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

CHAPTER 335-6-10
WATER QUALITY CRITERIA

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335-6-10-.01 Purpose.

(1) Title 22, Section 22-22-2 et seq., Code of Ala. 1975, includes as its purpose "to conserve the waters of the State and to protect, maintain and improve the quality thereof for public water supplies, for the propagation of wildlife, fish and aquatic life and for domestic, agricultural, industrial, recreational and other legitimate beneficial uses; to provide for the prevention, abatement and control of new or existing water pollution; and to cooperate with other agencies of the State, agencies of other states and the federal government in carrying out these objectives."

(2) Water quality criteria, covering all legitimate water uses, provide the tools and means for determining the manner in which waters of the State may be best utilized, provide a guide for determining waste treatment requirements, and provide the basis for standards of quality for State waters and portions thereof. Water quality criteria are not intended to freeze present uses of water, nor to exclude other uses not now possible. They are not a device to insure the lowest common denominator of water quality,

but to encourage prudent use of the State's water resources and to enhance their quality and productivity commensurate with the stated purpose of Title 22, Section 22-22-2 et seq., Code of Ala. 1975.

(3) Water quality criteria herein set forth have been developed by the Commission for those uses of surface waters known and expected to exist over the State. They are based on present scientific knowledge, experience and judgment. Characteristics or parameters included in the criteria are those of fundamental significance to a determination of water quality and are those which are and can be routinely monitored and compared to data that are generally available. It is the intent that these criteria will be applied only after reasonable opportunity for mixture of wastes with receiving waters has been afforded. The reasonableness of the opportunity for mixture of wastes and receiving waters shall be judged on the basis of the physical characteristics of the receiving waters and approval by the Department of the method in which the discharge is physically made.
Author: James E. McIndoe, Chris L. Johnson
Statutory Authority: Code of Ala. 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
History: Originally Adopted: May 5, 1967. **Amended:** June 19, 1967. **Amended:** July 17, 1972. **Amended:** February 26, 1973. **Amended:** May 30, 1977. **Amended:** December 19, 1977. **Amended:** February 4, 1981. **Amended:** Filed January 26, 1990; Effective March 2, 1990. **Amended:** Filed February 27, 1991; Effective April 3, 1991. **Amended:** Published April 30, 2025; effective June 14, 2025.

335-6-10-.02 Definitions.

(1) "Coastal Waters" means those waters lying seaward of the continuous 10-foot contour, including waters of the Mobile-Tensaw Delta south of Interstate 65, and extending to the outer limit of the United States territorial sea.

(2) "Commission" means the Environmental Management Commission, established by the Environmental Management Act, Code of Ala. 1975, §§22-22A-1 to 22-22A-16.

(3) "Department" means the Alabama Department of Environmental Management, established by the Alabama Environmental Management Act, Code of Ala. 1975, §§22-22A-1 to 22-22A-16.

(4) "Existing Uses" means those legitimate beneficial uses of a water body attained in fact on or after November 28, 1975, whether or not they are included as classified uses in ADEM Administrative Code Rule 335-6-11-.02.

(5) "Industrial Waste" means liquid or other wastes resulting from any process of industry, manufacture, trade or business or from the development of natural resources.

(6) "NPDES" means National Pollutant Discharge Elimination System.

(7) "Other Wastes" means all other substances, whether liquid, gaseous or solid, from all other sources including, but not limited to, any vessels, or other conveyances traveling or using the waters of this State, except industrial wastes or sewage, which may cause pollution of any waters of the State.

(8) "Pollutant" includes but is not limited to dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. Pollutant does not mean (a) sewage from vessels; or (b) water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well-used either to facilitate production or for disposal purposes is approved by authority of the State, and if the Department determines that such injection or disposal will not result in the degradation of ground or surface water resources.

(9) "Pollution" means the discharge of a pollutant or combination of pollutants.

(10) "Sewage" means water-carried human wastes from residences, buildings, industrial establishments or other places including, but not limited to, any vessels, or other conveyances traveling or using the waters of this State, together with such ground, surface, storm or other waters as may be present.

(11) "State Waters" or "Waters of the State" means all waters of any river, stream, watercourse, pond, lake, coastal, or surface water, wholly or partially within the State, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce.

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335-6-10-.03 Water Use Classifications.

(1) Outstanding Alabama Water

(2) Public Water Supply

(3) Swimming and Other Whole Body Water-Contact Sports

(4) Shellfish Harvesting

(5) Fish and Wildlife

(6) Limited Warmwater Fishery

(7) Agricultural and Industrial Water Supply

Author: James E. McIndoe
Statutory Authority: Code of Ala. 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
History: Originally Adopted: May 5, 1967. **Amended:** June 19, 1967. **Amended:** July 17, 1972. **Amended:** February 26, 1973. **Amended:** May 30, 1977. **Amended:** December 19, 1977. **Amended:** February 4, 1981. **Amended:** Filed November 25, 1992; effective December 30, 1992. **Amended:** Filed August 3, 2000; effective September 7, 2000.

335-6-10-.04 Antidegradation Policy.

(1) The purpose and intent of the water quality standards is to conserve the waters of the State of Alabama and to protect, maintain and improve the quality thereof for public water supplies, for the propagation of wildlife, fish and aquatic life, and for domestic, agricultural, industrial, recreational and other legitimate beneficial uses; and to provide for the prevention, abatement and control of new or existing water pollution.

(2) Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected. Uses and the water quality to support such uses were established through public participation in the initial establishment, and periodic review, of water quality standards. Should the Department determine that an existing use is not encompassed in the classification of a waterbody, that use shall be recognized.

(3) Where the quality of the waters exceed levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected, except that a new or increased discharge of

pollutants may be allowed, after intergovernmental coordination and public participation pursuant to applicable permitting and management processes, when the person proposing the new or increased discharge of pollutants demonstrates that the proposed discharge is necessary for important economic or social development. In such cases, water quality adequate to protect existing uses fully shall be maintained. All new and existing point source discharges shall be subject to the highest statutory and regulatory requirements, and nonpoint source discharges shall use best management practices adequate to protect water quality consistent with the Department's nonpoint source control program.

(4) Where high quality waters constitute an outstanding National resource, such as waters of national and state parks and wildlife refuges and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected.

(5) Developments constituting a new or increased source of thermal pollution shall assure that such release will not impair the propagation of a balanced indigenous population of fish and aquatic life.

(6) In applying these policies and requirements, the State of Alabama will recognize and protect the interests of the federal government. Toward this end the Department will consult and cooperate with the Environmental Protection Agency on all matters affecting the federal interest.
Author: James E. McIndoe
Statutory Authority: Code of Ala. 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
History: Originally Adopted: May 5, 1967. **Amended:** June 19, 1967. **Amended:** July 17, 1972. **Amended:** February 26, 1973. **Amended:** May 30, 1977. **Amended:** December 19, 1977. **Amended:** February 4, 1981. **Amended:** Filed January 26, 1990; effective March 2, 1990. **Amended:** Filed February 27, 1991; effective April 3, 1991.

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 (2024). 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 May through 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 Ala. 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
History: Originally Adopted: May 5, 1967. **Amended:** June 19, 1967. **Amended:** July 17, 1972. **Amended:** February 26, 1973. **Amended:** May 30, 1977. **Amended:** December 19, 1977. **Amended:** February 4, 1981. **Amended:** Filed January 26, 1990; effective March 2, 1990. **Amended:** Filed February 27, 1991; effective April 3, 1991. **Amended:** Filed December 10, 2004; effective January 14, 2005. **Amended:** Filed December 7, 2016; effective February 3, 2017. **Amended:** Published April 30, 2025; effective June 14, 2025.

335-6-10-.06 Minimum Conditions Applicable To All State Waters.

The following minimum conditions are applicable to all State waters, at all places and at all times, regardless of their uses:

(a) State waters shall be free from substances attributable to sewage, industrial wastes or other wastes that will settle to form bottom deposits which are unsightly, putrescent or interfere directly or indirectly with any classified water use.

(b) State waters shall be free from floating debris, oil, scum, and other floating materials attributable to sewage, industrial wastes or other wastes in amounts sufficient to be unsightly or interfere directly or indirectly with any classified water use.

(c) State waters shall be free from substances attributable to sewage, industrial wastes or other wastes in concentrations or combinations which are toxic or harmful to human, animal or aquatic life to the extent commensurate with the designated usage of such waters.

Author: James E. McIndoe
Statutory Authority: Code of Ala. 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
History: Originally Adopted: May 5, 1967. **Amended:** June 19, 1967. **Amended:** July 17, 1972. **Amended:** February 26, 1973. **Amended:** May 30, 1977. **Amended:** December 19, 1977. **Amended:** February 4, 1981.

335-6-10-.07 Toxic Pollutant Criteria Applicable To State Waters.

(1) The U.S. Environmental Protection Agency has listed the chemical constituents given in Table 1 of this rule as toxic pollutants pursuant to Section 307(a)(1) of the Federal Water Pollution Control Act (FWPCA). Concentrations of these toxic pollutants in State waters shall not exceed the criteria indicated in Table 1 of this rule to the extent commensurate with the designated usage of such waters.

(a) The freshwater and marine aquatic life criteria for certain pollutants are dependent on hardness or pH. For these pollutants, the criteria are given by the following equations. In the hardness-dependent equations for metals, a conversion factor converts the total recoverable value to a criterion expressed as the dissolved fraction in the water column. All numeric values listed for metals in Table 1 of this rule are expressed as dissolved metals unless otherwise noted.

1. Cadmium

(i) freshwater acute aquatic life:

$$conc.\ (\mu g/l) = \left(e^{(0.9789\ [\ln(hardness\ in\ mg/l\ as\ CaCO_3)]-3.866}\right)(CF);\ \textbf{(Eq. 1)}$$

conversion factor (CF) = 1.136672 - [ln(*hardness*)(0.041838)]

(ii) freshwater chronic aquatic life:

$$conc.\ (\mu g/l) = \left(e^{(0.7977\ [\ln(hardness\ in\ mg/l\ as\ CaCO_3)]-3.909}\right)(CF);$$ **(Eq. 2)**

conversion factor (CF) = 1.101672 - [ln(*hardness*)(0.041838)]

2. Chromium (trivalent)

(i) freshwater acute aquatic life:

$$conc.\ (\mu g/l) = \left(e^{(0.8190[\ln(hardness\ in\ mg/l\ as\ CaCO_3)]+3.7256}\right)(CF);$$ **(Eq. 3)**

conversion factor (CF) = 0.316

(ii) freshwater chronic aquatic life:

$$conc.\ (\mu g/l) = \left(e^{(0.8190[\ln(hardness\ in\ mg/l\ as\ CaCO_3)]+0.6848}\right)(CF);$$ **(Eq. 4)**

conversion factor (CF) = 0.860

3. Copper

(i) freshwater acute aquatic life:

$$conc.\ (\mu g/l) = \left(e^{(0.9422[\ln(hardness\ in\ mg/l\ as\ CaCO_3)]-1.700}\right)(CF);$$ **(Eq. 5)**

conversion factor (CF) = 0.960

(ii) freshwater chronic aquatic life:

$$conc.\ (\mu g/l) = \left(e^{(0.8545[\ln(hardness\ in\ mg/l\ as\ CaCO_3)]-1.702}\right)(CF);$$ **(Eq. 6)**

conversion factor (CF) = 0.960

4. Lead

(i) freshwater acute aquatic life:

$$conc.\ (\mu g/l) = \left(e^{(1.273[\ln(hardness\ in\ mg/l\ as\ CaCO_3)]-1.460}\right)(CF);$$ **(Eq. 7)**

conversion factor (CF) = 1.46203 - [ln(*hardness*)(0.145712)]

(ii) freshwater chronic aquatic life:

$$conc.\ (\mu g/l) = \left(e^{(1.273[\ln(hardness\ in\ mg/l\ as\ CaCO_3)]-4.705}\right)(CF);$$ **(Eq. 8)**

conversion factor (CF) = 1.46203 - [ln(*hardness*)(0.145712)]

5. Nickel

(i) freshwater acute aquatic life:

$$conc.\ (\mu g/l) = \left(e^{(0.8460[\ln(hardness\ in\ mg/l\ as\ CaCO_3)]+2.255)}\right)(CF);$$ **(Eq. 9)**

conversion factor (CF) = 0.998

(ii) freshwater chronic aquatic life:

$$conc.\ (\mu g/l) = \left(e^{(0.8460[\ln(hardness\ in\ mg/l\ as\ CaCO_3)]+0.0584)}\right)(CF);$$ **(Eq. 10)**

conversion factor (CF) = 0.997

6. Pentachlorophenol

(i) freshwater acute aquatic life:

$$conc.\ \mu g/l = e^{[1.005(pH)-4.869]}$$ **(Eq. 11)**

(ii) freshwater chronic aquatic life:

$$conc.\ \mu g/l = e^{[1.005(pH)-5.134]}$$ **(Eq. 12)**

7. Silver

(i) freshwater acute aquatic life:

$$conc.\ (\mu g/l) = \left(e^{(1.72[\ln(hardness\ in\ mg/l\ as\ CaCO_3)]-6.59)}\right)(CF);$$ **(Eq. 13)**

conversion factor (CF) = 0.85

8. Zinc

(i) freshwater acute aquatic life:

$$conc.\ (\mu g/l) = \left(e^{(0.8473[\ln(hardness\ in\ mg/l\ as\ CaCO_3)]+0.884)}\right)(CF);$$ **(Eq. 14)**

conversion factor (CF) = 0.978

(ii) freshwater chronic aquatic life:

$$conc.\ (\mu g/l) = \left(e^{(0.8473[\ln(hardness\ in\ mg/l\ as\ CaCO_3)]+0.884)}\right)(CF);$$ **(Eq. 15)**

conversion factor (CF) = 0.986

(b) The marine aquatic life criteria apply to coastal waters, as identified in Rule 335-6-11-.02 of the Department's regulations. The acute aquatic life criteria apply to all waters of the State. The chronic aquatic life criteria apply only to waters classified Outstanding Alabama Water, Public Water Supply, Swimming and Other Whole Body Water-Contact Sports, Shellfish Harvesting, Fish and Wildlife, and Limited

Warmwater Fishery, as identified in Rule 335-6-11-.02 of the Department's regulations.

