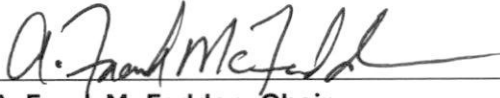


6/17/25

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
April 11, 2025

This is to certify that the Minutes contained herein are a true and accurate account of actions taken by the Alabama Environmental Management Commission on April 11, 2025.

A handwritten signature in black ink, appearing to read "A. Frank McFadden", written over a horizontal line.

A. Frank McFadden, Chair
Alabama Environmental Management Commission

Certified this 13th day of June 2025.

**Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
April 11, 2025**

**Convened: 11:01 a.m.
Adjourned: 12:41 p.m.**

Part A

**Transcript
Word Index**

Part B

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Attachment 1
Attachment 2
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Attachment 5**

Part A

MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

LOCATION: ALABAMA DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT (ADEM) BUILDING
ALABAMA ROOM
1400 COLISEUM BOULEVARD
MONTGOMERY, ALABAMA 36110-2400
DATE: FRIDAY, APRIL 11, 2025
TIME: 11:00 A.M.

REPORTED BY: JAMIE MCCRACKEN, CCR
ABCR #451
Commissioner for the
State of Alabama at Large

1 APPEARANCES

2 COMMISSION MEMBERS PRESENT:

3 A. FRANK McFADDEN, P.E., CHAIR
4 KEVIN MCKINSTRY, VICE CHAIR
5 JOHN (JAY) H. MASINGILL, III
6 H. LANIER BROWN, II
7 J. PATRICK TUCKER, M.D.
8 MARY J. MERRITT
9 RUBY L. PERRY, D.V.M.
10 H. LANIER BROWN, II, ESQ.

11 ALSO PRESENT:

12 ROBERT D. TAMBLING, ESQ.,
13 EMC LEGAL COUNSEL
14 LANCE LEFLEUR, ADEM DIRECTOR
15 DEBI THOMAS, EMC EXECUTIVE ASSISTANT

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1 (WHEREUPON, the following
2 Commission meeting commenced
3 at 11:01 a.m., on Friday,
4 April 11, 2025.)
5 CHAIRMAN MCFADDEN: Thank y'all
6 for coming. An important day here
7 for a lot of reasons. But we'll call
8 the meeting to order here, about
9 11:01, and acknowledge we do have a
10 quorum.
11 So, Item Number 1 on the agenda
12 will be consideration of the minutes
13 from the Commission meeting held on
14 February 14th, 2025.
15 I'll entertain a motion
16 regarding those minutes.
17 MR. BROWN: I move to approve
18 and adopt.
19 CHAIRMAN MCFADDEN: I have a
20 motion.
21 DR. PERRY: Second the motion.
22 CHAIRMAN MCFADDEN: I have a
23 second.

1 Any discussion?

2 (No response).

3 CHAIRMAN MCFADDEN: Hearing no
4 discussion, call for question. Raise
5 your hand if you're in favor of the
6 motion.

7 (Commission members raising
8 hands).

9 CHAIRMAN MCFADDEN: Okay. Thank
10 y'all.

11 Item Number 2, the grand finale
12 report from our grand director.

13 MR. LEFLEUR: I will bore you
14 with one more report.

15 CHAIRMAN MCFADDEN: Maybe
16 announce you're -- another year in
17 the job, right?

18 MR. LEFLEUR: My darling wife is
19 in the back of the room.

20 CHAIRMAN MCFADDEN: She's
21 already told me. She's already told
22 me. That's not going to happen.
23 Thank you, Lance.

Page 5 1 MR. LEFLEUR: Okay. Thank you. 2 Good morning. 3 DR. PERRY: Good morning. 4 MR. LEFLEUR: And welcome to 5 everybody in the room for this fourth 6 meeting of the Alabama Environmental 7 Management Commission for fiscal year 8 2025, and this is also my final 9 report to the Commission. 10 Today's report has been done, as 11 has been done for a number of years, 12 will focus on the latest publicly 13 available EPA-generated compliance 14 and enforcement metrics that compare 15 the Department's performance against 16 the rest of the states in the nation. 17 This is one of the methods that 18 we use to analyze and optimize our 19 performance. I'll close with some 20 personal observations and -- as I 21 complete my time as Director. 22 Analyzing the rates of 23 compliance with permits and the rate	Page 6 1 of necessary enforcement actions for 2 our regulated industries in Alabama 3 compared to the rest of the nation is 4 an important way we measure our 5 performance. The EPA-provided 6 analysis examines the air, NPDES, 7 drinking water, and Hazardous Waste 8 Programs. The tool uses standard 9 quantifiable metrics that allow for 10 state-to-state comparisons and the 11 development of national averages. 12 As you may recall from past 13 years, the format for reviewing each 14 program's metrics is to look at the 15 size of the universe of regulated 16 facilities, then to compare the rate 17 of inspections, informal enforcement 18 actions, and significant 19 noncompliance to the rest of the 20 nation. This format was chosen to 21 highlight that our objective is for 22 the regulated facilities to comply 23 with the requirements of
Page 7 1 environmental permits and regulations 2 issued by the Department. 3 By looking at noncompliance 4 metrics we are, in effect, looking at 5 compliance. When we speak of 6 compliance and enforcement, we are 7 referring to -- 8 Do we have a technical issue 9 here? 10 CHAIRMAN MCFADDEN: No. We're 11 good. Go ahead. 12 MR. LEFLEUR: Oh, okay. The 13 last time we had a technical issue. 14 All right. When we speak of 15 compliance and enforcement, we are 16 referring to compliance with permits 17 developed by the Department in 18 accordance with carefully developed 19 environmental standards and 20 enforcement actions when conditions 21 in those permits and regulations are 22 not met. 23 As we begin the analysis of	Page 8 1 compliance and enforcement, let me 2 note that this presentation will have 3 essentially the same information as 4 the graphs that appear at the end of 5 the ADEM update memorandum you 6 receive before each Commission 7 meeting. However, the graphs in the 8 update memorandum are as they appear 9 on the EPA website, and they do not 10 use a common format. So, we have 11 restructured them to be in a common 12 format for this report. 13 To help identify the program 14 that is the subject of the graph, we 15 will be using a color code where blue 16 is air, green is water, orange is 17 drinking water, and brown is land. 18 First, we will look at the size 19 of the regulated universe over time 20 for each of the four program areas. 21 In Alabama, two local air programs 22 were grandfathered as standalone 23 entities when the Clean Air Act

Page 9 1 became law in 1970. They operate 2 independently of the ADEM State 3 program, although ADEM does provide 4 substantial technical and other 5 assistance to them. 6 The universe of regulated air 7 facilities under the ADEM program is 8 down from 550 to 531 between 2016 and 9 2024, about a 3.4% drop. 10 In 2024, there was a slight 11 increase from 528 in 2023 to the 531 12 in 2024. The longer-term decline is 13 primarily the result of some major 14 sources closing over the years and 15 other facilities reducing their 16 emissions to the point they are no 17 longer in the universe of federally 18 reportable facilities. Facilities 19 reducing their emissions to the point 20 they are no longer reportable is a 21 very desirable environmental outcome. 22 In the water media, you can see 23 the number of regulated facilities	Page 10 1 was generally steady at under 11,000 2 through 2018, then a slow increase 3 with an interruption in 2021, a COVID 4 year. The increasing trend resumed 5 in 2022 due to increased construction 6 activity requiring an increase in 7 construction storm water permits. 8 2024 showed a 3.6% increase over 9 2023. Since construction is 10 cyclical, the construction stormwater 11 permit portion of the universe will 12 fluctuate over time, but we are 13 currently in an upward trend. 14 In drinking water, the universe 15 continued its slow decline from 591 16 in 2016 to 568 in 2024, about a 3.9% 17 decrease during the nine-year period. 18 The decline is due to the closing of 19 several transient systems, which are 20 those at locations like RV parks or 21 state parks and due to several 22 community water systems merging with 23 other systems. 568 is a relatively
Page 11 1 small number of drinking water 2 systems, given Alabama's population. 3 In the case of drinking water, a 4 smaller number of facilities that are 5 of larger size is beneficial because 6 larger facilities have improved 7 access to management and other 8 resources. 9 The universe of hazardous waste 10 facilities steadily increased from 11 5,108 in 2016 to 5,354 in 2024. The 12 4.2% increase is attributable in 13 large part to a 2019 national 14 enforcement settlement agreement that 15 caused pharmacies and other retail 16 facilities selling pharmaceuticals to 17 report as hazardous waste generators. 18 To recap, the universes of 19 permitted facilities for air and 20 drinking water continued to slowly 21 decline. 22 The universe of permitted 23 facilities for water is moderately	Page 12 1 increasing due to increased 2 construction activity, and the 3 hazardous waste universe is stable 4 after a one-time increase due to 5 including a new business segment in 6 the universe. 7 Next is inspections. Results 8 show that inspecting is the most 9 important tool to obtain compliance 10 with environmental permits and 11 regulations in Alabama. The 12 following graphs will show inspection 13 rates for each of the four media. 14 The different programs have different 15 names for inspection activities, such 16 as full compliance evaluation or 17 facilities inspected or site visits 18 or inspection coverage due to the 19 slightly different terminology used 20 in the various federal enabling 21 statutes. 22 The following graphs will use 23 the term "inspections" for all media.

Page 13 1 The blue bars, which look a bit gray, 2 represent the inspection rate for all 3 facilities during the last nine years 4 for the Department's Air Program. 5 The dashed red line represents the 6 average inspection rate for the 7 nation. As you can see, Alabama 8 continues to have an inspection rate 9 that is nearly four times the 10 national average and apart from 2020, 11 a COVID year, shows a slowly 12 increasing trend slightly over 99%. 13 I would note that the national trend 14 is declining slightly while ADEM's 15 trend is slowly increasing. 16 The green bars for the Water 17 Program, although declining in recent 18 years, consistently show an 19 inspection rate for all facilities 20 that is more than two-and-a-half 21 times better than the national 22 average shown by the red-dashed line. 23 The orange bars for the Drinking	Page 14 1 Water Program show an inspection rate 2 of more than 99% for all regulated 3 facilities, making it about three 4 times the national average shown by 5 the red-dashed line. 6 Closing out inspections, the 7 brown bars for the Hazardous Waste 8 program show a rate for all 9 inspections that is two times the 10 national average. As far as 11 inspections are concerned, all media 12 have inspection rates that are two to 13 four times the national average, 14 which shows the importance we place 15 on inspections as a tool to achieve 16 compliance. 17 Following inspections, the 18 enforcement graphs highlight the 19 second most important element in our 20 strategy to achieve compliance. It 21 has been our strategy to utilize 22 education, including informal 23 enforcement, to obtain higher levels
Page 15 1 of compliance. Research has shown 2 that inspections and technical 3 assistance, which is education, are 4 the biggest contributors to 5 compliance. Most violations are not 6 intentional; they are often the 7 result of not knowing what is 8 required under the permits, 9 accidents, or mistakes. 10 Informal enforcement is one form 11 of education that helps avoid those 12 situations. As noted in the past, 13 informal enforcement is also a more 14 cost effective alternative in 15 addition to achieving better 16 compliance results. 17 EPA enforcement data was used to 18 create the following graphs showing 19 the relationship between informal and 20 formal enforcement actions. 21 In this Air Program graph, the 22 blue columns represent the percentage 23 of all enforcement actions that are	Page 16 1 informal and the dashed red line 2 represents the average percentage for 3 the nation. As you can see, except 4 for 2022, ADEM consistently has a 5 higher rate of informal enforcement 6 than the rest of the nation. Both 7 the Department and the national trend 8 lines are essentially flat. 9 In the Water Program the 10 percentage of informal actions is, 11 again, higher than the national 12 average represented by the red-dashed 13 line. Our trend line is essentially 14 flat at around 95%. The rest of the 15 nation is closing in on us with a 16 rate approaching 85%. Of course, 17 some formal enforcement will always 18 be required, so we are not likely to 19 go beyond our 95% level. 20 As you can see from this graph, 21 both ADEM and the rest of the nation 22 have very high rates of informal 23 enforcement for drinking water

Page 17 1 facilities. The informal enforcement 2 trend for our Drinking Water Program 3 is flat and peaked out at a rate 4 approaching 100%, which is above the 5 dashed red line representing the 6 national average, that is also 7 essentially flat. 8 Hazardous Waste, like the other 9 ADEM programs, shows a high rate of 10 informal enforcement that yields high 11 levels of compliance. You will note 12 that in 2024, informal enforcement 13 actions declined. In part, this 14 decrease is due to the Hazardous 15 Waste Branches' effort to reduce the 16 higher than desired level of 17 facilities falling into the 18 significant noncompliance 19 classification. This effort relies 20 on enhanced training and compliance 21 assistance provided to the regulated 22 industries, as well as an increase in 23 formal enforcement. The results of	Page 18 1 these combined efforts are 2 illustrated in the upcoming graph 3 dealing with compliance rates. 4 To summarize, historically, ADEM 5 has high rates of informal 6 enforcement and the rest of the 7 nation is approaching similar levels. 8 This final group of dashboard 9 slides will look at the rates of 10 significant noncompliance, commonly 11 referred to as SNC. The different 12 programs use different terminology, 13 such as high priority violations or 14 priority enforcement systems to 15 describe this type of noncompliance. 16 However, for ease of presentation, we 17 will use the term SNC to identify all 18 violations that are of a little more 19 serious nature and, thus, are a cause 20 for heightened concern. 21 The objective of all 22 environmental programs is to have a 23 low noncompliance rate, which is
Page 19 1 synonymous with a high compliance 2 rate. This group of graphs is where 3 we will see if our strategy of high 4 rates of inspections and informal 5 enforcement, with the just noted 6 exception, shows results. 7 Beginning with Air, the blue -- 8 or gray -- bars represent the 9 percentage of inspections that result 10 in a significant noncompliance 11 finding for Alabama facilities and 12 the dashed red line represents the 13 national average. Both the 14 Department and the rest of the nation 15 have very low rates of significant 16 noncompliance in Air. These are the 17 lowest of any media. The SNC rate 18 for Alabama is typically about 19 one-and-a-half percent, which is 20 about two-thirds the national 21 average. 22 In 2024, the rate for Alabama 23 was .6%, which is about one-third the	Page 20 1 national average. 2 The Water Program has a SNC rate 3 as a percentage of inspections 4 conducted that is exceptionally low 5 compared to the rest of the nation. 6 The rate is about one-fourth the 7 national average and continues to 8 trend favorable. 9 The Drinking Water Program has a 10 SNC rate about one-sixth the national 11 average, the dashed red line. 12 As you can see, the Hazardous 13 Waste Program is the one area where 14 we are and have been above the 15 national average in the percentage of 16 inspections showing incidents of 17 significant noncompliance, and we 18 want to be below the national 19 average. The Hazardous Waste Program 20 primarily focuses on the management 21 of hazardous waste handling sites, 22 the implementation of measures to 23 prevent new hazardous materials

Page 21 1 releases, and the remediation of past 2 hazardous material releases. 3 For decades we have had no 4 substantial new hazardous waste sites 5 created in Alabama that require 6 cleanup and many legacy sites have 7 been cleaned up. However, in the 8 Hazardous Waste Program, incidents of 9 noncompliance classified as 10 significant do occur. Incidents of 11 significant noncompliance typically 12 involve exceeding the maximum number 13 of days hazardous waste can be stored 14 at a location and/or repeated 15 occurrences of minor violations, such 16 as poor record keeping and labeling. 17 At 6.3%, this year's percentage 18 rate, shows a decrease from last 19 year's 8.3% rate and 9.3% the year 20 before. The trend is good, but we 21 are not yet where we want to be. 22 The 6.3% represents seven 23 facilities in significant	Page 22 1 noncompliance, out of a universe of 2 111 large facilities inspected. More 3 importantly, none of the SNCs 4 identified have been found to result 5 in harm to human health or the 6 environment. 7 Land division efforts to reduce 8 hazardous waste SNC rate in the 9 future will continue through the 10 stepped-up, targeted education 11 program, including the video formal 12 instruction on the most common 13 violations and how to avoid them. 14 The program will also continue to 15 provide one-on-one training sessions 16 with the treatment, storage and 17 disposal facilities, which is the 18 largest hazardous waste handlers, as 19 well as joint sessions with their 20 customers that represent the next 21 largest handlers. We will continue 22 to assess the need for increased 23 formal enforcement as another tool to
Page 23 1 reduce SNCs at the hazardous waste 2 facilities. 3 Except for hazardous waste, the 4 significant noncompliance rates in 5 Alabama are significantly lower than 6 the rest of the nation. 7 Okay. To summarize, the number 8 of regulated facilities in the water 9 media is showing a slight increase; 10 it is steady in the Hazardous Waste 11 Program and showing slight decreases 12 in the air and Drinking Water 13 Programs. The Department emphasizes 14 high rates of inspection, which are 15 being implemented across all 16 programs. 17 The Department emphasizes 18 informal enforcement in the form of 19 education. Alabama has very low 20 rates of significant noncompliance 21 compared to the rest of the nation in 22 the air, water, and Drinking Water 23 Programs. An enforcement outreach	Page 24 1 program, which includes compliance 2 assistance, inspections, and 3 instructional programs for facilities 4 covered by the Hazardous Waste 5 Program together with increased 6 formal enforcement, are being 7 implemented to reduce the rate of 8 significant noncompliance. And, 9 overall, the Department out performs 10 the rest of the nation in compliance 11 and enforcement with long-term trends 12 in key metrics that are generally 13 favorable. These metrics are 14 consistent with the trends in 15 nonstatistical environmental quality 16 measures for many years highlighted 17 in my reports to the Commission on 18 the state of the environment in 19 Alabama. They are also consistent 20 with EPA, regulated industry and 21 independent research groups' findings 22 that Alabama is one of the top 23 environmental performers in the

Page 25 1 nation. 2 This is my final report to the 3 Commission. Rather than focusing on 4 the past, I would like to focus on 5 where we are today and on the future. 6 Tools are in place for future 7 success. The Department's physical 8 plant, with proper maintenance, 9 should last for decades, no need for 10 additional major capital investments. 11 The software, nearing final 12 implementation, is the most advanced 13 in the nation and will help keep us 14 the most automated and efficient 15 environmental program in the nation 16 for many years. There will be no 17 need for additional major software 18 capital investments. 19 A modern, high speed, mobile 20 phone friendly, user friendly 21 website, that better than ever 22 connects us to the public, is 23 operational as of today.	Page 26 1 The Agency is debt free for the 2 first time in more than 25 years, 3 which gives it greater financial 4 security. There is no foreseeable 5 need to become indebted in the 6 future. 7 The organization is structured 8 for the work to be done. Strong 9 leadership is in place that will 10 serve for the future. The Agency is 11 in good hands with experienced, 12 well-seasoned, proven leaders. 13 ADEM personnel are up-to-date on 14 their education and job training, 15 regularly measuring performance 16 objectively, an example of which you 17 saw today, is an ingrained standard 18 practice. A history of high 19 performance is in place so that there 20 is a winning attitude. 21 I believe our personnel have a 22 desire to excel. For example: Just 23 last week, Pam Monaghan -- Would you
Page 27 1 stand, please? -- in our permits and 2 services division was recognized by 3 the Alabama Water Environmental 4 Association with the outstanding 5 public official award for promoting 6 sound water policy and making a 7 substantial contribution to the water 8 environment in Alabama. And this is 9 her award. 10 (Applause). 11 (Presentation of award). 12 MR. LEFLEUR: Enthusiasm, a 13 desire for success, and a heart for 14 service are strongly present in our 15 personnel. There will be challenges, 16 including dealing with the wide 17 swings in the agenda of the Federal 18 Administration and EPA, hiring, 19 keeping topnotch engineers and 20 scientists given the salary and other 21 advantages the private sector has. 22 Fortunately, we have a solid core of 23 talented and dedicated people now.	Page 28 1 The organization will need to 2 continue to adapt and innovate to 3 find new solutions to old and new 4 problems. Our personnel will need to 5 continue to understand that the 6 regulated community is not an 7 adversary and provide compliance 8 assistance. Educating the public on 9 the true state of the environment in 10 Alabama in the face of misinformation 11 from other sources will continue to 12 be a challenge. 13 Predictable funding will also 14 continue to be a challenge. I regret 15 being unable to persuade the Alabama 16 Legislature to implement a stable, 17 predictable funding program for ADEM, 18 although the conversation has begun. 19 Successfully completing the ARPA and 20 BIL build-out of the drinking water 21 and wastewater projects will be 22 challenging. 23 I challenge the Department to

