

**Alabama Department of Environmental Management
Administrative Code for Division 6, Volume I**

Water Division-Water Quality Program

**Chapter 335-6-10 (Water Quality Criteria)
Chapter 335-6-11 (Use Classifications for Surface Waters)**

Summary of Reasons Supporting the Adoption of Proposed Revisions

CHAPTER 335-6-10 WATER QUALITY CRITERIA

335-6-10-.01 Purpose

335-6-10-.01(1)

- The Department proposes to correct “Title 22, Section 22-22-1” to “Title 22, Section 22-22-2”.

335-6-10-.01(2)

- The Department proposes to correct “Title 22, Section 22-22-1” to “Title 22, Section 22-22-2”.

335-6-10-.02 Definitions

335-6-10-.02(1)

- The Department proposes to revise the definition of “Coastal Waters” to add “south of Interstate 65 spanning the Mobile-Tensaw Delta” to further define the location of these waterbodies.
- The Department proposes to correct a spelling error.

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

335-6-10-.05(2)

- The Department proposes to update the date for the 40 CFR §136.3 reference from “2003” to “2024”. For transparency, a list of final rules affecting 40 CFR §136.3 that have been published in the Federal Register since the previous adoption by reference is provided below. Copies may be downloaded at <https://www.federalregister.gov/>.

| Citation | Date | Title |
|--|-------------|--|
| 89 FR 27288 | 04/16/2024 | Clean Water Act Methods Update Rule for the Analysis of Effluent |

| Citation | Date | Title |
|-----------------------------|-------------|--|
| 86 FR 27226 | 05/19/2021 | Clean Water Act Methods Update Rule for the Analysis of Effluent |
| 82 FR 40836 | 08/28/2017 | Clean Water Act Methods Update Rule for the Analysis of Effluent |
| 77 FR 29757 | 05/18/2012 | Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; Analysis and Sampling Procedures |
| 72 FR 14219 | 03/26/2007 | Guidelines Establishing Test Procedures for the Analysis of Pollutants; Analytical Methods for Biological Pollutants in Wastewater and Sewage Sludge: Final Rule |
| 72 FR 11199 | 03/12/2007 | Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; National Primary Drinking Water Regulations; and National Secondary Drinking Water Regulations; Analysis and Sampling Procedures |

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

Administrative Corrections

- The Department proposes to update various references to Table 1 to include “of this rule” to make it clear that Table 1 is located in rule 335-6-10-.07.
- The Department proposes to correct a misspelled word in subparagraph 335-6-10-.07(1)(d)1.(iii)
- The Department proposes to delete numerous blank rows from Table 1 that were remnants from previous amendments.

335-6-10-.07(1)(a)(1)

- The Department proposes to update the freshwater acute aquatic life and freshwater chronic aquatic life equations for Cadmium to be consistent with criteria established by EPA.

335-6-10-.07(1)(b)

- The Department proposes to remove the river basin names to clarify that the marine aquatic life criteria apply to coastal waters.

335-6-10-.07(1)(c)

- The Department proposes to clarify that 7Q₁₀ flows will not be the basis for applying chronic aquatic life criteria in coastal waters.
- The Department proposes to clarify that 1Q₁₀ flows will not be the basis for applying acute aquatic life criteria in coastal waters.

335-6-10-.07(1)(f)

- The Department proposes to clarify that 7Q₁₀ and mean annual flows will not be the basis for applying human health criteria in coastal waters.

335-6-10-.07 (Table 1)

- The Department proposes to add freshwater acute and freshwater chronic aquatic life criteria for Acrolein to be consistent with criteria established by EPA.
- The Department proposes to update marine acute and marine chronic aquatic life criteria for Cadmium to be consistent with criteria established by EPA.
- The Department proposes to add freshwater acute, freshwater chronic, and marine acute aquatic life criteria for Carbaryl to be consistent with criteria established by EPA.
- The Department proposes to add freshwater acute, freshwater chronic, marine acute, and marine chronic aquatic life criteria for Chlorine to be consistent with criteria established by EPA.
- The Department proposes to add freshwater acute, freshwater chronic, marine acute, and marine chronic aquatic life criteria for Chlorpyrifos to be consistent with criteria established by EPA.
- The Department proposes to add freshwater acute, freshwater chronic, marine acute, and marine chronic aquatic life criteria for Diazinon to be consistent with criteria established by EPA.
- The Department proposes to add freshwater chronic and marine chronic aquatic life criteria for Malathion to be consistent with criteria established by EPA.
- The Department proposes to add freshwater chronic and marine chronic aquatic life criteria for Methoxychlor to be consistent with criteria established by EPA.
- The Department proposes to add freshwater chronic and marine chronic aquatic life criteria for Mirex to be consistent with criteria established by EPA.

