# TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management	
Rule No. 335-6-605	
Rule Title: Duration of Permits	
New X Amend Repeal /	Adopt by Reference
Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?	YES
Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?	YES
Is there another, less restrictive method of regulation available that could adequately protect the public?	NO
Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?	NO NO
Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?	NO
Are all facts of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?	YES
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If the proposed rule has an economic impact, the proposed rule is a accompanied by a fiscal note prepared in accordance with subsective 41-22-23, Code of Alabama 1975.	-
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I certify that the attached proposed rule has been proposed in full or requirements of Chapter 22, Title 41, Code of Alabama 1975, and applicable filing requirements of the Administrative Procedure Dir Legislative Reference Service.	that it conforms to all vision of the
Signature of certifying officer May Elleo	<del>H</del>

Date April 20, 2015

#### ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT WATER DIVISION

#### NOTICE OF INTENDED ACTION

**Agency Name:** 

Alabama Department of Environmental Management

Rule No. & Title:

335-6-6-.05 Duration of Permits (Amend)

Intended Action:

The Alabama Department of Environmental Management proposes

to amend rule 335-6-6-.05.

### **Substance of Proposed Action:**

The Department also proposes to make administrative corrections in this rule.

## Time, Place, Manner of Presenting Views:

Comments may be submitted in writing or orally at a public hearing to be held at 2:00 P.M., June 15, 2015, in the ADEM Main Hearing Room, 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

Final Date for Comment and Completion of Notice:

June 15, 2015

Contact Person at Agency: Christy Monk, (334) 394-4364

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Lance R. LeFleur

Director

#### 335-6-6-.05 Duration of Permits.

- (1) An NPDES permit issued pursuant to the AWPCA and this rule chapter shall have a fixed term not to exceed five years unless a longer term is allowed by 40 CFR Part 122 and is approved by the Director. A person who wishes to continue to discharge beyond the term of such permit shall apply for reissuance of an NPDES permit pursuant to rule 335-6-6-.08.
- (2) Except as provided by rule-paragraph 335-6-6-.05(4), an NPDES permit issued for a "new discharger" or "new source" shall expire eighteen months after issuance if "construction" has not begun during that eighteenmonth period. This period shall be tolled by any administrative request for hearing or an administrative or judicial stay.
- (3) That portion of an NPDES permit authorizing the discharge of increased quantities of pollutants to accommodate the modification of an existing facility shall expire eighteen months after issuance if "construction" of the modification has not begun within eighteen months after reissuance of the NPDES permit or modification of the NPDES permit to allow the discharge of increased quantities of pollutants. This period shall be tolled by any administrative request for hearing or an administrative or judicial stay.
- (4) An NPDES permit issued for a "new discharger" or "new source" associated with a "surface coal mine" shall expire eighteen months after issuance if "construction" has not begun during that eighteen-month period, unless the Permittee has not started "construction" pending issuance of a permit by the "ASMC" and at the time the NPDES permit was issued had complied with the application requirements of the "ASMC" Administrative Code Title 880. In such cases, the NPDES permit shall expire 18 months after issuance of the "ASMC" permit if "construction" has not begun during that eighteen-month period. This period shall be tolled by any administrative request for hearing or an administrative or judicial stay.

Author: John Poole, Richard Hulcher, Glenda Dean, Chip Crockett. Statutory Authority: Code of Alabama 1975, § 22-22-9, § 22-22A-5. History: October 19, 1979. Amended: January 24, 1989; July 12, 1995, August 1, 2002; April 3, 2012; XXXX XX, 2015.