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

CHAPTER 335-6-20 RECLAIMED WATER REUSE PROGRAM

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335-6-20-.01 Purpose.

(1) The purpose of this chapter is to establish the procedures and requirements for the issuance and maintenance of pollution source permits for reclaimed water reuse facilities, also referred to herein as "Reclaimed Water Reuse Permits."

(2) Reclaimed Water Reuse Policy. Highly treated reclaimed water that meets the requirements of this chapter is a valuable water

resource and is considered an integral part of the utility system. It is the policy of the Department to promote, where appropriate, the practice of reuse of municipal reclaimed water through the creation and implementation of rules that give permittees various opportunities for forms of reuse.
Author: Nicholas Caraway
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335-6-20-.02 Definitions.

The following definitions describe the meaning of certain terms used in this chapter, unless a different meaning clearly appears from the context:

(1) "Applicant" means the person applying for a Reclaimed Water Reuse Permit.

(2) "Applicable Requirements" means any state, local or federal statutes, regulations or ordinances to which the facility is subject.

(3) "Aquifer Storage and Recovery (ASR) Well" means an injection well used for the injection of treated municipal wastewater, groundwater or surface water, for the purpose of storage in a designated aquifer, and recovery at a later time for a beneficial use.

(4) "Buffer Distance" means a specified distance between an actual point of reuse of reclaimed water and a land feature or resource use specified in this chapter, such as public/private wells, adjoining property, inhabited dwellings, or other features as specified by the Department.

(5) "Class A Reclaimed Water" means a secondary treated municipal wastewater that has received additional treatment including, at a minimum, coagulation, clarification, filtration and disinfection, or an alternate process acceptable to the Department. See rule 335-6-20-.10 for Class A reuses and applications.

(6) "Class B Reclaimed Water" means a secondary treated municipal wastewater that has received additional treatment including, at a minimum, disinfection. See rule 335-6-20-.10 for Class B reuses and applications.

(7) "Customer" means a designated User or Users for the purposes of this chapter.

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

(9) "Designated User or User" means any site or facility where reclaimed water is reused under a contract with the permittee. User may also be defined as the person to be supplied with reclaimed water who has a written user agreement with the permittee, or a purveyor who provides reclaimed water to others.

(10) "Director" means the Director of the Department of Environmental Management or his/her designee.

(11) "Domestic Wastewater" means wastewater from residences and other wastewaters of similar composition and strength and not wastewater generated by industrial processes.

(12) "Five-Day Carbonaceous Biochemical Oxygen Demand (CBODs)" means the quantity of oxygen utilized in the biochemical 5oxidation of carbonaceous organic matter present in water or wastewater, reported as a five-day value determined using EPA approved methods. In this test the oxidation of nitrogenous matter is inhibited.

(13) "Industrial Wastewater" means all wastewater, treated or untreated, that is not defined as municipal wastewater.

(14) "Land Application" means the removal of wastewater and/or waste solids from a treatment facility and distribution to, or incorporation into, the soil mantle at agronomic rates for beneficial purposes which meet or exceed National Resources Conservation Service (NRCS) technical standards and guidelines.

(15) "Municipal Wastewater" means wastewater discharged to a POTW or a Semi-Public or Private treatment facility containing majority domestic wastewater.

(16) "Non-consumable Agricultural Irrigation" means the irrigation of crops not intended for direct human consumption.

(17) "Non-Potable Mains" means the pipelines that collect and/or convey non-potable discharges from or to multiple service connections. Examples include sewage collection and interceptor mains, non-potable irrigation mains, and reclaimed water mains.

(18) "Peak Day Flow" means the largest volume of flow to be received during a one day period expressed as a volume per unit of time.

(19) "Permit" means any permit issued pursuant to division 335-6.

(20) "Permittee" means the person to whom a permit has been issued pursuant to division 335-6.

(21) "Person" means any and all persons, natural or artificial, including, but not limited to, any individual, partnership, association, society, joint stock company, firm, company, corporation, institution, trust, other legal entity, business organization or any governmental entity and any successor, representative, responsible corporate officer, agent or agency of the foregoing.

(22) "Point of Compliance" means that point in the reclaimed water reuse facility where the reclaimed water must meet the requirements of the permit. A permit may require more than one point of compliance within the facility depending on the constituents to be monitored.

(23) "Potable Water" means water suitable for human consumption.

(24) "Reclaimed Water" means wastewater that has received treatment which meets the criteria specified under this chapter.

(25) "Reclaimed Water Distribution System" means the network of pipes, pumping facilities, storage facilities and appurtenances designed to convey and distribute reclaimed water from one or more domestic wastewater treatment facilities to one or more users of reclaimed water.

(26) "Reclaimed Water Pond" means any lake, pond or other water holding feature constructed or managed to store reclaimed water where swimming, wading, boating, fishing, and other water-based recreational activities are prohibited. A landscape impoundment is created for storage and may incidentally serve a landscaping or aesthetic purpose.

(27) "Reclaimed Water Reuse Facility" means a wastewater treatment system consisting of a series of units or treatment processes which produces a highly treated source of wastewater suitable for reuse.

(28) "Reuse" means the use of reclaimed water as a substitute for other water sources for the beneficial irrigation of areas that may be accessible to the public. This includes areas such as golf courses, residential and commercial landscaping, parks, athletic fields, roadway medians and landscape impoundments.

(29) "Reuse Facility or Facility" means any structure or system designed or used for reuse of wastewater including, but not limited to, municipal wastewater treatment facilities, pumping and storage facilities, pipeline and distribution facilities, and the property to which the reclaimed water is applied.

(30) "Secondary Treatment" means, for the purposes of this chapter, the secondary treatment as defined in 40 CFR Part 133; however the percent removals for CBOD and TSS shall not apply.

(31) "Sewage" means water carrying human wastes from residences, buildings, industrial establishments or other places, together with such ground, surface, storm or other waters as may be present.

(32) "Total Suspended Solids" means solids that either float on the surface of, or are suspended in, water or wastewater; the quantity of material removed from a sample in the laboratory referred to as filterable residue, as determined using EPA-approved methods.

(33) "Wastewater" means any combination of liquid or water and pollutants from activities and processes occurring in dwellings, commercial buildings, industrial plants, institutions and other establishments, together with any ground water, surface water, and storm water that may be present; liquid or water that is chemically, biologically, physically or rationally identifiable as containing blackwater, gray water or commercial or industrial pollutants; and sewage.

(34) "Waters of the State" means all waters of any river, stream, watercourse, pond, lake, coastal, ground 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.

Author: Nicholas Caraway
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335-6-20-.03 Applicability.

(1) Applicability for reclaimed water reuse facilities. Any non-excluded reclaimed water reuse facility reusing or offering for reuse municipal reclaimed water in a manner that holds a

reasonable potential for discharge of pollutants to waters of the State shall apply for and obtain a permit for the reuse of those wastewaters.

(2) Excluded Facilities.

(a) Land application of industrial wastewater that is beneficially used and complies with NRCS standards.

(b) Land application activities regulated under NPDES permits.

(c) Facilities with active land application sites that were approved by the Department prior to the promulgation of this rule.

(d) Underground Injection facilities regulated by chapter 335-6-8, with the exception of ASR wells utilized for water reuse through surface application irrigation.

