ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION - WATER QUALITY PROGRAM
ADMINISTRATIVE CODE

CHAPTER 335-6-1
GENERAL PROVISIONS

TABLE OF CONTENTS

335-6-1-.01 General Definitions
335-6-1-.02 Adoption Of Rules And Standards
335-6-1-.03 Public Information (Repealed)
335-6-1-.04 Electronic Reporting Requirements

335-6-1-.01 General Definitions.

The following definitions describe the meaning of certain terms used in this Division, unless a different meaning clearly appears from the context or unless a different meaning is stated in a definition applicable only to a particular chapter within this Division. Additional terms may also be defined in individual chapters.

(a) The following terms shall have the meanings set forth in the AWPCA "waters," "pollution," "sewage," "industrial wastes," "other wastes," "person," and "discharge."

(b) "AWPCA" means the Alabama Water Pollution Control Act, as amended, Code of Ala. 1975, §§22-22-1 to 22-22-14.

(c) "Administrator" means the Administrator of the United States Environmental Protection Agency.

(d) "Director" means the Director of the Alabama Department of Environmental Management, appointed pursuant to Code of Ala. 1975, §22-22A-3(4).

(e) "Department" means the Alabama Department of Environmental Management established by Code of Ala. 1975, §22-22A-3(1).

(f) "EPA" means the United States Environmental Protection Agency or its successor.

(g) "FWPCA" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251 et seq., and regulations listed thereunder.

(h) "Regulation" or "Rule" means each Department statement of general applicability that implements, interprets, or

prescribes law or policy, or describes the organization, procedure, or practice requirements of the Department. The term includes the amendment or repeal of a prior rule but does not include:

1. Statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public;

2. Intra-agency memoranda; or

3. An order which is directed to a specifically named person or to a group of specifically named persons which does not constitute a general class and the order is served on the person or persons by the appropriate means applicable thereto. The fact that the named person who is being regulated serves a group of unnamed persons who will be affected does not make such order a "rule" or "regulation."

(i) "State" means the State of Alabama.

(j) "Technical Staff" means the technical staff of the Department.

Author: David Ludder
Statutory Authority: Code of Ala. 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
History: Amended: October 10, 1984.

335-6-1-.02 Adoption Of Rules And Standards.

In addition to the other rule-making requirements imposed by law, the Department shall:

(1) Adopt rules establishing water quality standards and stream classifications for all waters of the State as the Department sees fit;

(2) Adopt effluent limitation guidelines; a system for issuance of permits which system shall include effluent limitations for each discharge for which a permit is issued; and, such other rules as necessary to enforce water quality standards adopted by the Department; and

(3) Adopt any other rules within the Department's authority to further the policy and purpose of the AWPCA and to control pollution in the waters of the State.

(4) No rule of the Department is valid or effective against any person or party, nor may it be invoked by the Department for any purpose until it has been made available for public

inspection as herein required. This provision is not applicable in favor of any person or party who has actual knowledge thereof.
Author: David Ludder
Statutory Authority: Code of Ala. 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
History: Effective: May 9, 1972. **Amended:** January 7, 1974; January 10, 1984; October 10, 1984.

335-6-1-.03 Public Information (Repealed).

(Repealed)
Author:
Statutory Authority:
History: Effective: May 9, 1972; **Amended:** January 7, 1974; January 10, 1981; October 10, 1984; **Repealed:** August 1, 1986.

335-6-1-.04 Electronic Reporting Requirements.

(1) Purpose and Applicability.

(a) This rule, in conjunction with the reporting requirements specified in chapters 335-6-5 and 335-6-6, specifies the requirements for the electronic reporting of the information specified in paragraph (2) of this rule.

(b) This rule applies to any person who:

1. Is required to apply for or has obtained a State Indirect Discharge (SID permit under chapter 335-6-5;

2. Is required to apply for or has obtained an individual NPDES permit or coverage under a general NPDES permit under chapter 335-6-6; or

3. Submits a stormwater no exposure certification (NEC) or has an approved stormwater no exposure certification (NEC) in lieu of an individual or general permit under chapter 335-6-6.

(2) Reports, Notices, and Certifications Subject to Electronic Reporting.