Page 29 1 continue measuring results and take 2 corrective action if results warrant 3 it. Likewise, I challenge the 4 Department to continue to encourage 5 our people to develop in their 6 careers. There will be times when 7 our personnel will need to stand firm 8 when unpopular decisions must be 9 made, although that's really nothing 10 new for our personnel. 11 I readily acknowledge that first 12 and foremost the successes of the 13 past and successes the Department 14 will enjoy in the future are directly 15 attributable to the continuing 16 dedicated service and wise oversight 17 of the Alabama Environmental 18 Management Commission. The public is 19 not aware of the extensive time and 20 effort expended by Commissioners 21 without remuneration. You have 22 responded to the high calling to be 23 true public servants.	Page 30 1 Thank you. It has been a 2 privilege and an honor to work with 3 the Commission and the men and women 4 of ADEM for 15 years. The time has 5 come to turn the page to the next 6 chapter. I can hardly wait to see 7 what wonderful things the fine men 8 and women of the Commission and the 9 Department will do in the future. 10 My very best to all of you. 11 Thank you very much. 12 (Applause.) 13 CHAIRMAN MCFADDEN: I think you 14 can see why Alabama's Environmental 15 Agency is ranked in the top ten in 16 the country by EPA and in the top 17 four or five by private sector and 18 business and industrial community. 19 And that is a -- that is a hard 20 tension between those two to get 21 those two at the same time. 22 And, Lance, we appreciate your 23 efforts over the 15 years.
Page 31 1 And, Mrs. Elaine, who is sitting 2 in the back, we appreciate your 3 letting him wander around the state 4 and other places around the country 5 to do his job. It's a long and hard 6 job and a lot of time away. So, 7 thank you, too. 8 MRS. LEFLEUR: Thank you. 9 CHAIRMAN MCFADDEN: We 10 appreciate that. 11 And we will miss you. And I 12 think for some here, to look at where 13 we go from here with a director, you 14 know now why it's such a hard job for 15 us. And it's not easy to fill those 16 big shoes of his. So, we'll do our 17 best to do that and do it as quickly 18 as possible. So... 19 By the way, there is going to be 20 a reception after the meeting here 21 out in the foyer out here in the 22 hallway, all are invited to that. I 23 understand Governor Riley may be here	Page 32 1 or should be here. I don't see him 2 out here now but -- and others, so 3 feel free to join that after the 4 meeting. 5 And would anybody else like to 6 say anything at this point or is 7 there anything I missed? 8 Lanier, you hired him. 9 MR. BROWN: So, it must be time 10 for me to go, too. 11 You know, I would just -- it's 12 been a wonderful 15 years to work 13 with you. I think you hit the ground 14 running unexpectedly. I think you 15 had a June start date or late May 16 start date, then Deepwater Horizon 17 oil spill happened. And the next 18 thing I knew, I was getting all kinds 19 of phone calls from the Director as 20 he hit the ground running and spent a 21 lot of time on the Gulf Coast and 22 managed the Alabama stake in that and 23 in all of the government funds that

Page 33 1 were made available, the settlement 2 funds, very well to get us a brand 3 new field office down in Mobile, 4 which will be named for him, 5 appropriately. And I congratulate 6 you on that. 7 And it's just been a wonderful 8 15 years. And I think the only 9 reason I'm sitting here today is the 10 fact that I'm the last Commission 11 who's been through this process so 12 they won't let me go. 13 CHAIRMAN MCFADDEN: That's a 14 fact. We'll get that codified soon 15 by the Legislature. So, anyway, 16 thank y'all. 17 All right. Moving on to Agenda 18 Item 4, the Chair notes that Agenda 19 Item 4 is: Consideration of Proposed 20 Amendments to ADEM Administrative 21 Code Division 335-6, the Water 22 Quality Program Regulations, Chapters 23 335-6-10 and 335-6-11.	Page 34 1 I'm assuming Mr. Johnson is 2 going to give us a summary on that. 3 MR. JOHNSON: Yes, sir. Thank 4 you. Thank you, Honorable Chair, 5 members of the Commission. I'm Chris 6 Johnson, Chief of the Water Quality 7 Branch of the Water Division. 8 You have before you the complete 9 hearing record for proposed changes 10 to the Water Quality Program 11 Regulations found in Chapters 12 335-6-10 and 335-6-11. 13 On December 16, 2024, the 14 Department initiated a rulemaking 15 process to update or establish 16 aquatic life criteria for several 17 toxic pollutants and to add 18 chlorophyll-a criteria for Woodruff 19 Lake in Chapter 335-6-10. 20 In addition, the Department 21 proposed to remove the Public Water 22 Supply classification from 23 waterbodies that are not being
Page 35 1 utilized as a public water supply 2 source and to upgrade the use 3 classification of Buck Creek to Fish 4 and Wildlife in Chapter 335-6-11. 5 Other changes were to clarify 6 existing language or were minor and 7 administrative in nature. 8 The Department held a public 9 hearing on February the 5th, 2025, to 10 receive data, views and comments from 11 interested persons regarding the 12 proposed revisions to Alabama's water 13 quality standards. Written comments 14 were accepted any time during the 15 public comment period, which extended 16 from December 16th, 2024, through 17 February 5th, 2025. 18 During the comment period, the 19 Department received written comments 20 from three organizations. And at the 21 hearing on February the 5th, 2025, no 22 oral comments or testimonies were 23 received. Most comments received	Page 36 1 were generally supportive of the 2 Department's proposed changes; 3 however, a change to the definition 4 of coastal waters was requested. 5 As requested, the proposed 6 revision to the definition has been 7 modified for clarity. Comments 8 relevant to the rulemaking proposal 9 were summarized by the Department and 10 were addressed in the reconciliation 11 statement that is included in the 12 hearing record provided to you. 13 As discussed in the 14 reconciliation statement, the 15 Department requests that the 16 Commission adopt the changes to the 17 regulations with the revisions as 18 proposed. 19 I'll be happy to address any 20 questions the Commission may have. 21 CHAIRMAN MCFADDEN: Chris, can 22 you just summarize, what was the 23 coastal change? Was it D-O

Page 37 1 requirements, dissolved oxygen levels 2 and some of that or what else was -- 3 MR. JOHNSON: Primarily the -- 4 it had to do with how you calculate, 5 like, 7Q10s and flows and the -- as 6 far as the permitted facilities. 7 And, because we -- we typically do 8 not calculate those, the low flow 9 statistic like we would in flowing 10 waters and freshwaters and uplands, 11 just due to the tidal nature, we do 12 it in other ways like through 13 modeling and other dilution 14 scenarios. 15 So, we wanted to take that out 16 to clarify that we really weren't 17 calculating those flow statistics 18 like we would in other waterbodies. 19 The second thing was the 20 definition of coastal waters. And 21 so, we just wanted to make clear 22 those boundaries. And so, we did 23 receive some comments on our	Page 38 1 suggested changes, which we thought 2 were good comments, and we did 3 address those in the final 4 definition. 5 CHAIRMAN MCFADDEN: So, is the 6 dissolved oxygen still 4 -- 4.0, if 7 it's a dystrophic, nutrient lacking, 8 that's not related to some sort of a, 9 you know, discharge or pollutant 10 hitting it? 11 MR. JOHNSON: Correct. Yeah. 12 The dissolved oxygen criteria are 13 still the same as they always have 14 been. We did not make any changes to 15 the dissolved oxygen criteria. 16 CHAIRMAN MCFADDEN: Okay. Is 17 the modeling -- the modeling EPA 18 started decades ago. Is that sort of 19 what we ended up with that we use now 20 for hydraulic -- the hydraulic 21 portions of that in water quality 22 modeling, or is it different? 23 MR. JOHNSON: We do utilize
Page 39 1 the -- what we call our Mobile Bay 2 model for a lot of the wasteload 3 allocation programs -- 4 CHAIRMAN MCFADDEN: Okay. 5 MR. JOHNSON: -- which provides 6 -- it can provide and help us with 7 those dilutions and things. We also 8 use CORMIX and other methods to 9 actually develop what the dilutions 10 should be and the low flow statistics 11 should be in the coastal area. 12 CHAIRMAN MCFADDEN: I just 13 remember years ago, Tim Wool, over at 14 EPA, was developing that big model, 15 and I didn't really ever understand, 16 kind of, what the finality of that 17 was, or we just kind of did our own 18 thing or jointly with the EPA came up 19 with the Mobile Bay model. Or how 20 did that work? 21 MR. JOHNSON: We did. We worked 22 over many years with the EPA to get 23 that model to a state that we thought	Page 40 1 it was, you know, well calibrated and 2 over many, many years. And so we use 3 that, even today, to develop 4 wasteload allocations for the 5 facilities down in the coast. Yes, 6 sir. 7 CHAIRMAN MCFADDEN: Okay. Good. 8 Does anybody else have any 9 questions before we call for the 10 question? 11 (No response). 12 CHAIRMAN MCFADDEN: Good 13 summary. I'm, obviously, interested 14 in everything going on, on the coast; 15 so sorry for hogging all the time. 16 All right. So, let's see. We 17 need -- I'll entertain a motion 18 regarding the proposed amendments to 19 Division 335-6, Water Quality Program 20 Regulations, Chapters 335-6-10 and 21 335-6-11. 22 MR. BROWN: I move to adopt the 23 proposed amendments.

Page 41 1 MS. MERRITT: Second. 2 CHAIRMAN MCFADDEN: We have a 3 motion and a second. 4 Anymore discussion on it? 5 Anymore questions for Mr. Johnson? 6 (No response). 7 CHAIRMAN MCFADDEN: Okay. I 8 call for the question. All in favor, 9 raise your hand. 10 (Commission members raising 11 hands). 12 CHAIRMAN MCFADDEN: All opposed. 13 (No response). 14 CHAIRMAN MCFADDEN: The motion 15 carries. 16 Chris, thank you for a very good 17 summary. 18 While we're getting this signed, 19 the paperwork signed on this, I'm 20 going to just jump and make some 21 notes here on item, Agenda Item 22 Number 5. It's nothing going to be 23 required from the Commission, but	Page 42 1 it's just to -- kind of an FYI for 2 you. 3 The Chair notes that Agenda Item 4 5 is acknowledging the Petitioner 5 Mitchell-Frazier Farms Limited 6 Partnership's withdrawal of its 7 appeal request for a hearing. 8 And I can't write and talk at 9 the same time, so let me write for Ms 10 Debi here. 11 So, the Chair notes that on 12 November 7, 2024, the Petitioner 13 filed with the Commission a request 14 for a hearing and application for a 15 stay of action pending issuance of 16 order regarding Air Facility Permit 17 Number 708-0036-X001 and NPDES Permit 18 Number AL0084480, issued by ADEM on 19 November 6, 2024, to Grayson Carter 20 and Son Contracting, Inc., and 21 Stoned, LLC, respectively. 22 Both permits pertain to and 23 authorize the operation of a
Page 43 1 limestone rock quarry and associated 2 rock crusher in Belle Mina -- or 3 Belle Mena (phonetic), however you 4 say that -- Belle Mina -- okay, thank 5 you -- from South Alabama -- sorry -- 6 Limestone County, Alabama. 7 On December 13, 2024, the 8 Commission denied the Petitioner's 9 application for stay. 10 And on March 25th, 2025, the 11 Petitioner filed a notice of 12 voluntary dismissal of administrative 13 appeal withdrawing its appeal/request 14 for a hearing. 15 So, that's just of note to get 16 it on the record. And there's no 17 action required by us on that since 18 they met the deadlines for 19 withdrawing. 20 Okay. Moving on to Agenda Item 21 Number 6. I'll just give you -- it's 22 regarding, of course, the 23 consideration of narrowing the	Page 44 1 applicants for the ADEM director 2 position. And for those to be 3 interviewed by the Commission and 4 other options we may have. Let me 5 just sort of give you a summary of 6 where we are. 7 Back around the end of January, 8 first of February, we put out a 9 notice, Debi put out notices, for the 10 position in four or five newspapers 11 and other venues of public notice 12 that the position was going to be 13 filled. 14 The deadline for that, those 15 submittals for resumes/applications 16 was March 14, 2025, obviously. And 17 we received ten applications, and 18 those are made public to anybody that 19 likes them. A couple of the 20 applicants are actually here in the 21 room today. 22 And so, we got those ten. We've 23 looked at them, and now we have to

Page 45 1 decide where to go from here. And, 2 you know, I think to discuss any of 3 these candidates, obviously, that 4 would be done in Executive Session. 5 And, you know, the Chair, I just 6 want to note that the Alabama Open 7 Meetings Act Section 36-25A-7(A)(1) 8 states that Executive Sessions are 9 not required by the Act but may be 10 held by a Governmental body to 11 discuss the general reputation, 12 character, and professional 13 competence of individuals. Because 14 the search for the new ADEM director 15 will require the Commission to review 16 resumes and applications and assess 17 the professional competence, as well 18 as the general reputation and 19 character of the applicants, it may 20 be necessary for the Commission to 21 adjourn to Executive Session to 22 discuss these matters. 23 So, we have that option. Do any	Page 46 1 of the Commissioners have any 2 questions on that or have any 3 comments on what you want to do with 4 this? 5 So, I think what we probably 6 need to do is go into Executive 7 Session. There is a procedure for 8 that. So, you know, we can do that 9 at that time. 10 And so, I'll entertain a motion 11 from the Commission regarding going 12 into Executive Session. 13 MR. MASINGILL: Mr. Chairman, I 14 move to adjourn to an Executive 15 Session to review and discuss the 16 applicants and, afterwards, reconvene 17 for regular session. 18 CHAIRMAN MCFADDEN: Is there a 19 second to the motion? 20 MR. TUCKER: Second. 21 CHAIRMAN MCFADDEN: Any 22 discussion on the motion? 23 (No response).
Page 47 1 CHAIRMAN MCFADDEN: All right. 2 Hearing none, we have to do a roll 3 call vote here. It's a little 4 different than other votes. 5 So, I'll call the question and 6 conduct a roll call vote from the 7 Commissioners. 8 So, the way we do this, we'll 9 start down here with Dr. Perry. And 10 if you are in favor of the motion, 11 raise your hand and state affirmative 12 or not. 13 DR. PERRY: Yes. 14 CHAIRMAN MCFADDEN: Kevin? 15 MR. MCKINSTRY: Approve the 16 motion. 17 MR. BROWN: Yea. 18 CHAIRMAN MCFADDEN: Okay. I 19 approve. 20 MR. MASINGILL: I approve. 21 MR. TUCKER: I approve. 22 CHAIRMAN MCFADDEN: Ms. Mary? 23 MS. MERRITT: Yes, I approve.	Page 48 1 CHAIRMAN MCFADDEN: Okay. We 2 have all approvals and no one that 3 opposes that. So, we will -- I'll 4 get the paperwork right here. Are we 5 good? 6 MS. THOMAS: I do have an order 7 y'all can sign related to the motion. 8 CHAIRMAN MCFADDEN: Do we want 9 to sign that now then? Okay. 10 MR. TUCKER: Frank, do you need 11 to specify a time limit? 12 CHAIRMAN MCFADDEN: Yeah, that's 13 a good point. We anticipate this to 14 be no longer than 45 minutes to an 15 hour. It could be less. 16 And, so, that's sort of the time 17 limit we're thinking of. And what 18 will happen, then we will come back 19 into session here in the open session 20 and give you the results of what 21 action was taken in Executive 22 Session. Maybe you can get some cake 23 while you wait. I'm not sure.

1 I think we are ready to head to
 2 the anteroom and have an Executive
 3 Session. We'll be back when we can.
 4 (Moved to Executive Session,
 5 11:45 a.m.)
 6 (Meeting resumed at 12:35
 7 p.m.)
 8 CHAIRMAN MCFADDEN: Well, let's
 9 go ahead, then, and crank it up, and
 10 we'll get started. As I said --
 11 MS. THOMAS: Frank, note the
 12 time.
 13 CHAIRMAN MCFADDEN: Oh, the note
 14 the time -- thank you, Debi -- 12:35,
 15 we are reconvening the regular
 16 session after Executive Session.
 17 We had a lot of good discussion
 18 on the list of candidates. And it
 19 was felt that we could shortlist
 20 candidates today. And we looked at
 21 options on extending things and so
 22 forth and felt that this was the best
 23 thing to do.