(e) Wastewater systems regulated by the Alabama Department of Public Health.

(f) Incidental use of reclaimed water for landscape irrigation at a municipal wastewater treatment plant if:

1. There is no other reclaimed water use that would subject the municipal wastewater treatment plant to the requirements of this chapter;

2. The municipal wastewater treatment plant has coverage under an NPDES permit, and the quality of the effluent meets that required by the NPDES permit; and

3. Public access to the area of landscape irrigation is restricted.

(g) The Director may exclude other facilities if covered adequately by other regulations.

Author: Nicholas Caraway
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335-6-20-.04 Duration Of Permits.

A Reclaimed Water Reuse Permit issued pursuant to the Alabama Water Pollution Control Act (AWPCA) and this chapter shall have a fixed term not to exceed five years. A person who wishes to continue to discharge beyond the term of such permit shall apply

for reissuance of a Reclaimed Water Reuse Permit pursuant to rule 335-6-20-.05.
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335-6-20-.05 Continuation Of Expiring Permits.

The terms and conditions of an expiring Reclaimed Water Reuse Permit are automatically extended until the effective date of a new Reclaimed Water Reuse Permit if the permittee has submitted a timely and complete application for reissuance of a Reclaimed Water Reuse Permit in accordance with rule 335-6-20-.07 and the delay in permit issuance has not been caused by the actions of the permittee.
Author: Nicholas Caraway
Statutory Authority: Code of Ala. 1975, §§22-22-1 to 22-22-14; §§22-22A-1 to 22-22A-16 et seq., as amended.
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335-6-20-.06 Confidentiality Of Information.

(1) Information required under rule 335-6-20-.07 as necessary to form a complete Reclaimed Water Reuse Permit application may not be claimed as confidential. This includes information submitted on the approved application forms themselves and any attachments used to supply information required by the forms. Claims of confidentiality for the following information will be denied:

(a) The name and address of any permit applicant or permittee; and

(b) Information required to develop the permit(s) and effluent data.

(2) With the exception of the information specified in paragraph 335-6-20-.06(1), all claims of confidentiality shall be handled in accordance with rule 335-1-1-.06.

(3) Request for confidentiality should be submitted with the material for which confidential treatment is desired and, if possible, the confidential material should be separated from the rest of the submittal. A request for confidentiality received after the Department has received the material will not be considered.

(4) A request for confidentiality shall include:

(a) A showing that making the information public will divulge unique methods, sales figures or processes, or that the divulgence of the information will otherwise adversely affect the competitive position of the requester.

(b) A showing of statutory authority that would empower the Department to hold such information confidential.

Author: Nicholas Caraway
Statutory Authority: Code of Ala. 1975, §§22-22-1 to 22-22-14; §§22-22A-1 to 22-22A-16 et seq., as amended.
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335-6-20-.07 Permit Application.

(1) Pre-Application Conference. Prospective applicants are encouraged to meet with the Department prior to submission of an initial application to discuss the application procedure and anticipated application and/or permit requirements.

(2) Duty to Apply. Any person who is operating or proposing to operate an affected municipal reclaimed water reuse facility as specified in rule 335-6-20-.03 shall promptly apply for a Reclaimed Water Reuse Permit in accordance with this rule.

(3) Time to Apply. Any person proposing to acquire a Reclaimed Water Reuse Permit shall submit a complete application, including applicable fees, at least 180 days before the expected date of water reuse system operation and/or before commencement of reuse.

(4) Duty to Reapply. Any permittee with an effective permit shall submit a new completed application at least 180 days before the expiration date of the existing permit if proposing to continue to operate.

(5) Complete Application. The Department may not issue a Reclaimed Water Reuse Permit before receiving a complete application for a permit. An application for a permit is complete when the Department receives all applicable application form(s), the full and appropriate permit application fee as required by chapter 335-1-6, and any other supplemental information requested by the Department. The Director shall determine if a permit application is complete as defined by this rule and if all the information necessary for determining permit conditions has been submitted. If additional information is required, the Director shall request the information from the applicant in writing, and the applicant's failure to respond within the timeframe requested shall be grounds for denial of the permit application.

(6) Incomplete Application. The Department may take enforcement action as prescribed by state law or this regulation against any person who fails to file a complete application within the required timeframes listed above.

(7) Information Requirements. All applicants for Reclaimed Water Reuse Permits, including new applicants and applicants requesting reissuance or expansion of an existing permit, shall submit to the Department a complete application to include the following:

(a) The appropriate ADEM application form(s) signed in accordance with paragraph 335-6-20-.08(13).

(b) For proposed facilities and proposed modifications to existing facilities, an Engineering Report in accordance with chapter 335-6-3 for reclaimed water reuse to include treatment plant design specifications detailing what treatment processes will be built at the proposed facility site and also detailing any and all reuse site(s) that are or will be operated or administered by the permittee under the water reuse permit.

(c) The application shall include the following process schematics and topographic maps, as applicable:

1. For a reclaimed water reuse facility, a process schematic and a topographic map of at least 1:24,000 scale that extends at least one half-mile beyond the property boundaries of the reclaimed water reuse facility.

2. For a reuse facility located at a reclaimed water reuse facility, a topographic map of at least 1:24,000 scale that extends at least one half-mile beyond the property boundaries of the reuse facility. The map shall depict the treatment facility; any on-site reuse sites and activities; any intake, storage and distribution structures; any inhabited dwellings; potable water supply wells; and any hazardous waste treatment, storage, or disposal facilities. Distribution pipelines associated with the reuse facility are not required to be included in the map.

3. For a reuse facility not located at a reclaimed water reuse facility, a topographic map of at least 1:24,000 scale that extends at least one half-mile beyond the property boundaries of the reuse facility. The map shall depict any storage and distribution structures, inhabited dwellings, and potable water supply wells. Distribution pipelines associated with the reuse facility are not required to be included in the map.

(d) For applicants intending to reuse reclaimed water for agricultural/silvicultural purposes, a Nutrient Management Plan as described more fully in paragraph 335-6-20-.08(6).

(e) A representative laboratory analysis of the treated wastewater that is to be reused. The list of parameters shall conform to the applicable Department approved forms and the Department may require additional monitoring as deemed necessary. For new applicants, results shall be reported based on any representative laboratory analysis or expected discharge levels. If estimates are used, then the permittee shall submit analysis results to the Department no later than thirty days prior to application of reuse water.

(f) A list of all non-domestic users and significant industrial users, as defined by chapter 335-6-5, discharging to the wastewater treatment facility. The location and nature of each operation, the average discharge volume and, if available, a characterization of the wastewater shall be included.

Author: Nicholas Caraway
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335-6-20-.08 Standard Permit Conditions.

The following conditions shall apply to and be included in all permits:

(1) Compliance Required. The permittee shall comply with all conditions of the permit. Any permit noncompliance constitutes a violation of this chapter and is grounds for enforcement action; for permit termination, revocation and re-issuance, suspension, modification; or denial of a permit renewal application.

(2) Renewal Responsibilities. If the permittee intends to continue operation of the permitted facility after the expiration of an existing permit, the permittee shall apply for a new permit in accordance with this chapter.

(3) Operation and Maintenance of Facilities. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including

appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities only when necessary to achieve compliance with the conditions of the permit.

