RIVER~~ Guntersville Lake	Its source	S/F&W
Flat Rock Creek	Coon Creek	Its source	S/F&W
Widow's Creek	TENNESSEE RIVER	Its source	S/F&W

~~Stream~~Waterbody	From	To	Classification
Long Island Creek (Guntersville Lake)	TENNESSEE RIVER	Extent of reservoir	PWS/S/F&W
Long Island Creek	~~TENNESSEE RIVER~~ Guntersville Lake	Miller Creek	PWS/S/F&W
Long Island Creek	Miller Creek	Its source	S/F&W
Turkey Creek	Clear Fork	Its source	PWS/F&W
Bengis Creek	Town Creek	Its source	F&W

NOTE 1. That portion of Wheeler Lake in the immediate vicinity of the discharge from the City of Decatur's sewage treatment plant is not considered suitable for SWIMMING AND OTHER WHOLE BODY WATER-CONTACT SPORTS.

NOTE 2. Those portions of Guntersville Lake in the immediate vicinity of discharges from the City of Guntersville's sewage treatment plants are not considered suitable for SWIMMING and OTHER WHOLE BODY WATER-CONTACT SPORTS nor for sources of PUBLIC WATER SUPPLY.

NOTE 3. That portion of Guntersville Lake in the immediate vicinity of the discharge of sewage from the City of Bridgeport is not considered suitable for use as a source of PUBLIC WATER SUPPLY nor for SWIMMING AND OTHER WHOLE BODY WATER-CONTACT SPORTS.

~~(13~~15) THE ~~UPPER~~ TOMBIGBEE RIVER BASIN

~~INTERSTATE WATERS~~

~~Stream~~Waterbody	From	To	Classification
TOMBIGBEE RIVER (Demopolis Lake)	~~Junction with~~ BLACK WARRIOR RIVER	Cobb Creek	S/F&W
TOMBIGBEE RIVER (Demopolis Lake)	Cobb Creek	~~Gainesville~~ Heflin Lock and Dam	F&W
TOMBIGBEE RIVER (Gainesville Lake)	Heflin Lock and Dam	Bevill Lock and Dam	S/F&W
TOMBIGBEE RIVER (~~Gainesville and~~ Aliceville Lakes)	~~Gainesville~~ Bevill Lock and Dam	Alabama-Mississippi state line	S/F&W

~~Stream~~Waterbody	From	To	Classification
Noxubee River	~~TOMBIGBEE RIVER~~ Lake Demopolis	Alabama-Mississippi state line	F&W
Bodka Creek	Noxubee River	Alabama-Mississippi state line	F&W
Yellow Creek	At Alabama-Mississippi state line		PWS
Yellow Creek	Alabama-Mississippi state line	Its source	F&W
Buttahatchee River	Alabama-Mississippi state line	U~~.~~S~~.~~ Highway~~.~~ 278 one mile east of ~~junction of U.S. Highways 43 and 78 in~~ Hamilton	F&W
Buttahatchee River	U~~.~~S~~.~~ Highway~~.~~ 278 one mile east of ~~junction of U.S Highways 43 and 78 in~~ Hamilton	U~~.~~S~~.~~ Highway~~.~~ 278 seven miles east of ~~junction of U.S. Highways 43 and 78 in~~ Hamilton	PWS/F&W
Buttahatchee River	U~~.~~S~~.~~ Highway~~.~~ 278 seven miles east of ~~junction of U.S. Highways 43 and 78 in~~ Hamilton	Lake Buttahatchee Dam	F&W
Buttahatchee River (Lake Buttahatchee)	Lake Buttahatchee Dam	~~Head of backwaters of Lake Buttahatchee~~Extent of reservoir	S
Buttahatchee River	~~Head of backwaters of Lake Buttahatchee~~Lake Buttahatchee	Its source	F&W
Bull Mountain Creek	Alabama-Mississippi state line	Its source	F&W
Sipsey Creek	Alabama-Mississippi state line	Its source	F&W
Luxapallila Creek	At Alabama-Mississippi state line		PWS