(a) Beginning on the applicable compliance date specified in paragraph (3) of this rule, regulated persons shall electronically submit the following reports, as applicable, with the minimum set of data required for those reports as specified in Appendix A to 40 CFR part 127 (2016):

1. Discharge Monitoring Reports [subparagraphs 335-6-5-.15(12)(e)1. and 335-6-6-.12(l)5.(i)];

2. Municipal Separate Storm Sewer System (MS4) Program Reports [rule 335-6-6-.11, 40 CFR §§122.34(g)(3) and 122.42(c)];

3. Sewer Overflow and Bypass Incident Event Reports [subparagraphs 335-6-6-.12(l)6.(ii), 335-6-6-.12(m)2.(i), and 335-6-6-.12(m)2.(ii)]; and

4. Clean Water Act (CWA) Section 316(b) Annual Reports [paragraph 335-6-6-.10(g) and 40 CFR part 125, subparts I, J, and N].

(b) Beginning on the applicable compliance date specified in paragraph (3) of this rule, persons seeking coverage under NPDES general permits or termination of coverage under NPDES general permits, and persons submitting stormwater certifications for exclusion from NPDES permit requirements shall electronically submit the following notices and certifications with the minimum set of data required for those notices and certifications as specified in Appendix A to 40 CFR part 127 (2016):

1. Notice of intent (NOI) to discharge by persons seeking coverage under a general NPDES permit (rather than an individual NPDES permit), as described in paragraph 335-6-6-.23(15);

2. Notice of termination (NOT), as described in subparagraph 335-6-6-.23(7)(d); and

3. No exposure certification (NEC), as described in rule 335-6-6-.03 and 40 CFR §122.26(g)(1)(iii).

(3) Compliance Dates. Persons subject to this rule, with the exception of those covered by waivers under paragraph

(6) of this rule, shall electronically submit the following reports, notices, and certifications beginning on the dates specified in Table 1 of this paragraph:

Table 1. Compliance Date for Electronic Submissions

Information	**Start Date of Electronic Submissions**
Discharge Monitoring Reports [subparagraphs 335-6-5-.15(12)(e)1. and 335-6-6-.12(l)5.(i)]	December 21, 2016
Municipal Separate Storm Sewer System (MS4) Program Reports [rule	December 21, 2020

Information	**Start Date of Electronic Submissions**
335-6-6-.11, 40 CFR §§122.34(g)(3) and 122.42(c)]	
Sewer Overflow and Bypass Incident Event Reports [335-6-6-.12(l)6.(ii), 335-6-6-.12(m)2.(i), and 335-6-6-.12(m)2.(ii)	December 21, 2020
CWA Section 316(b) Annual Reports [paragraph 335-6-6-.10(g) and 40 CFR part 125, subparts I, J, and N]	December 21, 2020
Notice of intent (NOI) to discharge by persons seeking coverage under a general NPDES permit (rather than an individual NPDES permit), as described in paragraph 335-6-6-.23(15)	December 21, 2020
Notice of termination (NOT), as described in subparagraph 335-6-6-.23(7)(d)	December 21, 2020
No exposure certification (NEC), as described in rule 335-6-6-.03 and 40 CFR §122.26(g)(1)(iii)	December 21, 2020

(4) Signatory and Certification Standards for Electronic Reporting. The applicable signatory and certification requirements identified in 40 CFR part 3 (2016) and rule 335-6-5-.14 or 335-6-6-.09 shall apply to the electronic submission of the reports, notices, and certifications specified in paragraph (2) of this rule.

(5) Other Requirements.

(a) Persons subject to this rule shall comply with the applicable requirements for quality assurance and quality control specified in 40 CFR §127.13 (2016).

(b) Persons subject to this rule shall comply with the applicable requirements for timeliness, accuracy, completeness, and consistency specified in 40 CFR §127.14 (2016).

(6) Waivers from Electronic Reporting.

(a) Persons subject to this rule shall electronically submit to the Director the minimum set of data in compliance with this rule, 40 CFR part 3 (2016), and rule 335-6-5-.14 or 335-6-6-.09, as applicable, unless a waiver from electronic reporting is granted in compliance with this paragraph.

(b) Temporary Waivers. Temporary waivers from electronic reporting may be granted by the Director to persons subject to this rule.