1 have a motion.
 2 MS. THOMAS: Could you please
 3 repeat those? Sorry.
 4 MR. BROWN: Anthony Scott
 5 Hughes; David A. Perry; Edward F.
 6 Poolos; James "Mike" Thornton.
 7 MS. THOMAS: Okay.
 8 MR. BROWN: Seven, ten, six and
 9 four on your list.
 10 MR. TUCKER: I second that
 11 motion.
 12 CHAIRMAN MCFADDEN: I have a
 13 second. Any further discussion?
 14 (No response).
 15 CHAIRMAN MCFADDEN: Okay. All
 16 those in favor, raise your hand.
 17 (Commission members raising
 18 hands).
 19 CHAIRMAN MCFADDEN: All opposed?
 20 (No response).
 21 CHAIRMAN MCFADDEN: The motion
 22 carries. All right.
 23 MS. THOMAS: Do you want to sign

1 We had some good candidates. As
 2 I mentioned, not every one checked
 3 every box, but we are going to -- you
 4 know, we're going to have a
 5 shortlist. And let's wait for Lance
 6 and company to get back.
 7 All right. So, let's continue
 8 on. So, yes, we did -- we did
 9 shortlist some candidates that will
 10 come back to us in June. And are we
 11 ready for a motion to accept those?
 12 MR. BROWN: Yes. I thought you
 13 would never ask.
 14 CHAIRMAN MCFADDEN: Lanier is
 15 waiting to get back to Birmingham.
 16 MR. BROWN: First, thanking all
 17 those that applied, I move to call
 18 back for interviews at the June
 19 meeting. In alphabetical order, I
 20 will give the names: Anthony Scott
 21 Hughes; David A. Perry; Edward L.
 22 Poolos; James "Mike" Thornton.
 23 CHAIRMAN MCFADDEN: Okay. We

1 a motion on that -- an order on that?
 2 CHAIRMAN MCFADDEN: We'll sign
 3 whatever you bring to us. We'll work
 4 with Debi to coordinate some of that.
 5 And if any of you have any questions,
 6 feel free to call.
 7 And we'll note, there will be
 8 background checks and financial
 9 checks and some of that on the final
 10 candidates, and that will be done
 11 through --
 12 Robert, is that done through
 13 ALEA?
 14 MR. TAMBLING: Yeah. ADEM will
 15 coordinate it with ALEA.
 16 CHAIRMAN MCFADDEN: Okay. Is
 17 that right?
 18 MR. TAMBLING: That's right.
 19 CHAIRMAN MCFADDEN: I don't
 20 think anybody signed up to speak; is
 21 that right, Debi?
 22 MS. THOMAS: No, sir.
 23 CHAIRMAN MCFADDEN: So, we do

Page 53 1 not have any from the public that 2 were wishing to do that. 3 So, I think we are through Item 4 -- Agenda Item 6; is that -- is that 5 correct? Anybody have anything else 6 on that, that we need to state? 7 Again, I thank all of the 8 applicants. We wish -- You know, we 9 wish we could interview each and 10 every one of them, but we just picked 11 the ones that we thought had the most 12 boxes checked and not everyone had 13 every box checked, as no one ever 14 would. Lance told us, to start with, 15 he didn't have all the boxes checked 16 but he learned. 17 So, we'll try to do the best we 18 can to keep our State going like 19 we're going. 20 MS. THOMAS: Do you want to note 21 that you and I will work on the 22 interview schedule? 23 CHAIRMAN MCFADDEN: Yes, I did.	Page 54 1 MS. THOMAS: Yes, sir. 2 CHAIRMAN MCFADDEN: Yes. Let's 3 do that. 4 MS. THOMAS: Thank you. 5 CHAIRMAN MCFADDEN: All right. 6 So, we'll move on to Agenda Item 7, 7 Other Business. 8 Is there any other business that 9 you know of, anyone know of? 10 (No response). 11 CHAIRMAN MCFADDEN: Hearing 12 none. Future business Item -- Agenda 13 Item 8 will be June 13, will be the 14 next Commission -- regularly 15 scheduled Commission meeting. Does 16 anyone have any issues with that? 17 Pretty much, we'll know if you can 18 make it or not, and we should have a 19 quorum for that, although summer is 20 starting. 21 And no public comment periods or 22 anybody to speak, I'll just close it 23 out with another thank you, Lance.
Page 55 1 And am I seeing another guest back 2 there? 3 Governor Riley, thank you very 4 much for coming and good to see you 5 again. You're looking good. 6 GOVERNOR RILEY: That means the 7 world to me, but I had no option. 8 Elaine called and said: You will be 9 there. Be there some way. 10 CHAIRMAN MCFADDEN: Well, that 11 proves you're a smart man. You 12 listened to the lady in charge. 13 But thank you very much for 14 coming. It's an honor to have you. 15 And, Lance, I won't say anymore 16 except two words, "Well done." 17 (Applause). 18 MS. THOMAS: I move to adjourn. 19 MR. TUCKER: Second. 20 CHAIRMAN MCFADDEN: Any 21 discussion? 22 (No response). 23 CHAIRMAN MCFADDEN: Hearing	Page 56 1 none, all in favor, raise your right 2 hand. 3 (Commission members raising 4 hands). 5 CHAIRMAN MCFADDEN: We are 6 adjourned. 7 8 (WHEREUPON, the Commission 9 meeting was concluded at 10 12:41 p.m.) 11 * * * * * 12 13 14 15 16 17 18 19 20 21 22 23

1 * * * * *

2 REPORTER'S CERTIFICATE

3 * * * * *

4 STATE OF ALABAMA

5 MONTGOMERY COUNTY

6 I, Jamie McCracken, Certified

7 Professional Reporter and Notary Public in and for

8 the State of Alabama at Large, do hereby certify on

9 Friday, April 11th, 2025, that I reported the

10 meeting in the matter of:

11 MEETING OF THE

12 ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

13 ALABAMA DEPARTMENT OF ENVIRONMENTAL

14 MANAGEMENT (ADEM) BUILDING

15 ALABAMA ROOM

16 1400 COLISEUM BOULEVARD

17 MONTGOMERY, ALABAMA 36110-2400

18

19 That the foregoing 56 computer-printed

20 Pages contain a true and correct transcript of the

21 meeting set out herein. I further certify that I am

22 neither of relative, employee, attorney or counsel

23 of any of the parties, nor am I a relative or

1 employee of such attorney or counsel, nor am I
2 financially interested in the results thereof. All
3 rates charged are usual and customary.

4 I further certify that I am duly licensed
5 by the Alabama Board of Court Reporting as a
6 Certified Court Reporter as evidenced by the ABCR
7 number following my name found below.

8 This 9th day of June, in the year of our
9 Lord, 2025.

10 *15/Jamie McCracken*

11 Jamie McCracken, CCR

12 ACCR NO. 451, Exp 9/30/2025

13 Certified Court Reporter and

14 Notary Public

15 Commission expires: 10/23/2028

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Attachment Index

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Attachment 2	Director's Slides (Agenda Item 2)
Attachment 3	Resolution adopting amendments to ADEM Administrative Code Division 335-6, Water Quality Program Regulations, Chapters 335-6-10 and 335-6-11, and Attachment A, Final Proposed Rules (Agenda Item 4)
Attachment 4	Order to adjourn to Executive Session to review and discuss the applicants and afterwards reconvene to Regular Session (Agenda Item 6)
Attachment 5	Order to call back for interviews at the June meeting Anthony Scott Hughes, David A. Perry, Edward F. Poolos, and James Michael Thornton (Agenda Item 6)

Attachment 1

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
DATE: April 11, 2025
TIME: 11:00 a.m.
LOCATION: Alabama Department of Environmental Management (ADEM) Building
Alabama Room (Main Conference Room)
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400

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3. Report from the Commission Chair	2
4. Consideration of proposed amendments to ADEM Administrative Code Division 335-6, Water Quality Program Regulations, Chapters 335-6-10 and 335-6-11	2
5. <u>Mitchell-Frazier Farms Limited Partnership, Petitioner v. ADEM, Respondent, and Grayson Carter and Son, Inc. and Stoned LLC, Intervenor</u> EMC Docket No. 25-01 (Air and NPDES Related Matters)	2
6. Consideration of narrowing the applicants for the ADEM Director position to those to be interviewed by the Commission and setting the date of the meeting at which interviews will be conducted	2
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* The agenda for this meeting will be available on the ADEM website, www.adem.alabama.gov, under Environmental Management Commission.

** The minutes for this meeting will be available on the ADEM website under Environmental Management Commission.

1. CONSIDERATION OF MINUTES OF MEETING HELD ON FEBRUARY 14, 2025
2. REPORT FROM THE ADEM DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. CONSIDERATION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE DIVISION 335-6, WATER QUALITY PROGRAM REGULATIONS, CHAPTERS 335-6-10 AND 335-6-11

The Commission will consider proposed amendments to ADEM Administrative Code Division 335-6, Water Quality Program Regulations, Chapters 335-6-10 and 335-6-11. These proposed amendments include several use classification changes, adoption of numeric nutrient criteria, changes to aquatic life criteria, and general corrections and updates. The Department held a public hearing on the proposed amendments on February 5, 2025.

5. MITCHELL-FRAZIER FARMS LIMITED PARTNERSHIP, PETITIONER V. ADEM, RESPONDENT AND GRAYSON CARTER AND SON, INC. AND STONED LLC, INTERVENORS, EMC DOCKET NO. 25-01 (AIR AND NPDES RELATED MATTERS)

The Commission will acknowledge for the record Petitioner Mitchell-Frazier Farms Limited Partnership's withdrawal of its appeal/request for hearing in the above matter.

On November 7, 2024, the Petitioner filed with the Commission a Request for Hearing and Application for Stay of Action Pending Issuance of Order regarding Air Facility Permit No. 708-0036-X001 and NPDES Permit No. AL0084480 issued by ADEM on November 6, 2024, to Grayson Carter and Son Contracting, Inc. and Stoned LLC, respectively. Both permits pertain to, and authorize the operation of, a limestone rock quarry and associated rock crusher in Belle Mina, Limestone County, Alabama. On December 13, 2024, the Commission denied the Petitioner's Application for Stay. On March 25, 2025, the Petitioner filed a Notice of Voluntary Dismissal of Administrative Appeal withdrawing its appeal/request for hearing.

6. CONSIDERATION OF NARROWING THE APPLICANTS FOR THE ADEM DIRECTOR POSITION TO THOSE TO BE INTERVIEWED BY THE COMMISSION AND SETTING THE DATE OF THE MEETING AT WHICH INTERVIEWS WILL BE CONDUCTED

The Commission will consider narrowing the applicants for the ADEM Director position to a short list of final candidates to be interviewed by the Commission and setting the date of the meeting at which interviews of the final candidates will be conducted. Narrowing the applicants to a short list of final candidates may involve the Commission adjourning to executive session to determine the final candidates and reconvening into regular session to announce them.

7. OTHER BUSINESS
8. FUTURE BUSINESS SESSION

PUBLIC COMMENT PERIOD

BRIEF STATEMENTS BY MEMBERS OF THE PUBLIC REGISTERED TO SPEAK

Members of the public that wish to make a brief statement at a Commission meeting may do so by first signing in on a register maintained by the Commission office prior to each regularly scheduled meeting. The register will close ten minutes prior to convening each meeting of the Commission. Following completion of all agenda items, the Commission Chair will call on members of the public wishing to make a statement in the order their names appear on the register. Speakers are encouraged to limit their statement to matters that directly relate to the Commission's functions. Speakers will be asked to observe a three-minute time limit. While an effort will be made to hear all members of the public signed on the register, the Commission may place reasonable limitations on the number of speakers to be heard. (Guideline 11, Guidelines for Public Comment).

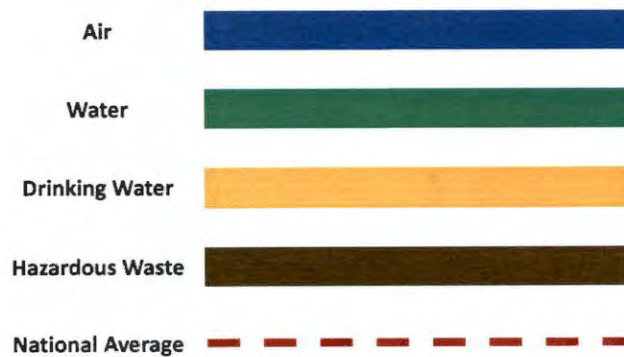
The Guidelines for Public Comment are used in the application of ADEM Administrative Code 335-2, Environmental Management Commission Regulations, Rule 335-2-3-.05, Agenda and Public Participation. The Guidelines for Public Comment serve to educate and inform the public as to how the Commission interprets and intends to apply the Rule. The revised Rule 335-2-3-.05 was effective October 7, 2016.

Attachment 2

EPA Compliance and Enforcement Metrics

1

Color Legend for Graphs



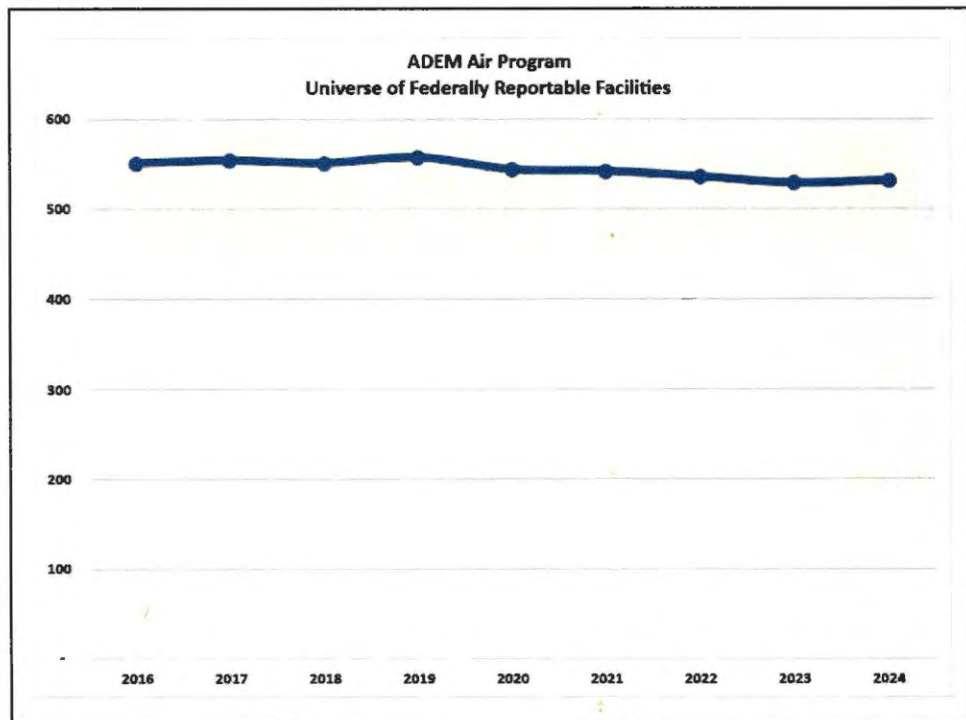
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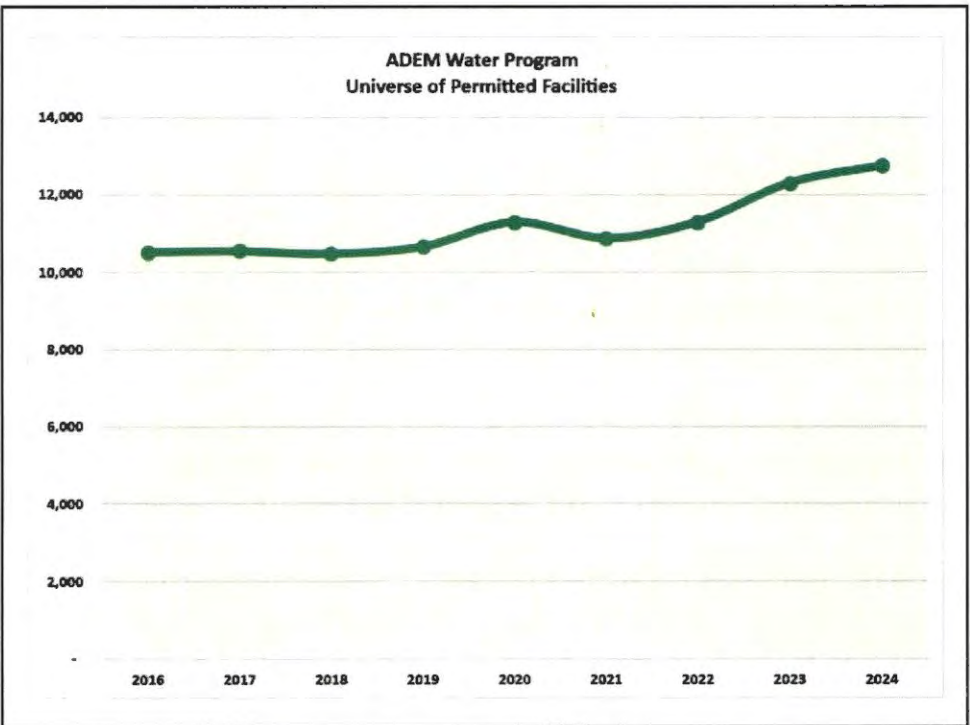
Alabama Department Of Environmental Management

SIZE OF UNIVERSE

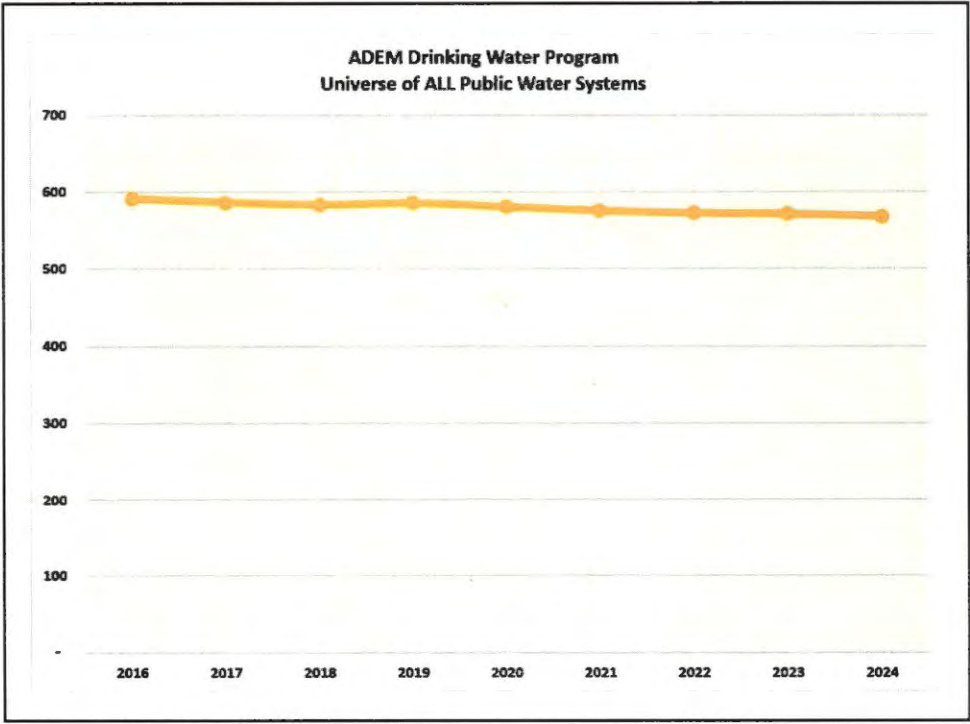
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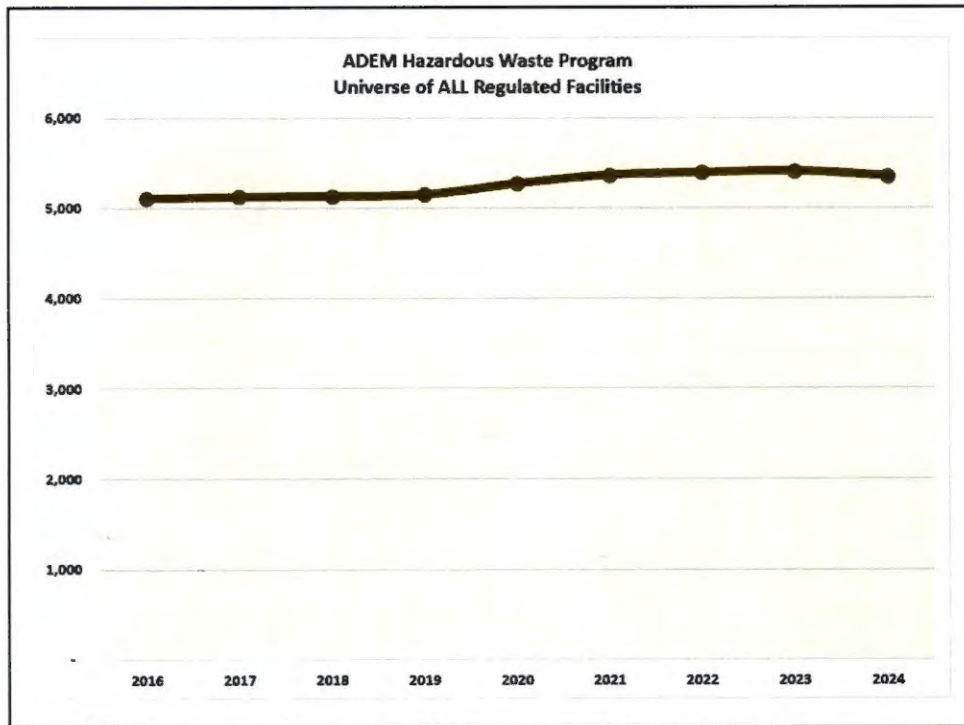
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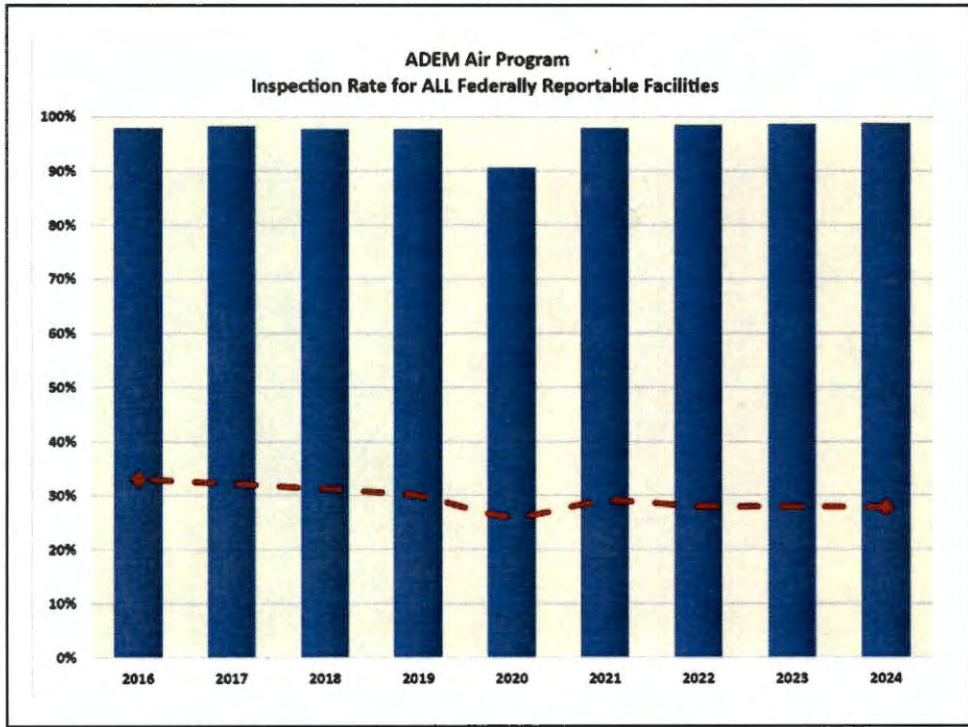