(4) Provide Information. The permittee shall furnish to the Director within a reasonable time, any information, including copies of records, which may be requested by the Director to determine whether cause exists for modifying, revoking, re-issuing, or terminating the permit, or to determine compliance with the permit or this chapter.

(5) Groundwater Monitoring. Should a threat of groundwater contamination exist, the Director may require groundwater monitoring to properly assess the degree of impact, and the Director may require that the permittee undertake measures to abate any such discharge and/or contamination.

(6) Nutrient Management Plan. For each agricultural/ silviculture reclaimed water reuse, a Nutrient Management Plan completed by a Certified Crop Advisor and certified through the American Society of Agronomy, must be submitted to the Department with the application, and annually no later than May 28th, detailing: the application rate and uptake of nitrogen and phosphorus from each land application site; crop management and harvesting rates and practices; and a mass balance of nutrients, minerals, and other pollutant constituents as appropriate, applied to each land application site. The Nutrient Management Plan shall be retained onsite and available for review by the Department. An alternate site may be approved by the Department if requested.

(7) Property Rights. The permit does not convey any property rights of any sort or any exclusive privilege.

(8) Entry and Access. The permittee shall allow the Department or authorized representative to:

(a) Enter the permitted facility, application site(s), or any other location where records are maintained;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(c) Inspect, at reasonable times, any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required by the permit; and

(d) Sample or monitor, at reasonable times, for the purpose of assuring permit compliance or otherwise authorized by the AWPCA, any substances or parameters at any location.

(9) Reporting. The permittee shall report to the Director as follows:

(a) In writing at least thirty days before any planned physical alteration or addition to the permitted facility or activity if that alteration or addition would result in any significant change in information that was submitted during the permit application process. When the alteration or addition results in a need for a major modification, such alteration or addition shall not be operated prior to Department approval issued in accordance with this chapter.

(b) Advance notice in writing of any planned changes in or other circumstances regarding the facility which may result in noncompliance with permit requirements.

(c) Orally within twenty-four hours from the time the permittee became aware of any noncompliance that may endanger the public health or the environment.

(d) In writing as soon as possible but within five days of the date the permittee knows or should know of any noncompliance, unless extended by the Department. This report shall contain:

1. A description of the noncompliance and its cause;

2. The period of noncompliance including, to the extent possible, times and dates and, if the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and

3. Steps taken or planned, including timelines, to reduce or eliminate the continuance or reoccurrence of the noncompliance;

(e) In writing as soon as possible after the permittee becomes aware of relevant facts not submitted or incorrect information submitted, in a permit application or any report to the Director. Those facts or the correct information shall be included as a part of this report.

(10) Reopener. A reopener clause that requires permit modification or permit revocation and reissuance to include requirements of any applicable standard or limitation promulgated under this chapter after the permit is issued, as well as any determination made by the Department that the permitted facility endangers human health or the environment.

(11) Transfers. The permit is not transferable to any person except by modification or revocation and re-issuance of the permit to change the name of the permittee and incorporate

such other requirements as may be necessary. The Director may require the submittal of a complete permit application by the new operator and may issue a new permit, or the Director may, in the case of a change in operator where no significant change in operations has occurred that would affect compliance with the permit, where no additional discharges would be added, and where no additional requirements under this chapter are necessary, accomplish transfer of the permit by the following procedure:

(a) The current permittee and the prospective permittee shall apply for a transfer of the permit at least thirty days in advance of the change in operator.

(b) The application shall include a written agreement between the existing and new permittees containing the specific date for transfer of permit responsibilities, coverage and liability. The application shall be witnessed and accompanied by the appropriate fee required under chapter 335-1-6.

(12) Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any violation of the permit and to minimize or prevent any adverse impact of any permit violation.

(13) Signatory Requirements.

(a) All applications, reports or information submitted to the Department shall be signed and certified. Signatories to applications and reports must meet the requirements of rule 335-6-6-.09.

(b) Any person who knowingly makes any false statement, representation or certification on any application, record, report, plan or other document submitted or required to be maintained under a permit, including monitoring reports or reports of compliance or non-compliance, shall be subject to civil and criminal provisions as provided for in Alabama law or other appropriate authority.

Author: Nicholas Caraway
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335-6-20-.09 Specific Permit Conditions.

(1) Basis for Specific Permit Conditions. Conditions necessary for the protection of public health and the environment may differ

from facility to facility because of varying environmental conditions and wastewater compositions. The Director may establish, on a case-by-case basis, specific permit conditions. Specific conditions shall be established in consideration of characteristics specific to a facility and any inherent hazards of those characteristics. Such characteristics include, but are not limited to:

(a) Chemical, biological, physical, and volumetric characteristics of the wastewater;

(b) Geological and climatic nature of the facility or reuse site;

(c) Size of the site and its proximity to population centers and to ground and surface water;

(d) Techniques used in wastewater distribution and the disposition of that vegetation exposed to wastewaters;

(e) Abilities of the soils and vegetative covers to accept the reuse water without undue hazard to the environment or to the public health; and

(f) The need for monitoring and recordkeeping to determine if the facility is being operated in conformance with its design and if its design is adequate to protect public health and the environment.

(2) Duration of Permit. The permit shall be effective for a fixed term of not more than five years.

(3) Limitations to Operation. Conditions of the permit may specify or limit:

(a) Wastewater composition;

(b) Method, manner, and frequency of wastewater treatment;

(c) Physical, chemical, and biological characteristics of a reuse site; and

(d) Any other condition the Director finds necessary to protect public health or the environment.

(4) Compliance Schedules. The Director may establish a compliance schedule for existing facilities as part of the permit conditions, including:

(a) Specific steps or actions to be taken by the permittee to achieve compliance with applicable requirements or final permit conditions;

(b) Dates by which those steps or actions are to be taken; and

(c) In any case where the period of time for compliance exceeds one year the schedule may also establish interim requirements and the dates for their achievements.

(5) Monitoring Requirements. Monitoring requirements may include, but are not limited to:

(a) The installation, use, and maintenance of monitoring equipment;

(b) Monitoring or sampling methodology, frequency, and locations;

(c) Monitored substances or parameters;

(d) Testing and analytical procedures; and

(e) Reporting requirements including both frequency and form.

(6) Monitoring Records. The permittee shall retain records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), copies of all reports required by the permit, and records of all data used to complete the permit application for a period of three years from the date of the sample, measurement, report submittal or application submittal. This period may be extended by request of the Department at any time.

(7) Monitoring Locations. Monitoring locations shall be explicitly documented, and chain of custody protocols shall be followed.

(8) Monitoring Reports. Monitoring results for the Reclaimed Water Reuse Facility shall be summarized for each monitoring period in a form specified and approved by the Department and shall be submitted so that it is received by the Department no later than the 28th day of the month following the monitoring period. If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136, then the results of such monitoring shall be included in the calculation and reporting of the data submitted in the reporting form specified and approved by the Department.

(9) Falsification and Tampering. Any person, who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method to be maintained under its permit shall be subject to civil and criminal penalties as provided for in Alabama law and other appropriate authority.

Author: Nicholas Caraway

Statutory Authority: Code of Ala. 1975, §§22-22-1 to 22-22-14; §§22-22A-1 to 22-22A-16 et seq., as amended.