(c) For the purpose of establishing effluent limitations pursuant to Chapter 335-6-6 of the Department's regulations, the minimum 7-day low flow that occurs once in 10 years ($7Q_{10}$) shall be the basis for applying the chronic aquatic life criteria, except in coastal waters and as noted in Rule 335-6-10-.09(6), and the minimum 1-day low flow that occurs once in 10 years ($1Q_{10}$) shall be the basis for applying the acute aquatic life criteria, except in coastal waters and as noted in Rule 335-6-10-.09(7)(c)(5). Where a permit specifies a minimum flow greater than $7Q_{10}$, the specified minimum flow may be used as the basis for applying the acute and chronic aquatic life criteria for that permit.

(d) Except as noted in Table 1 of this rule, two human health criteria are provided for each pollutant--a criterion for consumption of water and fish, and a criterion for consumption of fish only. For certain pollutants, the human health criterion for consumption of water and fish may represent a maximum contaminant level (MCL) developed under the Safe Drinking Water Act.

1. For pollutants classified by the U.S. Environmental Protection Agency as non-carcinogens, the criteria shall be given by the following equations, except where numeric values are given in Table 1 of this rule.

(i) Consumption of water and fish:

$$\text{conc. (mg/l)} = (\text{HBW} \times \text{RfD} \times \text{RSC})/[(\text{FCR} \times \text{BCF}) + \text{WCR}] \quad \textbf{(Eq. 16)}$$

(ii) Consumption of fish only:

$$\text{conc. (mg/l)} = (\text{HBW} \times \text{RfD} \times \text{RSC})/(\text{FCR} \times \text{BCF}) \quad \textbf{(Eq. 17)}$$

where (in Equations 16 and 17):

HBW = human body weight, set at 70 kg

RfD = reference dose, in mg/(kg-day)

RSC = relative source contribution

FCR = fish consumption rate, set at 0.030 kg/day

BCF = bioconcentration factor, in l/kg

WCR = water consumption rate, set at 2 l/day

(iii) The values used for the reference dose (RfD) shall be values available through the U.S. Environmental Protection Agency's Integrated Risk Information System (IRIS), and values used for the bioconcentration factor (BCF) and relative source contribution (RSC) shall be values contained in ambient water quality criteria documents published by the U.S. Environmental Protection Agency, except where other values are established pursuant to subparagraph (1)(g). The RfD, RSC, and BCF values for specific pollutants are provided in Appendix A.

2. For pollutants classified by the U.S. Environmental Protection Agency as carcinogens, the criteria shall be given by the following equations, except where numeric values are given in Table 1 of this rule.

(i) Consumption of water and fish:

$$\text{conc. (mg/l)} = (\text{HBW} \times \text{RL})/(\text{CPF} \times [(\text{FCR} \times \text{BCF}) + \text{WCR}]) \quad \textbf{(Eq. 18)}$$

(ii) Consumption of fish only:

$$\text{conc. (mg/l)} = (\text{HBW} \times \text{RL})/(\text{CPF} \times \text{FCR} \times \text{BCF}) \quad \textbf{(Eq. 19)}$$

where (in Equations 18 and 19):

HBW = human body weight, set at 70 kg

RL = risk level, set at 1×10^{-6} (except for arsenic which is set at 1×10^{-5})

CPF = cancer potency factor, in (kg-day)/mg

FCR = fish consumption rate, set at 0.030 kg/day

BCF = bioconcentration factor, in l/kg

WCR = water consumption rate, set at 2 l/day

(iii) The values used for the cancer potency factor (CPF) shall be values available through the U.S. Environmental Protection Agency's Integrated Risk Information System (IRIS), and values used for the bioconcentration factor (BCF) shall be values contained in ambient water quality criteria documents published by the U.S. Environmental Protection Agency, except where other values are established pursuant to subparagraph (1)(g). The CPF and BCF values for specific pollutants are provided in Appendix A.

(e) The criteria given in Table 1 of this rule for consumption of water and fish, or computed from equation 16 or equation 18 for consumption of water and fish, shall apply only to those waters of the State classified Public Water Supply, as identified in Rule 335-6-11-.02 of the Department's regulations. The criteria given in Table 1 of this rule for consumption of fish only, or computed from equation 17 or equation 19 for consumption of fish only, shall apply to all waters of the State.

(f) For the purposes of establishing effluent limitations pursuant to Chapter 335-6-6 of the Department's regulations, the minimum 7-day low flow that occurs once in 10 years ($7Q_{10}$) shall be the basis for applying the human health criteria for pollutants classified as non-carcinogens, and the mean annual flow shall be the basis for applying the human health criteria for pollutants classified as carcinogens, except in coastal waters; except that where a permit specifies a minimum flow greater than $7Q_{10}$, the specified minimum flow may be used as the basis for applying the human health criteria for pollutants classified as non-carcinogens for that permit.

(g) Numeric criteria may be computed by the Department from equations 16, 17, 18, and 19 using values for the reference dose (RfD), relative source contribution (RSC), cancer potency factor (CPF), and bioconcentration factor (BCF) determined by the Department in consultation with the Alabama Department of Public Health after review of information available from sources other than the U.S. Environmental Protection Agency's Integrated Risk Information System (IRIS) or ambient water quality criteria documents. Such criteria, or the RfD, RSC, CPF, and BCF values used to compute criteria, shall not be effective until adopted following established rulemaking procedures.

Table 1

Toxic Pollutant Criteria

Pollutant	Aquatic Life Criteria (in µg/l unless otherwise noted)				Human Health Criteria (in µg/l unless otherwise noted)	
	Freshwater Acute	Freshwater Chronic	Marine Acute	Marine Chronic	Consumption of Water and Fish	Consumption of Fish Only
Acenaphthene					Eq. 16	Eq. 17
Acrolein	3	3			Eq. 16	Eq. 17
Acrylonitrile [1]					Eq. 18	Eq. 19
Aldrin [1]	3.0		1.3		Eq. 18	Eq. 19
Anthracene					Eq. 16	Eq. 17
Antimony					Eq. 16	Eq. 17
Arsenic [1] (Risk level = 1 x 10^{-5})	340 (tri)	150 (tri)	69 (tri)	36 (tri)	Eq. 18	Eq. 19
Asbestos					7,000,000 fibers/l (MCL)	
Benzene [1]					Eq. 18	Eq. 19
Benzidine [1]					Eq. 18	Eq. 19
Benzo(a)anthracene [1]					Eq. 18	Eq. 19
Benzo(a)pyrene [1]					Eq. 18	Eq. 19

Pollutant	Aquatic Life Criteria (in µg/l unless otherwise noted)				Human Health Criteria (in µg/l unless otherwise noted)	
	Freshwater Acute	Freshwater Chronic	Marine Acute	Marine Chronic	Consumption of Water and Fish	Consumption of Fish Only
Benzo(b)fluoranthene [1]					Eq. 18	Eq. 19
Benzo(k)fluoranthene [1]					Eq. 18	Eq. 19
Bis(2-chloroethyl)ether [1]					Eq. 18	Eq. 19
Bis(2-chloroisopropyl)ether					Eq. 16	Eq. 17
Bis(2-ethylhexyl)phthalate [1]					Eq. 18	Eq. 19
Bromoform [1]					Eq. 18	Eq. 19
Butylbenzyl phthalate					Eq. 16	Eq. 17
Cadmium	Eq. 1	Eq. 2	33	7.9		
Carbaryl	2.1	2.1	1.6			
Carbon tetrachloride [1]					Eq. 18	Eq. 19
Chlordane [1]	2.4	0.0043	0.09	0.004	Eq. 18	Eq. 19
Chlorine	19	11	13	7.5		
Chlorobenzene					Eq. 16	Eq. 17
Chlorodibromomethane [1]					Eq. 18	Eq. 19
Chloroform [1]					Eq. 18	Eq. 19
2-Chloronaphthalene					Eq. 16	Eq. 17
2-Chlorophenol					Eq. 16	Eq. 17

Pollutant	Aquatic Life Criteria (in µg/l unless otherwise noted)				Human Health Criteria (in µg/l unless otherwise noted)	
	Freshwater Acute	Freshwater Chronic	Marine Acute	Marine Chronic	Consumption of Water and Fish	Consumption of Fish Only
Chlorpyrifos	0.083	0.041	0.011	0.0056		
Chromium (trivalent)	Eq. 3	Eq. 4				
Chromium (hexavalent)	16	11	1100	50		
Chrysene [1]					Eq. 18	Eq. 19
Copper	Eq. 5	Eq. 6	4.8	3.1	1300 (MCL)	
Cyanide (free)	22	5.2	1.0	1.0	Eq. 16	Eq. 17
4,4'-DDD [1]					Eq. 18	Eq. 19
4,4'-DDE [1]					Eq. 18	Eq. 19
4,4'-DDT [1]	1.1	0.001	0.13	0.001	Eq. 18	Eq. 19
Diazinon	0.17	0.17	0.82	0.82		
Dibenzo(a,h)anthracene [1]					Eq. 18	Eq. 19
1,2-Dichlorobenzene					Eq. 16	Eq. 17
1,3-Dichlorobenzene					Eq. 16	Eq. 17
1,4-Dichlorobenzene					Eq. 16	Eq. 17
3,3'-Dichlorobenzidine [1]					Eq. 18	Eq. 19
Dichlorobromomethane [1]					Eq. 18	Eq. 19
1,2-Dichloroethane [1]					Eq. 18	Eq. 19
1,1-Dichloroethylene					Eq. 16	Eq. 17

Pollutant	Aquatic Life Criteria (in µg/l unless otherwise noted)				Human Health Criteria (in µg/l unless otherwise noted)	
	Freshwater Acute	Freshwater Chronic	Marine Acute	Marine Chronic	Consumption of Water and Fish	Consumption of Fish Only
2,4-Dichlorophenol					Eq. 16	Eq. 17
1,2 Dichloropropane [1]					Eq. 18	Eq. 19
1,3 Dichloropropylene [1]					Eq. 18	Eq. 19
Dieldrin [1]	0.24	0.056	0.71	0.0019	Eq. 18	Eq. 19
2,4-Dimethylphenol					Eq. 16	Eq. 17
Diethyl phthalate					Eq. 16	Eq. 17
Dimethyl phthalate					Eq. 16	Eq. 17
Di-n-butyl phthalate					Eq. 16	Eq. 17
4,6-Dinitro-2-methylphenol					Eq. 16	Eq. 17
2,4 Dinitrotoluene [1]					Eq. 18	Eq. 19
2,4-Dinitrophenol					Eq. 16	Eq. 17
Dioxin (2,3,7,8-TCDD) [1]					Eq. 18	Eq. 19
1,2-Diphenylhydrazine [1]					Eq. 18	Eq. 19
Endosulfan (alpha)	0.22	0.056	0.034	0.0087	Eq. 16	Eq. 17
Endosulfan (beta)	0.22	0.056	0.034	0.0087	Eq. 16	Eq. 17
Endosulfan sulfate					Eq. 16	Eq. 17