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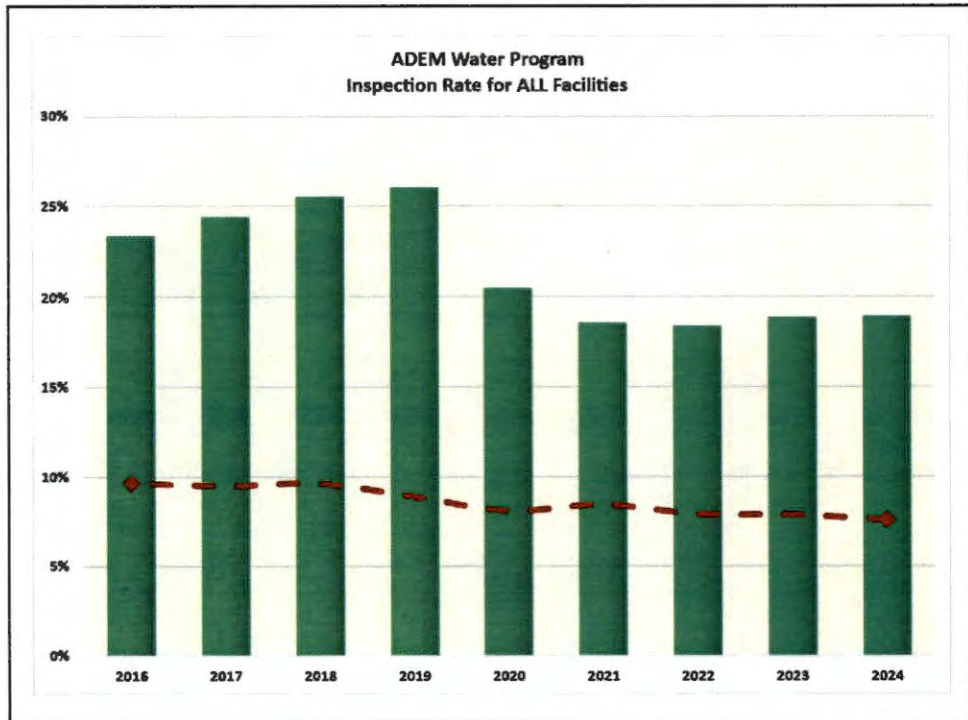
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INSPECTIONS

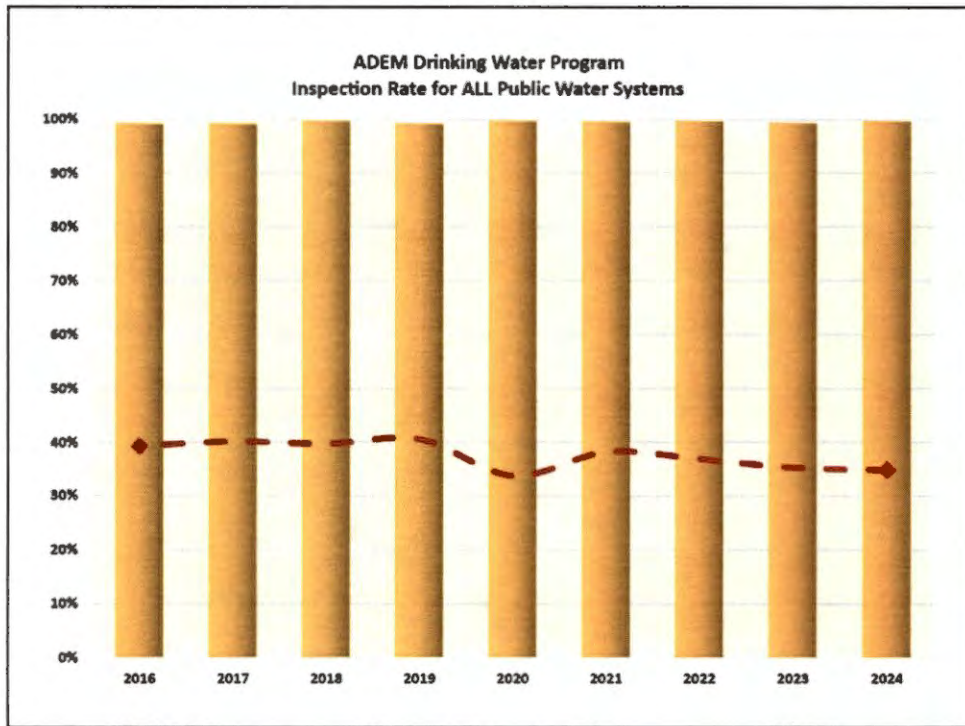
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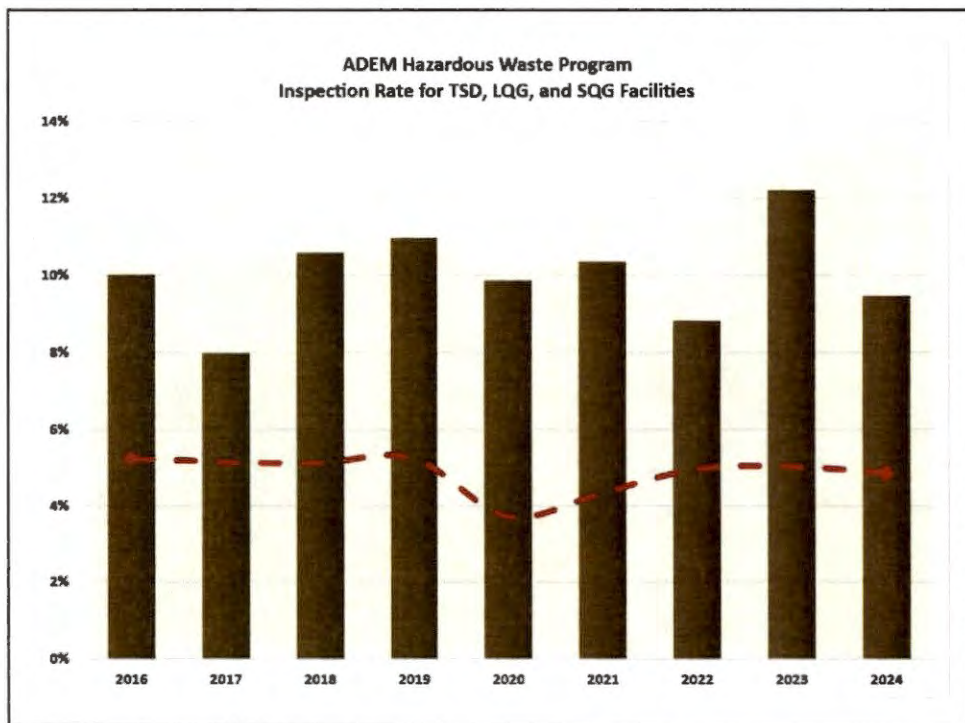
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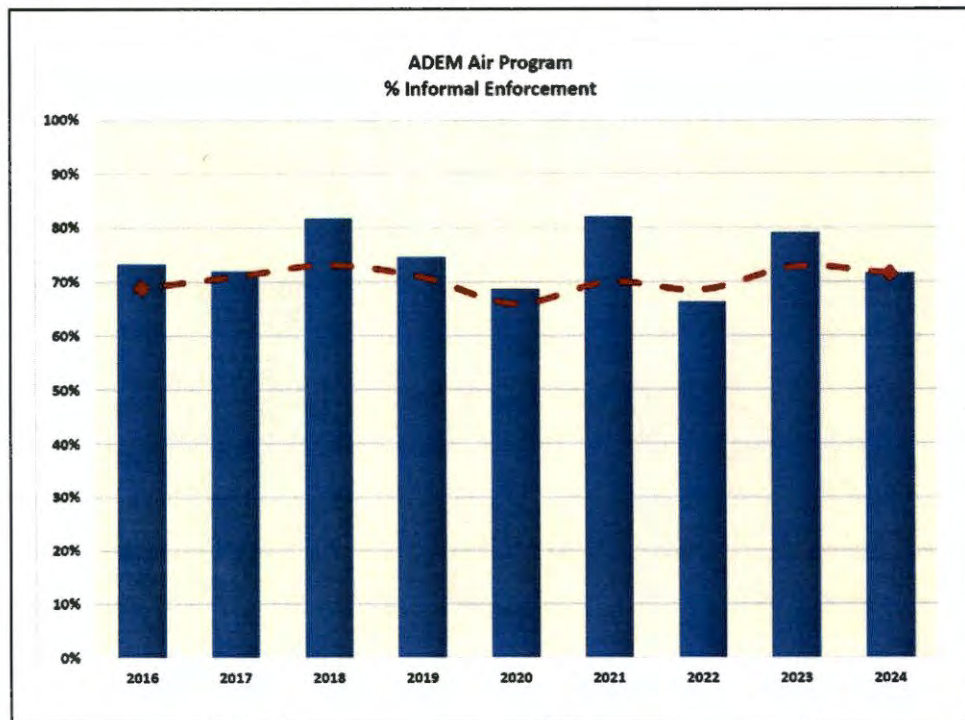
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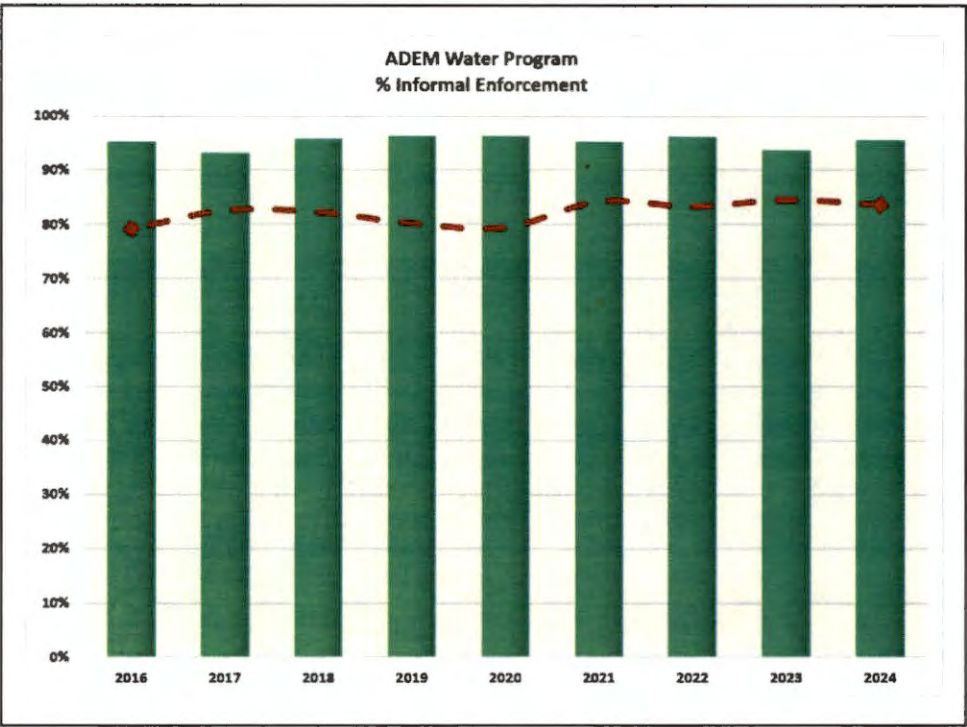
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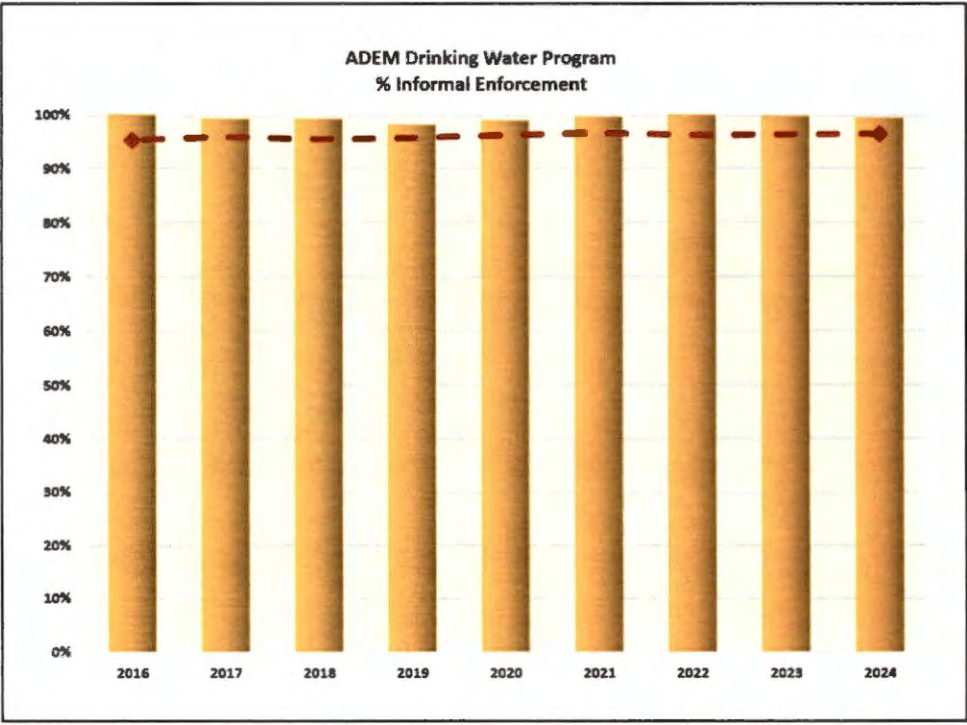
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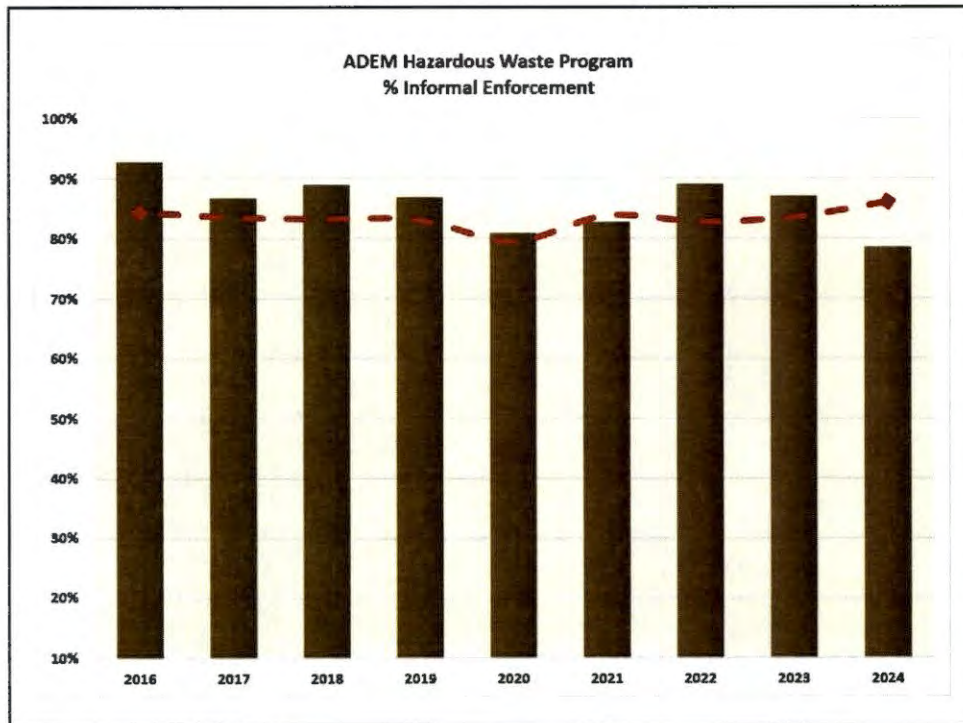
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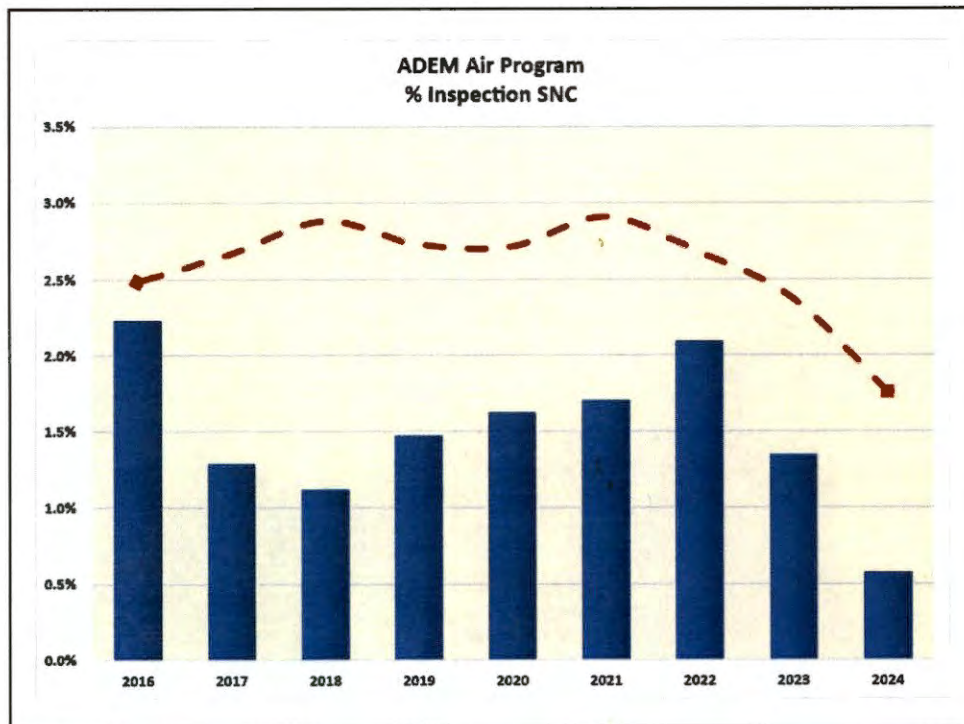