History: New Rule: Filed August 25, 2015; effective September 29, 2015.

335-6-20-.10 Municipal Reclaimed Water Reuses.

(1) Reuses for Class A and Class B reclaimed water include:

(a) Land application on fodder, fiber crops, ornamental nursery stock, sod and seed crops not intended for human ingestion, and pasture for animals not producing milk for human consumption; and

(b) During periods of non-use, irrigation of golf courses, highway medians and roadside vegetation, and cemeteries.

(2) Class A reclaimed water can also be reused for irrigation of parks, ball fields, playgrounds and school yards during periods of non-use, residential landscapes and commercial campuses.

(3) Reuses not listed in paragraphs (1) and (2) of this rule may be requested on a case-by-case basis for approval by the Department.

Author: Nicholas Caraway
Statutory Authority: Code of Ala. 1975, §§22-22-1 to 22-22-14; §§22-22A-1 to 22-22A-16 et seq., as amended.
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335-6-20-.11 Municipal Reclaimed Water Treatment, Limitations, And Monitoring Requirements.

(1) Class A reclaimed water shall be treated to the secondary treatment levels specified in paragraph (3) of this rule. In addition, the water shall be coagulated, clarified, filtered, and disinfected or treated by an alternate process acceptable to the Department. The Department may require pilot testing or demonstration, or may condition acceptance upon the successful outcome of such testing or demonstration.

(2) Class B reclaimed water shall be treated to the secondary treatment levels specified in paragraph (3) of this rule. In addition, the water shall be disinfected to meet the requirements set forth in paragraph (3) of this rule. The Department may require pilot testing or demonstration, or may condition acceptance upon the successful outcome of such testing or demonstration.

(3) The Department may require additional treatment, beyond the requirements of this rule, for reclaimed water to be injected

through an ASR well. An ASR well shall also be subject to the requirements of chapter 335-6-8, as applicable.

(4) The table below summarizes Class A and Class B reclaimed water requirements. Subparagraphs (a) and (b) of this paragraph provide further details regarding the requirements.

	Class A Reclaimed Water	**Class B Reclaimed Water**
Chlorine	No less than 1.0 mg/L entering distribution system. No less than 0.5 mg/L chlorine residual in the distribution system prior to being transferred to storage ponds and/or distributed to customers.	No less than 1.0 mg/L entering distribution system. No less than 0.5 mg/L chlorine residual in the distribution system prior to being transferred to storage ponds and/or distributed to customers.
E. Coli	Median of no greater than 18 col/100 mL as determined from the last seven days of results. Results of no greater than 34 col/100 mL in any one sample.	Median of no greater than 18 col/100 mL as determined from the last seven days of results. Results of no greater than 34 col/100 mL in any one sample.
Turbidity	No greater than 3 Nephelometric Turbidity Units (NTUs).	Not applicable
Nitrates + Nitrites	No greater than 10 mg/L monthly average.	No greater than 10 mg/L monthly average.
pH	No less than 6.0 S.U. and no greater than 8.5 S.U.	No less than 6.0 S.U. and no greater than 8.5 S.U.
CBOD5	No greater than 10 mg/L monthly average.	No greater than 10 mg/L monthly average.
TSS	Not applicable	No greater than 30 mg/L monthly average.
Total Nitrogen	Monitoring only	Monitoring only
Total Phosphorous	Monitoring only	Monitoring only

(a) Acceptable primary disinfectants are chlorine, chlorine dioxide, Ultraviolet Light (UV), O-zone, or an equivalent process acceptable to the Department. Chlorine is the preferred primary disinfectant. A disinfection application rate must be provided to all Class A and Class B reclaimed water to achieve the following:

1. If chlorine is used as the primary disinfectant, a suitable contact time must be utilized to ensure that the total residual chlorine (TRC) entering the distribution system shall not be less than 1.0 mg/l. Facilities utilizing another disinfectant other than chlorine must add a disinfectant to maintain disinfectant residuals in the distribution system such that the minimum chlorine requirements are met.

2. The median number of bacteria of the E. coli group does not exceed eighteen organisms per one hundred milliliters, as determined from the bacteriological results of the last seven days for which analyses have been completed. No sample shall exceed thirty-four organisms per one hundred milliliters in any one confirmed sample; and

3. The point of compliance for reclaimed water for E. coli shall be at any point in the system following final treatment and disinfection contact time. It is required that a TRC of 0.5 mg/l be maintained in the distribution system prior to being transferred to storage ponds or distributed to customers.

(b) Class A reclaimed water systems shall meet the following turbidity requirements:

1. For filtration systems utilizing sand or other granular media, cloth media, or other filtration systems acceptable to the Department, the turbidity shall not exceed three NTU and any water exceeding three NTU shall be automatically rejected. Once diversion has begun, it must continue until the three NTU requirement is met and the operator manually overrides the reject diversion.

2. One in-1ine continuous monitor recording turbidimeter is required for each treatment train after filtration and prior to disinfection.

(5) Monitoring Requirements.

(a) Reclaimed water shall be sampled and analyzed daily for E. coli unless an alternate frequency is approved or required by the Department. The factors for determining the adequacy or necessity of an alternate frequency include, but may not be limited to, the following: the volume of reclaimed water

reused, the disinfection method used, the demonstrated disinfection efficiency and reliability, the point of compliance, or other factors demonstrating that the alternative frequency is protective of public health.

(b) TRC shall be monitored daily after chlorination and upon entry to the distribution system. Monitoring in the distribution system shall be conducted monthly unless an alternate frequency is approved or required by the Department. Monitoring locations throughout the distribution system shall be performed at locations acceptable to the Department.

(c) Turbidity shall be monitored continuously for all Class A reclaimed water on the filtered water prior to disinfection.

(d) Monitoring for pH shall be daily using grab samples or continuous monitoring, and may be increased if not continuous and if deemed necessary by the Department.

(e) Monitoring for CBOD , Total Suspended Solids, Total Nitrogen, Nitrate + Nitrites and Total Phosphorus shall be weekly using composite samples and may be increased if deemed necessary by the Department.

(f) Monitoring for other parameters may be required by the Department on a case-by-case basis.

(6) Analytical testing on reclaimed water samples collected for the permit application and for permit compliance determinations shall adhere to 40 CFR Part 136 unless otherwise required by the Department.

Author: Nicholas Caraway
Statutory Authority: Code of Ala. 1975, §§22-22-1 to 22-22-14; 22-22A-1 to 22-22A-16 et seq., as amended.
History: **New Rule:** Filed August 25, 2015; effective September 29, 2015.

335-6-20-.12 User Agreement.

(1) The permittee must enter into a written user agreement with each customer. Regulation and management of customers will be by the permittee via a binding agreement with each individual customer or by an equivalent local municipal ordinance. The user agreement shall allow the Department or authorized representative to:

(a) Enter the user facility, application site(s), or any other location where records are maintained;

(b) Have access to and copy, at reasonable times, any record(s) that must be kept under the conditions of the user agreement;

(c) Inspect at reasonable times, any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required by the user agreement; and

(d) Sample or monitor, at reasonable times for the purpose of assuring permit compliance or otherwise authorized by the AWPCA, any substances or parameters at any location.

