

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-6-10-.05
Rule Title: General Conditions Applicable to All Water Quality Criteria
 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 *Marilyn Elliott*

Date September 21, 2016



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**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

RULE NO. & TITLE: 335-6-10-.05 General Conditions Applicable to All Water Quality Criteria (Amend)

INTENDED ACTION: The Alabama Department of Environmental Management proposes to amend rule 335-6-10-.05.

SUBSTANCE OF PROPOSED ACTION:

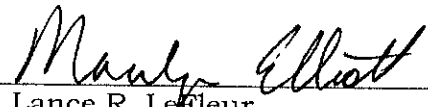
The Department proposes to amend rule 335-6-10-.05(5) to extend the recreational use season from June through September to May through October.

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-.05 General Conditions Applicable to All Water Quality Criteria.

(1) The quality of any waters receiving sewage, industrial wastes or other wastes, regardless of their use, shall be such as will not cause the best usage of any other waters to be adversely affected by such sewage, industrial wastes or other wastes.

(2) Tests or analytical procedures to determine compliance or noncompliance with water quality criteria shall be in accordance with the methods specified in 40 CFR 136.3 (2003). Where other tests or analytical procedures are found to be more applicable and satisfactory, these may be used upon acceptance and approval by the Department.

(3) In making any tests or analytical determinations to determine compliance or noncompliance with water quality criteria, samples shall be collected in such manner and at such locations approved by a duly authorized representative of the Department as being representative of the receiving waters after reasonable opportunity for dilution and mixture with the wastes discharged thereto. Mixing zones, i.e., that portion of the receiving waters where mixture of effluents and natural waters take place, shall not preclude passage of free-swimming and drifting aquatic organisms to the extent that their populations are significantly affected.

(4) Natural waters may, on occasion, have characteristics outside of the limits established by these criteria. The criteria contained herein relate to the condition of waters as affected by the discharge of sewage, industrial wastes or other wastes, not to conditions resulting from natural forces.

(5) All waters, where attainable, shall be suitable for recreation in and on the waters during the months of ~~June~~ May through ~~September~~ October except that recreational use is not recommended in the vicinity of discharges or other conditions which the Department or the Department of Public Health does not control.

(6) Where necessary to attain compliance with a new water quality standard, existing permits for the discharge of wastewaters shall be modified or reissued to limit the discharge of a substance causing or contributing to the failure of a water of the state to meet the new standard. Compliance with the modified limit shall be required as soon as practical, but in all cases within three years of the adoption of the new standard.

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; January 14, 2005; XXXXXX, 2017.