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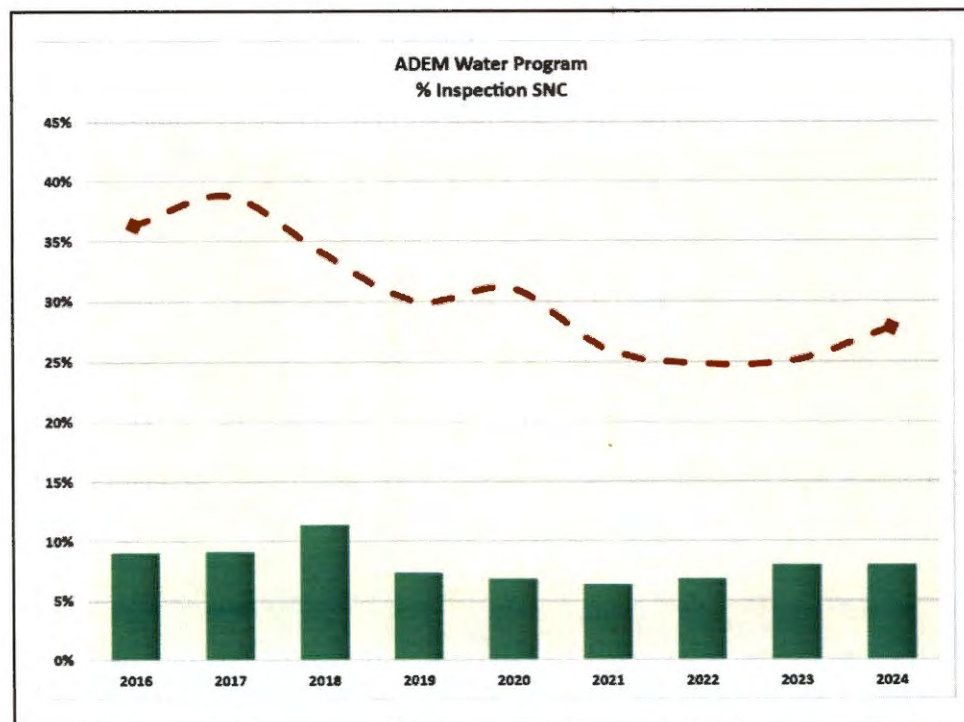
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Environmental Management

SIGNIFICANT
NON-COMPLIANCE

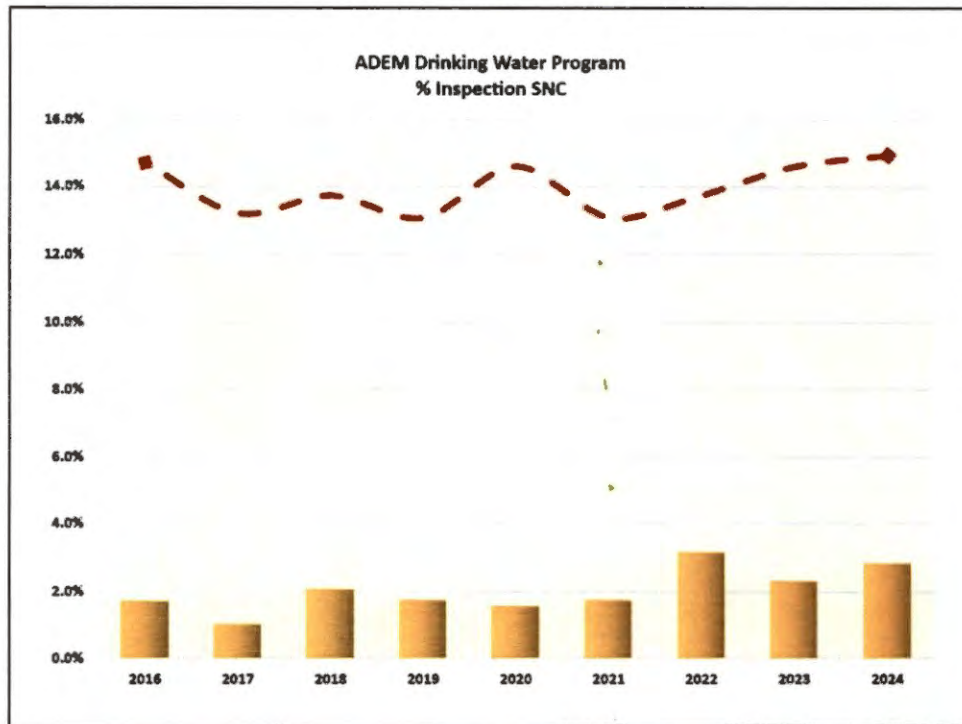
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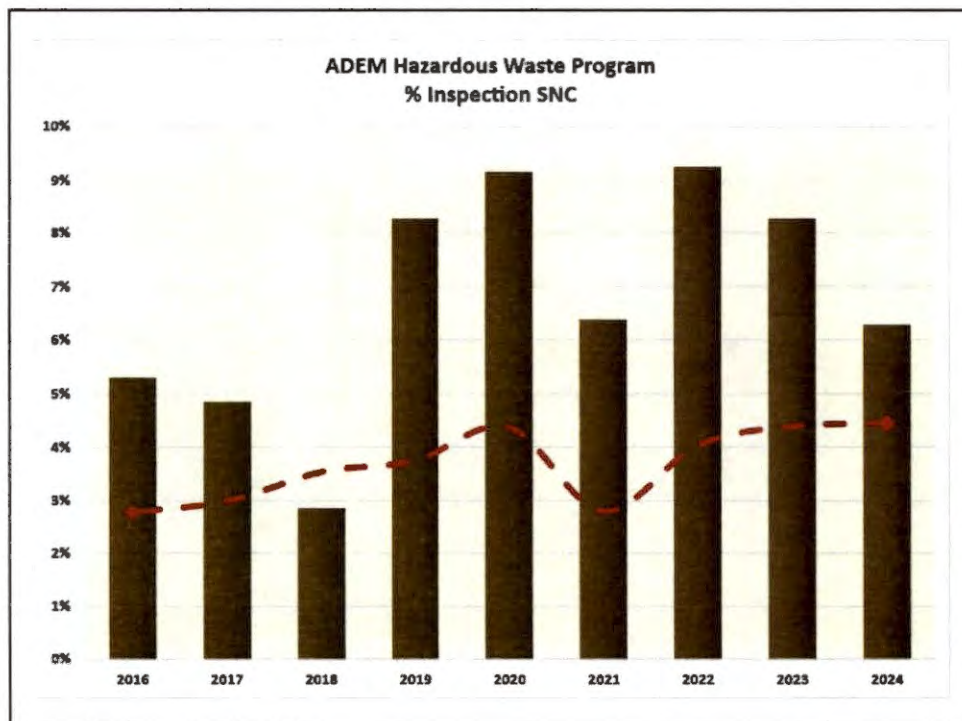
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Summary

- Regulated Universe Generally Steady
- High Rates of Inspections
- High Rates of Informal Enforce (Education)
- Low Rates of Serious Non-Compliance for Air, Water, Drinking Water
- Program to Reduce Hazardous SNCs
- Overall Out-perform Nation & Favorable Trends

Attachment 3

**ENVIRONMENTAL MANAGEMENT COMMISSION
RESOLUTION**

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-6 of the Department's Water Division's Water Quality Program Rules and Regulations in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

WHEREAS, a public hearing was held before a representative of the Alabama Department of Environmental Management designated by the Environmental Management Commission for the purpose of receiving data, views and arguments on the amendment of such proposed rules; and

WHEREAS, the Alabama Department of Environmental Management did not receive any written or oral comments at the public hearing or during the public comment period.

NOW THEREFORE, pursuant to Ala. Code. §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code. § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-6 [rules 335-6-10/ Water Quality Criteria (Amend); 335-6-11-.02/ Use Classifications (Amend)] of the Department's Water Quality Program rules, administrative code attached hereto, to become effective forty-five days, unless otherwise indicated, after filing with the Alabama Legislative Services Agency.

Environmental Management Commission Resolution
Page 2

ADEM Admin. Code division 335-6 – Water Quality Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 11th day of April,
2025.

APPROVED:



Mary J. Merritt, Commissioner



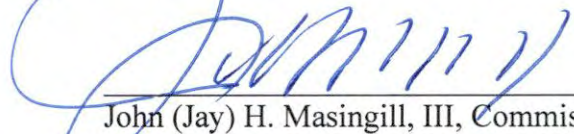
H. Lanier Brown, II, Commissioner



J. Patrick Tucker, Commissioner



Kevin McKinstry, Commissioner



John (Jay) H. Masingill, III, Commissioner



Ruby L. Perry, Commissioner



A. Frank McFadden, Commissioner

DISAPPROVED:

Mary J. Merritt, Commissioner

H. Lanier Brown, II, Commissioner

J. Patrick Tucker, Commissioner

Kevin McKinstry, Commissioner

John (Jay) H. Masingill, III, Commissioner

Ruby L. Perry, Commissioner

A. Frank McFadden, Commissioner

Environmental Management Commission Resolution
Page 3

ABSTAINED:

Mary J. Merritt, Commissioner

H. Lanier Brown, II, Commissioner

J. Patrick Tucker, Commissioner

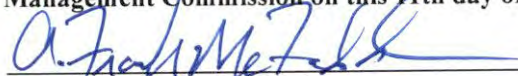
Kevin McKinstry, Commissioner

John (Jay) H. Masingill, III, Commissioner

Ruby L. Perry, Commissioner

A. Frank McFadden, Commissioner

This is to certify that this Resolution is a true and accurate
account of the actions taken by the Environmental
Management Commission on this 11th day of April 2025.



A. Frank McFadden, Chair
Environmental Management Commission
Certified this 11th day of April 2025

APA-3

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on , and filed with the agency secretary on .

AGENCY NAME: Alabama Department of Environmental Management Water Division - Water Quality Program

INTENDED ACTION: Amend

RULE NO.: Chapter 335-6-10

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

RULE TITLE: Water Quality Criteria

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted with changes. Comments proposed further clarification to the definition of "Coastal Waters" and requested clarification on how rule revisions may be implemented in NPDES permitting.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLIII, ISSUE NO. 3, AAM,
DATED TUESDAY, DECEMBER 31, 2024.

STATUTORY RULEMAKING AUTHORITY: _____

(Date Filed)
(For LRS Use Only)

Certifying Officer or his or her
Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

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-.06	Minimum Conditions Applicable To All State Waters
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335-6-10-.12	Implementation Of The Antidegradation Policy
335-6-10-A	Appendix A

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, ~~adjacent to the shoreline, and~~ lying seaward of the continuous 10--foot contour, including waters of the Mobile-Tensaw Delta and south of Interstate 65, ~~and spanning the Mobile-Tensaw Delta~~ extending seaward to the outer limit of the United States territorial sea ~~which contain a measurable quantity or percentage of sea water, including but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.~~

(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.

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

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:

$$\text{conc. } (\mu\text{g/l}) = (e^{(0.9789 [\ln(\text{hardness in mg/l as CaCO}_3)] - 3.866)})(CF); \quad (\text{Eq. 1})$$

$$\text{conversion factor } (CF) = 1.136672 - [\ln(\text{hardness})(0.041838)]$$

(ii) freshwater chronic aquatic life:

$$\text{conc. } (\mu\text{g/l}) = (e^{(0.7977 [\ln(\text{hardness in mg/l as CaCO}_3)] - 3.909)})(CF); \quad (\text{Eq. 2})$$

$$\text{conversion factor } (CF) = 1.101672 - [\ln(\text{hardness})(0.041838)]$$

2. Chromium (trivalent)

(i) freshwater acute aquatic life:

$$\text{conc. } (\mu\text{g/l}) = (e^{(0.8190 [\ln(\text{hardness in mg/l as CaCO}_3)] + 3.7256)})(CF); \quad (\text{Eq. 3})$$

$$\text{conversion factor } (CF) = 0.316$$

(ii) freshwater chronic aquatic life:

$$\text{conc. } (\mu\text{g/l}) = (e^{(0.8190 [\ln(\text{hardness in mg/l as CaCO}_3)] + 0.6848)})(CF); \quad (\text{Eq. 4})$$

$$\text{conversion factor } (CF) = 0.860$$

3. Copper

(i) freshwater acute aquatic life:

$$\text{conc. } (\mu\text{g/l}) = (e^{(0.9422 [\ln(\text{hardness in mg/l as CaCO}_3)] - 1.700)})(CF); \quad (\text{Eq. 5})$$

$$\text{conversion factor } (CF) = 0.960$$

(ii) freshwater chronic aquatic life:

$$\text{conc. } (\mu\text{g/l}) = (e^{(0.8545 [\ln(\text{hardness in mg/l as CaCO}_3)] - 1.702)})(CF); \quad (\text{Eq. 6})$$

$$\text{conversion factor } (CF) = 0.960$$

4. Lead

(i) freshwater acute aquatic life:

$$\text{conc. } (\mu\text{g/l}) = (e^{(1.273[\ln(\text{hardness in mg/l as CaCO}_3)] - 1.460)})(CF); \text{ (Eq. 7)}$$

$$\text{conversion factor } (CF) = 1.46203 - [\ln(\text{hardness})(0.145712)]$$

(ii) freshwater chronic aquatic life:

$$\text{conc. } (\mu\text{g/l}) = (e^{(1.273[\ln(\text{hardness in mg/l as CaCO}_3)] - 4.705)})(CF); \text{ (Eq. 8)}$$

$$\text{conversion factor } (CF) = 1.46203 - [\ln(\text{hardness})(0.145712)]$$

5. Nickel

(i) freshwater acute aquatic life:

$$\text{conc. } (\mu\text{g/l}) = (e^{(0.8460[\ln(\text{hardness in mg/l as CaCO}_3)] + 2.255)})(CF); \text{ (Eq. 9)}$$

$$\text{conversion factor } (CF) = 0.998$$

(ii) freshwater chronic aquatic life:

$$\text{conc. } (\mu\text{g/l}) = (e^{(0.8460[\ln(\text{hardness in mg/l as CaCO}_3)] + 0.0584)})(CF); \text{ (Eq. 10)}$$

$$\text{conversion factor } (CF) = 0.997$$

6. Pentachlorophenol

(i) freshwater acute aquatic life:

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

(ii) freshwater chronic aquatic life:

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

7. Silver

(i) freshwater acute aquatic life:

$$\text{conc. } (\mu\text{g/l}) = (e^{(1.72[\ln(\text{hardness in mg/l as CaCO}_3)] - 6.59)})(CF); \text{ (Eq. 13)}$$

$$\text{conversion factor } (CF) = 0.85$$

8. Zinc

(i) freshwater acute aquatic life:

$$\text{conc. } (\mu\text{g/l}) = (e^{(0.8473[\ln(\text{hardness in mg/l as CaCO}_3)] + 0.884)})(CF); \text{ (Eq. 14)}$$

$$\text{conversion factor } (CF) = 0.978$$

(ii) freshwater chronic aquatic life:

$$\text{conc. } (\mu\text{g/l}) = (e^{(0.8473[\ln(\text{hardness in mg/l as CaCO}_3)] + 0.884)})(CF); \text{ (Eq. 15)}$$

$$\text{conversion factor (CF)} = 0.986$$

(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:

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

(ii) Consumption of fish only:

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

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:

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

(ii) Consumption of fish only:

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

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 = 1×10^{-5})	340 (tri)	150 (tri)	69 (tri)	36 (tri)	Eq. 18	Eq. 19
Asbestos					7,000,000 fibers/l (MCL)	

Pollutant	Aquatic Life Criteria				Human Health Criteria	
	(in µg/l unless otherwise noted)				(in µg/l unless otherwise noted)	
	Freshwater Acute	Freshwater Chronic	Marine Acute	Marine Chronic	Consumption of Water and Fish	Consumption of Fish Only
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
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

Pollutant	Aquatic Life Criteria				Human Health Criteria	
	(in µg/l unless otherwise noted)				(in µg/l unless otherwise noted)	
	Freshwater Acute	Freshwater Chronic	Marine Acute	Marine Chronic	Consumption of Water and Fish	Consumption of Fish Only
2-Chlorophenol					Eq. 16	Eq. 17
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
2,4-Dichlorophenol					Eq. 16	Eq. 17
1,2 Dichloropropane ¹					Eq. 18	Eq. 19

Pollutant	Aquatic Life Criteria				Human Health Criteria	
	(in µg/l unless otherwise noted)				(in µg/l unless otherwise noted)	
	Freshwater Acute	Freshwater Chronic	Marine Acute	Marine Chronic	Consumption of Water and Fish	Consumption of Fish Only
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
Endrin	0.086	0.036	0.037	0.0023	Eq. 16	Eq. 17
Endrin aldehyde					Eq. 16	Eq. 17
Ethylbenzene					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
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
Hexachlorocyclohexane (gamma)	0.95		0.16		Eq. 16	Eq. 17
Hexachlorocyclopentadiene					Eq. 16	Eq. 17
Hexachloroethane ¹					Eq. 18	Eq. 19

Pollutant	Aquatic Life Criteria				Human Health Criteria	
	(in µg/l unless otherwise noted)				(in µg/l unless otherwise noted)	
	Freshwater Acute	Freshwater Chronic	Marine Acute	Marine Chronic	Consumption of Water and Fish	Consumption of Fish Only
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		
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

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
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
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

Pollutant	Aquatic Life Criteria				Human Health Criteria	
	(in µg/l unless otherwise noted)				(in µg/l unless otherwise noted)	
	Freshwater Acute	Freshwater Chronic	Marine Acute	Marine Chronic	Consumption of Water and Fish	Consumption of Fish Only
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
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

Pollutant	Aquatic Life Criteria				Human Health Criteria	
	(in µg/l unless otherwise noted)				(in µg/l unless otherwise noted)	
	Freshwater Acute	Freshwater Chronic	Marine Acute	Marine Chronic	Consumption of Water and Fish	Consumption of Fish Only
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.

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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 BOD₅ 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.

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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.

***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/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.

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 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.

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/l, as measured at the deepest point, main river channel, power dam forebay; or 20 µg/l, 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/l 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 to 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, dam forebay; or 12µg/l, as measured at the deepest point, main river channel, immediately upstream of the Tallapoosa River - Little Tallapoosa River conference.

(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. Coffeetown Lake: those waters impounded by Coffeetown 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 *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 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 *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 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 Beville 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.

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.

APPENDIX A

POLLUTANT	CAS Registry Number	REFERENCE DOSE mg (kg- day)	CANCER POTENCY FACTOR (kg- day) /mg	BIO- CONCENTRATION FACTOR 1/kg	RELATIVE SOURCE CONTRIBUTION
Acenaphthene	83329	0.06		242	1.0
Acrolein	107028	0.00056		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		0.67	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	0.003		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.

APA-3

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on , and filed with the agency secretary on .

AGENCY NAME: Department of Environmental Management Water Division -
Water Quality Program

INTENDED ACTION: Amend

RULE NO.: 335-6-11-.02
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

RULE TITLE: Use Classifications

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted without changes. Comments objected to the removal of Public Water Supply use classification from specific waterbodies.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLIII, ISSUE NO. 3, AAM,
DATED TUESDAY, DECEMBER 31, 2024.

STATUTORY RULEMAKING AUTHORITY: _____

(Date Filed)
(For LRS Use Only)

Certifying Officer or his or her
Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

335-6-11-.02

Use Classifications.