~~Stream~~Waterbody	From	To	Classification
Luxapallila Creek	Alabama-Mississippi state line	Fayette County Road 37	F&W
Luxapallila Creek	Fayette County Road 37	~~County road crossing approximately 6 miles upstream from Alabama Highway 18~~Kirkland Road	PWS/F&W
Luxapallila Creek	~~County road crossing approximately 6 miles upstream from Alabama Highway 18~~Kirkland Road	U.S. Highway 78	F&W
Luxapallila Creek	U.S. Highway 78	Its source	PWS/F&W

~~INTRASTATE WATERS~~

~~Stream~~Waterbody	From	To	Classification
Sipsey River	~~TOMBIGBEE RIVER~~ Gainesville Lake	U.S. Highway 43	F&W
Sipsey River	U.S. Highway 43	Alabama Highway 102	PWS/F&W
Sipsey River	Alabama Highway 102	Its source	F&W
New River	Sipsey River	Its source	F&W
Little New River	Sipsey River	Its source	F&W
Lubbub Creek	~~TOMBIGBEE RIVER~~ Gainesville Lake	Its source	F&W
Bear Creek	Lubbub Creek	Its source	F&W
Little Bear Creek	Bear Creek	Its source	F&W
Coal Fire Creek	~~TOMBIGBEE RIVER~~ Aliceville Lake	Its source	S/F&W
Bogue Creek	Buttahatchee River	Its source	F&W
Beaver Creek	Buttahatchee River	U.S. Highway 78	F&W

~~Stream~~Waterbody	From	To	Classification
Beaver Creek	U.S. Highway 78	Its source	PWS/F&W
Purgatory Creek	Beaver Creek	U.S. Highway 278	F&W
Purgatory Creek	U.S. Highway 278	Its source	PWS/F&W
Camp Creek	Buttahatchee River	Its source	F&W
East Branch Luxapallila Creek	Luxapallila Creek ~~At Winfield~~	Its source	PWS/F&W
Moore Creek	West Branch Buttahatchee River	Its source	F&W

~~(14~~2) **THE BLACK WARRIOR RIVER BASIN**

~~INTRASTATE WATERS~~

~~Stream~~Waterbody	From	To	Classification
BLACK WARRIOR RIVER (Lake Demopolis)	TOMBIGBEE RIVER	Five miles upstream from Big Prairie Creek	S/F&W
BLACK WARRIOR RIVER (Lake Demopolis)	Five miles upstream from Big Prairie Creek	Eight miles upstream from Big Prairie Creek	PWS/S/F&W
BLACK WARRIOR RIVER (Lake Demopolis)	Eight miles upstream from Big Prairie Creek	~~Warrior~~ Selden Lock and Dam	S/F&W
BLACK WARRIOR RIVER (Warrior Lake)	~~Warrior~~ Selden Lock and Dam	Oliver Lock and Dam	F&W
BLACK WARRIOR RIVER (Oliver Lake)	Oliver Lock and Dam	~~Bankhead~~ Holt Lock and Dam	S/F&W[1]
BLACK WARRIOR RIVER (Holt Lake)	Holt Lock and Dam	Bankhead Lock and Dam	S/F&W[1]

[1]Applicable dissolved oxygen level below existing impoundments is 4.0 mg/l.

~~Stream~~Waterbody	From	To	Classification
BLACK WARRIOR RIVER (Bankhead Lake)	Bankhead Lock and Dam	Its source ~~(Junction of Locust and Mulberry Forks)~~	PWS/S/F&W
Locust Fork (Bankhead Lake)	BLACK WARRIOR RIVER	Jefferson County Highway 61 (Maxine)	PWS/S/F&W
Locust Fork (Bankhead Lake)	Jefferson County Highway 61 (Maxine)	Village Creek	S/F&W
Locust Fork	~~Jefferson County Highway 61 (Maxine)~~Village Creek	U.~~S.~~ Highway 31	S/F&W
Locust Fork	U.~~S.~~ Highway 31	Kelly Creek	PWS/S/F&W
Locust Fork	Kelly Creek	Slab Creek	F&W
Locust Fork	Slab Creek	Its source	S/F&W
Mulberry Fork (Bankhead Lake)	~~Junction of Locust and Mulberry Forks~~BLACK WARRIOR RIVER	Burnt Cane Creek ~~(9 miles below Cordova)~~	PWS/S/F&W
Mulberry Fork (Bankhead Lake)	Burnt Cane Creek ~~(9 miles below Cordova)~~	Frog Ague Creek ~~(Cordova)~~	PWS/F&W
Mulberry Fork (Bankhead Lake)	Frog Ague Creek ~~(Cordova)~~	~~Junction of Mulberry and~~ Sipsey Forks	PWS/F&W
Mulberry Fork	Sipsey Fork	Its source	F&W
Sipsey Fork (Bankhead Lake)	Mulberry Fork	Lewis Smith Dam	PWS/F&W
~~Lewis Smith Lake on~~ Sipsey Fork (Smith Lake)	Lewis Smith Dam	Three miles upstream from Lewis Smith Dam	PWS/S/F&W
~~Lewis Smith Lake on~~ Sipsey Fork (Smith Lake)	Three miles upstream from Lewis Smith Dam	~~Reservoir limits~~Extent of reservoir	S/F&W
Sipsey Fork	~~Lewis~~ Smith Lake	Sandy Creek	F&W