(2) All permittees shall maintain a list of any reuses of the reclaimed water and any agreement(s) between the permittee and any other party who is not the permittee who might distribute or reuse the reclaimed water. The list and any agreement(s) shall be kept onsite and available for review by the permittee and the Department.

Author: Nicholas Caraway
Statutory Authority: Code of Ala. 1975, §§22-22-1 to 22-22-14; §§22-22A-1 to 22-22A-16 et seq., as amended.
History: New Rule: Filed August 25, 2015; effective September 29, 2015.

335-6-20-.13 Access, Exposure, And Signage.

(1) Signage. When reusing reclaimed water, the public and personnel in the general area of reuse must be notified that the water is reclaimed water and is not safe for drinking or human contact. The permittee shall post signs stating "Caution: Reclaimed Water - Do Not Drink" or equivalent signage, in English and Spanish (or other language based on local dialect). If the Department determines the notification signage is insufficient, the Department may require different/additional signage.

(2) General. All new or replaced buried pipe conveying Reclaimed Water, including service lines, valves, and other appurtenances, shall be colored purple, and the precise color used, e.g., Pantone 512, 522 or equivalent, shall be consistently used throughout the system to ensure the pipes are adequately identifiable and distinguishable. Non-purple pipe purchased or under contract prior to the promulgation of this rule shall not be considered new or replaced pipe. The precise color proposed for use shall be identified in the plans and specifications provided to the Department during the plan and specification review. If fading or discoloration of the purple pipe is experienced during construction or, for any non-purple pipe which was purchased or under contract prior to promulgation of this rule, identification tape or locating wire along the pipe is required. The permittee shall label piping every ten feet with "Caution: Reclaimed Water -

Do Not Drink" or equivalent signage in English and Spanish (or other language based on local dialect).

(3) Identification Tape. If identification tape is installed with the purple pipe, the permittee shall prepare it with white or black printing on a purple color field, having the words "Caution: Reclaimed Water - Do Not Drink" or equivalent signage, in English and Spanish (or other language based on local dialect). The overall width of the tape shall be at least three inches. Identification tape shall be installed eighteen inches above the transmission pipe longitudinally, shall be centered over the pipe, and shall run continuously along the length of the pipe.

(4) Valve Boxes and Other Surface Identification. All valves shall have locking valve covers that are non-interchangeable with potable water valve covers, and shall have an inscription cast on the top surface stating "Reclaimed Water." All above ground pipes and pumps shall be consistently color-coded (purple) and marked to clearly differentiate reclaimed water facilities from potable water facilities.

(5) Reclaimed water pumping facilities identification and signage. The permittee shall paint all exposed and above ground piping, risers, fittings, pumps, valves, etc., purple color (Pantone 512, 522 or other equivalent product acceptable to the Department). The permittee shall identify all piping, using an accepted means of labeling, with "Caution: Reclaimed Water - Do Not Drink" or equivalent signage, in English and Spanish (or other language based on local dialect). In a fenced pump station area, signs shall be posted on all sides of the fence.

(6) Warning Labels. The permittee shall install warning labels on designated facilities such as, but not limited to, controller panels and wash down or blow-off hydrants on water trucks, hose bibs, and temporary construction services. The labels shall read "Caution: Reclaimed Water - Do Not Drink" or equivalent signage, in English and Spanish (or other language based on local dialect).

(7) Lagoon Identification and Signage. Where reclaimed water is stored or impounded, or reused for irrigation in public areas, the permittee shall install warning signs containing, at a minimum, one inch purple letters (Pantone 512, 522 or other equivalent product acceptable to the Department) on a white or other high contrast background notifying the public that the water is unsafe to drink. Signs may also have a purple background with white or other high contrast lettering. Warning signs and labels shall read "Caution: Reclaimed Water - Do Not Drink" or equivalent signage, in English and Spanish (or other language based on local dialect).

(8) Additional Access Requirements. The permittee shall ensure that drinking fountains, picnic tables, food establishments, and other public eating facilities are placed out of any spray irrigation area in which reclaimed water is reused, or are

otherwise protected from contact with the reclaimed water. Exterior drinking fountains, picnic tables, food establishments, and other public eating facilities shall be identified in the construction plans. If no exterior drinking fountains, picnic tables, food establishments, or other public eating facilities are present in the design area, then the permittee shall specifically state in the plans that none are to exist.
Author: Nicholas Caraway
Statutory Authority: Code of Ala. 1975, §§22-22-1 to 22-22-14; §§22-22A-1 to 22-22A-16 et seq., as amended.
History: New Rule: Filed August 25, 2015; effective September 29, 2015.

335-6-20-.14 Buffer Distances.

(1) Buffer Distance Considerations. Buffer distances shall be established for the following purposes:

(a) To protect public health by limiting exposure to reclaimed water and conditions associated with reuse facilities;

(b) To protect waters of the state, including surface water, ground water and public and private drinking water supplies; and

(c) To help ensure that the reuse of reclaimed water is restricted to within the physical boundaries of the reuse facilities.

(2) Buffer Distances.

(a) The minimum distance from any reclaimed water pipeline to a potable water supply well shall be fifty feet.

(b) The minimum distance from a nonresidential spray irrigation system to a potable water supply well, water of the State, or drainage to a water of the State or wetland shall be fifty feet.

(c) The minimum distance for spray application using high trajectory nozzles to a property boundary or inhabited dwelling shall be fifty feet.

(d) The minimum distance for spray application of Class A reclaimed water to a property boundary or inhabited dwelling shall be zero (0) feet; however, aerosol formation shall be minimized within fifty feet of a property boundary or inhabited dwelling through the use of low trajectory nozzles for spray irrigation or above-ground drip irrigation.

(e) The minimum distance from a lined impoundment to a potable water supply well shall be 100 feet.

(f) The minimum distance from an unlined impoundment to a potable water supply well is 500 feet.

(g) The Department may require a different buffer distance on a case-by-case basis.

Author: Nicholas Caraway
Statutory Authority: Code of Ala. 1975, §§22-22-1 to 22-22-14; §§22-22A-1 to 22-22A-16 et seq., as amended.
History: **New Rule:** Filed August 25, 2015; effective September 29, 2015.

335-6-20-.15 Preliminary Engineering Reports.

Preliminary engineering reports shall comply with this chapter and applicable provisions of chapter 335-6-3. Preliminary engineering reports for new municipal reclaimed water systems or major upgrades to municipal reclaimed water systems shall be submitted to the Department for review.

Author: Nicholas Caraway
Statutory Authority: Code of Ala. 1975, §§22-22-1 to 22-22-14; §§22-22A-1 to 22-22A-16 et seq., as amended.
History: **New Rule:** Filed August 25, 2015; effective September 29, 2015.

335-6-20-.16 Plan And Specification Review.

All plans and specifications for the construction of new reuse facilities or modification or expansion of the same shall be submitted to the Director for review in accordance with chapter 335-6-3.

Author: Nicholas Caraway
Statutory Authority: Code of Ala. 1975, §§22-22-1 to 22-22-14; §§22-22A-1 to 22-22A-16 et seq., as amended.
History: **New Rule:** Filed August 25, 2015; effective September 29, 2015.

335-6-20-.17 Distribution Pipelines.

The design and construction of municipal reclaimed water distribution pipelines shall comply with applicable provisions of chapter 335-6-3. The design and construction of municipal reclaimed water distribution pipelines shall also comply with applicable provisions of rule 335-7-7-.03.

