

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-6-10-.02
Rule Title: Definitions
 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

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

Does the proposed rule have an economic impact? NO

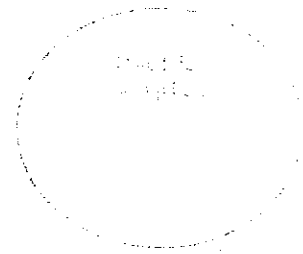
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Maurice Elliott

Date September 21, 2016



oAPA-2
11/96

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management
RULE NO. & TITLE: 335-6-10-.02 Definitions (Amend)
INTENDED ACTION: The Alabama Department of Environmental Management proposes to amend rule 335-6-10-.02.

SUBSTANCE OF PROPOSED ACTION:


The Department proposes to amend rule 335-6-10-.02 to add the definition of "Coastal Waters".

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held at 1:00 P.M., November 10, 2016, in the ADEM Main Hearing Room, 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: November 10, 2016

CONTACT PERSON AT AGENCY: Chris Johnson (334) 271-7827



Lance R. LeFleur
Director

335-6-10-.02 Definitions.

(1) "Coastal Waters" means those waters, adjacent to the shoreline, and lying seaward of the continuous 10 foot contour extending seaward to the outer limit of the United States territorial sea which contain a measurable quantity or percentage of sea water, including but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

(24) "Commission" means the Environmental Management Commission, established by the Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 to 22-22A-16.

(23) "Department" means the Alabama Department of Environmental Management, established by the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 to 22-22A-16.

(34) "Existing Uses" means those legitimate beneficial uses of a water body attained in fact on or after November 28, 1975, whether or not they are included as classified uses in ADEM Administrative Code rule 335-6-11-.02.

(45) "Industrial Waste" means liquid or other wastes resulting from any process of industry, manufacture, trade or business or from the development of natural resources.

(56) "NPDES" means National Pollutant Discharge Elimination System.

(67) "Other Wastes" means all other substances, whether liquid, gaseous or solid, from all other sources including, but not limited to, any vessels, or other conveyances traveling or using the waters of this State, except industrial wastes or sewage, which may cause pollution of any waters of the State.

(78) "Pollutant" includes but is not limited to dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. Pollutant does not mean (a) sewage from vessels; or (b) water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State, and if the Department determines that such injection or disposal will not result in the degradation of ground or surface water resources.

(89) "Pollution" means the discharge of a pollutant or combination of pollutants.

(910) "Sewage" means water-carried human wastes from residences, buildings, industrial establishments or other places including, but not limited to,

any vessels, or other conveyances traveling or using the waters of this State, together with such ground, surface, storm or other waters as may be present.

(1011) "State Waters" or "Waters of the State" means all waters of any river, stream, watercourse, pond, lake, coastal, or surface water, wholly or partially within the State, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce.

Author: James E. McIndoe; Chris L. Johnson.

Statutory Authority: Code of Alabama 1975, §§ 22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.

History: May 5, 1967. **Amended:** June 19, 1967; July 17, 1972; February 26, 1973; May 30, 1977; December 19, 1977; February 4, 1981; March 2, 1990; April 3, 1991; XXXXXX, 2017.