

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Environmental Management
Rule No. & Title: 335-6-6-.18 Enforcement under NPDES (Amend)
Intended Action: The Alabama Department of Environmental Management proposes to amend rule 335-6-6-.18.

Substance of Proposed Action:

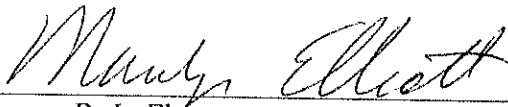
The Department also proposes to make administrative corrections in this rule.

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



Lance R. LeFleur
Director

335-6-6-.18 Enforcement Under NPDES.

(1) Any NPDES permit issued or reissued by the Department is a permit for the purpose of the AWPCA and the FWPCA as such any terms, conditions, or limitations of the permit are enforceable under state and federal law.

(2) Any person required to have an NPDES permit pursuant to this ~~rule-chapter~~ and who discharges pollutants without said permit, who violates the conditions of said permit, who discharges pollutants in a manner not authorized by the permit, or who violates this ~~rule-chapter~~ or applicable orders of the Department or any applicable rule or standard under this division, is subject to any one or combination of the following enforcement actions under the AWPCA.

(a) An administrative order requiring abatement compliance, mitigation, cessation of discharge, clean up, and/or penalties;

(b) An action for damages;

(c) An action for injunctive relief; or

(d) An action for penalties.

(3) Any order issued by the Department pursuant to the AWPCA requiring compliance with the AWPCA, its implementing rules, or an NPDES Permit shall specify a reasonable time within which noncompliance must cease. In appropriate cases a reasonable time may be immediately. Reasonableness shall be determined based upon the severity of the violation and the complexity and availability of the measures necessary to correct the violation.

(4) If the permittee is not in compliance with the conditions of an expiring or expired permit the Director may choose to do any or all of the following provided the permittee has made a timely application for reissuance of the permit:

(a) Initiate enforcement action based upon the permit which has been continued;

(b) Issue a notice of intent to deny the permit reissuance. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

(c) Reissue the new permit with appropriate conditions; or

(d) Take other actions authorized by these rules and the AWPCA.

Author: John Poole.

Statutory Authority: Code of Alabama 1975, § 22-22-9, § 22-22-14,
§ 22-22A-5.

History: October 19, 1979. **Amended:** January 24, 1989; XXXX XX, 2015.