Pollutant	Aquatic Life Criteria (in µg/l unless otherwise noted)				Human Health Criteria (in µg/l unless otherwise noted)	
	Freshwater Acute	Freshwater Chronic	Marine Acute	Marine Chronic	Consumption of Water and Fish	Consumption of Fish Only
Endrin	0.086	0.036	0.037	0.0023	Eq. 16	Eq. 17
Endrin aldehyde					Eq. 16	Eq. 17
Ethylbenzene					Eq. 16	Eq. 17
Fluoranthene					Eq. 16	Eq. 17
Fluorene					Eq. 16	Eq. 17
Heptachlor [1]	0.52	0.0038	0.053	0.0036	Eq. 18	Eq. 19
Heptachlor epoxide [1]	0.52	0.0038	0.053	0.0036	Eq. 18	Eq. 19
Hexachlorobenzene [1]					Eq. 18	Eq. 19
Hexachlorobutadiene [1]					Eq. 18	Eq. 19
Hexachlorocyclohexane (alpha) [1]					Eq. 18	Eq. 19
Hexachlorocyclohexane (beta) [1]					Eq. 18	Eq. 19

Pollutant	Aquatic Life Criteria (in µg/l unless otherwise noted)				Human Health Criteria (in µg/l unless otherwise noted)	
	Freshwater Acute	Freshwater Chronic	Marine Acute	Marine Chronic	Consumption of Water and Fish	Consumption of Fish Only
Hexachlorocyclohexane (gamma)	0.95		0.16		Eq. 16	Eq. 17
Hexachlorocyclopentadiene					Eq. 16	Eq. 17
Hexachloroethane [1]					Eq. 18	Eq. 19
Indeno (1,2,3-cd) pyrene [1]					Eq. 18	Eq. 19
Isophorone [1]					Eq. 18	Eq. 19
Lead	Eq. 7	Eq. 8	210	8.1		
Malathion		0.1		0.1		
Mercury (total recoverable)	2.4	0.012	2.1	0.025	Eq. 16	Eq. 17
Methoxychlor		0.03		0.03		
Methyl bromide					Eq. 16	Eq. 17
Methylene chloride [1]					Eq. 18	Eq. 19
Mirex		0.001		0.001		

Pollutant	Aquatic Life Criteria (in µg/l unless otherwise noted)				Human Health Criteria (in µg/l unless otherwise noted)	
	Freshwater Acute	Freshwater Chronic	Marine Acute	Marine Chronic	Consumption of Water and Fish	Consumption of Fish Only
Nickel	Eq. 9	Eq. 10	74	8.2	Eq. 16	Eq. 17
Nitrobenzene					Eq. 16	Eq. 17
N-Nitrosodimethylamine [1]					Eq. 18	Eq. 19
N-Nitrosodi-n-propylamine [1]					Eq. 18	Eq. 19
N-Nitrosodiphenylamine [1]					Eq. 18	Eq. 19
Parathion	0.065	0.013				
PCB-1016 [1,2]		0.014		0.03	Eq. 18	Eq. 19
PCB-1221 [1,2]		0.014		0.03	Eq. 18	Eq. 19
PCB-1232 [1,2]		0.014		0.03	Eq. 18	Eq. 19
PCB-1242 [1,2]		0.014		0.03	Eq. 18	Eq. 19
PCB-1248 [1,2]		0.014		0.03	Eq. 18	Eq. 19

Pollutant	Aquatic Life Criteria (in µg/l unless otherwise noted)				Human Health Criteria (in µg/l unless otherwise noted)	
	Freshwater Acute	Freshwater Chronic	Marine Acute	Marine Chronic	Consumption of Water and Fish	Consumption of Fish Only
PCB-1254 [1,2]		0.014		0.03	Eq. 18	Eq. 19
PCB-1260 [1,2]		0.014		0.03	Eq. 18	Eq. 19
Pentachlorophenol [1]	Eq. 11	Eq. 12	13	7.9	Eq. 18	Eq. 19
Phenol					Eq. 16	Eq. 17
Pyrene					Eq. 16	Eq. 17
Selenium[3]	20	5.0	290	71	Eq. 16	Eq. 17
Silver	Eq. 13		1.9			
1,1,2,2-Tetrachloroethane [1]					Eq. 18	Eq. 19
Tetrachloroethylene [1]					Eq. 18	Eq. 19
Thallium					Eq. 16	Eq. 17
Toluene					Eq. 16	Eq. 17

Pollutant	Aquatic Life Criteria (in µg/l unless otherwise noted)				Human Health Criteria (in µg/l unless otherwise noted)	
	Freshwater Acute	Freshwater Chronic	Marine Acute	Marine Chronic	Consumption of Water and Fish	Consumption of Fish Only
Toxaphene [1]	0.73	0.0002	0.21	0.0002	Eq. 18	Eq. 19
1,2-Trans-dichloroethylene					Eq. 16	Eq. 17
Tributyltin (TBT)	0.46	0.072	0.42	0.0074		
1,2,4-Trichlorobenzene					Eq. 16	Eq. 17
1,1,2-Trichloroethane [1]					Eq. 18	Eq. 19
Trichloroethylene [1]					Eq. 18	Eq. 19
2,4,6-Trichlorophenol [1]					Eq. 18	Eq. 19
Vinyl chloride [1]					Eq. 18	Eq. 19
Zinc	Eq. 14	Eq. 15	90	81	Eq. 16	Eq. 17

1 Pollutants considered by EPA to be carcinogenic.

2 The criteria for Polychlorinated Biphenyls (PCBs) apply to total PCBs, which is defined as the sum of the seven particular Aroclors (1016, 1221, 1232, 1242, 1248, 1254, and 1260) listed in this table.

3 The freshwater aquatic life criteria for selenium are expressed in terms of total recoverable metal in the water column.

Author: James E. McIndoe, Chris L. Johnson
Statutory Authority: Code of Ala. 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
History: Originally Adopted January 24, 1990; Filed January 26 1990; effective March 2, 1990. **Amended:** Filed February 27, 1991; effective April 3, 1991. **Amended:** Filed April 23, 1992; effective May 28, 1992. **Amended:** Filed July 25, 1994; effective August 29, 1994. **Amended (Table 1 also):** Filed April 25, 1997; effective May 30, 1997. **Amended:** Filed August 3, 2000; effective September 7, 2000. **Amended:** Filed December 8, 2000; effective January 12, 2001. **Amended:** Filed December 10, 2004; effective January 14, 2005. **Amended (Table I amended also):** Filed August 17, 2005; effective September 21, 2005. **Amended (Table I only):** Filed April 24, 2007; effective May 29, 2007. **Amended (Table 1 also):** Filed April 22, 2008; effective May 27, 2008. **Amended:** Filed February 25, 2014; effective April 1, 2014. **Amended:** Filed December 7, 2016; effective February 3, 2017. **Amended:** Published April 30, 2025; effective June 14, 2025.

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 (1990), shall be applied to all 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 BOD_5 concentration of 30 mg/l and a suspended solids concentration of 30 mg/l. Equivalent to secondary treatment and alternate levels shall be defined by the U.S. Environmental Protection Agency at 40 CFR Part 133 (1990). 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, except in coastal waters.

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: Originally Adopted: May 5, 1967. **Amended**: June 19, 1967. **Amended**: July 17, 1972. **Amended**: February 26, 1973. **Amended**: May 30, 1977. **Amended**: December 19, 1977. **Amended**: February 4, 1981. **Amended**: Filed January 26, 1990; effective March 2, 1990. **Amended**: Filed February 27, 1991; effective April 3, 1991. **Amended**: Filed December 10, 2004; effective January 14, 2005. **Amended**: Filed February 25, 2014; effective April 1, 2014. **Amended**: Filed December 7, 2016; effective February 3, 2017. **Amended**: Published April 30, 2025; effective June 14, 2025.

335-6-10-.09 Specific Water Quality Criteria.

(1) Outstanding Alabama Water

(a) Best usage of waters: Activities consistent with the natural characteristics of the waters.

(b) Conditions related to best usage:

1. High quality waters that constitute an outstanding Alabama resource, such as waters of state parks and wildlife refuges and waters of exceptional recreational or ecological significance, may be considered for classification as an Outstanding Alabama Water (OAW).

(c) Specific criteria:

1. Sewage, industrial wastes, or other wastes:

(i) Existing point source discharges to an Outstanding Alabama Water shall be allowed; however, within three years of assignment of the OAW classification or at permit renewal, whichever is later, existing point sources shall be required to meet the effluent limitations specified for new point source discharges in subparagraph (ii) hereof.

(ii) New point source discharges or expansions of existing point source discharges shall not be allowed unless a thorough evaluation of all practicable treatment and disposal alternatives by the permit applicant has demonstrated to the satisfaction of the Department that there is no feasible alternative to discharge to the waters classified OAW. At a minimum, domestic wastewater discharges shall be required to meet monthly average effluent limitations of 15 mg/l biochemical oxygen demand (5-day), 3 mg/l ammonia nitrogen, and 6 mg/l dissolved oxygen, and shall be required to provide disinfection of the effluent. Non-domestic wastewater discharges shall be required to provide a comparably stringent level of treatment as determined by the Department.

(iii) Effluent limitations for new point source discharges or expansions of existing point source discharges to waters upstream of, or tributary to, waters classified OAW shall be established by the Department such that the impact of the discharge within the waters classified OAW is no greater than if the discharge occurred at the OAW boundary at the treatment levels specified in subparagraph (ii) hereof.

(iv) All NPDES permits shall contain toxics limits that will ensure compliance with all applicable water quality standards. Such limits shall be acute and chronic toxicity limits for individual toxic substances, whole effluent toxicity limits, or both. For permittees subject to whole effluent toxicity limitations, both acute and chronic testing will be required. Whole effluent acute toxicity will be demonstrated if the effluent causes more than 10 percent mortality of test organisms when tested at an effluent concentration of 100 percent. For permittees whose discharge will result in an in-stream waste concentration of 10 percent or more, whole effluent chronic toxicity limits will be based on an in-stream concentration of 100 percent; for permittees whose discharge will result in an in-stream waste concentration of less than 10 percent, whole effluent chronic toxicity limits will be based on the in-stream waste concentration.

(v) Nonpoint source discharges shall use best management practices adequate to protect water quality consistent with the Department's nonpoint source control program.

(vi) All NPDES permits and nonpoint sources shall incorporate or employ water pollution prevention or

waste reduction measures as established by the Department.

2. pH: Sewage, industrial wastes or other wastes shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.0, nor greater than 8.5. For salt waters and estuarine waters to which this classification is assigned, wastes as herein described shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.5, nor greater than 8.5.

3. Temperature:

(i) The maximum temperature in streams, lakes, and reservoirs, other than those in river basins listed in subparagraph (ii) hereof, shall not exceed 90° F.

(ii) The maximum temperature in streams, lakes, and reservoirs in the Tennessee and Cahaba River Basins, and for that portion of the Tallapoosa River Basin from the tailrace of Thurlow Dam at Tallassee downstream to the junction of the Coosa and Tallapoosa Rivers which has been classified by the Alabama Department of Conservation and Natural Resources as supporting smallmouth bass, sauger, or walleye, shall not exceed 86° F.

(iii) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 5° F in streams, lakes, and reservoirs in non-coastal and non-estuarine areas.

(iv) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 4° F in coastal or estuarine waters during the period October through May, nor shall the rise exceed 1.5° F during the period June through September.

(v) In lakes and reservoirs there shall be no withdrawal from, nor discharge of heated waters to, the hypolimnion unless it can be shown that such discharge or withdrawal will be beneficial to water quality.

(vi) In all waters the normal daily and seasonal temperature variations that were present before the addition of artificial heat shall be maintained, and there shall be no thermal block to the migration of aquatic organisms.

(vii) Thermal permit limitations in NPDES permits may be less stringent than those required by subparagraphs (i)-(iv) hereof when a showing by the discharger has been made pursuant to Section 316 of the Federal Water Pollution Control Act (FWPCA), 33 U.S.C. §1251 et seq. or pursuant to a study of an equal or more stringent nature required by the State of Alabama authorized by Title 22, Section 22-22-9(c), Code of Ala. 1975, that such limitations will assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife, in and on the body of water to which the discharge is made. Any such demonstration shall take into account the interaction of the thermal discharge component with other pollutants discharged.