- The Department proposes to add freshwater acute and freshwater chronic aquatic life criteria for Parathion to be consistent with criteria established by EPA.

335-6-10-.08 Waste Treatment Requirements

335-6-10-.08(c)

- The Department proposes to clarify that 7Q₁₀ flows will not be the basis for design criteria in coastal waters.

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

OUTSTANDING ALABAMA WATER

335-6-10-.09(1)(c)4.(ii)

- The Department proposes to remove the word “surface” regarding dissolved oxygen concentrations.
- The Departments proposes to remove the word “phenomena” and add language regarding natural conditions for dissolved oxygen concentrations.

335-6-10-.09(1)(c)4.(iii)

- The Department proposes removing this subparagraph as it is addressed in the previous subparagraph.

PUBLIC WATER SUPPLY

335-6-10-.09(2)(e)4.(ii)

- The Department proposes to remove the word “surface” regarding dissolved oxygen concentrations.
- The Departments proposes to remove the word “phenomena” and add language regarding natural conditions for dissolved oxygen concentrations.

335-6-10-.09(2)(e)4.(iii)

- The Department proposes removing this subparagraph as it is addressed in the previous subparagraph.

SWIMMING AND OTHER WHOLE BODY WATER-CONTACT SPORTS

335-6-10-.09(3)(c)4.(ii)

- The Department proposes to remove the word “surface” regarding dissolved oxygen concentrations.

- The Departments proposes to remove the word “phenomena” and add language regarding natural conditions for dissolved oxygen concentrations.

335-6-10-.09(3)(c)4.(iii)

- The Department proposes removing this subparagraph as it is addressed in the previous subparagraph.

SHELLFISH HARVESTING

335-6-10-.09(4)(b)

- The Department proposes removing the year “2015” and replacing with “2023” regarding the National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish.

335-6-10-.09(4)(e)4.(ii)

- The Department proposes to remove the word “surface” regarding dissolved oxygen concentrations.
- The Departments proposes to remove the word “phenomena” and add language regarding natural conditions for dissolved oxygen concentrations.

335-6-10-.09(4)(e)4.(iii)

- The Department proposes removing this subparagraph as it is addressed in the previous subparagraph.

335-6-10-.09(4)(e)7.(i)

- The Department proposes removing the year “2015” and replacing with “2023” regarding the National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish.

FISH AND WILDLIFE

335-6-10-.09(5)(e)4.(ii)

- The Department proposes to remove the word “surface” regarding dissolved oxygen concentrations.
- The Departments proposes to remove the word “phenomena” and add language regarding natural conditions for dissolved oxygen concentrations.

335-6-10-.09(5)(e)4.(iii)

- The Department proposes removing this subparagraph as it is addressed in the previous subparagraph.

LIMITED WARMWATER FISHERY

335-6-10-.09(6)(e)2.

- The Department proposes to clarify that 7Q2 flows will not be the basis for applying chronic aquatic life criteria in coastal waters.

AGRICULTURAL AND INDUSTRIAL WATER SUPPLY

335-6-10-.09(7)(c)5.

- The Department proposes to clarify that 7Q₁₀ flows will not be the basis for applying acute aquatic life criteria in coastal waters.

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

335-6-10-.11(2)(a)3.

- The Department proposes to add numeric nutrient criteria in the form of growing season mean chlorophyll *a* criteria to Woodruff Lake in the Alabama River Basin. The proposed addition is consistent with the Clean Water Act and EPA's National Nutrient Strategy. Chlorophyll *a* criteria serve as the primary tool used by the Department to protect the designated uses of lakes and reservoirs from nutrient over-enrichment.

CHAPTER 335-6-11 USE CLASSIFICATIONS FOR SURFACE WATERS

335-6-11-.02 Use Classifications

Administrative Corrections

- The Department proposes to correct footnote numbering throughout the rule.
- Due to a new required system in which the Department must propose amendments to its rules, footnotes will now appear as endnotes at the end of each table for which they are applicable, and numbering will restart within each paragraph of a rule.

335-6-11-.02(1) THE ALABAMA RIVER BASIN

- **ALABAMA RIVER (Claiborne Lake)** from Alabama and Gulf Coast Railway to River Mile 131: The Department proposes to correct "River Mile 131" to "River Mile 122".
- **ALABAMA RIVER (Claiborne Lake)** from River Mile 131 to Millers Ferry Lock and Dam: The Department proposes to correct "River Mile 131" to "River Mile 122".
- **Mulberry Creek** from Dannelly Lake to Harris Branch: The Department proposes to update the "to" location to specify the county of Harris Branch.

