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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: 335-6-11-.01 The Use Classification System (Amend)
INTENDED ACTION: The Alabama Department of Environmental Management proposes to amend rule 335-6-11-.01.

SUBSTANCE OF PROPOSED ACTION:


The Department proposes to replace the word "streams" with "waterbodies" to clarify that a use classification is not just limited to a stream, to correct grammatical errors, and to revise Perdido-Escambia River Basin to Perdido River Basin and add Escatawpa River Basin to reflect the updated river basin names.

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

335-6-11-.01 The Use Classification System.

(1) Use classifications utilized by the State of Alabama are as follows:

Outstanding Alabama Water	OAW
Public Water Supply	PWS
Swimming and Other Whole Body Water-Contact Sports	S
Shellfish Harvesting	SH
Fish and Wildlife	F&W
Limited Warmwater Fishery	LWF
Agricultural and Industrial Water Supply	A&I

(2) Use classifications apply water quality criteria adopted for particular uses based on existing utilization, uses reasonably expected in the future, and those uses not now possible because of correctable pollution but which could be made if the effects of pollution were controlled or eliminated. Of necessity, the assignment of use classifications must take into consideration the physical capability of waters to meet certain uses.

(3) Those use classifications presently included in the standards are reviewed informally by the Department's staff as the need arises, and the entire standards package, to include the use classifications, receives a formal review at least once every three years. Efforts currently underway through local 201 planning projects will provide additional technical data on certain streams waterbodies in the State, information on treatment alternatives, and applicability of various management techniques, which, when available, will hopefully lead to new decisions regarding use classifications. Of particular interest are those segments which are currently classified for any usage which has an associated degree of quality criteria considered to be less than that applicable to a classification of "Fish and Wildlife." As rapidly as it can be demonstrated that new classifications are feasible and attainable on these segments from an economic and technological viewpoint, based on the information being generated pursuant to water quality studies and the planning efforts previously outlined, such improvement will be proposed. For those segments where such a demonstration cannot be made, use attainability analyses describing in detail the factors preventing attainment of the "Fish and Wildlife" use will be prepared pursuant to federal requirements and updated as new information becomes available.

(4) Although it is not explicitly stated in the classifications, it should be understood that the use classification of "Shellfish Harvesting" is only applicable in the coastal area and, therefore, is included only in the Mobile River Basin, Escatawpa River Basin, and the Perdido-~~Escambia~~ River Basin. It should also be noted that with the exception of those segments in the "Public Water Supply" classification, every segment, in addition to being considered acceptable for its designated use, is also considered acceptable for any other use with a less stringent associated criteria.

(5) Not all waters are included by name in the use classifications since it would be a tremendous administrative burden to list all stream-waterbody

segments in the State. In addition, in virtually every instance where a segment is not included by name, the Department has no information or ~~stream-waterbody~~ data upon which to base a decision relative to the assignment of a particular classification. An effort has been made, however, to include all major ~~stream waterbody~~ segments and all segments ~~which~~that, to the Department's knowledge, are currently recipients of point source discharges. Those segments which are not included by name will be considered to be acceptable for a "Fish and Wildlife" classification unless it can be demonstrated that such a generalization is inappropriate in specific instances.

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; April 1, 1970; October 16, 1972; September 17, 1973; May 30, 1977; December 19, 1977; February 4, 1981; April 5, 1982; December 11, 1985; March 26, 1986; September 7, 2000; May 27, 2008; April 1, 2014; XXXXXX, 2017.