(1) THE ALABAMA RIVER BASIN

INTERSTATE WATERS

Waterbody	From	To	Classification
ALABAMA RIVER	MOBILE RIVER	Claiborne Lock and Dam	F&W
ALABAMA RIVER (Claiborne Lake)	Claiborne Lock and Dam	Alabama and Gulf Coast Railway	S/F&W
ALABAMA RIVER (Claiborne Lake)	Alabama and Gulf Coast Railway	River Mile 122	F&W
ALABAMA RIVER (Claiborne Lake)	River Mile 122	Millers Ferry Lock and Dam	PWS
ALABAMA RIVER (Dannelly Lake)	Millers Ferry Lock and Dam	Sixmile Creek	S/F&W
ALABAMA RIVER (Dannelly Lake)	Sixmile Creek	Robert F Henry Lock and Dam	F&W
ALABAMA RIVER (Woodruff Lake)	Robert F Henry Lock and Dam	Pintlala Creek	S/F&W
ALABAMA RIVER (Woodruff Lake)	Pintlala Creek	Its source	F&W
Little River	ALABAMA RIVER	Its source	S/F&W
Chitterling Creek (Little River Lake)	Within Little River State Forest	Within Little River State Forest	S/F&W
Randons Creek	Lovetts Creek	Its source	F&W
Bear Creek	Randons Creek	Its source	F&W
Limestone Creek	ALABAMA RIVER	Its source	F&W
Double Bridges Creek	Limestone Creek	Its source	F&W
Hudson Branch	Limestone Creek	Its source	F&W
Big Flat Creek	ALABAMA RIVER	Its source	F&W
Pursley Creek	Claiborne Lake	Its source	F&W
Beaver Creek (Claiborne Lake)	ALABAMA RIVER	Extent of reservoir	F&W
Beaver Creek	Claiborne Lake	Its source	F&W
Cub Creek	Beaver Creek	Its source	F&W
Turkey Creek	Beaver Creek	Its source	F&W
Rockwest Creek	Claiborne Lake	Its source	F&W
Pine Barren Creek	Dannelly Lake	Its source	S/F&W
Chilatchee Creek	Dannelly Lake	Its source	S/F&W
Bogue Chitto Creek	Dannelly Lake	Its source	F&W
Sand Creek	Bogue Chitto Creek	Its source	F&W
Cedar Creek	Dannelly Lake	Its source	S/F&W
Valley Creek	Dannelly Lake	Selma-Summerfield Road	F&W
Valley Creek	Selma-Summerfield Road	Valley Creek Lake Dam	S/F&W

Waterbody	From	To	Classification
Valley Creek (Valley Creek Lake)	Within Paul M Grist State Park	Within Paul M Grist State Park	S/F&W
Mulberry Creek	Dannelly Lake	Harris Branch (Dallas County)	S/F&W
Mulberry Creek	Harris Branch (Dallas County)	Its source	F&W
Gale Creek	Mulberry Creek	Its source	F&W
Charlotte Creek	Gale Creek	Its source	F&W
Big Swamp Creek	Dannelly Lake	Its source	S/F&W
Swift Creek	Woodruff Lake	Its source	S/F&W
Pintlala Creek	Woodruff Lake	Its source	S/F&W
Autauga Creek	Woodruff Lake	Matthews Branch	F&W
Autauga Creek	Matthews Branch	Its source	S/F&W
Catoma Creek	Woodruff Lake	Its source	F&W
Mortar Creek	ALABAMA RIVER	Its source	F&W

(2) THE BLACK WARRIOR RIVER BASIN

Waterbody	From	To	Classification
BLACK WARRIOR RIVER (Lake Demopolis)	TOMBIGBEE RIVER	Five miles upstream from Big Prairie Creek	S/F&W
BLACK WARRIOR RIVER (Lake Demopolis)	Five miles upstream from Big Prairie Creek	Eight miles upstream from Big Prairie Creek	PWS/S/F&W
BLACK WARRIOR RIVER (Lake Demopolis)	Eight miles upstream from Big Prairie Creek	Selden Lock and Dam	S/F&W
BLACK WARRIOR RIVER (Warrior Lake)	Selden Lock and Dam	Oliver Lock and Dam	F&W
BLACK WARRIOR RIVER (Oliver Lake)	Oliver Lock and Dam	Holt Lock and Dam	S/F&W
BLACK WARRIOR RIVER (Holt Lake)	Holt Lock and Dam	Bankhead Lock and Dam	S/F&W
BLACK WARRIOR RIVER (Bankhead Lake)	Bankhead Lock and Dam	Its source	PWS/S/F&W
Locust Fork (Bankhead Lake)	BLACK WARRIOR RIVER	Jefferson County Highway 61 (Maxine)	PWS/S/F&W
Locust Fork (Bankhead Lake)	Jefferson County Highway 61 (Maxine)	Village Creek	S/F&W
Locust Fork	Village Creek	Kelly Creek	S/F&W
Locust Fork	Kelly Creek	Slab Creek	F&W
Locust Fork	Slab Creek	Its source	S/F&W
Mulberry Fork (Bankhead Lake)	BLACK WARRIOR RIVER	Burnt Cane Creek	PWS/S/F&W
Mulberry Fork (Bankhead Lake)	Burnt Cane Creek	Frog Ague Creek	PWS/F&W

Waterbody	From	To	Classification
Mulberry Fork (Bankhead Lake)	Frog Ague Creek	Sipsey Fork	PWS/F&W
Mulberry Fork	Sipsey Fork	Its source	F&W
Sipsey Fork (Bankhead Lake)	Mulberry Fork	Lewis Smith Dam	PWS/F&W
Sipsey Fork (Smith Lake)	Lewis Smith Dam	Three miles upstream from Lewis Smith Dam	PWS/S/F&W
Sipsey Fork (Smith Lake)	Three miles upstream from Lewis Smith Dam	Extent of reservoir	S/F&W
Sipsey Fork	Smith Lake	Sandy Creek	F&W
Sipsey Fork and tributaries	Sandy Creek	Its source	S/F&W ¹
Big Prairie Creek	Demopolis Lake	Its source	F&W
Cottonwood Creek	Big Prairie Creek	Its source	F&W
White Creek	Demopolis Lake	Its source	F&W
Big Brush Creek	Warrior Lake	Its source	F&W
Colwell Creek	Big Brush Creek	Its source	F&W
Minter Creek	Warrior Lake	Its source	F&W
Fivemile Creek	Warrior Lake	Payne Lake Dam	F&W
Fivemile Creek (Payne Lake)	Payne Lake Dam	Extent of reservoir	S
Elliotts Creek	Warrior Lake	Its source	F&W
Cypress Creek	Warrior Lake	Its source	F&W
North River	Oliver Lake	Lake Tuscaloosa Dam	F&W
North River (Lake Tuscaloosa)	Lake Tuscaloosa Dam	Binion Creek	PWS/S
North River (Lake Tuscaloosa)	Binion Creek	Extent of reservoir	F&W
North River	Lake Tuscaloosa	Ellis Creek	F&W
North River	Ellis Creek	Its source	S/F&W
Binion Creek	Lake Tuscaloosa	Its source	F&W
Cedar Creek	North River	Its source	F&W
Clear Creek	North River	Bugs Lake Dam	F&W
Clear Creek (Bugs Lake)	Bugs Lake Dam	Its source	PWS
Hurricane Creek	Oliver Lake	Its source	F&W
Yellow Creek	Oliver Lake	Lake Harris Dam	F&W
Yellow Creek (Lake Harris)	Lake Harris Dam	Lake Nicol Dam	PWS
Yellow Creek (Lake Nicol)	Lake Nicol Dam	Extent of reservoir	PWS
Yellow Creek	Lake Nicol	Its source	PWS
Davis Creek	Holt Lake	Its source	F&W
Blue Creek	Holt Lake	Its source	F&W
Big Yellow Creek (Bankhead Lake)	BLACK WARRIOR RIVER	Extent of reservoir	S/F&W

Waterbody	From	To	Classification
Big Yellow Creek	Bankhead Lake	Its source	S/F&W
Valley Creek (Bankhead Lake)	Black Warrior River	Extent of reservoir	S/F&W
Valley Creek	Bankhead Lake	Mud Creek	F&W
Valley Creek	Mud Creek	Rock Creek	S/F&W
Valley Creek	Rock Creek	Blue Creek	F&W
Valley Creek	Blue Creek	Its source	LWF
Opossum Creek	Valley Creek	Its source	A&I
Village Creek	Locust Fork	Bayview Lake Dam	S/F&W
Village Creek (Bayview Lake)	Bayview Lake Dam	Extent of reservoir	LWF
Village Creek	Bayview Lake	Its source	LWF
Fivemile Creek	Locust Fork	Old Jasper Highway	S/F&W
Fivemile Creek	Old Jasper Highway	Alabama Highway 79	F&W
Fivemile Creek	Alabama Highway 79	Its source	S/F&W
Turkey Creek	Locust Fork	Its source	F&W
Cunningham Creek	Turkey Creek	Its source	F&W
Self Creek	Gurley Creek	Its source	F&W
Gurley Creek	Locust Fork	Its source	F&W
Little Warrior River	Locust Fork	Its source	F&W
Calvert Prong	Little Warrior River	Calvert Prong dam above US Highway 231	F&W
Calvert Prong	Calvert Prong dam above US Highway 231	Its source	PWS
Blackburn Fork	Little Warrior River	Inland Lake Dam	F&W
Blackburn Fork (Inland Lake)	Inland Lake Dam	Extent of reservoir	PWS/S
Blackburn Fork	Inland Lake	Its source	PWS/S
Chitwood Creek	Calvert Prong	Its source	F&W
Mill Creek	Chitwood Creek	Its source	F&W
Graves Creek	Locust Fork	Its source	F&W
Whippoorwill Creek	Wynnville Creek	Its source	F&W
Clear Creek	Locust Fork	Its source	F&W
Slab Creek	Locust Fork	Its source	F&W
Lost Creek	Mulberry Fork	Two miles upstream from Wolf Creek	S/F&W
Lost Creek	Two miles upstream from Wolf Creek	Cane Creek	F&W
Lost Creek	Cane Creek	Indian Creek	S/F&W
Lost Creek	Indian Creek	Cranford Creek	F&W
Lost Creek	Cranford Creek	Its source	S/F&W
Cane Creek (Oakman)	Lost Creek	Dixie Springs Road	F&W
Cane Creek (Oakman)	Dixie Springs Road	Alabama Highway 69	LWF
Cane Creek (Oakman)	Alabama Highway 69	Its source	F&W
Indian Creek	Lost Creek	Its source	F&W

Waterbody	From	To	Classification
Wolf Creek	Lost Creek	Its source	S/F&W
Burnt Cane Creek	Mulberry Fork	Its source	F&W
Cane Creek (Jasper)	Mulberry Fork	Town Creek	LWF
Cane Creek (Jasper)	Town Creek	Its source	F&W
Town Creek	Cane Creek	100 yards upstream of Norfolk Southern Railway	LWF
Town Creek	100 yards upstream of Norfolk Southern Railway	Its source	F&W
Blackwater Creek	Mulberry Fork	Its source	F&W
Mud Creek	Mulberry Fork	Its source	F&W
Broglan River	Mulberry Fork	Its source	F&W
Brindley Creek	Broglan River	Its source	PWS
Eightmile Creek	Broglan River	Lake Catoma Dam	F&W
Eightmile Creek (Lake Catoma)	Lake Catoma Dam	Extent of reservoir	PWS
Eightmile Creek	Lake Catoma	Its source	PWS
Bridge Creek	Eightmile Creek	George Lake Dam	F&W
Bridge Creek (George Lake)	George Lake Dam	Extent of reservoir	PWS
Adams Branch	George Lake	Its source	PWS
Pope Creek	George Lake	Its source	PWS
Blue Springs Creek	Mulberry Fork	Its source	F&W
Duck River	Mulberry Fork	Duck River Reservoir Dam	F&W
Duck River (Duck River Reservoir)	Duck River Reservoir Dam	Extent of reservoir	PWS/F&W
Duck River	Duck River Reservoir	Its source	F&W
Warrior Creek	Mulberry Fork	Its source	F&W
Tibb Creek	Mulberry Fork	Its source	F&W
Riley Maze Creek	Tibb Creek	Its source	F&W
Ryan Creek	Smith Lake	Its source	F&W
Crooked Creek	Smith Lake	Its source	F&W
Brushy Creek	Smith Lake	US Highway 278	PWS/F&W
Brushy Creek	US Highway 278	Its source	F&W
Clear Creek (Smith Lake)	Sipsey Fork	Extent of reservoir	PWS/S/F&W
Clear Creek	Smith Lake	Its source	F&W
Rock Creek	Smith Lake	Its source	F&W
Sandy Creek	Sipsey Fork	Its source	F&W
Curtis Mill Creek	Sandy Creek	Its source	F&W

Endnote 1 - The special designation of Outstanding National Resource Water applies to this segment.

(3) THE BLACKWATER RIVER BASIN

Waterbody	From	To	Classification
BLACKWATER RIVER	Alabama-Florida state line	Its source	F&W
Big Juniper Creek	Alabama-Florida state line	Its source	F&W
Sweetwater Creek	Alabama-Florida state line	Its source	F&W
Rock Creek	Alabama-Florida state line	Its source	F&W
Boggy Hollow Creek	Alabama-Florida state line	Its source	F&W

(4) THE CAHABA RIVER BASIN

Waterbody	From	To	Classification
CAHABA RIVER	ALABAMA RIVER	Junction of lower Little Cahaba River	OAW/S
CAHABA RIVER	Little Cahaba River (Bibb County)	Shelby County Road 52	OAW/F&W
CAHABA RIVER	Shelby County Road 52	Dam near US Highway 280	F&W
CAHABA RIVER	Dam near US Highway 280	Grants Mill Road	OAW/PWS
CAHABA RIVER	Grants Mill Road	US Highway 11	F&W
CAHABA RIVER	US Highway 11	Its source	OAW/F&W
Childers Creek	CAHABA RIVER	Its source	F&W
Oakmulgee Creek	CAHABA RIVER	Its source	S
Little Oakmulgee Creek	Oakmulgee Creek	Its source	S
Rice Creek	CAHABA RIVER	Its source	F&W
Waters Creek	CAHABA RIVER	Its source	S
Old Town Creek	CAHABA RIVER	Its source	S
Blue Girth Creek	CAHABA RIVER	Its source	S
Affonee Creek	CAHABA RIVER	Its source	S
Haysop Creek	CAHABA RIVER	Its source	F&W
Schultz Creek	CAHABA RIVER	Its source	S
Little Cahaba River (Bibb County)	CAHABA RIVER	Its source	OAW/F&W
Sixmile Creek	Little Cahaba River	Its source	S

Waterbody	From	To	Classification
Mahan Creek	Little Cahaba River	Its source	F&W
Shoal Creek	Little Cahaba River	Its source	F&W
Caffee Creek	CAHABA RIVER	Its source	F&W
Shades Creek	CAHABA RIVER	Its source	F&W
Buck Creek	CAHABA RIVER	Its source	F&W
Cahaba Valley Creek	Buck Creek	Its source	F&W
Peavine	Buck Creek	Its source	F&W
Oak Mountain State Park Lakes			F&W
Patton Creek	CAHABA RIVER	Its source	F&W
Little Shades Creek	CAHABA RIVER	Its source	F&W
Little Cahaba River (Jefferson-Shelby Counties)	CAHABA RIVER	Lake Purdy Dam	PWS
Little Cahaba River (Lake Purdy)	Lake Purdy Dam	Extent of reservoir	PWS
Little Cahaba River (Jefferson County)	Lake Purdy	Its source	F&W

(5) THE CHATTAHOOCHEE RIVER BASIN

Waterbody	From	To	Classification
CHATTAHOOCHEE RIVER	Alabama-Florida state line	Woods Branch	F&W
CHATTAHOOCHEE RIVER	Woods Branch	Walter F George Dam	S/F&W
CHATTAHOOCHEE RIVER (Walter F George Lake)	Walter F George Dam	Cowikey Creek	S/F&W
CHATTAHOOCHEE RIVER (Walter F George Lake)	Cowikey Creek	14th Street Bridge between Columbus and Phenix City	F&W
CHATTAHOOCHEE RIVER	14th Street Bridge between Columbus and Phenix City	Oliver Dam	PWS/S/F&W
CHATTAHOOCHEE RIVER (Lake Oliver)	Oliver Dam	Goat Rock Dam	PWS/S/F&W
CHATTAHOOCHEE RIVER (Goat Rock Lake)	Goat Rock Dam	Bartletts Ferry Dam	PWS/S/F&W
CHATTAHOOCHEE RIVER (Lake Harding)	Bartletts Ferry Dam	Osanippa Creek	PWS/S/F&W
CHATTAHOOCHEE RIVER (Lake Harding)	Osanippa Creek	Johnson Island	F&W
CHATTAHOOCHEE RIVER	Johnson Island	River Mile 197.2	F&W
CHATTAHOOCHEE RIVER	River Mile 197.2	West Point Dam	PWS

Waterbody	From	To	Classification
CHATTAHOOCHEE RIVER (West Point Lake)	West Point Dam	Extent of reservoir in Alabama	S/F&W
Oseligee Creek	Alabama-Georgia state line	Its source	F&W
Wehadkee Creek	Alabama-Georgia state line	Its source	F&W
Finley Creek	Stroud Creek	Its source	F&W
Hardley Creek	Alabama-Georgia State line	Its source	F&W
Veasey Creek	Alabama-Georgia State line	Its source	F&W
Omusee Creek	CHATTAHOOCHEE RIVER	Its source	F&W
Spivey Mill Creek	Omusee Creek	Its source	F&W
Abbie Creek	CHATTAHOOCHEE RIVER	Its source	F&W
Skippers Creek	Abbie Creek	Its source	F&W
Vann Mills Creek	Abbie Creek	Its source	F&W
Cheneyhatchee Creek	Walter F George Lake	Its source	S/F&W
Barbour Creek	Walter F George Lake	Its source	F&W
Chewalla Creek	Walter F George Lake	Its source	S/F&W
Cowikey Creek (Walter F George Lake)	CHATTAHOOCHEE RIVER	Its source	S/F&W
North Fork of Cowikey Creek	Walter F George Lake	Its source	F&W
Middle Fork of Cowikey Creek	North Fork of Cowikey Creek	Its source	S/F&W
Hurtsboro Creek	North Fork of Cowikey Creek	Its source	F&W
South Fork of Cowikey Creek	Walter F George Lake	Its source	S/F&W
Hatchechubbee Creek	CHATTAHOOCHEE RIVER	Russell County Highway 4, west of Pittsview	S/F&W
Hatchechubbee Creek	Russell County Highway 4, west of Pittsview	Its source	F&W
Ihagee Creek	CHATTAHOOCHEE RIVER	Its source	S/F&W
Uchee Creek	Walter F George Lake	Its source	S/F&W
Halawakee Creek (Lake Harding)	CHATTAHOOCHEE RIVER	Three miles upstream of Lee County Road 279	PWS/F&W
Halawakee Creek	Three miles upstream of Lee County Road 279	Its source	F&W
Osanippa Creek	Lake Harding	Its source	F&W
Kellum Hill Creek	Oseligee Creek	Its source	F&W
Allen Creek	Oseligee Creek	Its source	F&W
Moore's Creek	CHATTAHOOCHEE RIVER	Its source	F&W

Waterbody	From	To	Classification
Guss Creek	Wehadkee Creek	Its source	F&W
Gladney Mill Branch	Guss Creek	Its source	F&W

(6) THE CHIPOLA RIVER BASIN

Waterbody	From	To	Classification
Big Creek	Marshall Creek	Its source	F&W
Buck Creek	Alabama-Florida state line	Its source	F&W
Cowarts Creek	Alabama-Florida state line	Its source	F&W
Limestone Creek	Big Creek	Its source	F&W
Cypress Creek	Limestone Creek	Its source	F&W
Rocky Creek	Cowarts Creek	Its source	F&W