4. Dissolved oxygen:

(i) For a diversified warm water biota, including game fish, daily dissolved oxygen concentrations shall not be less than 5.5 mg/l at all times; except under extreme conditions due to natural causes, it may range between 5.5 mg/l and 4 mg/l, provided that the water quality is favorable in all other parameters. The normal seasonal and daily fluctuations shall be maintained above these levels. In no event shall the dissolved oxygen level be less than 4 mg/l due to hydroelectric turbine discharges from existing hydroelectric generation impoundments. All new hydroelectric generation impoundments, including addition of new hydroelectric generation units to existing impoundments, shall be designed so that the discharge will contain at least 5.5 mg/l dissolved oxygen where practicable and technologically possible. The Environmental Protection Agency, in cooperation with the State of Alabama and parties responsible for impoundments, shall develop a program to improve the design of existing facilities.

(ii) In coastal waters, dissolved oxygen concentrations shall not be less than 5.5 mg/l, except where natural conditions cause the value to be depressed.

(iii) In the application of dissolved oxygen criteria referred to above, dissolved oxygen shall be measured at a depth of 5 feet in waters 10 feet or greater in depth; and for those waters less than 10 feet in depth, dissolved oxygen criteria will be applied at mid-depth.

5. Toxic substances attributable to sewage, industrial wastes, or other wastes: Only such amounts, whether alone or in combination with other substances, as will not exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in Rule 335-6-10-.07, to fish and aquatic life, including shrimp and crabs in estuarine or salt waters or the propagation thereof.

6. Taste, odor, and color-producing substances attributable to sewage, industrial wastes, or other wastes: Only such amounts, whether alone or in combination with other substances, as will not exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in Rule 335-6-10-.07, to fish and aquatic life, including shrimp and crabs in estuarine and salt waters or adversely affect the propagation thereof; impair the palatability or marketability of fish and wildlife or shrimp and crabs in estuarine and salt waters; or unreasonably affect the aesthetic value of waters for any use under this classification.

7. Bacteria: in non-coastal waters, bacteria of the E. coli group shall not exceed a geometric mean of 126 colonies/100 ml nor exceed a maximum of 235 colonies/100 ml in any sample. In coastal waters, bacteria of the enterococci group shall not exceed a geometric mean of 35 colonies/100 ml nor exceed a maximum of 104 colonies/100 ml in any sample. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours.

8. Radioactivity: The concentrations of radioactive materials present shall not exceed the requirements of the State Department of Public Health.

9. Turbidity: There shall be no turbidity of other than natural origin that will cause substantial visible contrast with the natural appearance of waters or interfere with any beneficial uses which they serve. Furthermore, in no case shall turbidity exceed 50 Nephelometric units above background. Background will be interpreted as the natural condition of the receiving waters without the influence of man-made or man-induced causes. Turbidity levels caused by natural runoff will be included in establishing background levels.

(2) Public Water Supply

(a) Best usage of waters: Source of water supply for drinking or food-processing purposes.

(b) Conditions related to best usage: The waters, if subjected to treatment approved by the Department equal to coagulation, sedimentation, filtration and disinfection, with additional treatment if necessary to remove naturally present impurities, and which meet the requirements of the Department, will be considered safe for drinking or food-processing purposes.*

(c) Other usage of waters: It is recognized that the waters may be used for incidental water contact year-round and for whole body water-contact recreation during the months of May through October, except that water contact is strongly discouraged in the vicinity of discharges or other conditions beyond the control of the Department or the Alabama Department of Public Health.

(d) Conditions related to other usage: The waters, under proper sanitary supervision by the controlling health authorities, will meet accepted standards of water quality for outdoor swimming areas and will be considered satisfactory for swimming and other whole body water-contact sports.

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***NOTE:** In determining the safety or suitability of waters for use as sources of water supply for drinking or food-processing purposes after approved treatment, the Commission will be guided by the physical and chemical standards specified by the Department.

(e) Specific criteria:

1. Sewage, industrial wastes, or other wastes: None which are not effectively treated or controlled in accordance with Rule 335-6-10-.08.

2. pH: Sewage, industrial wastes or other wastes shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.0, nor greater than 8.5.

3. Temperature:

(i) The maximum temperature in streams, lakes, and reservoirs, other than those in river basins listed in subparagraph (ii) hereof, shall not exceed 90° F.

(ii) The maximum temperature in streams, lakes, and reservoirs in the Tennessee and Cahaba River Basins, and for that portion of the Tallapoosa River Basin from the tailrace of Thurlow Dam at Tallassee downstream to the junction of the Coosa and Tallapoosa Rivers which has been designated by the Alabama Department of Conservation and Natural

Resources as supporting smallmouth bass, sauger, or walleye, shall not exceed 86° F.

(iii) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 5° F in streams, lakes, and reservoirs in non-coastal and non-estuarine areas.

(iv) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 4° F in coastal or estuarine waters during the period October through May, nor shall the rise exceed 1.5° F during the period June through September.

(v) In lakes and reservoirs there shall be no withdrawal from, nor discharge of heated waters to, the hypolimnion unless it can be shown that such discharge or withdrawal will be beneficial to water quality.

(vi) In all waters the normal daily and seasonal temperature variations that were present before the addition of artificial heat shall be maintained, and there shall be no thermal block to the migration of aquatic organisms.

(vii) Thermal permit limitations in NPDES permits may be less stringent than those required by subparagraphs (i) - (iv) hereof when a showing by the discharger has been made pursuant to Section 316 of the Federal Water Pollution Control Act (FWPCA), 33 U.S.C.§1251 et seq. or pursuant to a study of an equal or more stringent nature required by the State of Alabama authorized by Title 22, Section 22-22-9(c), Code of Ala. 1975, that such limitations will assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife, in and on the body of water to which the discharge is made. Any such demonstration shall take into account the interaction of the thermal discharge component with other pollutants discharged.

4. Dissolved oxygen:

(i) For a diversified warm water biota, including game fish, daily dissolved oxygen concentrations shall not be less than 5 mg/l at all times; except under extreme conditions due to natural causes, it may range between 5 mg/l and 4 mg/l, provided that the water quality is favorable in all other parameters. The normal seasonal and daily

fluctuations shall be maintained above these levels. In no event shall the dissolved oxygen level be less than 4 mg/l due to discharges from existing hydroelectric generation impoundments. All new hydroelectric generation impoundments, including addition of new hydroelectric generation units to existing impoundments, shall be designed so that the discharge will contain at least 5 mg/l dissolved oxygen where practicable and technologically possible. The Environmental Protection Agency, in cooperation with the State of Alabama and parties responsible for impoundments, shall develop a program to improve the design of existing facilities.

(ii) In coastal waters, dissolved oxygen concentrations shall not be less than 5 mg/l, except where natural conditions cause the value to be depressed.

(iii) In the application of dissolved oxygen criteria referred to above, dissolved oxygen shall be measured at a depth of 5 feet in waters 10 feet or greater in depth; and for those waters less than 10 feet in depth, dissolved oxygen criteria will be applied at mid-depth.

5. Toxic substances; color producing; heated liquids; or other deleterious substances attributable to sewage, industrial wastes, or other wastes: Only such amounts, whether alone or in combination with other substances, and only such temperatures as will not render the waters unsafe or unsuitable as a source of water supply for drinking or food-processing purposes, or exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in Rule 335-6-10-.07, to fish, wildlife and aquatic life, or adversely affect the aesthetic value of waters for any use under this classification.

6. Taste and odor producing substances attributable to sewage, industrial wastes, or other wastes: Only such amounts, whether alone or in combination with other substances or wastes, as will not cause taste and odor difficulties in water supplies which cannot be corrected by treatment as specified under subparagraph (b), or impair the palatability of fish.

7. Bacteria:

(i) In non-coastal waters, bacteria of the E. coli group shall not exceed a geometric mean of 548 colonies/100 ml; nor exceed a maximum of 2,507 colonies/100 ml in any sample. The geometric mean

shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours. In coastal waters, bacteria of the enterococci group shall not exceed a maximum of 275 colonies/100 ml in any sample.

(ii) For incidental water contact and whole body water-contact recreation during the months of May through October, the bacterial quality of water is acceptable when a sanitary survey by the controlling health authorities reveals no source of dangerous pollution and when the geometric mean E. coli organism density does not exceed 126 colonies/100 ml nor exceed a maximum of 298 colonies/100 ml in any single sample in non-coastal waters. In coastal waters, bacteria of the enterococci group shall not exceed a geometric mean of 35 colonies/100 ml nor exceed a maximum of 158 colonies/100 ml in any sample. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours. When the geometric mean bacterial organism density exceeds these levels, the bacterial water quality shall be considered acceptable only if a second detailed sanitary survey and evaluation discloses no significant public health risk in the use of the waters. Waters in the immediate vicinity of discharges of sewage or other wastes likely to contain bacteria harmful to humans, regardless of the degree of treatment afforded these wastes, are not acceptable for swimming or other whole body water-contact sports.

8. Radioactivity: No radionuclide or mixture of radionuclides shall be present at concentrations greater than those specified by the requirements of the State Department of Public Health.

9. Turbidity: There shall be no turbidity of other than natural origin that will cause substantial visible contrast with the natural appearance of waters or interfere with any beneficial uses which they serve. Furthermore, in no case shall turbidity exceed 50 Nephelometric units above background. Background will be interpreted as the natural condition of the receiving waters, without the influence of man-made or man-induced causes. Turbidity levels caused by natural runoff will be included in establishing background levels.

(3) Swimming And Other Whole Body Water-Contact Sports

(a) Best usage of waters: Swimming and other whole body water-contact sports.*

(b) Conditions related to best usage: The waters, under proper sanitary supervision by the controlling health authorities, will meet accepted standards of water quality for outdoor swimming areas and will be considered satisfactory for swimming and other whole body water-contact sports. The quality of waters will also be suitable for the propagation of fish, wildlife and aquatic life. The quality of salt waters and estuarine waters to which this classification is assigned will be suitable for the propagation and harvesting of shrimp and crabs.

(c) Specific criteria:

1. Sewage, industrial wastes, or other wastes: None which are not effectively treated or controlled in accordance with Rule 335-6-10-.08.

2. pH: Sewage, industrial wastes or other wastes shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.0, nor greater than 8.5. For estuarine waters and salt waters to which this classification is assigned, wastes as described herein shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.5, nor greater than 8.5.

*** NOTE:** In assigning this classification to waters intended for swimming and water-contact sports, the Commission will take into consideration the relative proximity of discharges of wastes and will recognize the potential hazards involved in locating swimming areas close to waste discharges. The Commission will not assign this classification to waters, the bacterial quality of which is dependent upon adequate disinfection of waste and where the interruption of such treatment would render the water unsafe for bathing.

3. Temperature:

(i) The maximum temperature in streams, lakes, and reservoirs, other than those in river basins listed in subparagraph (ii) hereof, shall not exceed 90° F.

(ii) The maximum temperature in streams, lakes, and reservoirs in the Tennessee and Cahaba River Basins, and for that portion of the Tallapoosa River Basin from the tailrace of Thurlow Dam at Tallassee downstream to the junction of the Coosa and Tallapoosa Rivers which has been designated by the Alabama Department of Conservation and Natural Resources as supporting smallmouth bass, sauger, or walleye, shall not exceed 86° F.

(iii) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 5° F in streams, lakes, and reservoirs in non-coastal and non-estuarine areas.

(iv) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 4° F in coastal or estuarine waters during the period October through May, nor shall the rise exceed 1.5° F during the period June through September.

(v) In lakes and reservoirs there shall be no withdrawal from, nor discharge of heated waters to, the hypolimnion unless it can be shown that such discharge or withdrawal will be beneficial to water quality.

(vi) In all waters the normal daily and seasonal temperature variations that were present before the addition of artificial heat shall be maintained, and there shall be no thermal block to the migration of aquatic organisms.

(vii) Thermal permit limitations in NPDES permits may be less stringent than those required by subparagraphs (i)-(iv) hereof when a showing by the discharger has been made pursuant to Section 316 of the Federal Water Pollution Control Act (FWPCA), 33 U.S.C. §1251 et seq. or pursuant to a study of an equal or more stringent nature required by the State of Alabama authorized by Title 22, Section 22-22-9(c), Code of Ala. 1975, that such limitations will assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife, in and on the body of water to which the discharge is made. Any such demonstration shall take into account the interaction of the thermal discharge component with other pollutants discharged.

4. Dissolved oxygen:

(i) For a diversified warm water biota, including game fish, daily dissolved oxygen concentrations shall not be less than 5 mg/l at all times; except under extreme conditions due to natural causes, it may range between 5 mg/l and 4 mg/l, provided that the water quality is favorable in all other parameters. The normal seasonal and daily fluctuations shall be maintained above these levels. In no event shall the dissolved oxygen level be less than 4 mg/l due to discharges from existing

hydroelectric generation impoundments. All new hydroelectric generation impoundments, including addition of new hydroelectric generation units to existing impoundments, shall be designed so that the discharge will contain at least 5 mg/l dissolved oxygen where practicable and technologically possible. The Environmental Protection Agency, in cooperation with the State of Alabama and parties responsible for impoundments, shall develop a program to improve the design of existing facilities.

