

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 335 Department or Agency Environmental Management

Rule No. 335-6-13-.03

Rule Title: Definitions

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

Does the proposed rule have an economic impact? NO

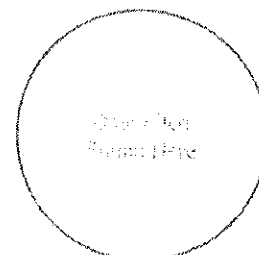
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Maurice Elliott

Date May 22, 2018



ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Environmental Management

Rule No. & Title: 335-6-13-.03 Definitions (Amend)

Intended Action: The Alabama Department of Environmental Management proposes to amend rule 335-6-13-.03

Substance of Proposed Action:

The Department proposes revisions to this rule that are administrative in nature to correct errors, provide clarity, or promote consistency.

Time, Place, Manner of Presenting Views:

Comments may be submitted in writing or orally at a public hearing to be held at 1:00 PM, July 12, 2018, in the ADEM Main Hearing Room, 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

Final Date for Comment and Completion of Notice: July 12, 2018

Contact Person at Agency: Christy Monk, (334) 394-4364



Lance R. LeFleur
Director

335-6-13-.03 Definitions. Wherever used in this ~~rule~~chapter, unless a different meaning clearly appears from the context or unless a different meaning is stated in a definition applicable to only a portion of this ~~rule~~chapter, the following shall mean:

(a) "Active life" means the period of operation beginning with the initial receipt of wastes, wastewater, or other used material and ending at completion of closure of the facility.

(b) "Annual" shall mean a calendar year.

(c) "Application" means ~~forms and additional~~the information that are required by ~~rule chapter~~ 335-6-6 or 335-6-5 to be submitted when applying for an NPDES permit or SID Permit, respectively.

(d) "Centralized ~~w~~Waste ~~t~~Treatment ~~f~~Facility" (also referred to as "waste treatment facility") means a facility as defined by federal effluent guidelines set forth at 40 CFR Part 437.

(e) "Certification" means a statement of professional opinion based upon knowledge and belief.

(f) "CFR" means Code of Federal Regulations.

(g) "Closure" for the purpose of this ~~regulation~~chapter only means removal and proper disposal, processing, or handling of industrial wastes, wastewaters, used materials, sludge, and any other materials, including but not limited to raw materials, byproducts, additives, and products at a waste treatment facility.

(h) "Current closure cost estimate" as used in rule 335-6-13-.067 means the most recent of the estimates prepared in accordance with rule 335-6-13-.06.

(i) "Department" means the Alabama Department of Environmental Management as established by Code of Alabama 1975, § 22-22A-4.

(j) "Director" means the Director of the Alabama Department of Environmental Management, ~~designated~~appointed pursuant to Code of Alabama 1975, § 22-22A-4, or his or her designee.

(k) "Discharge" means the addition, introduction, leaking, spilling, or emitting of any sewage, industrial wastes, pollutant or other wastes into waters of the state.

(l) "Engineer" means a person currently licensed~~registered~~ as a professional engineer with the State of Alabama Board of Licensure~~Registration~~ for Professional Engineers and Land Surveyors.

(m) "Final closure" means the completion of closure of a waste treatment facility.

(n) "Financial Assurance" means a financial arrangement by the owner or operator of a centralized waste treatment facility which guarantees the availability of funds ~~that~~ which may be used for closure of the facility if determined necessary by the Department should the owner or operator cease proper operation of the facility, abandon the facility, or fail to properly maintain the facility to ensure compliance with state environmental regulations.

(o) "NPDES permit" ~~or means a National Pollutant Discharge Elimination System means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits for the discharge of pollutants into waters of the state~~ permit issued pursuant to chapter 335-6-6.

(p) "Operator" means the person(s) having direct supervision over and responsibility for the daily operation of ~~a~~ the centralized waste treatment facility.

(q) "Owner" means the person(s) who owns a centralized waste treatment facility or part of a facility.

(r) "Permit" means an issued NPDES permit or SID Ppermit.

(s) "SID Ppermit" ~~or means a State Indirect Discharge Ppermit means a permit issued pursuant to an industrial user~~ chapter 335-6-5.

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

Author: Chris Sasser; Daphne ~~Smart~~ Lutz

Statutory Authority: Code of Alabama 1975, §§ 22-25C-1 and §§ 22-25C-2.

History: March 26, 2013.

Amended: XXXX XX, 2018.