(1) Reclaimed water mains shall be treated as non-potable mains when considering their separation from potable water. Reclaimed water mains shall be treated as potable water mains when considering their separation from sanitary sewers.

(2) For a system that proposes to use an alternative to the distribution pipeline requirements in this chapter, rule 335-7-7-.03, or chapter 335-6-3, the design engineer shall submit to the Department for review data demonstrating that the installation of an alternative will protect public health and the environment.

(3) A reclaimed water distribution system and the continued distribution systems of all of its customers shall have specific requirements, including, but not limited to, the following:

(a) Maximum obtainable separation of reclaimed water lines and potable water lines shall be practiced. A minimum horizontal separation of three feet (outside of pipe to outside of pipe) shall be maintained between reclaimed water lines and either potable water mains or sewage collection lines. A minimum of eighteen inches shall be provided between the bottom of any potable water supply line and the top of the reclaimed water line.

(b) The residential customers shall have installed a permanent underground supply distribution system. Existing distribution systems may be utilized for reuse; however, the system shall be modified so that no reuse water shall enter a potable water system.

(c) A public information program is required to inform designated users and the public of what reclaimed water is and to answer questions about connection to the system. All designated users wishing to connect to the system must participate in the public information program and have their participation documented. This public information program may be in the form of a seminar, video, multimedia electronic presentation or other appropriate media.

(d) As-built plans of the reclaimed water systems, showing valve locations, tap locations and size of taps shall be available to the permittee at all times.

(e) The customer shall not allow the reclaimed water to enter dwellings.

(f) The customer shall sign a written agreement with the permittee prior to being connected to the reuse system. Irrigation shall occur only during periods approved in the written user agreement.

(g) The customer shall not allow reclaimed water to be reused for consumption (human or animal), interconnecting with another water source, irrigation of edible crops (gardens), body contact recreation, filling of swimming pools, or sharing a common reclaimed service between properties.

(h) Operation and maintenance of the reclaimed water system including valves, outlets, couplers and sprinkler heads shall be performed by personnel who have completed the public educational program(s).

(i) Precautions shall be taken to ensure that reclaimed water will not be sprayed on any facility or area not designated for application. Low trajectory nozzles, or other means to minimize aerosol formation shall be used within 100 feet of public eating, drinking and bathing facilities and in all residential applications.

(j) Malfunctioning irrigation systems and line breaks shall be repaired immediately. Improper operation allowing runoff during operation may be grounds to terminate service to the customer.

(k) Reuse through hose bibs or faucets may be allowed by the Department on a case-by-case basis. If allowed, hoses and hose bibs shall be through cam-1ock connection assemblies to be provided by the permittee at the location specified by the permittee. Specific provisions must be in any written reuse agreements to ensure that reclaimed water is strictly reused for irrigation purposes and will not be utilized for any of the restricted items identified in these regulations.

(l) Application of reclaimed water for non-consumable agricultural irrigation of crops will be considered by the Department on a case-by-case basis.

(m) The permittee must coordinate with the purveyor of potable water to advise it of the reuse of reclaimed water in the area.

(4) If either an in-1ine type or end-of-1ine type blow-off or drain assembly is installed in the system, a plan for proposed discharge or runoff locations shall be submitted to the Department for review. The release of reclaimed water to a water of the State is considered an unpermitted discharge and may result in enforcement action if not covered under an NPDES permit.

Author: Nicholas Caraway
Statutory Authority: Code of Ala. 1975, §§22-22-1 to 22-22-14; §§22-22A-1 to 22-22A-16 et seq., as amended.

History: New Rule: Filed August 25, 2015; effective September 29, 2015.

335-6-20-.18 Pumping Stations.

(1) Backflow Protection-Seal Water. Any potable water used as seal water for reclaimed water pump seals shall be protected from backflow with an appropriate backflow prevention device or air gap.

(2) Backflow Protection-Potable and Reclaimed Water. In no case shall a direct connection be made between the potable and reclaimed water system. If it is necessary to put potable water into the reclaimed water distribution system, an appropriate reduced pressure principal device or air gap must be provided to protect the potable water system.

(3) Equipment and Facilities. Any equipment or facilities such as tanks, temporary piping or valves, and portable pumps that have been used with reclaimed water shall not be used with potable water. Any equipment or facilities such as tanks, temporary piping or valves, and portable pumps that have been or may be used with sewage shall not be used with reclaimed water or potable water.
Author: Nicholas Caraway
Statutory Authority: Code of Ala. 1975, §§22-22-1 to 22-22-14; §§22-22A-1 to 22-22A-16 et seq., as amended.
History: New Rule: Filed August 25, 2015; effective September 29, 2015.

335-6-20-.19 Storage Ponds.

All new and existing ponds for municipal reclaimed water and reject water shall meet the following requirements:

(1) Reclaimed Water Ponds. Surface water features, such as storage ponds and landscape impoundments used for reclaimed water are not required to be lined but shall be designed to minimize discharge of pollutants to groundwater. Reclaimed water must meet required E. coli criteria before it is transported to such impoundments. Reclaimed ponds shall be designed with a minimum three feet of freeboard and sufficient storage capacity to assure retention of reclaimed water during adverse weather conditions less than ten year, twenty-four hour storm events. In designing the storage and capacity, periods of non-use shall be taken into consideration.

(2) Reject Water Ponds. An off-1ine system for storage of reject water shall be provided for all reuse facilities. At a minimum, the capacity of this storage shall be equal to three

days of flow at the average daily design flow of the treatment system. Provisions for returning this reject water to the facility for further treatment or for sending the reject water to a separate disposal site shall be incorporated into the design. Ponds designed to receive reject water must be lined to prevent seepage from exceeding 1/8 inch per day. Either properly constructed clay or synthetic liners may be used. If a clay liner is used, provisions must be made to prevent drying, cracking and erosion. Reject water ponds may not be required if another discharge option is available. If the facility's alternate discharge option is through a NPDES Permit, the discharge must meet all of the requirements of the NPDES Permit.

Author: Nicholas Caraway
Statutory Authority: Code of Ala. 1975, §§22-22-1 to 22-22-14; §§22-22A-1 to 22-22A-16 et seq., as amended.
History: **New Rule:** Filed August 25, 2015; effective September 29, 2015.

335-6-20-.20 Reclaimed Water Filtration.

(1) The maximum filtration rate shall not exceed the manufacturer's documented performance. Loading rates will be considered based on manufacturer's information, pilot testing and actual records from operating treatment units. The Department may consider alternate filtration technologies other than conventional filtration upon submission of a written request accompanied by all necessary product information.

(2) Reclaimed water filtration facilities must install and operate a filter to waste system that operates each time a filter begins operation. Filter to waste systems shall automatically filter to waste until the effluent meets the required turbidity standard.

Author: Nicholas Caraway
Statutory Authority: Code of Ala. 1975, §§22-22-1 to 22-22-14; §§22-22A-1 to 22-22A-16 et seq., as amended.
History: **New Rule:** Filed August 25, 2015; effective September 29, 2015.

335-6-20-.21 Reclaimed Water System Operator Requirements.

(1) All wastewater treatment systems which operate under this Chapter shall be classified as a Grade III or higher classification and shall conform to the operator requirements listed under rule 335-10-1.