(ii) In coastal waters, dissolved oxygen concentrations shall not be less than 5 mg/l, except where natural conditions cause the value to be depressed.

(iii) In the application of dissolved oxygen criteria referred to above, dissolved oxygen shall be measured at a depth of 5 feet in waters 10 feet or greater in depth; and for those waters less than 10 feet in depth, dissolved oxygen criteria will be applied at mid-depth.

5. Toxic substances; color producing substances; odor producing substances; or other deleterious substances attributable to sewage, industrial wastes, or other wastes: Only such amounts, whether alone or in combination with other substances or wastes, as will not render the water unsafe or unsuitable for swimming and water-contact sports; exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in Rule 335-6-10-.07, to fish, wildlife, and aquatic life or, where applicable, shrimp and crabs; impair the palatability of fish, or where applicable, shrimp and crabs; impair the waters for any other usage established for this classification or unreasonably affect the aesthetic value of waters for any use under this classification.

6. Bacteria:

(i) Waters in the immediate vicinity of discharges of sewage or other wastes likely to contain bacteria harmful to humans, regardless of the degree of treatment afforded these wastes*, are not acceptable for swimming or other whole body water-contact sports.

(ii) In all other areas, the bacterial quality of water is acceptable when a sanitary survey by the controlling health authorities reveals no source of dangerous pollution and when the geometric mean E.

coli organism density does not exceed 126 colonies/ 100 ml nor exceed a maximum of 235 colonies/100 ml in any sample in non-coastal waters. In coastal waters, bacteria of the enterococci group shall not exceed a geometric mean of 35 colonies/100 ml nor exceed a maximum of 104 colonies/100 ml in any sample. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours. When the geometric mean bacterial organism density exceeds these levels, the bacterial water quality shall be considered acceptable only if a second detailed sanitary survey and evaluation discloses no significant public health risk in the use of the waters.

(iii) The policy of nondegradation of high quality waters shall be stringently applied to bacterial quality of recreational waters.

7. Radioactivity: The concentrations of radioactive materials present shall not exceed the requirement of the State Department of Public Health.

8. Turbidity: There shall be no turbidity of other than natural origin that will cause substantial visible contrast with the natural appearance of waters or interfere with any beneficial uses which they serve. Furthermore, in no case shall turbidity exceed 50 Nephelometric units above background. Background will be interpreted as the natural condition of the receiving waters, without the influence of man-made or man-induced causes. Turbidity levels caused by natural runoff will be included in establishing background levels.

***NOTE:** In assigning this classification to waters intended for swimming and water-contact sports, the Commission will take into consideration the relative proximity of discharges of wastes and will recognize the potential hazards involved in locating swimming areas close to waste discharges. The Commission will not assign this classification to waters, the bacterial quality of which is dependent upon adequate disinfection of waste and where the interruption of such treatment would render the water unsafe for bathing.

(4) Shellfish Harvesting

(a) Best usage of waters: Propagation and harvesting of shellfish for sale or use as a food product.

(b) Conditions related to best usage: waters will meet the sanitary and bacteriological standards included in the National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish: 2023 Revision, published by the Food and Drug Administration, U.S. Department of Health and Human Services and the requirements of the State Department of Public Health. The waters will also be of a quality suitable for the propagation of fish and other aquatic life, including shrimp and crabs. Only coastal waters may be considered for classification as Shellfish Harvesting.

(c) Other usage of waters: It is recognized that the waters may be used for incidental water contact year-round and for whole body water-contact recreation during the months of May through October, except that water contact is strongly discouraged in the vicinity of discharges or other conditions beyond the control of the Department or the Alabama Department of Public Health.

(d) Conditions related to other usage: The waters, under proper sanitary supervision by the controlling health authorities, will meet accepted standards of water quality for outdoor swimming areas and will be considered satisfactory for swimming and other whole body water-contact sports.

(e) Specific criteria:

1. Sewage, industrial wastes, or other wastes: None which are not effectively treated in accordance with Rule 335-6-10-.08.

2. pH: Sewage, industrial wastes or other wastes shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.5, nor greater than 8.5.

3. Temperature:

(i) The maximum temperature in streams, lakes, and reservoirs, other than those in river basins listed in subparagraph (ii) hereof, shall not exceed 90° F.

(ii) The maximum temperature in streams, lakes, and reservoirs in the Tennessee and Cahaba River Basins, and for that portion of the Tallapoosa River Basin from the tailrace of Thurlow Dam at Tallassee downstream to the junction of the Coosa and Tallapoosa Rivers which has been designated by the Alabama Department of Conservation and Natural Resources as supporting smallmouth bass, sauger, or walleye, shall not exceed 86° F.

(iii) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 5° F in streams, lakes, and reservoirs in non-coastal and non-estuarine areas.

(iv) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 4° F in coastal or estuarine waters during the period October through May, nor shall the rise exceed 1.5° F during the period June through September.

(v) In lakes and reservoirs there shall be no withdrawal from, nor discharge of heated waters to, the hypolimnion unless it can be shown that such discharge or withdrawal will be beneficial to water quality.

(vi) In all waters the normal daily and seasonal temperature variations that were present before the addition of artificial heat shall be maintained, and there shall be no thermal block to the migration of aquatic organisms.

(vii) Thermal permit limitations in NPDES permits may be less stringent than those required by subparagraphs (i)-(iv) hereof when a showing by the discharger has been made pursuant to Section 316 of the Federal Water Pollution Control Act (FWPCA), 33 U.S.C. §1251 et seq. or pursuant to a study of an equal or more stringent nature required by the State of Alabama authorized by Title 22, Section 22-22-9(c), Code of Ala. 1975, that such limitations will assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife, in and on the body of water to which the discharge is made. Any such demonstration shall take into account the interaction of the thermal discharge component with other pollutants discharged.

4. Dissolved oxygen:

(i) For a diversified warm water biota, including game fish, daily dissolved oxygen concentrations shall not be less than 5 mg/l at all times; except under extreme conditions due to natural causes, it may range between 5 mg/l and 4 mg/l, provided that the water quality is favorable in all other parameters. The normal seasonal and daily fluctuations shall be maintained above these levels. In no event shall the dissolved oxygen level be less than 4 mg/l due to discharges from existing

hydroelectric generation impoundments. All new hydroelectric generation impoundments, including addition of new hydroelectric generation units to existing impoundments, shall be designed so that the discharge will contain at least 5 mg/l dissolved oxygen where practicable and technologically possible. The Environmental Protection Agency, in cooperation with the State of Alabama and parties responsible for impoundments, shall develop a program to improve the design of existing facilities.

(ii) In coastal waters, dissolved oxygen concentrations shall not be less than 5 mg/l, except where natural conditions cause the value to be depressed.

(iii) In the application of dissolved oxygen criteria referred to above, dissolved oxygen shall be measured at a depth of 5 feet in waters 10 feet or greater in depth; and for those waters less than 10 feet in depth, dissolved oxygen criteria will be applied at mid-depth.

5. Toxic substances attributable to sewage, industrial wastes, or other wastes: Only such amounts, whether alone or in combination with other substances, as will not exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in Rule 335-6-10-.07, to fish and aquatic life, including shrimp and crabs; or affect the marketability of fish and shellfish, including shrimp and crabs.

6. Color, taste, and odor-producing substances and other deleterious substances attributable to sewage, industrial wastes, or other wastes: Only such amounts, whether alone or in combination with other substances, as will not exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in Rule 335-6-10-.07, to fish and shellfish, including shrimp and crabs; adversely affect marketability or palatability of fish and shellfish, including shrimp and crabs; or unreasonably affect the aesthetic value of waters for any use under this classification.

7. Bacteria:

(i) Not to exceed the limits specified in the National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish: 2023 Revision, published by the Food and Drug

Administration, U. S. Department of Health and Human Services.

(ii) In coastal waters, bacteria of the enterococci group shall not exceed a maximum of 275 colonies/100 ml in any sample.

(iii) For incidental water contact and whole body water-contact recreation during the months of May through October, the bacterial quality of water is acceptable when a sanitary survey by the controlling health authorities reveals no source of dangerous pollution and when the enterococci group does not exceed a geometric mean of 35 colonies/100 ml nor exceed a maximum of 104 colonies/100 ml in any sample in coastal waters. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours. When the geometric mean bacterial organism density exceeds these levels, the bacterial water quality shall be considered acceptable only if a second detailed sanitary survey and evaluation discloses no significant public health risk in the use of the waters. Waters in the immediate vicinity of discharges of sewage or other wastes likely to contain bacteria harmful to humans, regardless of the degree of treatment afforded these wastes, are not acceptable for swimming or other whole body water-contact sports.

8. Radioactivity: The concentrations of radioactive materials present shall not exceed the requirements of the State Department of Public Health.

9. Turbidity: There shall be no turbidity of other than natural origin that will cause substantial visible contrast with the natural appearance of waters or interfere with any beneficial uses which they serve. Furthermore, in no case shall turbidity exceed 50 Nephelometric units above background. Background will be interpreted as the natural condition of the receiving waters without the influence of man-made or man-induced causes. Turbidity levels caused by natural runoff will be included in establishing background levels.

(5) Fish And Wildlife

(a) Best usage of waters: Fishing, propagation of fish, aquatic life, and wildlife.

(b) Conditions related to best usage: The waters will be suitable for fish, aquatic life and wildlife propagation. The quality of salt and estuarine waters to which this

classification is assigned will also be suitable for the propagation of shrimp and crabs.

(c) Other usage of waters: It is recognized that the waters may be used for incidental water contact year-round and whole body water-contact recreation during the months of May through October, except that water contact is strongly discouraged in the vicinity of discharges or other conditions beyond the control of the Department or the Alabama Department of Public Health.

(d) Conditions related to other usage: The waters, under proper sanitary supervision by the controlling health authorities, will meet accepted standards of water quality for outdoor swimming areas and will be considered satisfactory for swimming and other whole body water-contact sports.

(e) Specific criteria:

1. Sewage, industrial wastes, or other wastes: None which are not effectively treated in accordance with Rule 335-6-10-.08.

2. pH: Sewage, industrial wastes or other wastes shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.0, nor greater than 8.5. For salt waters and estuarine waters to which this classification is assigned, wastes as herein described shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.5, nor greater than 8.5.

3. Temperature:

(i) The maximum temperature in streams, lakes, and reservoirs, other than those in river basins listed in subparagraph (ii) hereof, shall not exceed 90° F.

(ii) The maximum temperature in streams, lakes, and reservoirs in the Tennessee and Cahaba River Basins, and for that portion of the Tallapoosa River Basin from the tailrace of Thurlow Dam at Tallassee downstream to the junction of the Coosa and Tallapoosa Rivers which has been designated by the Alabama Department of Conservation and Natural Resources as supporting smallmouth bass, sauger, or walleye, shall not exceed 86° F.

(iii) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 5° F in streams, lakes, and reservoirs in non-coastal and non-estuarine areas.

(iv) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 4°F in coastal or estuarine waters during the period October through May, nor shall the rise exceed 1.5° F during the period June through September.

(v) In lakes and reservoirs there shall be no withdrawal from, nor discharge of heated waters to, the hypolimnion unless it can be shown that such discharge or withdrawal will be beneficial to water quality.

(vi) In all waters the normal daily and seasonal temperature variations that were present before the addition of artificial heat shall be maintained, and there shall be no thermal block to the migration of aquatic organisms.

(vii) Thermal permit limitations in NPDES permits may be less stringent than those required by subparagraphs (i)-(iv) hereof when a showing by the discharger has been made pursuant to Section 316 of the Federal Water Pollution Control Act (FWPCA), 33 U.S.C. §1251 et seq. or pursuant to a study of an equal or more stringent nature required by the State of Alabama authorized by Title 22, Section 22-22-9(c), Code of Ala. 1975, that such limitations will assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife, in and on the body of water to which the discharge is made. Any such demonstration shall take into account the interaction of the thermal discharge component with other pollutants discharged.

4. Dissolved oxygen:

(i) For a diversified warm water biota, including game fish, daily dissolved oxygen concentrations shall not be less than 5 mg/l at all times; except under extreme conditions due to natural causes, it may range between 5 mg/l and 4 mg/l, provided that the water quality is favorable in all other parameters. The normal seasonal and daily fluctuations shall be maintained above these levels. In no event shall the dissolved oxygen level be less than 4 mg/l due to discharges from existing hydroelectric generation impoundments. All new hydroelectric generation impoundments, including addition of new hydroelectric generation units to existing impoundments, shall be designed so that the discharge will contain at least 5 mg/l dissolved oxygen where practicable and technologically

possible. The Environmental Protection Agency, in cooperation with the State of Alabama and parties responsible for impoundments, shall develop a program to improve the design of existing facilities.