- **Mulberry Creek** from Harris Branch to Its Source: The Department proposes to update the “from” location to specify the county of Harris Branch.

335-6-11-.02(2) THE BLACK WARRIOR RIVER BASIN

- **BLACK WARRIOR RIVER (Oliver Lake)** from Oliver Lock and Dam to Holt Lock and Dam: The Department proposes to remove the corresponding footnote.
- **BLACK WARRIOR RIVER (Holt Lake)** from Holt Lock and Dam to Bankhead Lock and Dam: The Department proposes to remove the corresponding footnote.
- **Locust Fork** from US Highway 31 to Kelly Creek: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.
- **Self Creek** from Alabama Highway 79 to Its source: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.
- **Lost Creek** from Two miles upstream from Wolf Creek to Cane Creek: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.
- **Eightmile Creek (Lake Catoma)** from Lake Catoma Dam to Extent of reservoir: This change is proposed to distinguish the reservoir from the river/stream.
- **Eightmile Creek** from Lake Catoma Dam to Its source: This change is to update the “from” location.
- **Bridge Creek (George Lake)** from George Lake Dam to Its source: This change is to update the “to” location.
- **Clear Creek** from Haleyville City Lake Dam to Its source: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.
- **Curtis Mill Creek** from Town of Double Springs water supply reservoir dam to Its source: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.

335-6-11-.02(4) THE CAHABA RIVER BASIN

- **Buck Creek** from Cahaba Valley Creek to Shelby County Road 44: The Department proposes to update the use classification from “LWF” to “F&W” and remove footnote.

- **Oak Mountain State Park Lakes:** The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.

335-6-11-.02(5) THE CHATTAHOOCHEE RIVER BASIN

- **Uchee Creek** from Russell County Road 39 to Island Creek: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.
- **Kellum Hill Creek** from Osligee Creek to Its source: The Department proposes to correct the spelling of “Osligee Creek” to “Oseligee Creek” consistent with the Geographic Name Information System (GNIS).
- **Allen Creek** from Kellum Hill Creek to Its source: The Department proposes to correct “from” location of “Kellum Hill Creek” to “Oseligee Creek”.

335-6-11-.02(8) THE COOSA RIVER BASIN

- **Little River and tributaries** from Weiss Lake to Its source: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.
- **East Fork Little River and tributaries** from Little River to Alabama-Georgia state line: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.
- **West Fork Little River and tributaries** from Little River to Alabama-Georgia state line: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.
- **Hatchet Creek** from Norfolk Southern Railway to Junction of East Fork Hatchet Creek and West Fork Hatchet Creek: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.
- **Mump Creek (Mump Creek Reservoir)** from Mump Creek Reservoir Dam to Extent of reservoir: This change is proposed to distinguish the reservoir from the river/stream.
- **Mump Creek** from Mump Creek Reservoir Dam to Its source: This change is to update the “from” location.
- **Choccolocco Creek** from Unnamed tributary from Boiling Spring to Egoniaga Creek: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.

- **Brecon Branch** from Kelly Creek to Its source: The Department proposes to correct waterbody name to “Unnamed tributary to Kelly Creek” to correspond with the GNIS (Geographical Name Information System).
- **Allen Branch** from Big Wills Creek to Fort Payne Dam: The Department proposes to update the “to” location.
- **Allen Branch (Fort Payne City Lake)** from Fort Payne City Lake Dam to Extent of reservoir: This change is proposed to distinguish the reservoir from the river/stream.
- **Allen Branch** from Fort Payne Dam to Its source: This change is to update the “from” location.
- **Shoal Creek (Sweetwater Lake)** from Sweetwater Lake Dam to Extent of reservoir: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.

335-6-11-.02(10) THE ESCATAWPA RIVER BASIN

- The Department proposes relocating the note regarding the suitability of a waterbody for the propagation and harvesting of shrimp and crabs, from the Non-Coastal Waters section to the Coastal Waters section.

335-6-11-.02(11) THE MOBILE RIVER-MOBILE BAY BASIN

- **MOBILE RIVER** from Its mouth to Spanish River: The Department proposes to remove the corresponding footnote.
- **Cold Creek** from MOBILE RIVER to Cold Creek Dam: The Department proposes to remove the corresponding footnote.
- **Cold Creek** from Cold Creek Dam to Its source: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.

