

335-6-7-.11 Reserved

335-6-7-.11 Registration For Alternate Non-NPDES State Permit Coverage

(1) CAFOs that do not discharge and/or propose to discharge to groundwater and/or surface waters as determined by the Director or his designee and do not register for NPDES permit coverage shall register for State permit coverage at least every 5-years.

(2) Registration for State permit coverage does not provide NPDES permit coverage and NPDES permitting regulatory requirements do not apply to facilities that obtain State permit coverage.

(3) New and expanding AFOs/CAFOs may register temporarily under the annual NPDES Registration for the duration of construction and land disturbance to obtain NPDES permit coverage to satisfy NPDES construction stormwater permitting requirements, and then convert their NPDES permit coverage to the State permit coverage once construction and land disturbance is complete and all disturbed areas are permanently stabilized and/or revegetated.

(4) All technical, operational, and administrative requirements required by ADEM Admin. Code Ch. 335-6-7 apply to facilities that obtain State permit coverage unless specifically waived by this rule and/or waived in writing by the Director or his designee:

(a) Annual QCP inspection is not required to be conducted.

(b) Annual QCP certification is not required to be prepared and/or submitted.

(c) Continuing education and training is not required to be completed and/or submitted.

(5) AFOs may voluntarily request State permit coverage if they choose for any reason and for any desired length of time not to exceed 5-years.

(6) All AFOs/CAFOs are considered to be permitted by State rule as a State permitted facility if they comply with rule requirements applicable to State registered facilities.

(7) For each initial registration for State permit coverage and each 5-year re-registration the registrant shall:

(a) Submit to the Department a QCP certification based on the results of an inspection performed by a QCP within the previous six (6) months.

(b) Certify that no discharges of pollutants have occurred to groundwater and/or surface waters since the previous registration for State permit coverage or previous registration for NPDES permit coverage.

(c) Certify that required facility/structure buffers/set-backs have been implemented since the previous registration for State permit coverage or previous registration for NPDES permit coverage.

(d) Certify that required land application buffers/setbacks have been implemented since the previous registration for State permit coverage or previous registration for NPDES permit coverage.

(e) Certify that a comprehensive WMSP has been prepared, is current, and is being implemented.

(f) Certify that required detailed records have been retained since the previous registration for State permit coverage or previous registration for NPDES permit coverage.

(7) The ADEM General Permit Fee, Chapter 335-1-6 - Fee Schedule D, Water Permits, shall be charged for State Registration processing.

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Statutory Authority: Code of Alabama 1975, §§ 22-22-1 to 22-22-14 and §§ 22-22A-1 to 22-22A-16 et seq., as amended.

History: Proposed: September 21, 2020.