~~Stream~~Waterbody	From	To	Classification
Sipsey Fork and tributaries	Sandy Creek	Its source	S/F&W[3]
Big Prairie Creek	~~Head of backwater above Demopolis Lock and Dam on WARRIOR RIVER~~ Demopolis Lake	Its source	F&W
Cottonwood Creek	Big Prairie Creek	Its source	F&W
White Creek	~~WARRIOR RIVER~~Demopolis Lake	Its source	F&W
Big Brush Creek	~~WARRIOR RIVER~~Warrior Lake	Its source	F&W
Colwell Creek	Big Brush Creek	Its source	F&W
Minter Creek	~~WARRIOR RIVER~~Warrior Lake	Its source	F&W
Fivemile Creek	~~WARRIOR RIVER~~Warrior Lake	~~Payne Lake in Talladega National Forest~~Payne Lake Dam	F&W
~~Payne Lake in Talladega National Forest~~Fivemile Creek (Payne Lake)	Payne Lake Dam	Extent of reservoir	S
Elliotts Creek	~~WARRIOR RIVER~~Warrior Lake	Its source	F&W
Cypress Creek	~~WARRIOR RIVER~~Warrior Lake	Its source	F&W
North River	~~WARRIOR RIVER~~ Oliver Lake	~~City of Tuscaloosa's water supply reservoir dam~~Lake Tuscaloosa Dam	F&W

[3]The special designation of Outstanding National Resource Water applies to this segment.

~~Stream~~Waterbody	From	To	Classification
North River (Lake Tuscaloosa)	~~City of Tuscaloosa's water supply reservoir dam~~Lake Tuscaloosa Dam	Binion Creek	PWS/S
North River (Lake Tuscaloosa)	Binion Creek	Extent of reservoir	F&W
North River	~~Binion Creek~~Lake Tuscaloosa	Ellis Creek	F&W
North River	Ellis Creek	Its source	S/F&W
Binion Creek	~~North River~~ Lake Tuscaloosa	Its source	F&W
Cedar Creek	North River	Its source	F&W
Clear Creek	North River	Bugs Lake Dam	F&W
Clear Creek (Bugs Lake)	Bugs Lake Dam	Its source	PWS
Hurricane Creek	~~WARRIOR RIVER~~Oliver Lake	Its source	F&W
Yellow Creek	~~WARRIOR RIVER~~Oliver Lake	~~City of Tuscaloosa's water supply reservoir dam~~Lake Harris Dam	F&W
Yellow Creek (Lake Harris)	~~City of Tuscaloosa's water supply reservoir dam~~Lake Harris Dam	~~Its source~~Lake Nicol Dam	PWS
Yellow Creek (Lake Nicol)	Lake Nicol Dam	Extent of reservoir	PWS
Yellow Creek	Lake Nicol	Its source	PWS
Davis Creek	~~WARRIOR RIVER~~ Holt Lake	Its source	F&W
Blue Creek	~~WARRIOR RIVER~~ Holt Lake	Its source	F&W
Big Yellow Creek (Bankhead Lake)	BLACK WARRIOR RIVER	~~Its source~~Extent of reservoir	S/F&W