335-6-11-.02(13) THE TALLAPOOSA RIVER BASIN

- **TALLAPOOSA RIVER** from One-half mile upstream of Cleburne County Road 36 to Cleburne County Road 19: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.
- **Bulger Creek** from Uphapee Creek to Its source: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.

- **Sougahatchee Creek (Sougahatchee Lake)** from Sougahatchee Lake Dam to Extent of reservoir: This change is proposed to distinguish the reservoir from the river/stream.
- **Sougahatchee Creek** from Sougahatchee Lake Dam to Its source: This change is to update the “from” location.
- **Kowaliga Creek (Lake Martin)** from Tallapoosa River to Extent of reservoir: This addition is part of the original Treasured Alabama Lake designation.
- **Oakachoy Creek (Lake Martin)** from Kowaliga Creek to Extent of reservoir: This addition is part of the original Treasured Alabama Lake designation.
- **Little Kowaliga Creek (Lake Martin)** from Big Kowaliga Creek to Extent of reservoir: The Department proposes to correct the “from” waterbody name to “Kowaliga Creek”.
- **Blue Creek (Lake Martin)** from Tallapoosa River to Extent of reservoir: This addition is part of the original Treasured Alabama Lake designation.
- **Sandy Creek (Lake Martin)** from Tallapoosa River to Extent of reservoir: This addition is part of the original Treasured Alabama Lake designation.
- **Little Sandy Creek** from Norfolk Southern Railway to Its source: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.
- **Manoy Creek (Lake Martin)** from TALLAPOOSA RIVER to Extent of reservoir: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.
- **Elkahatchee Creek (Lake Martin)** from Tallapoosa River to Extent of reservoir: This addition is part of the original Treasured Alabama Lake designation.
- **Elkahatchee Creek** from Alabama Highway 63 to Alabama Highway 22: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.
- **Sugar Creek (Lake Martin)** from Elkahatchee Creek to Extent of reservoir: This addition is part of the original Treasured Alabama Lake designation.
- **Coley Creek (Lake Martin)** from Tallapoosa River to Extent of reservoir: This addition is part of the original Treasured Alabama Lake designation.
- **Hillabee Creek (Lake Martin)** from Tallapoosa River to Extent of reservoir: This addition is part of the original Treasured Alabama Lake designation.

- **Hackney Creek** from Town Creek to Its source: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.
- **High Pine Creek** from US Highway 431 to Its source: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.

335-6-11-.02(14) THE TENNESSEE RIVER BASIN

- **TENNESSEE RIVER (Wheeler Lake)** from Five miles upstream of Elk River (RM 289.3) to US Highway 31: This change is to remove reference to Note 1.
- **TENNESSEE RIVER (Guntersville Lake)** from Guntersville Dam to Upper end of Buck's Island: This change is to remove reference to Note 2.
- **TENNESSEE RIVER (Guntersville Lake)** from Upper end of Buck's Island to Roseberry Creek: The Department proposes to add the PWS use classification to reflect its use as a water supply source by the Northeast Alabama Water, Sewer, and Fire Protection District.
- **TENNESSEE RIVER (Guntersville Lake)** from Roseberry Creek to Alabama-Tennessee state line: This change is to remove reference to Note 3.
- **Cedar Creek (Cedar Creek Lake)** from Cedar Creek Lake Dam to Alabama Highway 24: This change is to update the "to" location.
- **Cedar Creek** from Cedar Creek Lake to Alabama Highway 24: This change is proposed to distinguish the river/stream from the reservoir.
- **Flint River** from Big Cove Creek to Hurricane Creek: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.
- **Little Bear Creek** from Bear Creek to Its source: The Department proposes to update the waterbody name to specify the county and to update the "from" location.
- The Department proposes removing Note 1, Note 2, and Note 3.

335-6-11-.02(15) THE TOMBIGBEE RIVER BASIN

- **Sucarnoochee River** from US Highway 11 to Miuka Creek: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.
- **Toomsuba Creek** from Norfolk Southern Railway to Alabama-Mississippi state line: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.

- **Unnamed tributary to Toomsuba Creek** from Toomsuba Creek to Lake Louis Dam: This change is proposed to distinguish the river/stream from the reservoir.
- **Unnamed tributary to Toomsuba Creek (Lake Louise)** from Toomsuba Creek to Its source: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source and to update the “from” location.
- **Yellow Creek** at Alabama-Mississippi state line: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.
- **Luxapallila Creek** at Alabama-Mississippi state line: The Department proposes to remove the PWS use classification to reflect that the waterbody is not currently used as a public water supply source.