1. Each temporary waiver from electronic reporting shall not extend beyond five years; however, persons subject to this rule may re-apply for a temporary waiver from electronic reporting. It is the duty of the person subject to this rule to re-apply for a new temporary waiver from electronic reporting. The Director cannot grant a temporary waiver from electronic reporting to a person subject to this rule without first receiving such a request from that person.

2. To apply for a temporary waiver from electronic reporting, the person subject to this rule shall submit the following information to the Director:

(i) Permittee and/or facility name;

(ii) NPDES or SID permit number (if applicable);

(iii) Facility address;

(iv) Name, address and contact information for the owner, operator, or duly authorized facility representative;

(v) Brief written statement regarding the basis for requesting the temporary waiver; and

(vi) Any other information required by the Department.

3. The Director shall determine whether to grant or deny a temporary waiver from electronic reporting. The Director shall provide notice of his/her determination to the person submitting a request for a temporary waiver from electronic reporting as specified in subparagraph (6)(e) of this rule.

4. Persons subject to this rule who have been granted a temporary waiver from electronic reporting shall continue to provide to the Director the minimum set of data required as specified in Appendix A to 40 CFR part 127 (as well as other required information in compliance with statutes, regulations, the NPDES or SID permit, another

control mechanism, or an enforcement order) in hard-copy format.

5. A temporary waiver from electronic reporting is not transferrable.

(c) Permanent Waivers. Permanent waivers from electronic reporting may be granted by the Director to persons subject to this rule.

1. Permanent waivers from electronic reporting are available only to facilities and entities owned and/or operated by members of religious communities that choose not to use certain modern technologies (e.g., computers, electricity). The Director cannot grant a permanent waiver from electronic reporting to a person subject to this rule without first receiving such a request from that person.

2. To apply for a permanent waiver from electronic reporting, the person subject to this rule shall submit the information listed in subparagraph (6)(b)2. of this rule to the Director.

3. The Director shall determine whether to grant or deny a permanent waiver from electronic reporting. The Director shall provide notice of his/her determination to the person submitting a request for a permanent waiver from electronic reporting as specified in subparagraph (6)(e) of this rule.

4. Persons subject to this rule that have been granted a permanent waiver from electronic reporting shall continue to provide to the Director the minimum set of data required as specified in Appendix A to 40 CFR part 127 (as well as other required information in compliance with statutes, regulations, the NPDES or SID permit, another control mechanism, or an enforcement order) in hard-copy format.

5. A permanent waiver from electronic reporting is not transferrable.

(d) Episodic Waivers. Episodic waivers from electronic reporting may be granted by the Director to persons subject to this rule. The following conditions apply to episodic waivers.

1. No waiver request is required for a person to obtain an episodic waiver from electronic reporting.

2. Episodic waivers from electronic reporting are not transferrable.

3. An episodic waiver from electronic reporting shall not extend beyond sixty days.

4. The Director shall decide if the episodic waiver provision allows persons to delay their electronic submissions for a short time (i.e., no more than forty days) or to submit in hard-copy format. Episodic waivers from electronic reporting are available to persons in the following circumstances:

(i) Large scale emergencies involving catastrophic circumstances beyond the control of the person, such as forces of nature (e.g., hurricanes, floods, fires, earthquakes) or other disasters.

(ii) Prolonged electronic reporting system outages (i.e., outages longer than ninety-six hours).

5. The Director shall provide notice, individually or through means of mass communication, when such an episodic waiver is available, to include: the persons that may use the episodic waiver; the likely duration of the episodic waiver; and any other directions regarding how those persons should provide the minimum set of data required as specified in Appendix A to 40 CFR part 127 (as well as other required information in compliance with statutes, regulations, the NPDES or SID permit, another control mechanism, or an enforcement order) to the Director.

(e) Review of requests for temporary and permanent waivers from electronic reporting.

1. The Director shall review requests for temporary and permanent waivers from electronic reporting and shall either grant or deny those requests within 120 days of receipt.

2. The Director shall provide the person requesting a temporary or permanent waiver from electronic reporting with notice that the request has been granted or denied.

Author: Christy Monk.
Statutory Authority: Code of Ala. 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
History: **New Rule:** Filed December 20, 2016; effective February 3, 2017.