~~Stream~~Waterbody	From	To	Classification
Big Yellow Creek	Bankhead Lake	Its source	S/F&W
Valley Creek (Bankhead Lake)	Black Warrior River	Extent of reservoir	S/F&W
Valley Creek	~~WARRIOR RIVER~~Bankhead Lake	Mud Creek	F&W
Valley Creek	Mud Creek	Rock Creek	S/F&W
Valley Creek	Rock Creek	Blue Creek	F&W
Valley Creek	Blue Creek	Its source	LWF
Opossum Creek	Valley Creek	Its source	A&I
Village Creek	Locust Fork	Bayview Lake Dam	S/F&W
Village Creek (Bayview Lake)	Bayview Lake Dam	~~Its source~~Extent of reservoir	LWF
Village Creek	Bayview Lake	Its source	LWF
Fivemile Creek	Locust Fork	Old Jasper Highway	S/F&W
Fivemile Creek	Old Jasper Highway	Alabama Highway 79	F&W
Fivemile Creek	Alabama Highway 79	Its source	S/F&W
Turkey Creek	Locust Fork	Its source	F&W
Cunningham Creek	Turkey Creek	Its source	F&W
Self Creek	Gurley Creek	Alabama Highway 79	F&W
Self Creek	Alabama Highway 79	Its source	PWS
Gurley Creek	Locust Fork	Its source	F&W
Little Warrior River	Locust Fork	Its source ~~(Junction with Blackburn Fork and Calvert Prong)~~	F&W

~~Stream~~Waterbody	From	To	Classification
Calvert Prong	Little Warrior River	Calvert Prong dam above U~~.~~S~~.~~ Highway 231	F&W
Calvert Prong	Calvert Prong dam above U~~.~~S~~.~~ Highway 231	Its source	PWS
Blackburn Fork	Little Warrior River	Inland Lake Dam	F&W
Blackburn Fork (Inland Lake)	Inland Lake Dam	~~Its source~~Extent of reservoir	PWS/S
Blackburn Fork	Inland Lake	Its source	PWS/S
Chitwood Creek	Calvert Prong	Its source ~~(junction with Mill and Cheney Branch)~~	F&W
Mill Creek	Chitwood Creek	Its source	F&W
Graves Creek	Locust Fork	Its source	F&W
Whippoorwill Creek	Wynnville Creek	Its source	F&W
Clear Creek	Locust Fork	Its source	F&W
Slab Creek	Locust Fork	Its source	F&W
Lost Creek	Mulberry Fork	Two miles upstream from Wolf Creek	S/F&W
Lost Creek	Two miles upstream from Wolf Creek	Cane Creek	PWS/F&W
Lost Creek	Cane Creek	Indian Creek	S/F&W
Lost Creek	Indian Creek	Cranford Creek	F&W
Lost Creek	Cranford Creek	Its source	S/F&W
Cane Creek (Oakman)	Lost Creek	Dixie Springs Road	F&W
Cane Creek (Oakman)	Dixie Springs Road	Alabama Highway 69	LWF
Cane Creek (Oakman)	Alabama Highway 69	Its source	F&W

~~Stream~~Waterbody	From	To	Classification
Indian Creek	Lost Creek	Its source	F&W
Wolf Creek	Lost Creek	Its source	S/F&W
Burnt Cane Creek	Mulberry Fork	Its source	F&W
Cane Creek (Jasper)	Mulberry Fork	Town Creek	LWF
Cane Creek (Jasper)	Town Creek	Its source	F&W
Town Creek	Cane Creek	100 yards upstream of Norfolk Southern Railway ~~crossing (1.1 miles upstream of Cane Creek)~~	LWF
Town Creek	100 yards upstream of Norfolk Southern Railway ~~crossing (1.1 miles upstream of Cane Creek)~~	Its source	F&W
Blackwater Creek	Mulberry Fork	Its source	F&W
Mud Creek	Mulberry Fork	Its source	F&W
Broglen River	Mulberry Fork	~~Junction of Eightmile and Brindley Creeks~~Its source	F&W
Brindley Creek	Broglen River	Its source	PWS
Eightmile Creek	Broglen River	Lake Catoma Dam	F&W
Eightmile Creek	Lake Catoma Dam	Its source	PWS
Bridge Creek	Eightmile Creek	George Lake Dam	F&W
Bridge Creek (George Lake)	George Lake ~~dam~~Dam	Its source	PWS
Adams Branch	~~Bridge Creek~~George Lake	Its source	PWS
Pope Creek	~~Bridge Creek~~George Lake	Its source	PWS