(ii) In coastal waters, dissolved oxygen concentrations shall not be less than 5 mg/l, except where natural conditions cause the value to be depressed.

(iii) In the application of dissolved oxygen criteria referred to above, dissolved oxygen shall be measured at a depth of 5 feet in waters 10 feet or greater in depth; and for those waters less than 10 feet in depth, dissolved oxygen criteria will be applied at mid-depth.

5. Toxic substances attributable to sewage, industrial wastes, or other wastes: Only such amounts, whether alone or in combination with other substances, as will not exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in Rule 335-6-10-.07, to fish and aquatic life, including shrimp and crabs in estuarine or salt waters or the propagation thereof.

6. Taste, odor, and color-producing substances attributable to sewage, industrial wastes, or other wastes: Only such amounts, whether alone or in combination with other substances, as will not exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in Rule 335-6-10-.07, to fish and aquatic life, including shrimp and crabs in estuarine and salt waters or adversely affect the propagation thereof; impair the palatability or marketability of fish and wildlife or shrimp and crabs in estuarine and salt waters; or unreasonably affect the aesthetic value of waters for any use under this classification.

7. Bacteria:

(i) In non-coastal waters, bacteria of the E. coli group shall not exceed a geometric mean of 548 colonies/100 ml; nor exceed a maximum of 2,507 colonies/100 ml in any sample. In coastal waters, bacteria of the enterococci group shall not exceed a maximum of 275 colonies/100 ml in any sample. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours.

(ii) For incidental water contact and whole body water-contact recreation during the months of May through October, the bacterial quality of water is acceptable when a sanitary survey by the controlling health authorities reveals no source of dangerous pollution and when the geometric mean E. coli organism density does not exceed 126 colonies/100 ml nor exceed a maximum of 298 colonies/100 ml in any sample in non-coastal waters. In coastal waters, bacteria of the enterococci group shall not exceed a geometric mean of 35 colonies/100 ml nor exceed a maximum of 158 colonies/100 ml in any sample. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours. When the geometric mean bacterial organism density exceeds these levels, the bacterial water quality shall be considered acceptable only if a second detailed sanitary survey and evaluation discloses no significant public health risk in the use of the waters. Waters in the immediate vicinity of discharges of sewage or other wastes likely to contain bacteria harmful to humans, regardless of the degree of treatment afforded these wastes, are not acceptable for swimming or other whole body water-contact sports.

8. Radioactivity: The concentrations of radioactive materials present shall not exceed the requirements of the State Department of Public Health.

9. Turbidity: There shall be no turbidity of other than natural origin that will cause substantial visible contrast with the natural appearance of waters or interfere with any beneficial uses which they serve. Furthermore, in no case shall turbidity exceed 50 Nephelometric units above background. Background will be interpreted as the natural condition of the receiving waters without the influence of man-made or man-induced causes. Turbidity levels caused by natural runoff will be included in establishing background levels.

(6) LIMITED WARMWATER FISHERY

(a) The provisions of the Fish and Wildlife water use classification at Rule 335-6-10-.09(5) shall apply to the Limited Warmwater Fishery water use classification, except as noted below. Unless alternative criteria for a given parameter are provided in paragraph (e) below, the applicable Fish and Wildlife criteria at paragraph 10-.09(5)(e) shall apply year-round. At the time the Department proposes to assign the Limited Warmwater Fishery classification to a specific waterbody, the Department may apply criteria from other

classifications within this chapter if necessary to protect a documented, legitimate existing use.

(b) Best usage of waters (May through November): agricultural irrigation, livestock watering, industrial cooling and process water supplies, and any other usage, except fishing, bathing, recreational activities, including water-contact sports, or as a source of water supply for drinking or food-processing purposes.

(c) Conditions related to best usage (May through November):

1. The waters will be suitable for agricultural irrigation, livestock watering, and industrial cooling waters. The waters will be usable after special treatment, as may be needed under each particular circumstance, for industrial process water supplies. The waters will also be suitable for other uses for which waters of lower quality will be satisfactory.

2. This category includes watercourses in which natural flow is intermittent, or under certain conditions non-existent, and which may receive treated wastes from existing municipalities and industries. In such instances, recognition is given to the lack of opportunity for mixture of the treated wastes with the receiving stream for purposes of compliance. It is also understood in considering waters for this classification that urban runoff or natural conditions may impact any waters so classified.

(d) Other usage of waters: none recognized.

(e) Specific criteria:

1. Dissolved oxygen (May through November): treated sewage, industrial wastes, or other wastes shall not cause the dissolved oxygen to be less than 3.0 mg/l. In the application of dissolved oxygen criteria referred to above, dissolved oxygen shall be measured at a depth of 5 feet in waters 10 feet or greater in depth; and for those waters less than 10 feet in depth, dissolved oxygen criteria will be applied at mid-depth.

2. Toxic substances and taste-, odor-, and color-producing substances attributable to treated sewage, industrial wastes, and other wastes: only such amounts as will not render the waters unsuitable for agricultural irrigation, livestock watering, industrial cooling, and industrial process water supply purposes; interfere with downstream water uses; or exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in

Rule 335-6-10-.07, to fish and aquatic life, including shrimp and crabs in estuarine or salt waters or the propagation thereof. For the purpose of establishing effluent limitations pursuant to Chapter 335-6-6 of the Department's regulations, the minimum 7-day low flow that occurs once in 2 years ($7Q_2$) shall be the basis for applying the chronic aquatic life criteria, except in coastal waters. The use of the $7Q_2$ low flow for application of chronic criteria is appropriate based on the historical uses and/or flow characteristics of streams to be considered for this classification.

3. Bacteria: In non-coastal waters, bacteria of the E. coli group shall not exceed a geometric mean of 548 colonies/100 ml; nor exceed a maximum of 2,507 colonies/ 100 ml in any sample. In coastal waters, bacteria of the enterococci group shall not exceed a maximum of 275 colonies/100 ml in any sample. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours.

(7) Agricultural And Industrial Water Supply

(a) Best usage of waters: Agricultural irrigation, livestock watering, industrial cooling and process water supplies, and any other usage, except fishing, bathing, recreational activities, including water-contact sports, or as a source of water supply for drinking or food-processing purposes.

(b) Conditions related to best usage:

(i) The waters, except for natural impurities which may be present therein, will be suitable for agricultural irrigation, livestock watering, industrial cooling waters, and fish survival. The waters will be usable after special treatment, as may be needed under each particular circumstance, for industrial process water supplies. The waters will also be suitable for other uses for which waters of lower quality will be satisfactory.

(ii) This category includes watercourses in which natural flow is intermittent and non-existent during droughts and which may, of necessity, receive treated wastes from existing municipalities and industries, both now and in the future. In such instances, recognition must be given to the lack of opportunity for mixture of the treated wastes with the receiving stream for purposes of compliance. It is also understood in considering waters for this classification that urban runoff or natural conditions may impact any waters so classified.

(c) Specific criteria:

1. Sewage, industrial wastes, or other wastes: None which are not effectively treated or controlled in accordance with Rule 335-6-10-.08.

2. pH: Sewage, industrial wastes or other wastes shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.0, nor greater than 8.5. For salt waters and estuarine waters to which this classification is assigned, wastes as herein described shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.5, nor greater than 8.5.

3. Temperature: The maximum temperature rise above natural temperatures due to the addition of artificial heat shall not exceed 5°F in streams, lakes, and reservoirs, nor shall the maximum water temperature exceed 90°F.

4. Dissolved oxygen: Sewage, industrial wastes, or other wastes shall not cause the dissolved oxygen to be less than 3.0 mg/1. In the application of dissolved oxygen criteria referred to above, dissolved oxygen shall be measured at a depth of 5 feet in waters 10 feet or greater in depth; and for those waters less than 10 feet in depth, dissolved oxygen criteria will be applied at mid-depth.

5. Color, odor, and taste-producing substances, toxic substances, and other deleterious substances, including chemical compounds attributable to sewage, industrial wastes, and other wastes: only such amounts as will not render the waters unsuitable for agricultural irrigation, livestock watering, industrial cooling, industrial process water supply purposes, and fish survival, nor interfere with downstream water uses. For the purpose of establishing effluent limitations pursuant to Chapter 335-6-6 of the Department's regulations, the minimum 7-day low flow that occurs once in 10 years ($7Q_{10}$) shall be the basis for applying the acute aquatic life criteria, except in coastal waters. The use of the $7Q_{10}$ low flow for application of acute criteria is appropriate based on the historical uses and/or flow characteristics of streams to be considered for this classification.

6. Bacteria: In non-coastal waters, bacteria of the E. coli group shall not exceed a geometric mean of 700 colonies/100 ml; nor exceed a maximum of 3,200 colonies/ 100 ml in any sample. In coastal waters, bacteria of the enterococci group shall not exceed a maximum of 500

colonies/100 ml in any sample. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours.

7. Radioactivity: The concentrations of radioactive materials present shall not exceed the requirements of the Statement Department of Public Health.

8. Turbidity: There shall be no turbidity of other than natural origin that will cause substantial visible contrast with the natural appearance of waters or interfere with any beneficial uses which they serve. Furthermore, in no case shall turbidity exceed 50 Nephelometric units above background. Background will be interpreted as the natural condition of the receiving waters without the influence of man-made or man-induced causes. Turbidity levels caused by natural runoff will be included in establishing background levels.

Author: James E. McIndoe, Lynn Sisk, Chris L. Johnson
Statutory Authority: Code of Ala. 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
History: Originally Adopted: May 5, 1967. **Amended:** June 19, 1967. **Amended:** July 17, 1972. **Amended:** February 26, 1973. **Amended:** May 30, 1977. **Amended:** December 19, 1977. **Amended:** February 4, 1981. **Amended:** Filed January 26, 1990; effective March 2, 1990. **Amended:** Filed February 27, 1991; effective April 3, 1991. **Amended:** Filed November 25, 1992; effective December 30, 1992. **Amended:** Filed August 3, 2000; effective September 7, 2000. **Amended:** Filed April 22, 2004; effective May 27, 2004. **Amended:** Filed December 10, 2004; effective January 14, 2005. **Amended:** Filed December 15, 2009; effective January 19, 2010. **Amended:** Filed December 14, 2010; effective January 18, 2011. **Amended:** Filed February 25, 2014; effective April 1, 2014. **Amended:** Filed December 7, 2016; effective February 3, 2017. **Amended:** Published April 30, 2025; effective June 14, 2025.

335-6-10-.10 Special Designations.

(1) Outstanding National Resource Water

(a) Designation:

1. High quality waters that constitute an outstanding National resource, such as waters of national and state parks and wildlife refuges and waters of exceptional recreational or ecological significance, may be considered for designation as an Outstanding National Resource Water (ONRW). For waters designated as ONRW, existing water quality shall be maintained and protected.

(b) Specific Criteria:

1. Sewage, industrial wastes or other wastes:

(i) No new point source discharges or expansions of existing point source discharges to Outstanding National Resource Waters shall be allowed.

(ii) Existing point source discharges to the Outstanding National Resource Water shall be allowed provided they are treated or controlled in accordance with applicable laws and regulations.

(iii) New point source discharges or expansions of existing point source discharges to waters upstream of, or tributary to, Outstanding National Resource Waters shall be regulated in accordance with applicable laws and regulations, including compliance with water quality criteria for the use classification applicable to the particular water. However, no new point source discharge or expansion of an existing point source discharge to waters upstream of, or tributary to, Outstanding National Resource Waters shall be allowed if such discharge would not maintain and protect water quality within the Outstanding National Resource Water.

(iv) Nonpoint source discharges shall use best management practices adequate to protect water quality consistent with the Department's nonpoint source control program.

(2) TREASURED ALABAMA LAKE

(a) Designation:

1. High quality waters within impoundments and natural lakes that constitute an exceptional resource, such as waters of state parks and wildlife refuges and waters of exceptional whole body water-contact recreation, water supply or rare and extraordinary ecological significance, may be considered for designation as a Treasured Alabama Lake (TAL); provided that such waters are fully supporting their classified uses at the time of the TAL designation. For waters designated as TAL, existing water quality shall be maintained and protected pursuant to the State's Antidegradation Policy and Implementation Procedures in rules 335-6-10-.04 and 335-6-10-.12.