(7) THE CHOCTAWHATCHEE RIVER BASIN

Waterbody	From	To	Classification
Pea River	CHOCTAWHATCHEE RIVER	Laddon Creek	F&W
Pea River	Laddon Creek	Alabama-Florida state line	S/F&W
Pea River	Alabama-Florida state line	Flat Creek	S/F&W
Pea River	Flat Creek	Snake Branch	F&W
Pea River	Snake Branch	Bucks Mill Creek	S/F&W
Pea River	Bucks Mill Creek	US Highway 84	F&W
Pea River	US Highway 84	Red Oak Creek	S/F&W
Pea River	Red Oak Creek	Halls Creek	F&W
Pea River	Halls Creek	US Highway 231	S/F&W
Pea River	US Highway 231	Pike/Barbour County Road 77	F&W
Pea River	Pike/Barbour County Road 77	Kaiser Branch	S/F&W
Pea River	Kaiser Branch	Buckhorn Creek	F&W
Pea River	Buckhorn Creek	Connors Creek	S/F&W
Pea River	Connors Creek	Its source	F&W
CHOCTAWHATCHEE RIVER	Alabama-Florida state line	Alabama Highway 12	S/F&W
CHOCTAWHATCHEE RIVER	Alabama Highway 12	Brooking Mill Creek	F&W
CHOCTAWHATCHEE RIVER	Brooking Mill Creek	Its Source	S/F&W
Wrights Creek	Alabama-Florida state line	Its Source	F&W
Holmes Creek	Alabama-Florida state line	Its Source	F&W
Tenmile Creek	Alabama-Florida state line	Its Source	F&W

Waterbody	From	To	Classification
Sandy Creek	Pea River	Its source	F&W
Flat Creek	Pea River	Eightmile Creek	F&W
Flat Creek	Eightmile Creek	Its source	S/F&W
Eightmile Creek	Flat Creek	Alabama-Florida state line	F&W
Corner Creek	Corner Creek	Its source	F&W
Cripple Creek	Pea River	Its source	F&W
Samson Branch	Pea River	Its source	F&W
Whitewater Creek	Pea River	Its source	F&W
Big Creek	Whitewater Creek	Its source	F&W
Walnut Creek	Whitewater Creek	Its source	F&W
Mims Creek	Whitewater Creek	Its source	F&W
Pea Creek	Pea River	Its source	F&W
Double Bridges Creek	CHOCTAWHATCHEE RIVER	Its source	F&W
Blanket Creek	Double Bridges Creek	Its source	F&W
Claybank Creek	CHOCTAWHATCHEE RIVER	Lake Tholocco Dam	F&W
Claybank Creek (Lake Tholocco)	Lake Tholocco Dam	Extent of reservoir	S/F&W
Claybank Creek	Lake Tholocco	Its source	F&W
Harrand Creek	Claybank Creek	Its source	F&W
Indian Camp Creek	Harrand Creek	Its source	F&W
Hurricane Creek (Geneva County)	CHOCTAWHATCHEE RIVER	Its source	F&W
Cox Mill Creek	Hurricane Creek	Its source	F&W
Little Choctawhatchee River	CHOCTAWHATCHEE RIVER	Its source	F&W
Newton Creek	Little Choctawhatchee River	Its source	F&W
Beaver Creek	Newton Creek	Its source	F&W
Hurricane Creek (Dale County)	CHOCTAWHATCHEE RIVER	Its source	F&W
West Fork Choctawhatchee River	CHOCTAWHATCHEE RIVER	Big Creek	S/F&W
West Fork Choctawhatchee River	Big Creek	Judy Creek	F&W
West Fork Choctawhatchee River	Judy Creek	Its source	S/F&W
Judy Creek	West Fork Choctawhatchee River	Its source	F&W
Little Judy Creek	Judy Creek	Its source	F&W
Lindsey Creek	West Fork Choctawhatchee River	Its source	F&W
East Fork Choctawhatchee River	CHOCTAWHATCHEE RIVER	Its source	S/F&W
Blackwood Creek	East Fork Choctawhatchee River	Its source	F&W

(8) THE COOSA RIVER BASIN

Waterbody	From	To	Classification
COOSA RIVER	TALLAPOOSA RIVER	Dead River	F&W
COOSA RIVER	Dead River	Jordan Dam	S/F&W
COOSA RIVER (Jordan Lake)	Jordan Dam	Mitchell Dam	S/F&W
COOSA RIVER (Jordan Lake)	Bouldin Dam	Alabama Highway 111	PWS/S/F&W
COOSA RIVER (Mitchell Lake)	Mitchell Dam	Lay Dam	PWS/S/F&W
COOSA RIVER (Lay Lake)	Lay Dam	Southern RR Bridge (1-1/3 miles above Yellowleaf Creek)	PWS/S/F&W
COOSA RIVER (Lay Lake)	Southern RR Bridge (1-1/3 miles above Yellowleaf Creek)	River Mile 89 (1-1/2 miles above Talladega Creek)	S/F&W ¹
COOSA RIVER (Lay Lake)	River Mile 89 (1-1/2 miles above Talladega Creek)	Logan Martin Dam	PWS/S/F&W
COOSA RIVER (Logan Martin Lake)	Logan Martin Dam	Broken Arrow Creek	S/F&W
COOSA RIVER (Logan Martin Lake)	Broken Arrow Creek	Trout Creek	PWS/S/F&W
COOSA RIVER (Logan Martin Lake)	Trout Creek	Neely Henry Dam	S/F&W
COOSA RIVER (Neely Henry Lake)	Neely Henry Dam	McCardney's Ferry (3 miles upstream of Big Canoe Creek)	S/F&W
COOSA RIVER (Neely Henry Lake)	McCardney's Ferry (3 miles upstream of Big Canoe Creek)	City of Gadsden's water supply intake	F&W
COOSA RIVER (Neely Henry Lake)	City of Gadsden's water supply intake	Weiss Dam powerhouse	PWS/S/F&W
COOSA RIVER	Weiss Dam powerhouse	Sugar Creek	S/F&W
COOSA RIVER	Sugar Creek	Weiss Dam	F&W
COOSA RIVER (Weiss Lake)	Weiss Dam and Weiss Dam powerhouse	Spring Creek	PWS/S/F&W
COOSA RIVER (Weiss Lake)	Spring Creek	Alabama-Georgia state line	S/F&W
Bouldin Tailrace Canal (Callaway Creek)	COOSA RIVER	Bouldin Dam	F&W
Terrapin Creek	COOSA RIVER	Cherokee County Road 8	S/F&W
Terrapin Creek	Cherokee County Road 8	US Highway 278	F&W
Terrapin Creek	US Highway 278		PWS/S/F&W

Waterbody	From	To	Classification
		Calhoun County Road 70, east of Vigo	
Terrapin Creek	Calhoun County Road 70, east of Vigo	Alabama-Georgia state line	F&W
Little River and tributaries	Weiss Lake	Its source	S/F&W ²
East Fork Little River and tributaries	Little River	Alabama-Georgia state line	S/F&W ²
West Fork Little River and tributaries	Little River	Alabama-Georgia state line	S/F&W ²
Chattooga River (Weiss Lake)	COOSA RIVER	Extent of reservoir	S/F&W
Chattooga River	Weiss Lake	Alabama-Georgia state line	F&W
Spring Creek	Weiss Lake	Alabama-Georgia state line	F&W
Weoka Creek	Jordan Lake	Its source	S/F&W
Chestnut Creek	Jordan Lake	Its source	F&W
Hatchet Creek (Mitchell Lake)	COOSA RIVER	Extent of reservoir	S/F&W
Hatchet Creek	Mitchell Lake	Junction of East Fork Hatchet Creek and West Fork Hatchet Creek	OAW/S/F&W
East Fork Hatchet Creek	Hatchet Creek	Its source	OAW/F&W
West Fork Hatchet Creek	Hatchet Creek	Its source	OAW/F&W
Socapatoy Creek	Hatchet Creek	Its source	F&W
Weogufka Creek	Mitchell Lake	Its source	S/F&W
Walnut Creek (Mitchell Lake)	COOSA RIVER	Extent of reservoir	F&W
Walnut Creek	Mitchell Lake	Its source	F&W
Waxahatchee Creek (Lay Lake)	COOSA RIVER	Extent of reservoir	F&W
Waxahatchee Creek	Lay Lake	Its source	F&W
Buxahatchee Creek	Lay Lake	Its source	F&W
Yellowleaf Creek (Lay Lake)	COOSA RIVER	Extent of reservoir	S/F&W
Yellowleaf Creek	Lay Lake	Its source	S/F&W
Tallassee hatchee Creek	Lay Lake	Howard Dam	F&W
Tallassee hatchee Creek	Howard Dam	Its source	PWS/F&W
Shirtee Creek		Its source	F&W

Waterbody	From	To	Classification
	Tallassee hatchee Creek		
Talladega Creek	Lay Lake	Drivers Branch	F&W
Talladega Creek	Drivers Branch	Alabama Highway 77	PWS/F&W
Talladega Creek	Alabama Highway 77	Its source	F&W
Mump Creek	Talladega Creek	Mump Creek Reservoir Dam	F&W
Mump Creek (Mump Creek Reservoir)	Mump Creek Reservoir Dam	Extent of reservoir	PWS/F&W
Mump Creek	Mump Creek Reservoir	Its source	PWS/F&W
Kelly Creek	Lay Lake	Its source	S/F&W
Wolf Creek	Kelly Creek	Its source	F&W
Choccolocco Creek	Logan Martin Lake	Its source	F&W
Eastaboga Creek	Choccolocco Creek	Its source	F&W
Cheaha Creek	Choccolocco Creek	Chinnabee Dam	S/F&W
Cheaha Creek (Lake Chinnabee)	Chinnabee Dam	Extent of reservoir	S/F&W
Cheaha Creek	Lake Chinnabee	Its source	S/F&W
Kelly Creek	Cheaha Creek	Its source	F&W
Unnamed Tributary to Kelly Creek	Kelly Creek	Its source	F&W
Coldwater Spring Branch	Choccolocco Creek	Its source	F&W
Coldwater Spring			PWS/F&W
Snows Branch	Choccolocco Creek	Its source	F&W
Dye Creek	Logan Martin Lake	Its source	F&W
Cane Creek	Logan Martin Lake	Its source	F&W
Cave Creek	Cane Creek	Its source	F&W
Ohatchee Creek	Logan Martin Lake	Its source	S/F&W
Tallassee hatchee Creek	Ohatchee Creek	Its source	F&W
Big Canoe Creek	Neely Henry Lake	Its source	F&W
Little Canoe Creek	Big Canoe Creek	Its source	F&W
Spring Creek	Little Canoe Creek	Its source	F&W
Big Wills Creek	Neely Henry Lake	Little Sand Valley Creek	S/F&W
Big Wills Creek	Little Sand Valley Creek	100 yards below Allen Branch	F&W
Big Wills Creek	100 yards below Allen Branch	Its source	PWS/F&W
Black Creek	Neely Henry Lake	Its source	F&W
Allen Branch	Big Wills Creek	Fort Payne City Lake Dam	F&W
Allen Branch (Fort Payne City Lake)	Fort Payne City Lake Dam	Extent of reservoir	PWS/F&W
Allen Branch	Fort Payne City Lake	Its source	PWS/F&W

Waterbody	From	To	Classification
Hillabee Creek (Hillabee Lake)	Hillabee Lake Dam	Extent of reservoir	PWS/S/F&W
Shoal Creek	Choccolocco Creek	Whitesides Mill Lake Dam	S/F&W
Shoal Creek (Whitesides Mill Lake)	Whitesides Mill Lake Dam	Extent of reservoir	PWS/S/F&W
Shoal Creek	Whitesides Mill Lake	Highrock Lake Dam	OAW/S/F&W
Shoal Creek (Highrock Lake)	Highrock Lake Dam	Extent of reservoir	OAW/S/F&W
Shoal Creek	Highrock Lake	Sweetwater Lake Dam	OAW/S/F&W
Shoal Creek (Sweetwater Lake)	Sweetwater Lake Dam	Extent of reservoir	OAW/S/F&W
Shoal Creek	Sweetwater Lake	Its source	OAW/S/F&W
Coleman Lake	Coleman Lake Dam	Extent of reservoir	S/F&W
Ladiga Creek	Terrapin Creek	Terrapin Creek	PWS

Endnote 1 - Applicable dissolved oxygen level below existing impoundments is 4.0 mg/l.

Endnote 2 - The special designation of Outstanding National Resource Water applies to this segment.

(9) THE ESCAMBIA RIVER BASIN

Waterbody	From	To	Classification
CONECUH RIVER	Alabama-Florida state line	Point A Dam	F&W
CONECUH RIVER (Point A Lake)	Point A Dam	Extent of reservoir	S/F&W
CONECUH RIVER	Point A Lake	Gantt Dam	S/F&W
CONECUH RIVER (Gantt Lake)	Gantt Dam	Extent of reservoir	F&W
CONECUH RIVER	Gantt Lake	Its source	F&W
Little Escambia Creek	Alabama-Florida state line	Its source	F&W
Big Escambia Creek	Alabama-Florida state line	Its source	F&W
Pine Barren Creek	Alabama-Florida state line	Its source	F&W
Dixon Creek	Alabama-Florida state line	Its source	F&W
Canoe Creek	Alabama-Florida state line	Its source	F&W
Reedy Creek	Alabama-Florida state line	Its source	F&W
Beaverdam Creek	Alabama-Florida state line	Its source	F&W

Waterbody	From	To	Classification
Murder Creek	CONECUH RIVER	Its source	F&W
Mill Creek	Murder Creek	Its source	F&W
Sandy Creek	Mill Creek	Its source	F&W
Burnt Corn Creek	Murder Creek	Its source	S/F&W
Sepulga River	CONECUH RIVER	Its source	F&W
Pigeon Creek	Sepulga River	Its source	F&W
Persimmon Creek	Sepulga River	Its source	F&W
Rocky Creek	Persimmon Creek	Its source	F&W
Prestwood Creek	CONECUH RIVER	Its source	F&W
Patsaliga Creek	Point A Lake	Its source	F&W
Little Patsaliga Creek	Patsaliga Creek	Its source	S/F&W
Double Branch	CONECUH RIVER	Its source	F&W
Sizemore Creek	Big Escambia Creek	Its source	S/F&W
Wet Weather Creek	Sizemore Creek	Its source	F&W

(10) **THE ESCATAWPA RIVER BASIN**

COASTAL WATERS

Waterbody	FROM	TO	Classification
Mississippi Sound and contiguous waters excepting: that portion of Portersville Bay 1,000 feet on each side of a straight line connecting the shore at Bayou Coden to a lighted beacon (FLR 4 seconds "6") (Lat. 30°22'31.2"N/Long. 088°14'25.8"W) and lighted beacon (FL 4 seconds "1") (Lat. 30°22'23.7"N/Long. 088°14'34.8"W); that portion of Portersville Bay 1,000 feet on each side of a straight line connecting the shore at Bayou La Batre and lighted beacons (FR) (Lat. 30°23'11.0"N/Long. 088°16'09.6"W), and (FLR 4 seconds "6") (Lat. 30°21'05.2"N/1 Long. 088°17'02.2"W); and that portion of Bayou Aloe within 1,000 feet of the outfall (Lat. 30°15'52.0"N/Long. 088°07'02.1"W) of the Dauphin Island sewage treatment plant.			SH/S/F&W
Waters excepted in foregoing description of Portersville Bay and contiguous waters			F&W
West Fowl River	Fowl River Bay	Its source	S/F&W
Bayou Coden	Portersville Bay	Its source	F&W
Bayou La Batre	Portersville Bay	Its source	F&W
Little River	Portersville Bay	Its source	F&W

Note: Waters of the Escatawpa River Basin classified for SWIMMING AND OTHER WHOLE BODY WATER CONTACT SPORTS, SHELLFISH HARVESTING, and/or FISH AND WILDLIFE in which natural conditions provide appropriate habitat for shrimp and crabs are to be suitable for the propagation and harvesting of shrimp and crabs.

NON-COASTAL WATERS

Waterbody	From	To	Classification
Big Creek	Alabama-Mississippi state line	Big Creek Lake Dam	F&W
Big Creek (Big Creek Lake)	Big Creek Lake Dam	Extent of reservoir	PWS/F&W
Big Creek	Big Creek Lake	Its source	PWS/F&W
ESCATAWPA RIVER	Alabama-Mississippi state line	Its source	S/F&W
Puppy Creek	ESCATAWPA RIVER	Its source	F&W

(11) THE MOBILE RIVER-MOBILE BAY BASIN

COASTAL WATERS

Waterbody	From	To	Classification
MOBILE RIVER	Its mouth	Spanish River	LWF
MOBILE RIVER	Spanish River	I-65	F&W
Tensaw River	Apalachee River	I-65	OAW/S/F&W
Martin Branch	Red Hill Creek	10 feet above MSL	F&W
MOBILE BAY	West of a line drawn due south from the western shore of Chacaloochee Bay (Lat. 30°40'47.3"N/ Long. 87°59'44.2"W)	North of a line drawn due east of the mouth of Dog River (Lat. 30°33'53.2"N/Long. 88°05'15.3"W)	F&W
MOBILE BAY	South of a line drawn due east from the mouth of Dog River (Lat. 30°33'53.2"N/ Long. 088°05'15.3"W) and east of a line drawn due south from the western shore of Chacaloochee Bay (Lat. 30°40'47.3"N/Long. 087°59'44.2"W) and all other portions of MOBILE BAY		S/F&W

Waterbody	From	To	Classification
MOBILE BAY	All that portion lying south of a line extending in an easterly direction from the south bank of East Fowl River at its mouth (Lat. 30°27'03.1"N/ Long. 088°06'22.6"W) through lighted beacon (FL 2 seconds) (Lat. 30°27'07.5"N/Long. 088°05'39.3"W) to lighted beacon (FLG 4 seconds "23") (Lat. 30°27'18.3"N/ Long. 088°00'58.3"W) at the Mobile Ship Channel thence in a northeasterly direction to Daphne (Bench Mark 157, Lat. 30°36'07.5"N/Long. 087°54'16.4"W)		SH/F&W
Bon Secour Bay	In its entirety (east and south of a line connecting Mullet Point, Lat. 30°24'35.0"N/Long. 087°54'23.2"W, and Engineers Point, Lat. 30°13'50.1"N/Long. 088°01'26.2"W, at Fort Morgan)		SH/S/F&W
Oyster Bay south of the Intracoastal Waterway			SH/F&W
Coastal waters of the Gulf of Mexico contiguous to the State of Alabama			SH/S/F&W
Intracoastal Waterway	Bon Secour Bay	Alabama Highway 59	F&W
Bon Secour River	Bon Secour Bay	10 feet above MSL	S/F&W
Boggy Branch	Bon Secour River	10 feet above MSL	S/F&W

Waterbody	From	To	Classification
Weeks Bay	Bon Secour Bay	Fish River	S/F&W ¹
Magnolia River	Weeks Bay	10 feet above MSL	OAW/S/F&W
Fish River	Weeks Bay	10 feet above MSL	S/F&W
Turkey Branch	Fish River	10 feet above MSL	S/F&W
Waterhole Branch	Fish River	10 feet above MSL	S/F&W
Cowpen Creek	Fish River	10 feet above MSL	S/F&W
Polecat Creek	Fish River	10 feet above MSL	S/F&W
Point Clear Creek	MOBILE BAY	10 feet above MSL	F&W
Fly Creek	MOBILE BAY	10 feet above MSL	S/F&W
Rock Creek	MOBILE BAY	10 feet above MSL	F&W
D'Olive Creek	D'Olive Bay	Lake Forest Dam	F&W
East Fowl River	Fowl River	Its source	S/F&W
Fowl River	MOBILE BAY	10 feet above MSL	S/F&W
Deer River and its forks	MOBILE BAY	Their sources	F&W
Dog River	MOBILE BAY	Halls Mill Creek	S/F&W
Dog River	Halls Mill Creek	Its source	F&W
Halls Mill Creek	Dog River	10 feet above MSL	F&W
Alligator Bayou	Dog River	10 feet above MSL	F&W
Rabbit Creek	Dog River	10 feet above MSL	F&W
Rattlesnake Bayou	Rabbit Creek	10 feet above MSL	F&W
Robinson Bayou	Dog River	Its source	F&W
Threemile Creek	MOBILE RIVER	Mobile Street	A&I
Industrial Canal	Threemile Creek	Its source	A&I
Chickasaw Creek	MOBILE RIVER	US Highway 43	LWF
Hog Bayou	Chickasaw Creek	Its source	F&W
Little Lagoon (Baldwin County)	In its entirety		SH/S/F&W
Bayou Sara	MOBILE RIVER	US Highway 43	S/F&W
Bayou Sara	US Highway 43	10 feet above MSL	F&W
Gunnison Creek	Bayou Sara	10 feet above MSL	S/F&W
Steele Creek	Gunnison Creek	10 feet above MSL	S/F&W
Norton Creek	Bayou Sara	10 feet above MSL	F&W

NOTE: Waters of the Mobile River-Mobile Bay Basin classified for SWIMMING AND OTHER WHOLE BODY WATER-CONTACT SPORTS, SHELLFISH HARVESTING and/or FISH AND WILDLIFE in which natural conditions provide an appropriate habitat for shrimp and crabs are to be suitable for the propagation and harvesting of shrimp and crabs.