~~Stream~~Waterbody	From	To	Classification
Blue Springs Creek	Mulberry Fork	Its source	F&W
Warrior Creek	Mulberry Fork	Its source	F&W
Tibb Creek	Mulberry Fork	Its source	F&W
Riley Maze Creek	Tibb Creek	Its source	F&W
Ryan Creek	~~Lewis~~ Smith Lake	Its source	F&W
Crooked Creek	~~Lewis~~ Smith Lake	Its source	F&W
Brushy Creek	~~Sipsey Fork (Lewis~~ Smith Lake~~)~~	U~~.~~S~~.~~ Highway 278	PWS/F&W
Brushy Creek	U~~.~~S~~.~~ Highway 278	Its source	F&W
Clear Creek (~~Lewis~~ Smith Lake)	Sipsey Fork ~~(Lewis Smith Lake)~~	~~Reservoir Limits (Lewis Smith Lake)~~Extent of reservoir	PWS/S/F&W
Clear Creek	~~Reservoir Limits (Lewis~~ Smith Lake~~)~~	~~City of Haleyville water supply reservoir dam~~Haleyville City Lake Dam	F&W
Clear Creek	~~City of Haleyville water supply reservoir dam~~Haleyville City Lake Dam	Its source	PWS
Rock Creek	~~Lewis~~ Smith Lake	Its source	F&W
Sandy Creek	Sipsey Fork	Its source	F&W
Curtis Mill Creek	Sandy Creek	Town of Double Springs water supply reservoir dam	F&W
Curtis Mill Creek	Town of Double Springs water supply reservoir dam	Its source	PWS

Author: James E. McIndoe; Lynn Sisk; Chris L. Johnson.
Statutory Authority: Code of Alabama 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
History: Adopted: May 5, 1967. **Amended:** June 19, 1967; April 1, 1970; October 16, 1972; September 17, 1973; May 30, 1977; August 29, 1977; December 19, 1977; February 4, 1981; April 5, 1982; December 11, 1985; March 26, 1986; August 26, 1988; March 2, 1990; April 3, 1991; August 1, 1991; April 2, 1992; May 28, 1992; February 1, 1993; September 23, 1993; August 29, 1994; May 30, 1997; July 14, 1999; September 7, 2000; January 12, 2001; June 28, 2002; April 3, 2003; January 28, 2004; May 27, 2004; September 21, 2005; May 29, 2007; January 19, 2010; January 18, 2011; May 23, 2011; November 27, 2012; April 1, 2014; XXXXXX, 2017.

Attachment 6

ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-7 of the Department's Water Division – Water Supply Program Rules in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

WHEREAS, a public hearing was held before a representative of the Alabama Department of Environmental Management designated by the Environmental Management Commission for the purpose of receiving data, views and arguments on the amendment of such proposed rules; and

WHEREAS, the Alabama Department of Environmental Management has reviewed the oral and written submissions introduced into the hearing record, and has prepared a concise statement of the principal reasons for and against the adoption of the proposed rules incorporating therein its reasons for the adoption of certain revisions to the proposed rules in response to oral and written submissions, such revisions, where appropriate, having been incorporated into the proposed rules attached hereto; and

WHEREAS, the Environmental Management Commission has considered fully all oral and written submissions respecting the proposed amendments and the Reconciliation Statement prepared by the Alabama Department of Environmental Management.

NOW THEREFORE, pursuant to Ala. Code. §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code. § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-7 [335-7-11-.10/Monitoring Waivers (Amend); 335-7-11-.15/Source Water Monitoring and Treatment (Amend); and 335-7-11-.18/Reporting Requirements (Amend);] of the Department's Water Division – Water Supply Program rules, administrative code attached

hereto, to become effective forty-five days, unless otherwise indicated, after filing with the Alabama Legislative Reference Service.

ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION

ADEM Admin. Code division 335-7 – Water Supply Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 16th day of December 2016.

APPROVED:

DISAPPROVED:

ABSTAINED:

This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 16th day of December 2016.

