



ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
WATER DIVISION

NOTICE OF INTENDED ACTION

**Agency Name:** Alabama Department of Environmental Management

**Rule No. & Title:** 335-6-6-.19 Tentative Determinations and Draft NPDES Permits  
(Amend)

**Intended Action:** The Alabama Department of Environmental Management proposes  
to amend rule 335-6-6-.19.

**Substance of Proposed Action:**

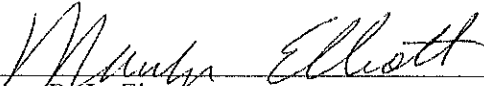
The Department also proposes to make an administrative correction in this rule.

**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-.19 Tentative Determinations and Draft NPDES Permits.**

(1) Tentative Determinations. When the Department is satisfied that an application is complete it shall make a tentative determination on the application, including a tentative determination to issue or to deny an NPDES permit for the discharge(s) described in the application. If the tentative determination is to issue an NPDES permit, the following additional tentative determinations shall be made:

(a) Tentative discharge limitations and monitoring requirements shall be identified for the constituents proposed to be limited;

(b) A preliminary schedule of compliance for meeting the tentative discharge limitations including interim dates and requirements, if applicable; and

(c) Any other tentative restrictions or other conditions determined necessary by the Director which will significantly affect the discharge described in the application.

(2) A determination may be made by the Director to deny a permit application if the applicant operates other permitted facilities within the state which are in substantial non-compliance, as determined by the Director, until such non-compliance is corrected or if the Director determines that a permit that results in compliance with applicable water quality standards could not be issued or, if issued, could not be complied with.

(3) Draft Permits.

(a) If the tentative determination is to issue, reissue, or modify an NPDES permit, the Department shall prepare a draft NPDES permit based upon the tentative determinations made pursuant to paragraph 335-6-6-.19(1) for the NPDES permit application.

(b) All effluent limitations, monitoring requirements, schedules of compliance, or other conditions determined necessary by the Director to be included in the draft permit shall be in accordance with the provisions of rules 335-6-6-.10 through 335-6-6-.16 where applicable.

(c) For every draft NPDES permit for which a fact sheet is not required in accordance with rule 335-6-6-.20, the Department shall prepare a statement (rationale) of the basis of the conditions in the draft NPDES permit. The rationale shall be available to the public.

**Author:** John Poole.

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

**History:** October 19, 1979. **Amended:** January 24, 1989; April 29, 1991; XXXX XX, 2015.