

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-6-10-.08
Rule Title: Waste Treatment Requirements
 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

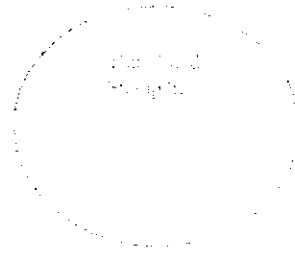
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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 Mandy 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-.08 Waste Treatment Requirements (Amend)
INTENDED ACTION: The Alabama Department of Environmental Management proposes to amend rule 335-6-10-.08.

SUBSTANCE OF PROPOSED ACTION:


The Department proposes to amend rule 335-6-10-.08(a) to remove language to be consistent with 40 CFR 133. The Department also proposes to amend rule 335-6-10-.08(b) to add proper punctuation.

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-.08 Waste Treatment Requirements. The following treatment requirements apply to all industrial waste discharges, sewage treatment plants, and combined waste treatment plants:

(a) As a minimum, secondary treatment, "equivalent to secondary treatment", or alternate levels as provided for in rules and regulations promulgated by the U.S. Environmental Protection Agency at 40 CFR Part 133 (2013), shall be applied to all sanitary waste discharges. The term "secondary treatment" is applied to biologically degradable waste and is interpreted to mean a facility which at design flow is capable of removing substantially all floating and settleable solids and to achieve a minimum removal of 85 percent of both the 5-day biochemical oxygen demand and suspended solids which, in the case of municipal wastes, is generally considered to produce an effluent quality containing a BOD₅ concentration of 30 mg/l and a suspended solids concentration of 30 mg/l. ~~For municipal waste treatment facilities with effluent concentration limitations that are more stringent than secondary treatment, minimum removal of 85 percent of both the 5-day biochemical oxygen demand and suspended solids shall be at the Department's discretion.~~ Equivalent to secondary treatment and alternate levels shall be defined by the U.S. Environmental Protection Agency at 40 CFR Part 133 (2013). Disinfection, where necessary, will also be required. Waste treatment requirements also include those established under the provisions of Sections 301, 304, 306, and 307 of the Federal Water Pollution Control Act (FWPCA). In addition, the Department may require secondary treatment of biologically degradable industrial wastewaters when the application of guidelines published under federal law do not produce a similar reduction in the parameters of concern. In the application of this requirement, consideration will be given to efficiencies achieved through in-process improvements.

(b) In all cases, an analysis of water use and flow characteristics for the receiving stream shall be provided to determine the degree of treatment required. Where indicated by the analysis, a higher degree of treatment may be required.

(c) The minimum 7-day low flow that occurs once in 10 years shall be the basis for design criteria.

Author: James E. McIndoe; Lynn Sisk; 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; April 1, 2014; XXXXXX, 2017.