H. Lanier Brown, II, Chair
Environmental Management Commission
Certified this 16th day of December 2016

335-7-11-.10 Monitoring Waivers. A small system that meets the requirements of this rule may apply to the state to reduce the frequency of monitoring for lead and copper to once every nine years.

(a) The system must submit a materials survey showing the system is free of lead and copper containing materials as detailed below.

1. It contains no plastic pipes which contain lead plasticizers, or plastic service lines which contain lead plasticizers; and

2. It is free of lead service lines, lead pipes, lead soldered pipe joints, and leaded brass or bronze alloy fittings and fixtures, unless such fittings and fixtures meet the NSF Standard 61 Section 9.

3. The system contains no copper pipes or copper service lines.

(b) The system must have completed at least one six-month round of standard tap water monitoring for lead and copper demonstrating that the 90th percentile levels for all rounds of monitoring conducted since the system became free of all lead-containing and copper-containing materials were less than or equal to .005 mg/L for lead and 0.65 mg/L for copper.

(c) A system that has been granted a waiver must monitor for lead and copper at the reduced number of monitoring sites specified in Table 11-1 every nine years. The system must also submit a materials survey along with the monitoring results.

(d) A system must return to monitoring for lead and copper at least every three years if the system no longer meets than materials criteria, has a 90th percentile level for lead greater than .005 mg/L or a 90th percentile level for copper greater than .065 mg/L.

(e) The system shall notify the Department within 60 days after determining the system is no longer free of materials that contain lead or copper.

(4) Any water system with a waiver shall notify the Department, in writing, of any upcoming long-term change in treatment or addition of a new source.

Author: Thomas S. DeLoach, Dennis D. Harrison.
Statutory Authority: Code of Alabama 1975, §§ 22-23-33, 22-22A-5, 22-22A-6.
History: March 12, 2002.
Amended: May 30, 2003; January 22, 2008; May 26, 2009; XXXX XX, 2017.

335-7-11-.15 Source Water Monitoring and Treatment. Any system which exceeds the lead or copper compliance limit must analyze the treated water for the contaminant using the same methodology and location as required for inorganic contaminants in each source used by the system. This analysis must be completed within 180 days after the date of the initial exceedance. During the analysis, if a ~~Should these~~ levels exceeds 0.015 mg/l lead or 1 mg/l copper, then the system must ~~collect~~perform confirmation monitoring ~~must be collected~~ within seven~~7~~ days. The value of the initial and all confirmation monitoring will be averaged. Treatment modifications must be installed which will result in the finished water meeting the ~~drinking water standard~~lead and copper a~~A~~ction l~~L~~evels based on monitoring throughout the distribution systems, as specified in rule 335-7-11-.03. Modifications to the treatment process must be approved and permitted by the Department in accordance with rule 335-7-4-.03. Unless the Department gives written approval of the modifications~~by the Department is given~~, the source must~~will~~ be taken out of service within sixty~~60~~ days of the Department determining that treatment modifications are required and remain out of service until the treatment modifications are installed~~se additional treatment requirements are provided~~. Prior to reactivation of the~~is~~ source, monitoring of the treated water shall demonstrate compliance with drinking water standards and a second set of lead and copper monitoring conducted within six months of returning to service. All initial sites for lead and copper shall be monitored for the next two six-month compliance periods. ~~Modifications to the treatment process must be approved and permitted by the Department.~~

Author: Joe Alan Power, Dennis D. Harrison.
Statutory Authority: Code of Alabama 1975, §§ 22-23-33, 22-22A-5, 22-22A-6.
History: Adopted: September 23, 1992; Amended: September 19, 1995 (ER); November 28, 1995. Effective: January 2, 1996.
Amended: March 12, 2002; May 26, 2009; XXXX XX, 2017.

335-7-11-.18 Reporting Requirements.

(1) Tap Water Monitoring. All water systems shall provide the results of all tap water monitoring for lead and copper and for all water quality parameter samples by the 10th of the month following the end of the compliance period. The end of the compliance period is the last date that samples can be collected during the monitoring period.

(a) Included shall be information regarding the tap, the tier level of the site, identification as a non first draw sample and length of standing time, documentation for all tap water lead and copper monitoring that the system requests invalidation, and an explanation for any site which was not monitored during the previous monitoring period or why sites may have changed.