(b) Specific Criteria:

1. Sewage, industrial wastes or other wastes:

(i) Existing point source discharges to a TAL shall be allowed.

(ii) New point source discharges or expansions of existing point source discharges shall not be allowed unless a thorough evaluation of all practicable treatment and disposal alternatives by the permit applicant has demonstrated to the satisfaction of the Department that there is no feasible alternative to discharge to the waters designated TAL. Continuous point source wastewater discharges shall be required to meet water quality based effluent limitations necessary to protect the designated uses of the waters, and shall provide disinfection of the effluent to achieve bacteria levels consistent with the swimming use when the discharge contains domestic sewage. New major continuous point source wastewater discharges or expansions of existing major continuous point source wastewater discharges shall, at a minimum, be required to meet a monthly average effluent limitation of 1.0 mg/l total phosphorus. Stormwater discharges subject to the Department's NPDES regulations shall employ best management practices adequate to protect water quality. Applications for construction stormwater permits shall include a Construction Best Management Practices Plan (CBMPP).

(iii) Nonpoint source discharges shall use best management practices adequate to protect water quality consistent with the Department's nonpoint source control program.

Author: James E. McIndoe, Lynn Sisk
Statutory Authority: Code of Ala. 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
History: **New Rule:** Filed February 27, 1991; effective April 3, 1991. **Amended:** Filed April 18, 2011; effective May 23, 2011.

335-6-10-.11 Water Quality Criteria Applicable To Specific Lakes.

(1) For certain lakes and reservoirs, waterbody-specific criteria are appropriate to enhance nutrient management. The response to nutrient input may vary significantly lake-to-lake, and for a given lake year-to-year, depending on a number of factors such as rainfall distribution and hydraulic retention time. For this reason, lake nutrient quality targets necessary to maintain and protect existing uses, expressed as chlorophyll a criteria, may also vary lake-to-lake. Because the relationship between nutrient input and lake chlorophyll a levels is not always well-understood,

it may be necessary to revise the criteria as additional water quality data and improved assessment tools become available.

(2) The following lake-specific criteria apply to the waters listed below, in addition to any other applicable criteria commensurate with the designation usage of such waters.

(a) The Alabama River Basin

1. Claiborne Lake: those waters impounded by Claiborne Lock and Dam on the Alabama River. The lake has a surface area of 5,930 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 15 µg/l, as measured at the deepest point, main river channel, dam forebay.

2. Dannelly Lake: those waters impounded by Millers Ferry Lock and Dam on the Alabama River. The lake has a surface area of 17,200 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 17 µg/l, as measured at the deepest point, main river channel, dam forebay.

3. Woodruff Lake: those waters impounded by Robert F. Henry Lock and Dam on the Alabama River. The lake has a surface area of 12.510 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 16 µg/l, as measured at the deepest point, main river channel, dam forebay.

(b) The Black Warrior River Basin

1. Warrior Lake: those waters impounded by Warrior Lock and Dam on the Black Warrior River. The lake has a surface area of 7,800 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and*

Wastewater, 20th Edition, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 12 µg/l, as measured at the deepest point, main river channel, dam forebay.

2. Oliver Lake: those waters impounded by William Bacon Oliver Lock and Dam on the Black Warrior River. The lake has a surface area of 800 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 12 µg/l, as measured at the deepest point, main river channel, dam forebay.

3. Holt Lake: those waters impounded by Holt Lock and Dam on the Black Warrior River. The lake has a surface area of 3,200 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 16 µg/l, as measured at the deepest point, main river channel, dam forebay.

4. Lake Tuscaloosa: those waters impounded by Lake Tuscaloosa Dam on the North River. The lake has a surface area of 5,885 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 8 µg/l, as measured at the deepest point, main river channel, dam forebay.

5. Bankhead Lake: those waters impounded by John Hollis Bankhead Lock and Dam on the Black Warrior River. The lake has a surface area of 9,200 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 16 µg/l, as measured at the deepest point, main river channel, dam forebay.

6. Smith Lake: those waters impounded by Lewis M. Smith Dam on the Sipsey Fork River. The lake has a surface area of 21,200 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 5 µg/l, as measured at the deepest point, main river channel, dam forebay; 5 µg/l, as measured at the deepest point, main river channel, at Duncan Creek/Sipsey River confluence (downstream of the Alabama Highway 257 bridge); and 5 µg/l, as measured at the deepest point, main river channel, immediately downstream of Brushy Creek confluence.

7. Inland Lake: those waters impounded by Inland Lake Dam on the Blackburn Fork of the Little Warrior River. The lake has a surface area of 1,095 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 6 µg/l, as measured at the deepest point, main river channel, dam forebay.

(c) The Cahaba River Basin

1. Lake Purdy: those waters impounded by Lake Purdy Dam at the headwaters of the Cahaba River. The lake has a surface area of 1,050 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 16 µg/l, as measured at the deepest point, main river channel, dam forebay; or 18 µg/l, as measured at the deepest point, main river channel, immediately upstream of the Irondale Bridge.

(d) The Chattahoochee River Basin

1. Walter F. George Lake: those waters impounded by Walter F. George Lock and Dam on the Chattahoochee River. The lake has a surface area of 45,181 acres at full power pool, 18,672 acres of which are within Alabama. The Alabama-Georgia state line is represented by the west bank of the original river channel, and the points of

measurement for the criteria given below are located in Georgia waters.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 15 µg/l, as measured at the deepest point, main river channel, dam forebay; or 18 µg/l, as measured at the deepest point, main river channel, approximately 0.25 miles upstream of U.S. Highway 82.

2. Lake Harding: those waters impounded by Bartletts Ferry Dam on the Chattahoochee River. The lake has a surface area of 5,850 acres at full pool, 2,176 acres of which are within Alabama. The point of measurement for the criterion given below is located in Georgia waters.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 15 µg/l, as measured at the deepest point, main river channel, dam forebay.

3. West Point Lake: those waters impounded by West Point Dam on the Chattahoochee River. The lake has a surface area of 25,864 acres at full power pool, 2,765 acres of which are within Alabama. The point of measurement for the criterion given below is located in Georgia waters.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 22 µg/l, as measured at the deepest point, main river channel, dam forebay; or 24 µg/l, as measured at the LaGrange Water Intake.

(e) The Coosa River Basin

1. Weiss Lake: those waters impounded by Weiss Dam on the Coosa River. The lake has a surface area of 30,200 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 20 µg/

1, as measured at the deepest point, main river channel, power dam forebay; or 20 µg/1, as measured at the deepest point, main river channel, immediately upstream of causeway (Alabama Highway 9) at Cedar Bluff. If the mean of photic-zone composite chlorophyll a samples collected monthly April through October is significantly less than 20 µg/1 for a given year, the Department will re-evaluate the chlorophyll a criteria, associated nutrient management strategies, and available data and information, and recommend changes, if appropriate, to maintain and protect existing uses.

2. Neely Henry Lake: those waters impounded by Neely Henry Dam on the Coosa River. The lake has a surface area of 11,235 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 18 µg/l, as measured at the deepest point, main river channel, dam forebay; or 18 µg/l, as measured at the deepest point, main river channel, immediately upstream of Alabama Highway 77 bridge.

3. Logan Martin Lake: those waters impounded by Logan Martin Dam on the Coosa River. The lake has a surface area of 15,263 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 17 µg/l, as measured at the deepest point, main river channel, dam forebay; or 17 µg/l, as measured at the deepest point, main river channel, approximately 1.5 miles downstream of Alabama Highway 34 bridge.

4. Lay Lake: those waters impounded by Lay Dam on the Coosa River. The lake has a surface area of 12,000 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 17 µg/l, as measured at the deepest point, main river channel, dam forebay; or 17 µg/l, as measured at the deepest point, main river channel, immediately

downstream of Peckerwood Creek/Coosa River confluence.

5. Mitchell Lake: those waters impounded by Mitchell Dam on the Coosa River. The lake has a surface area of 5,850 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 14 µg/l, as measured at the deepest point, main river channel, dam forebay; or 16 µg/l, as measured at the deepest point, main river channel, downstream of Foshee Islands.

6. Jordan Lake: those waters impounded by Jordan Dam on the Coosa River. The lake has a surface area of 6,800 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 14 µg/l, as measured at the deepest point, main river channel, dam forebay.

(f) The Escambia River Basin

1. Point A Lake: those waters impounded by Point A Dam on the Conecuh River. The lake has a surface area of 900 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 9 µg/l, as measured at the deepest point, main river channel, dam forebay.

2. Gantt Lake: those waters impounded by Gantt Dam on the Conecuh River. The lake has a surface area of 2,767 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 11 µg/

l, as measured at the deepest point, main river channel, dam forebay.

(g) The Escatawpa River Basin

1. Big Creek Lake (J.B. Converse Lake): those waters impounded on Big Creek. The lake is a tributary-storage reservoir and has a surface area of 3,600 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 11 µg/l, as measured at the deepest point, main river channel, dam forebay.

(h) The Tallapoosa River Basin

1. Thurlow Lake: those waters impounded by Thurlow Dam on the Tallapoosa River. The reservoir has a surface area of 574 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 5 µg/l, as measured at the deepest point, main river channel, dam forebay.

2. Yates Lake: those waters impounded by Yates Dam on the Tallapoosa River. The lake has a surface area of 2,000 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 5 µg/l, as measured at the deepest point, main river channel, dam forebay.

3. Lake Martin: those waters impounded by Martin Dam on the Tallapoosa River. The lake has a surface area of 40,000 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 5 µg/

l, as measured at the deepest point, main river channel, dam forebay; or 5 µg/l, as measured at the deepest point main river channel, immediately upstream of Blue Creek embayment; or 5 µg/l as measured at the deepest point, main creek channel, immediately upstream of Alabama Highway 63 (Kowaliga) bridge.

4. R. L. Harris Lake: those waters impounded by R. L. Harris Dam on the Tallapoosa River. The lake has a surface area of 10,660 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic zone composite chlorophyll a samples collected monthly April through October shall not exceed 10µg/l, as measured at the deepest point, main river channel, dam forebay; or 12 µg/l, as measured at the deepest point, main river channel, immediately upstream of the Tallapoosa River – Little Tallapoosa River confluence.

(i) The Tennessee River Basin

1. Pickwick Lake: those waters impounded by Pickwick Dam on the Tennessee River. The reservoir has a surface area of 43,100 acres at full pool, 33,700 acres of which are within Alabama. The point of measurement for the criterion given below is located in Tennessee waters.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through September shall not exceed 18 µg/l, as measured at the deepest point, main river channel, dam forebay.

2. Wilson Lake: those waters impounded by Wilson Dam on the Tennessee River. The lake has a surface area of 15,930 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through September shall not exceed 18 µg/l, as measured at the deepest point, main river channel, dam forebay.

3. Wheeler Lake: those waters impounded by Wheeler Dam on the Tennessee River. The lake has a surface area of 67,100 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through September shall not exceed 18 µg/l, as measured at the deepest point, main river channel, dam forebay.

4. Guntersville Lake: those waters impounded by Guntersville Dam on the Tennessee River. The lake has a surface area of 69,700 acres at full pool, 67,900 of which are within Alabama.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll a samples collected monthly April through September shall not exceed 18 µg/l, as measured at the deepest point, main river channel, dam forebay.

5. Cedar Creek Lake: those waters impounded by Cedar Creek Dam on Cedar Creek. The reservoir has a surface area of 4,200 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 8 µg/l, as measured at the deepest point, main creek channel, dam forebay.

6. Little Bear Creek Lake: those waters impounded by Little Bear Dam on Little Bear Creek. The reservoir has a surface area of 1,600 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 8 µg/l, as measured at the deepest point, main creek channel, dam forebay.

7. Bear Creek Lake: those waters impounded by Bear Creek Dam on Bear Creek. The reservoir has a surface area of 670 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 16 µg/l, as measured at the deepest point, main creek channel, dam forebay.

8. Upper Bear Creek Lake: those waters impounded by Upper Bear Creek Dam on Upper Bear Creek. The reservoir has a surface area of 1,850 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 16 µg/l, as measured at the deepest point, main creek channel, dam forebay.

(j) The Tombigbee River Basin

1. Coffeeville Lake: those waters impounded by Coffeeville Dam on the Tombigbee River. The lake has a surface area of 8,500 acres at full pool.

(i) Chlorophyll a (corrected, as described in S*tandard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 10 µg/l, as measured at the deepest point, main river channel, upstream of the lock canal.

2. Demopolis Lake: those waters impounded by Demopolis Dam downstream of the confluence of the Tombigbee and the Black Warrior Rivers. The lake has a surface area of 10,000 acres at full pool.