(2) All operators of reclaimed water distribution systems, operators of the distribution system from the reclaimed water treatment plant to the point of compliance or point of reuse or

point of sale, as applicable, and those operators that are employed by buyers of the reclaimed water for subsequent reuse, including home occupants, shall be required to sign a utility user agreement provided by the utility providing the reclaimed water. Such user agreement shall state that the user understands the origin of the effluent and the concept of proper application of the reclaimed water for applying the reclaimed water. Contracts for sale of reclaimed water for subsequent reuse shall also include these requirements. Individual homeowners may operate or maintain reclaimed water distribution systems on their property.
Author: Nicholas Caraway
Statutory Authority: Code of Ala. 1975, §§22-22-1 to 22-22-14; §§22-22A-1 to 22-22A-16 et seq., as amended.
History: New Rule: Filed August 25, 2015; effective September 29, 2015.

335-6-20-.22 Reliability And Redundancy.

All reclaimed water reuse systems shall meet the following reliability and redundancy requirements for reclaimed water:

(1) Treatment systems shall provide the following back-up systems:

(a) Another permitted disposal option, and/or;

(b) Diversion to adequately lined reject water storage capable of storing three days of flow at the average daily design flow of the treatment system.

(2) An alternative back-up system must be automatically activated if turbidity exceeds or chlorine residual drops below the instantaneous required value when entering the distribution system for more than five minutes. The maximum number of times a facility may exceed on this basis is twice in one week, and such exceedance(s) shall be immediately reported to the Department. Failure to report and exceeding more than twice in one week are sufficient grounds for the Department to require that the system be shut down for inspection and repair. In lieu of an alternate back-up system, an automated system to stop flow may be implemented.

(3) Redundant monitoring equipment and automatic by-pass equipment to the reject pond must be provided, as applicable.

(4) Standby power sufficient to maintain all treatment and distribution works or to meet the requirements for an alternative back-up system, as applicable, shall be required for the reclaimed water reuse facilities.
Author: Nicholas Caraway

Statutory Authority: Code of Ala. 1975, §§22-22-1 to 22-22-14; §§22-22A-1 to 22-22A-16 et seq., as amended.
History: New Rule: Filed August 25, 2015; effective September 29, 2015.

335-6-20-.23 Transfer, Modification, Revocation And Reissuance, And Termination Of Permits.

Subject to notice, hearing, and appeal rights of the permittee, the Department may transfer, modify, or revoke and reissue any permit during its term for cause, including but not limited to, the causes listed in this rule. All applicable fees required by chapter 335-1-6 shall be paid prior to permit transfer, modification, or revocation and reissuance.

(1) Permit Transfers. A permit may be transferred from the permittee to a new operator only if the permit has been modified, revoked and reissued, or a minor modification has been made to identify the new permittee.

(a) If there is to be no change in the operation of the facility which would affect the permittee's ability to comply with the permit and if there are to be no new, different, altered or increased discharges from the facility, the permit may be transferred by modification, revocation and reissuance, or by minor modification of the permit, provided that the reporting requirements of paragraph 335-6-20-.08(1) are met.

(b) If changes in the facility are proposed which would result in new, different, altered, or increased capacity from the facility, the transfer of ownership or operational obligations may be accomplished by complying with the reporting requirements of paragraph 335-6-20-.08(1). No new, different, altered, or increased capacity may commence until a new application and, if required by the Department, an engineering report describing such discharges have been submitted to the Department, and the permit has been modified accordingly.

(c) If the entity to which a permit is requested to be transferred owns or operates a facility or facilities within the state which are in substantial noncompliance, as determined by the Director, the Director may refuse to transfer the permit until noncompliance is corrected or significant progress is made to achieve compliance.

(2) Modification or Revocation and Reissuance of Permits.

(a) The following are causes for modification or revocation and reissuance of permits:

1. When the Director receives any information regarding the facility (for example, inspects the facility, receives information submitted by the permittee as required in the permit, receives a written request for modification or revocation and reissuance by the permittee or other interested person, or conducts a review of the permit file), the Director may determine whether one or more of the causes for modification or revocation and reissuance exists. If cause exists, the Director may modify or revoke and reissue the permit accordingly, subject to public notice requirements, and may request additional information (for example, an engineering report, and/or an updated application). When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, an updated application is required, additional information and/or an engineering report may be required, the entire permit is reopened and subject to revision, and the permit is reissued for a new term.

2. If cause exists for termination under paragraph 335-6-20-.23(3), the Director may determine that modification or revocation and reissuance is appropriate.

3. If the Director has received notification, as required in the permit, of a proposed transfer of the permit, he/she may determine that modification or revocation and reissuance is appropriate.

(b) Modification of Permits. The following are causes for modification but not revocation and reissuance of permits except when the permittee requests or agrees:

1. Alterations. There are material and substantial alterations or additions to the facility or activity generating reclaimed water which occurred after permit issuance which justify the application of permit conditions that are different from or absent in the existing permit.

2. Information. The Director has received new information that was not available at the time of permit issuance which would have justified the application of different permit conditions at the time of issuance.

3. New Regulations. The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued.

4. Reopener. When required by the reopener conditions in a permit, which are established in the permit pursuant to paragraph 335-6-20-.08(10).

5. Mistakes. To correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions.

(c) Minor Modifications of Permit. Upon consent of the permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this rule, without following the requirements of rule 335-6-20-.26. Any permit modification not processed as a minor modification under this section must be made for cause, and all applicable requirements of rule 335-6-20-.26 must be satisfied. Minor modifications may only:

1. Correct administrative and typographical errors;

2. Increase the frequency of monitoring or reporting by the permittee;

3. Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of final compliance date requirement;

4. Allow for a change in name or operational control of the facility where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Director as required by paragraph 335-6-20-.08(11).

(3) Termination of Permits.

(a) The following are causes for terminating a permit during its term or for denying a permit reissuance application:

1. Noncompliance by the permittee with any condition of the permit;

2. The permittee’s failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee’s misrepresentation of any relevant facts at any time;

3. A change in any condition that requires either a temporary or permanent reduction or elimination of any reuse controlled by the permit;

4. The permittee's failure to submit a complete application, to include additional information requested by the Director and/or appropriate permit fees;

5. Failure to demonstrate that the reclaimed water system has technical, managerial and financial capacity; or

6. A determination that the permitted activity endangers human health or the environment.

(b) Substantial noncompliance, as determined by the Director, of another facility within the state, owned or operated by the permittee requesting reissuance of a permit, will be grounds for denial of permit reissuance until such noncompliance is corrected.

(c) If a permit is denied for reissuance or terminated during its term, upon notification in writing, the permittee shall cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit.

(4) Permit Suspension. When a permittee is not in compliance with a permit, the Director may suspend the permit until the permittee has taken the action(s) necessary to achieve compliance with the permit.

Author: Nicholas Caraway
Statutory Authority: Code of Ala. 1975, §§22-22-1 to 22-22-14; §§22-22A-1 to 22-22A-16 et seq., as amended.
History: **New Rule:** Filed August 25, 2015; effective September 29, 2015.

335-6-20-.24 Temporary Cessation Of Operations And Closure.