1. Systems with lead service lines not providing 50% of the monitoring from these sites will provide a letter demonstrating why it was unable to locate a sufficient number of each site. Values shall be placed in descending ~~ascending~~ order with the highest value first and the 90th percentile value either circled or labeled.

2. All systems utilizing non first draw samples shall provide the Department prior to the first monitoring period after these regulations become effective the locations and standing times of all such monitoring. Systems applying for or systems that have been granted a waiver shall provide a certification that the system's distribution and plumbing materials are lead and copper free. A water system that has been granted a waiver and later determines the system's materials are no longer lead or copper free shall provide the basis of that determination and a corrective action plan to remove those materials within 60 days of the determination.

(b) Source Water Monitoring. The lead/copper results from source water required to be monitored shall be provided by the 10th of the month following the analysis.

(c) Corrosion Control Treatment. Systems with an approved corrosion control treatment system on the effective date of these regulations will continue to provide monthly monitoring reports providing the required information. These reports must be received by the 10th of the following month. For systems required to establish optimized corrosion control, daily and weekly analysis may be provided on the monthly operation reports which must be submitted by the 10th of the following month. For systems monitoring during a six-month compliance cycle, the analysis must be provided by the 10th of the month following the analysis.

(d) Lead Service Line Replacement. Systems required to replace service lines shall provide yearly information by December 31 regarding the number and location of service lines replaced, the number remaining, the location and lead concentration of any lead service line monitoring, and any proposed modification to the lead service line removal plan.

(2) Record Keeping of Reporting Requirements. All systems shall retain in its office or on its premises original records of all monitoring data, analysis, reports, surveys, letters, evaluations, schedules, state determinations and other information reflecting activities to demonstrate compliance with the lead and copper requirements of this Department. These records shall be retained for no less than 12 years.

(3) Any water system proposing the addition of a new source or any long-term change in water treatment shall submit a written report to the Department on how the change or source addition will affect the system's ability to comply with the lead and copper action levels and water quality parameter monitoring before implementing changes in treatment (or treatment processes) or using a new source.

(a) Examples of long-term water treatment changes include the addition of a new treatment process or modification of an existing treatment process.

(b) Examples of modifications include switching secondary disinfectants, switching coagulants and switching corrosion inhibitor products.

(c) Long term changes can include dose changes to existing chemicals if the system is planning long-term changes to its finished water pH or residual inhibitor concentration. Long-term treatment changes would not include chemical dose fluctuations associated with daily raw water quality changes.

(4) Within 12 months after the end of the monitoring period in which the water system exceeded the lead action level, the water system shall submit the following written documentation to the Department.

(a) Material evaluation conducted as required in rule 335-7-11-.07.

(b) A list of all lead service line locations in the distribution system at the time the exceedance occurred.

(c) Schedule for replacing at least 7 percent of the initial lead service lines annually.

(5) Within 12 months after the end of the monitoring period in which the water system exceeded the lead action level and every 12 months thereafter, the water system shall demonstrate in writing either:

(a) The water system has replaced in the previous 12 months at least 7 percent (or as required by the Department) of the initial lead service lines or

(b) The water system has replaced at least 7 percent (or as required by the Department) of the initial lead service lines and/or demonstrated through monitoring that that at least 7 percent (or as required by the Department) of the initial lead service lines no longer exceeds the lead action level.

(6) The annual report submitted to the Department under this rule shall contain at a minimum the following information:

(a) Number of lead service lines scheduled to be replaced during the previous year of the system's lead service line replacement program.

(b) The location of each full or partial lead service line replaced with an indicator if the replacement was a full or partial replacement.

(c) If measured, the lead concentration of any lead service line. The water system shall also report the analytical method used and the date of the sample.

(d) The schedule of lead service lines to be replaced in the upcoming year along with the latest monitoring results for these locations.

(7) Any water system that collects lead service line samples following a partial lead service line replacement shall report the results to the Department within the first ten days of the month in which the water system receives the laboratory results.

(8) Public Education Program Reporting Requirements.

(a) Any water system that is subject to the public education requirements of this chapter shall, within ten days after the end of each period in which the system was required to perform public education send written documentation to the Department that contains:

1. A demonstration that the water system has delivered the public education materials that met the content and delivery requirements of this chapter.