(i) Chlorophyll a (corrected, as described in S*tandard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 10 µg/l, as measured at the deepest point, main river channel, dam forebay.

3. Gainesville Lake: those waters impounded by Gainesville Dam on the Tombigbee River. The lake has a surface area of 6,400 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 14 µg/l, as measured at the deepest point, main river channel, dam forebay.

4. Aliceville Lake: those waters impounded by Tom Bevill Dam on the Tombigbee River. The lake has a surface area of 8,300 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 18 µg/l, as measured at the deepest point, main river channel, dam forebay.

(k) The Yellow River Basin

1. Lake Jackson: This natural lake, located in Florala, Alabama, has a surface area of 256 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 7 µg/l, as measured at mid-lake.

2. Lake Frank Jackson: those waters impounded on Lightwood Knot Creek. The lake has a surface area of 1,000 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 12 µg/l, as measured at the deepest point, main creek channel, dam forebay.

Author: James E. McIndoe, Lynn Sisk, Chris L. Johnson
Statutory Authority: Code of Ala. 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
History: **New Rule**: Filed December 8, 2000; effective January 12, 2001. **Amended**: Filed April 11, 2002; effective May 16, 2002. **Amended**: Filed April 22, 2004; effective May 27, 2004. **Amended**: Filed August 17, 2005; effective September 21, 2005. **Amended**: Filed December 14, 2010; effective January 18, 2011. **Amended**: Filed February 25, 2014; effective April 1, 2014. **Amended**: Filed

December 7, 2016; effective February 3, 2017. **Amended**: Published April 30, 2025; effective June 14, 2025.

335-6-10-.12 Implementation Of The Antidegradation Policy.

(1) The antidegradation policy at Rule 335-6-10-.04 addresses three categories of waters/uses:

(a) High quality waters that constitute an outstanding national resource (Tier 3);

(b) Waters where the quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water (Tier 2); and

(c) Existing instream water uses and the level of water quality necessary to protect the existing uses (Tier 1).

(2) Tier 3 waters are those waters designated pursuant to the Outstanding National Resource Water (ONRW) special designation at Rule 335-6-10-.10, and are identified in Rule 335-6-11-.02.

(3) Tier 1 waters are:

(a) Those waters (except waters assigned the use classification of Outstanding Alabama Water, which are Tier 2 waters) identified as Category 4 or Category 5 waters;

(b) Those waters (except waters assigned the use classification of Outstanding Alabama Water, which are Tier 2 waters) for which attainment of applicable water quality standards has been, or is expected to be, achieved through implementation of effluent limitations more stringent than technology-based controls (BPT, BAT, and secondary treatment); and

(c) Those waters assigned the use classification of Limited Warmwater Fishery or Agricultural and Industrial Water Supply (as identified in Rule 335-6-11-.02).

(4) Tier 2 waters are all other waters (those waters not identified as either Tier 3 waters or Tier 1 waters), including all waters assigned the use classification of Outstanding Alabama Water (as identified in Rule 335-6-11-.02).

(5) All new or expanded discharges to Tier 2 waters (except discharges eligible for coverage under general permits) covered by the NPDES permitting program are potentially subject to the provisions of Rule 335-6-10-.04(3). Applicants for such discharges are required to demonstrate that the proposed discharge is

necessary for important economic or social development as a part of the permit application process.

(6) After receipt of a permit application for a potentially covered discharge, the Department will determine whether the proposed discharge is to a Tier 2 water, as defined in paragraph (4) above. Of necessity, this determination will be made on a case-by-case basis.

(7) The basic framework of the permitting process is unchanged for a covered discharge to a Tier 2 water. However, the process is enhanced to document the consideration of Tier 2 provisions. The additional documentation includes:

(a) The Department's determination that the application is for a new or expanded discharge;

(b) The Department's determination that the receiving stream is considered to be a Tier 2 water; and

(c) The Department's determination, based on the applicant's demonstration, that the proposed discharge is necessary for important economic or social development in the area in which the waters are located.

(8) All three items will be documented in the permit file and/or fact sheet, and will be used by the Department in its decision process. The public notice process will be used to announce a preliminary Department decision to deny or to allow a covered discharge to a Tier 2 water, while the final determination will be made concurrently with the final Department decision regarding the permit application for a covered discharge.

(9) Documentation by the applicant shall include:

(a) An evaluation of discharge alternatives completed by a Registered Professional Engineer licensed to practice in the State of Alabama.

1. The applicant shall document the discharge alternatives evaluation by completing and submitting the following forms1, or by submitting the same information in another format acceptable to the Department:

(i) ADEM Form 311, Alternatives Analysis; and, as applicable,

(ii) ADEM Form 312, Calculation of Total Annualized Costs for Public-Sector Projects, or ADEM Form 313, Calculation of Total Annualized Costs for Private-Sector Projects. Alternatives with total annualized project costs that are less than 110% of the total

annualized project costs for the Tier 2 discharge proposal are considered viable alternatives.

(b) A demonstration that the proposed discharge will support important economic or social development in the area in which the waters are located, documented by the applicant's response, in writing, to the following questions. The applicant shall provide supporting information for each response.

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[1] Forms are listed in ADEM Admin. Code r. 335-1-1-.07 and are available for downloading on the ADEM web page under Forms.

1. What environmental or public health problem will the discharger be correcting?

2. How much will the discharger be increasing employment (at its existing facility or as the result of locating a new facility)?

3. How much reduction in employment will the discharger be avoiding?

4. How much additional state or local taxes will the discharger be paying?

5. What public service to the community will the discharger be providing?

6. What economic or social benefit will the discharger be providing to the community?

Author: James E. McIndoe, Lynn Sisk, Chris L. Johnson
Statutory Authority: Code of Ala. 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.
History: **New Rule:** Filed June 26, 2002; effective July 31, 2002.
Amended: Filed December 14, 2010; effective January 18, 2011.
Amended: Filed December 7, 2016; effective February 3, 2017.

335-6-10-A **Appendix A.**

APPENDIX A

POLLUTANT	CAS Registry Number	REFERENCE DOSE mg(kg-day)	CANCER POTENCY FACTOR (kg-day)/mg	BIO-CONCENTRATION FACTOR l/kg	RELATIVE SOURCE CONTRIBUTION
Acenaphthene	83329	0.06		242	1.0
Acrolein	107028	0.0005		215	1.0
Acrylonitrile	107131		0.54	30	
Aldrin	309002		17	4670	
Anthracene	120127	0.3		30	1.0
Antimony	7440360	0.0004		1	0.4
Arsenic	7440382		1.75	44	
Benzene	71432		0.029	5.2	
Benzidine	92875		230	87.5	
Benzo(a)anthracene	56553		7.3	30	
Benzo(a)pyrene	50328		7.3	30	
Benzo(b)fluoranthene	205992		7.3	30	
Benzo(k)fluoranthene	207089		7.3	30	
Bis(2-chloroethyl)ether	111444		1.1	6.9	
Bis(2-chloroisopropyl) ether	108601	0.04		2.47	1.0
Bis(2-ethylhexyl)phthalate	117817		0.014	130	
Bromoform	75252		0.0079	3.75	
Butylbenzyl phthalate	85687	0.2		414	1.0
Carbon tetrachloride	56235		0.13	18.75	
Chlordane	57749		0.35	14100	
Chlorobenzene	108907	0.02		10.3	0.2
Chlorodibromomethane	124481		0.084	3.75	

Chloroform	67663		0.0061	3.75	
2-Chloronaphthalene	91587	0.08		202	1.0
2-Chlorophenol	95578	0.005		134	1.0
Chrysene	218019		7.3	30	
Cyanide	57125	0.02		1	0.2
4,4'-DDD	72548		0.24	53600	
4,4'-DDE	72559		0.34	53600	
4,4'-DDT	50293		0.34	53600	
Dibenzo(a,h)anthracene	53703		7.3	30	
1,2-Dichlorobenzene	95501	0.09		55.6	0.2
1,3-Dichlorobenzene	541731	0.0134		55.6	1.0
1,4-Dichlorobenzene	106467	0.0134		55.6	0.2
3,3'-Dichlorobenzidine	91941		0.45	312	
Dichlorobromomethane	75274		0.062	3.75	
1,2-Dichloroethane	107062		0.091	1.2	
1,1-Dichloroethylene	75354	0.05		5.6	0.2
2,4-Dichlorophenol	120832	0.003		40.7	1.0
1,2-Dichloropropane	78875		0.067	4.1	
1,3-Dichloropropylene	542756		0.1	1.9	
Dieldrin	60571		16	4670	
Diethyl phthalate	84662	0.8		73	1.0
2,4 Dimethylphenol	105679	0.02		93.8	1.0
Dimethyl phthalate	131113	10		36	1.0
Di-n-butyl phthalate	84742	0.1		89	1.0
4,6-Dinitro-2-methylphenol	534521	0.00039		5.5	1.0
2,4-Dinitrophenol	51285	0.002		1.5	1.0
2,4 Dinitrotoluene	121142		0.31	3.8	
Dioxin (2,3,7,8-TCDD)	1746016		17500	5000	

1,2-Diphenylhydrazine	122667		0.8	24.9	
Endosulfan (alpha)	959988	0.006		270	1.0
Endosulfan (beta)	33213659	0.006		270	1.0
Endosulfan sulfate	1031078	0.006		270	1.0
Endrin	72208	0.0003		3970	0.2
Endrin aldehyde	7421934	0.0003		3970	1.0
Ethylbenzene	100414	0.1		37.5	0.2
Fluoranthene	206440	0.04		1150	1.0
Fluorene	86737	0.04		30	1.0
Heptachlor	76448		4.5	11200	
Heptachlor epoxide	1024573		9.1	11200	
Hexachlorobenzene	118741		1.6	8690	
Hexachlorobutadiene	87683		0.078	2.78	
Hexachlorocyclohexane (alpha)	319846		6.3	130	
Hexachlorocyclohexane (beta)	319857		1.8	130	
Hexachlorocyclohexane (gamma)	58899	0.0003		130	0.2
Hexachlorocyclopentadiene	77474	0.006		4.34	0.2
Hexachloroethane	67721		0.014	86.9	
Indeno (1,2,3-cd) pyrene	193395		7.3	30	
Isophorone	78591		0.00095	4.38	
Mercury	7439976	0.0001		5500	1.0
Methyl bromide	74839	0.0014		3.75	1.0
Methylene chloride	75092		0.0075	0.9	
Nickel	7440020	0.02		47	1.0
Nitrobenzene	98953	0.0005		2.89	1.0
N-Nitrosodimethylamine	62759		51	0.026	

N-Nitrosodi-n-propylamine	621647		7	1.13	
N-Nitrosodiphenylamine	86306		0.0049	136	
PCB-1016 [1]	12674112		2.0	31200	
PCB-1221 [1]	11104282		2.0	31200	
PCB-1232 [1]	11141165		2.0	31200	
PCB-1242 [1]	53469219		2.0	31200	
PCB-1248 [1]	12672296		2.0	31200	
PCB-1254 [1]	11097691		2.0	31200	
PCB-1260 [1]	11096825		2.0	31200	
Pentachlorophenol	87865		0.12	11	
Phenol	108952	0.3		1.4	1.0
Pyrene	129000	0.03		30	1.0
Selenium	7782492	0.005		4.8	1.0
1,1,2,2-Tetrachloroethane	79345		0.2	5	
Tetrachloroethylene	127184		0.039776	30.6	
Thallium	7440280	0.000068		116	0.2
Toluene	108883	0.2		10.7	0.2
Toxaphene	8001352		1.1	13100	
1,2-Trans-dichloroethylene	156605	0.02		1.58	0.2
1,2,4-Trichlorobenzene	120821	0.01		114	0.2
1,1,2-Trichloroethane	79005		0.057	4.5	
Trichloroethylene	79016		0.0126	10.6	
2,4,6-Trichlorophenol	88062		0.011	150	
Vinyl chloride	75014		1.4	1.17	
Zinc	7440666	0.3		47	1.0

[1] The criteria for Polychlorinated Biphenyls (PCBs) apply to total PCBs, which is defined as the sum of the seven particular Aroclors

(1016, 1221,1232, 1242, 1248, 1254, and 1260) listed in this table.
Author: James E. McIndoe, Lynn Sisk, Chris L. Johnson
Statutory Authority: Code of Ala. 1975, §§
History: **Amended:** Filed April 25, 1997; effective May 30, 1997. **Amended:** Filed August 17, 2005; effective September 21, 2005. **Amended:** Filed April 22, 2008; effective May 27, 2008. **Amended:** Filed October 20, 2008; effective November 24, 2008. **Amended:** Published April 30, 2025; effective June 14, 2025.