

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-6-6-.03
Rule Title: Requirement for NPDES Permit
 New 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 facets 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

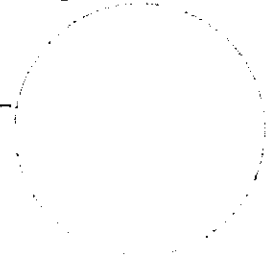
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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 Nancy Elliott

Date September 21, 2016



**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION**

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Environmental Management
Rule No. & Title: 335-6-6-.03 Requirement for NPDES Permit (Amend)
Intended Action: The Alabama Department of Environmental Management proposes to amend rule 335-6-6-.03

Substance of Proposed Action:

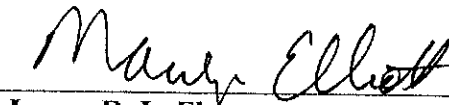
The Department proposes to amend this rule and to make administrative corrections in this rule.

Time, Place, Manner of Presenting Views:

Comments may be submitted in writing or orally at a public hearing to be held at 10:00 AM, 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: Christy Monk, (334) 394-4364



Lance R. LeFlour
Director

335-6-6-.03 Requirement for NPDES Permit.

(1) No person shall discharge pollutants into waters of the state without first having obtained a valid NPDES permit or coverage under a valid General NPDES Permit unless such discharge is:

(a) Of sewage from vessels, effluent from properly functioning marine engines, laundry, shower, and galley sink wastes, or any other discharge incidental to the normal operation of a vessel. This exclusion does not apply to:

1. The discharge of any solid wastes, garbage, ashes, rubbish, or hazardous waste within the meaning of Code of Alabama (1975), §22-27-2 (1984 Rplc. Vol.), any other pollutant, industrial waste or other waste within the meaning of Code of Alabama (1975), §22-22-1(b) (1984 Rplc. Vol.), or any discharge in violation of rule 335-6-6-.02;

2. Waste resulting from the improper operation of a vessel, or from the improper storage or handling of a solid or liquid product on board a vessel; or

3. Any waste resulting from any operations of a vessel in use for a purpose other than a means of transportation.

(b) Of dredged or fill material which is regulated under Section 404 of the FWPCA;

(c) In compliance with the instructions of an On-Scene Coordinator pursuant to 33 CFR 153.10(e) (1994) or 40 CFR Part 300 (1994) and 40 CFR Part 122.3(d) (1994);

(d) From non-point source agricultural and silvicultural activities, including runoff from orchards, cultivated crops, pastures, range lands and forest lands, but not including discharges from animal feeding operations (AFO) and concentrated animal feeding operations (CAFO), discharges from concentrated aquatic animal production facilities, aquaculture projects and discharges from silvicultural sources as defined in regulations referenced in rule 335-6-6-.10;

(e) A return flow from irrigated agriculture;

(f) A discharge to a publicly owned treatment works or a privately owned treatment works that has been approved and granted a State Indirect Discharge Permit by the Department;

(g) A discharge to an injection well that has been permitted by the Department or the State Oil and Gas Board;

(2) No person, required to apply for a storm water discharge permit by 40 CFR §122.26 (~~2000~~2016), shall discharge pollutants into waters of the state without first having applied for a valid NPDES permit, coverage under a valid General NPDES Permit, or coverage under a valid NPDES Registration. New

dischargers shall obtain a valid NPDES permit, coverage under a valid General Permit, or coverage under a valid NPDES Registration prior to conducting any activity for which application for a storm water discharge permit is required by 40 CFR §122.26 (~~2000~~2016).

Author: John Poole; Richard Hulcher; Truman Green.

Statutory Authority: Code of Alabama 1975, § 22-22-1, § 22-22-9, § 22-22A-5.

History: October 19, 1979. **Amended:** January 24, 1989; April 29, 1991, July 12, 1995, March 31, 1999, August 1, 2002, January 23, 2003; September 29, 2015; XXXX XX, 2017.