(1) A permittee shall implement any applicable conditions specified in the permit for temporary cessation of operations. When the permit does not specify applicable temporary cessation conditions, the permittee shall notify the Director prior to a temporary cessation of operations at the facility greater than sixty days in duration and any cessation not for regular maintenance or repair. A permittee is not required to notify the Director of cessation of operations necessary for regular maintenance or repair of a duration of sixty days or less. All notifications required under this section shall include a proposed temporary cessation plan that will ensure the cessation of

operations will not pose a threat to human health or the environment.

(2) A closure plan shall be required when a facility is permanently closed. A permittee shall implement any applicable conditions specified in the permit for closure of the facility. Unless otherwise directed by the terms of the permit or by the Director, the permittee shall submit a closure plan to the Director at least ninety days prior to ceasing operations. The closure plan shall ensure that the closed facility will not pose a threat to human health and the environment. If the Department determines through its review of the submitted closure plan that the submittal is not sufficient, then the Permittee must modify the closure plan. The Department must receive modifications to the closure plan, if required, no later than thirty days after receipt of the Department's comments unless an alternate schedule is approved by the Department.

Author: Nicholas Caraway
Statutory Authority: Code of Ala. 1975, §§22-22-1 to 22-22-14; §§22-22A-1 to 22-22A-16 et seq., as amended.
History: **New Rule:** Filed August 25, 2015; effective September 29, 2015.

335-6-20-.25 Enforcement.

(1) Any person required to have a permit pursuant to this chapter and who discharges pollutants without said permit, who violates the conditions of said permit, who discharges pollutants in a manner not authorized by said permit, or who violates an applicable order of the Department or any applicable rule or standard under this division, is subject to any one or combination of the following enforcement actions:

(a) An administrative order requiring abatement compliance, mitigation, cessation of discharge, clean up, and/or penalties;

(b) An action for damages;

(c) An action for injunctive relief; or

(d) An action for penalties.

(2) Any order issued by the Department pursuant to the AWPCA requiring compliance with the AWPCA, its implementing rules, or a permit shall specify a reasonable time within which noncompliance must cease. In appropriate cases a reasonable time may be immediately. Reasonableness shall be determined based upon the severity of the violation and the complexity and availability of the measures necessary to correct the violation.

(3) If the permittee is not in compliance with the conditions of an expiring or expired permit the Director may do any or all of the following provided the permittee has made a timely application for reissuance of the permit:

(a) Initiate enforcement action based upon the permit that has been continued;

(b) Deny the permit reissuance. If the permit is denied, the owner or operator must cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

(c) Reissue the new permit with appropriate conditions; or

(d) Take other actions authorized by this chapter and the AWPCA.

Author: Nicholas Caraway
Statutory Authority: Code of Ala. 1975, §§22-22-1 to 22-22-14; §§22-22A-1 to 22-22A-16 et seq., as amended.
History: **New Rule:** Filed August 25, 2015; effective September 29, 2015.

335-6-20-.26 Public Notice Requirements.

(1) Actions Requiring Public Notice. The Director shall give public notice that the following actions have occurred:

(a) A Reclaimed Water Reuse Permit application has been received, the draft Reclaimed Water Reuse Permit or draft modification to a Reclaimed Water Reuse Permit has been prepared, and a tentative determination to issue, reissue or modify the permit has been made;

(b) A Reclaimed Water Reuse Permit application has been received, and a tentative determination to deny a permit application has been made; or

(c) A tentative determination to revoke and reissue a Reclaimed Water Reuse Permit has been made.

(2) Duration of Public Notice Periods.

(a) Public notice of the receipt of an application and the preparation of a draft permit or draft modification to a permit, including a notice of intent to deny a permit application or termination of a permit shall allow at least thirty days for public comment.

(b) Public notice of a public hearing shall be given at least thirty days before the hearing. Public notice of the hearing

may be given at the same time as public notice of the application and draft permit, and the two notices may be combined.

(3) Methods of Public Notice. Public notice of activities described in paragraph (2) of this rule shall be given by the methods listed below:

(a) By mailing a copy of a notice to the persons listed below. Any person otherwise entitled to receive notice under this subparagraph may waive his or her rights to receive notice for any classes and categories of permits:

1. The permit applicant.

2. Federal and state agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management plans, and other appropriate government authorities, including any affected states.

3. Any state agency responsible for plan development under the FWPCA Section 208(b)(2), 208(b)(4) or 303(e) and the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.

4. Persons on a mailing list, including those who request in writing to be on the list.

(b) By publication of a notice in a daily or weekly newspaper of general circulation within the area affected by the facility or activity.

(4) Content of Public Notices. All public notices issued under this rule shall contain the following minimum information:

(a) Name and address of the office processing the permit action for which notice is being given;

(b) Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit (when an address is not applicable to the regulated entity a general location shall be given);

(c) Name, address and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit, statement of basis or fact sheet, and the application;

(d) A general description of the public comment procedures required by rule 335-6-20-.26 and the time and place of any hearing that will be held (if applicable), including a statement of procedures to request a hearing, unless a hearing

has already been scheduled, and other procedures by which the public may participate in the final permit decision;

(e) A general description of the location of each existing or proposed reclaimed water reuse application site; and

(f) A general description of the activity or business conducted at the facility generating the reclaimed water.

(5) Public Notices for Hearings. In addition to the general public notice requirements, the public notice of a hearing shall contain the following information:

(a) A reference to the date of previous public notices relating to the permit;

(b) Date, time and place of the hearing; and

(c) A description of the nature and purpose of the hearing, including a citation of the applicable rules and procedures.

(6) Public Comments and Request for Public Hearings. During the public comment period, any interested person may submit written comments on the permit application and draft permit and may request a public hearing, if no hearing has been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments shall be considered in making the final decision and shall be answered as provided in paragraph 335-6-20-.26(8).

(7) Public Hearings.

(a) The Director shall hold a public hearing whenever it is found, on the basis of a hearing request, that there exists a significant degree of public interest in a permit application or a draft permit.

(b) The Director may hold a public hearing at his or her discretion whenever such a hearing might clarify one or more issues involved in the permit decision.

(c) Any person may submit oral or written statements and data concerning the permit application or the draft permit. Reasonable limits may be set upon the time allowed for oral statement, and submission of statements in writing may be required. The public comment period shall automatically be extended to the close of any public hearing under this section. The hearing officer may also extend the comment period by so stating at the hearing.

(d) A tape recording or written transcript of the hearing shall be made available to the public.

(8) Response to Comments. At the time that any final permit decision is issued, the Department shall prepare a response to comments which shall be made available to the public. This response shall:

(a) Specify which provisions, if any, of the draft permit have been changed by the final permit decision, and the reasons for the change; and

(b) Describe and respond to all significant comments (like comments may be grouped and one response written) concerning the draft permit, raised during the public comment period or during any hearing. A significant comment is a comment that offers information or suggestions of a technical, environmental, legal or regulatory nature which are applicable to the proposed permit.

(9) Comments from Governmental Agencies. In appropriate cases the Director may consult with other agencies before issuing a draft permit and may reflect their views in the statement of basis, the fact sheet, or the draft permit.

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Statutory Authority: Code of Ala. 1975, §§22-22-1 to 22-22-14; §§22-22A-1 to 22-22A-16 et seq., as amended.

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