2. A list of all the newspapers, radio stations, television stations, and facilities and organizations to which the system delivered public education materials during the period in which the water system was required to perform public education tasks.

(b) Each water system shall mail a sample copy of the consumer notification of tap results to the Department along with a certification that the notification has been distributed in a manner consistent with this chapter. The sample copy and certification shall be submitted to the Department within 3 months following the end of the monitoring period.

Author: Joe Alan Power, Dennis D. Harrison.
Statutory Authority: Code of Alabama 1975, §§ 22-23-33, 22-22A-5, 22-22A-6.
History: Adopted: September 23, 1992; Amended: September 19, 1995 (ER); November 28, 1995. Effective: January 2, 1996.
Amended: March 12, 2002; May 26, 2009; November 25, 2014; XXXX XX, 2017.

Attachment 7

BEFORE THE
ENVIRONMENTAL MANAGEMENT COMMISSION
OF THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

In the matter of:	)	
	)	
Petition for Rulemaking to Amend	)	
ADEM Administrative Code	)	EMC Rulemaking Petition 17-02
Rule 335-6-10-.07 Water Quality Criteria	)	
for Toxic Pollutants	)	
Petitioners – Environmental Defense Alliance,	)	
et al.	)	

MOTION

Deny the Petitioners' request based on ADEM Admin. Code Rule 335-2-2-.05(f), with the understanding that the issues raised in the Petition for Rulemaking will be considered in the context of ADEM's triennial review

ORDER

This cause coming before the Alabama Environmental Management Commission pursuant to the above-referenced Petition for Rulemaking ("Petition") and arguments supporting said Petition, and the position of the Alabama Department of Environmental Management having been considered, it is hereby ORDERED:

That the above-referenced motion is hereby adopted;

That the Petition is denied based on ADEM Admin. Code Rule 335-2-2-.05, Consideration of Petition, paragraph (f), which states as follows: "whether alternative means of obtaining the same or similar relief are presently available to the petitioner or have in the recent past been made available to the petitioner;" and

That the issues raised in the Petition will be considered in the context of ADEM's triennial review of the State's water quality standards; and

That this action has been taken and this order issued by the Alabama Environmental Management Commission effective December 16, 2016; and

That a copy of this order shall be served upon the parties either personally or by certified mail, return receipt requested.

ISSUED this 16th day of December 2016.

APPROVED:

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

DISAPPROVED:

Commissioner

Commissioner

Commissioner

This is to certify that this Order is a true and accurate account of the actions taken by the Environmental Management Commission on this 16th day of December 2016.

H. Lanier Brown, II, Chair
Environmental Management Commission
Certified this 16th day of December 2016

Attachment 8

BEFORE THE
ENVIRONMENTAL MANAGEMENT COMMISSION
OF THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RICKEY G. SHELBY, Petitioner, v. THE ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, Respondent.	EMC DOCKET NO. 17-01 (Administrative Action: ADEM Administrative Order No. 16-104-AP issued to Rickey G. Shelby)

ORDER

This cause having come before the Environmental Management Commission pursuant to the Parties' Joint Motion to Modify Administrative Order, and other documents in the record for the above-styled appeal/request for hearing and having considered the same, the Commission hereby ORDERS, ADJUDGES, AND DECREES as follows:

1. That the Parties' Joint Motion to Modify Administrative Order No. 16-104-AP by reducing the assessed penalty from $3,500.00 to $2,500.00 is hereby GRANTED;

2. That, there being no other issues in dispute, this matter is hereby RESOLVED and CONCLUDED;

3. That this action has been taken and this Order shall be deemed effective as of the date shown below; and

4. That a copy of this Order shall be forthwith served upon each of the Parties either personally, or by certified mail, return receipt requested.

ISSUED this 16th day of December 2016.

APPROVED:

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

DISAPPROVED:

Commissioner

Commissioner

Commissioner

ABSTAINED:

Commissioner

This is to certify that this Order is a true and accurate account of the actions taken by the Environmental Management Commission on this 16th day of December 2016.

H. Lanier Brown, II, Chair
Environmental Management Commission
Certified this 16th day of December 2016