Endnote 1 - The special designation of Outstanding National Resource Water applies to this segment.

NON-COASTAL WATERS

Waterbody	From	To	Classification
MOBILE RIVER	I-65	Barry Steam Plant	F&W
MOBILE RIVER	Barry Steam Plant	Tensaw River	PWS/F&W
MOBILE RIVER	Tensaw River	Its source	F&W
Tensaw River	I-65	Briar Lake	OAW/S/F&W
Tensaw River	Briar Lake	Tensaw Lake	OAW/F&W
Briar Lake	Tensaw River	Tensaw Lake	OAW/F&W
Tensaw Lake	Tensaw River	Bryant Landing	OAW/F&W
Bon Secour River	10 feet above MSL	Its source	S/F&W
Boggy Branch	10 feet above MSL	Its source	S/F&W
Magnolia River	10 feet above MSL	Its source	OAW/S/F&W
Fish River	10 feet above MSL	Its source	S/F&W
Turkey Branch	10 feet above MSL	Its source	S/F&W
Waterhole Branch	10 feet above MSL	Its source	S/F&W
Cowpen Creek	10 feet above MSL	Its source	S/F&W
Fly Creek	10 feet above MSL	Its source	S/F&W
D'Olive Creek	Lake Forest Dam	Its source	F&W
Fowl River	10 feet above MSL	Its source	S/F&W
Polecat Creek	10 feet above MSL	Its source	S/F&W
Corn Branch	Fish River	Its source	F&W
Threemile Creek	Mobile Street	Its source	A&I
Gunnison Creek	10 feet above MSL	Its source	S/F&W
Steele Creek	10 feet above MSL	Its source	S/F&W
Chickasaw Creek	US Highway 43	University of Mobile	F&W
Chickasaw Creek	University of Mobile	Its source	S/F&W
Eight Mile Creek	Chickasaw Creek	City of Prichard's water supply intake	F&W
Eight Mile Creek	City of Prichard's water supply intake	US Highway 45	PWS/F&W
Eight Mile Creek	US Highway 45	Its source	F&W
Norton Creek	10 feet above MSL	Its source	F&W
Martin Branch	10 feet above MSL	Its source	F&W
Cold Creek	MOBILE RIVER	Its source	F&W

(12) THE PERDIDO RIVER BASIN

COASTAL WATERS

Waterbody	From	To	Classification
PERDIDO BAY and all connecting coves and bayous	Gulf of Mexico	Its source	SH/S/F&W
Intracoastal Waterway	Alabama Highway 59	Wolf Bay	F&W
Wolf Bay and all connecting coves and bayous	Intracoastal Waterway	Moccasin Bayou	OAW/SH/S/F&W
Wolf Bay and all connecting coves and bayous	Moccasin Bayou	Its source	SH/S/F&W
Bay La Launch and all connecting coves and bayous	Wolf Bay	Arnica Bay	SH/S/F&W
Arnica Bay and all connecting coves and bayous	Bay La Launch	PERDIDO BAY	SH/S/F&W
Miflin Creek	Wolf Bay	10 feet above MSL	S/F&W
Hammock Creek	Wolf Bay	10 feet above MSL	S/F&W
Palmetto Creek	PERDIDO BAY	10 feet above MSL	S/F&W
Spring Branch	PERDIDO BAY	10 feet above MSL	S/F&W
Soldier Creek	PERDIDO BAY	10 feet above MSL	S/F&W
PERDIDO RIVER	PERDIDO BAY	10 feet above MSL	F&W
Wolf Creek	Wolf Bay	10 feet above MSL	F&W
Sandy Creek	Wolf Bay	10 feet above MSL	S/F&W
Blackwater River	PERDIDO BAY	10 feet above MSL	F&W
Styx River	PERDIDO BAY	10 feet above MSL	F&W
Shelby Lakes	Within Gulf State Park		S/F&W
Coastal waters of the Gulf of Mexico Contiguous to the State of Alabama			SH/S/F&W

NOTE: Waters of the Perdido River Basin classified for SWIMMING AND OTHER WHOLE BODY WATER-CONTACT SPORTS, SHELLFISH HARVESTING and/or FISH AND WILDLIFE in which natural conditions provide an appropriate habitat for shrimp and crabs are to be suitable for the propagation and harvesting of shrimp and crabs.

NON-COASTAL WATERS

Waterbody	From	To	Classification
PERDIDO RIVER	10 feet above MSL	Its source	F&W
Mifflin Creek	10 feet above MSL	Its source	F&W
Hammock Creek	10 feet above MSL	Its source	S/F&W
Blackwater River	10 feet above MSL	Its source	F&W
Perdido Creek	PERDIDO RIVER	Its source	F&W
Brushy Creek	Alabama-Florida state line	Its source	F&W
Palmetto Creek	10 feet above MSL	Its source	S/F&W
Spring Branch	10 feet above MSL	Its source	S/F&W
Soldier Creek	10 feet above MSL	Its source	S/F&W
Negro Creek	Blackwater River	Its source	F&W
Rock Creek	Blackwater River	Its source	F&W
Styx River	10 feet above MSL	Hollinger Creek	F&W
Styx River	Hollinger Creek	Its source	S/F&W
Hollinger Creek	Styx River	Its source	F&W
Dyas Creek	PERDIDO RIVER	Its source	S/F&W

(13) THE TALLAPOOSA RIVER BASIN

Waterbody	From	To	Classification
TALLAPOOSA RIVER	ALABAMA RIVER	US Highway 231	F&W
TALLAPOOSA RIVER	US Highway 231	Thurlow Dam	PWS/F&W
TALLAPOOSA RIVER (Thurlow Lake)	Thurlow Dam	Yates Dam	PWS/S/F&W
TALLAPOOSA RIVER (Yates Lake)	Yates Dam	Martin Dam	PWS/S/F&W
TALLAPOOSA RIVER (Lake Martin)	Martin Dam	US Highway 280	S/F&W ¹
TALLAPOOSA RIVER (Lake Martin)	US Highway 280	Hillabee Creek	PWS/S/F&W ¹
TALLAPOOSA RIVER (Lake Martin)	Hillabee Creek	Irwin Shoals	S/F&W ¹
TALLAPOOSA RIVER	Irwin Shoals	R L Harris Dam	F&W
TALLAPOOSA RIVER (R L Harris Lake)	R L Harris Dam	Four miles upstream of Randolph County Road 88 (Lee Bridge)	S/F&W
TALLAPOOSA RIVER	Four miles upstream of Randolph County Road 88 (Lee Bridge)	Cane Creek	F&W
TALLAPOOSA RIVER	Cane Creek		OAW/F&W

Waterbody	From	To	Classification
		Alabama-Georgia state line	
Little Tallapoosa River (R L Harris Lake)	TALLAPOOSA RIVER	US Highway 431	S/F&W
Little Tallapoosa River (R L Harris Lake)	US Highway 431	Wolf Creek	PWS/S/F&W
Little Tallapoosa River	Wolf Creek	Alabama-Georgia state line	F&W
Line Creek	TALLAPOOSA RIVER	Its source	F&W
Old Town Creek	Line Creek	Its source	F&W
Cubahatchee Creek	TALLAPOOSA RIVER	Its source	S/F&W
Calebee Creek	TALLAPOOSA RIVER	Its source	F&W
Uphapee Creek	TALLAPOOSA RIVER	Its source	F&W
Bulger Creek	Uphapee Creek	Its source	F&W
Parkerson Mill Creek	Chewacla Creek	Its source	F&W
Chewacla Creek	Uphapee Creek	Chewacla State Park Lake (Moores Mill Creek)	F&W
Chewacla Creek	Chewacla State Park Lake (Moores Mill Creek)	Its source	PWS/F&W
Moores Mill Creek	Chewacla Creek (Dam at Chewacla State Park Lake)	Its source	S/F&W
Sougahatchee Creek	Yates Lake	Sougahatchee Lake Dam	F&W
Sougahatchee Creek (Sougahatchee Lake)	Sougahatchee Lake Dam	Extent of reservoir	PWS/F&W
Sougahatchee Creek	Sougahatchee Lake	Its source	PWS/F&W
Pepperell Branch	Sougahatchee Creek	Its source	F&W
Head Creek	Sougahatchee Creek	Its source	F&W
Kowaliga Creek (Lake Martin)	TALLAPOOSA RIVER	Extent of reservoir	S/F&W ¹
Oakachoy Creek (Lake Martin)	Kowaliga Creek	Extent of reservoir	S/F&W ¹
Little Kowaliga Creek (Lake Martin)	Kowaliga Creek	Extent of reservoir	PWS/S/F&W ¹
Blue Creek (Lake Martin)	TALLAPOOSA RIVER	Extent of reservoir	S/F&W ¹
Sandy Creek (Lake Martin)	TALLAPOOSA RIVER	Extent of reservoir	

Waterbody	From	To	Classification
			S/F&W ¹
Sandy Creek	Lake Martin	Its source	F&W
Chattasofka Creek	Sandy Creek	Its source	F&W
North Fork Sandy Creek	Sandy Creek	Its source	F&W
Little Sandy Creek	Sandy Creek	Its source	F&W
Manoy Creek (Lake Martin)	TALLAPOOSA RIVER	Extent of reservoir	S/F&W ¹
Elkahatchee Creek (Lake Martin)	TALLAPOOSA RIVER	Extent of reservoir	S/F&W ¹
Elkahatchee Creek	Alabama Highway 63	Its source	F&W
Harold Creek	Elkahatchee Creek	Its source	F&W
Sugar Creek (Lake Martin)	Elkahatchee Creek	Extent of reservoir	S/F&W ¹
Sugar Creek	Lake Martin	Its source	F&W
Coley Creek (Lake Martin)	TALLAPOOSA RIVER	Extent of reservoir	PWS/S/F&W ¹
Coley Creek	Lake Martin	Its source	F&W
Hillabee Creek (Lake Martin)	TALLAPOOSA RIVER	Extent of reservoir	PWS/S/F&W ¹
Hillabee Creek	Lake Martin	Oaktasasi Creek	F&W
Hillabee Creek	Oaktasasi Creek	Tallapoosa County Road 5	PWS/F&W
Hillabee Creek	Tallapoosa County Road 5	Its source	F&W
Oaktasasi Creek	Hillabee Creek	Its source	F&W
Whortleberry Creek	Oaktasasi Creek	Its source	F&W
Town Creek	Hillabee Creek	Its source	F&W
Hackney Creek	Town Creek	Its source	F&W
Chatahospee Creek	TALLAPOOSA RIVER	Its source	F&W
Mill Creek	Chatahospee Creek	Its source	F&W
Finley Creek	Mill Creek	Its source	PWS/F&W
High Pine Creek	TALLAPOOSA RIVER	Its source	F&W
Jones Creek	High Pine Creek	Its source	PWS
Unnamed tributary to Jones Creek northwest of Roanoke	Jones Creek	Its source	PWS
Graves Creek	High Pine Creek	Its source	F&W
Town Creek	High Pine Creek	Its source	F&W
Hutton Creek	TALLAPOOSA RIVER	Its source	F&W

Waterbody	From	To	Classification
Beaverdam Creek	TALLAPOOSA RIVER	Its source	F&W
Crooked Creek	TALLAPOOSA RIVER	Alabama Highway 9	F&W
Crooked Creek	Alabama Highway 9	Its source	PWS/F&W
Horsetrough Creek	Crooked Creek	Its source	F&W
Wedowee Creek	R L Harris Lake	Its source	F&W
Cahulga Creek	TALLAPOOSA RIVER	US Highway 78	F&W
Cahulga Creek	US Highway 78	Its source	PWS/F&W

Endnote 1 - The special designation of Treasured Alabama Lake applies to this segment.

(14) THE TENNESSEE RIVER BASIN

Waterbody	From	To	Classification
TENNESSEE RIVER (Pickwick Lake)	Alabama-Tennessee state line	Downstream end of Seven Mile Island	PWS/S/F&W
TENNESSEE RIVER (Pickwick Lake)	Downstream end of Seven Mile Island	Sheffield water intake	F&W
TENNESSEE RIVER (Pickwick Lake)	Sheffield water intake	Wilson Dam	PWS/F&W
TENNESSEE RIVER (Wilson Lake)	Wilson Dam	Wheeler Dam	PWS/S/F&W
TENNESSEE RIVER (Wheeler Lake)	Wheeler Dam	Five miles upstream of Elk River (RM 289.3)	PWS/S/F&W
TENNESSEE RIVER (Wheeler Lake)	Five miles upstream of Elk River (RM 289.3)	US Highway 31	S/F&W
TENNESSEE RIVER (Wheeler Lake)	US Highway 31	Flint Creek	PWS/S/F&W
TENNESSEE RIVER (Wheeler Lake)	Flint Creek	Cotaco Creek	S/F&W
TENNESSEE RIVER (Wheeler Lake)	Cotaco Creek	Indian Creek	PWS/S/F&W
TENNESSEE RIVER (Wheeler Lake)	Indian Creek	Flint River	PWS/F&W
TENNESSEE RIVER (Wheeler Lake)	Flint River	Guntersville Dam	S/F&W
TENNESSEE RIVER (Guntersville Lake)	Guntersville Dam	Alabama-Tennessee state line	PWS/S/F&W
Bear Creek	Alabama-Mississippi state line	Bear Creek Lake Dam	F&W
	Bear Creek Lake Dam	Alabama Highway 187	PWS/S/F&W

Waterbody	From	To	Classification
Bear Creek (Bear Creek Lake)			
Bear Creek	Alabama Highway 187	Upper Bear Creek Lake Dam	S/F&W
Bear Creek (Upper Bear Creek Lake)	Upper Bear Creek Lake Dam	Alabama Highway 243	PWS/S/F&W
Bear Creek	Alabama Highway 243	Its source	F&W
Cedar Creek	Bear Creek	Alabama-Mississippi state line	F&W
Cedar Creek	Alabama-Mississippi state line	Cedar Creek Lake Dam	F&W
Cedar Creek (Cedar Creek Lake)	Cedar Creek Lake Dam	Extent of reservoir	PWS/S/F&W
Cedar Creek	Cedar Creek Lake	Alabama Highway 24	PWS/S/F&W
Cedar Creek	Alabama Highway 24	Its source	F&W
Bear Creek (Pickwick Lake)	TENNESSEE RIVER	US Highway 72	S/F&W
Bear Creek	US Highway 72	Alabama-Mississippi state line	F&W
Second Creek	Pickwick Lake	Alabama-Tennessee state line	F&W
Cypress Creek	Pickwick Lake	City of Florence Water Treatment Plant	F&W
Cypress Creek	City of Florence Water Treatment Plant	Little Cypress Creek	PWS/F&W
Cypress Creek	Little Cypress Creek	Alabama-Tennessee state line	F&W
Little Cypress Creek	Cypress Creek	Alabama-Tennessee state line	F&W
Shoal Creek (Wilson Lake)	TENNESSEE RIVER	Indiancamp Creek	S/F&W
Shoal Creek	Indiancamp Creek	Alabama-Tennessee state line	F&W
Bluewater Creek (Wilson Lake)	TENNESSEE RIVER	US Highway 72	S/F&W
Bluewater Creek	US Highway 72	Alabama-Tennessee state line	F&W
Second Creek (Wheeler Lake)	TENNESSEE RIVER	Lauderdale County Road 92	S/F&W
Second Creek	Lauderdale County Road 92	Alabama-Tennessee state line	F&W
Elk River (Wheeler Lake)	TENNESSEE RIVER	Alabama Highway 99	S/F&W
Elk River	Alabama Highway 99	Alabama-Tennessee state line	PWS/F&W

Waterbody	From	To	Classification
Piney Creek	Wheeler Lake	Alabama-Tennessee state line	F&W
Limestone Creek	Wheeler Lake	Alabama-Tennessee state line	F&W
Flint River	Wheeler Lake	Alabama-Tennessee state line	F&W
Paint Rock River	Wheeler Lake	Its source	F&W
Larkin Fork	Paint Rock River	Its source	F&W
Estill Fork	Paint Rock River	Alabama-Tennessee state line	OAW/F&W
Hurricane Creek	Paint Rock River	Alabama-Tennessee state line	OAW/F&W
Crow Creek	Guntersville Lake	Alabama-Tennessee state line	F&W
Lookout Creek	Alabama-Georgia state line	Junction of East Fork Lookout Creek and West Fork Lookout Creek	S/F&W
Little Bear Creek (Franklin County)	Cedar Creek	Little Bear Creek Lake Dam	S/F&W
Little Bear Creek (Little Bear Creek Lake)	Little Bear Creek Lake Dam	Alabama Highway 187	PWS/S/F&W
Little Bear Creek (Franklin County)	Alabama Highway 187	Its source	S/F&W
Duncan Creek	Cedar Creek	Its source	PWS
Little Bear Creek (Franklin County)	Upper Bear Creek Lake	Its source	PWS/S/F&W
Mud Creek	Cedar Creek	Its source	F&W
Flat Creek	Bear Creek	Its source	F&W
Cane Creek	Pickwick Lake	Its source	S/F&W
Little Bear Creek (Colbert County)	Pickwick Lake	Its source	S/F&W
Stinking Bear Creek	Little Bear Creek (Colbert County)	Its source	F&W
Spring Creek (Colbert County)	Pickwick Lake	Its source	F&W
Tuscumbia Spring (Big Spring)			PWS
Cox Creek	Cypress Creek	Its source	F&W
Pond Creek	Wilson Lake	Its source	A&I
Town Creek	Wilson Lake	Its source	F&W
Big Nance Creek	Wilson Lake	Its source	F&W
Muddy Fork	Big Nance Creek	Crow Branch	A&I

Waterbody	From	To	Classification
Crow Branch	Muddy Fork	Its source	A&I
Clear Fork	Big Nance Creek	Its source	F&W
Sinking Creek	Clear Fork	Its source	PWS/F&W
First Creek	Wheeler Lake	Its source	S/F&W
Spring Creek (Lawrence County)	Wheeler Lake	Its source	F&W
Swan Creek (Wheeler Lake)	TENNESSEE RIVER	Extent of reservoir	F&W
Swan Creek	Wheeler Lake	Its source	F&W
Town Creek (Athens)	Swan Creek	Its source	F&W
Flint Creek (Wheeler Lake)	TENNESSEE RIVER	CSX Railway	F&W
Flint Creek	CSX Railway	Alabama Highway 36	PWS/F&W
Flint Creek	Alabama Highway 36	Shoal Creek	LWF ¹
Flint Creek	Shoal Creek	Its source	F&W
Shoal Creek	Flint Creek	Its source	F&W
Cotaco Creek	Wheeler Lake	Its source	S/F&W
Mill Pond Creek	Cotaco Creek	Junction with Gilliam Creek	F&W
Gilliam Creek	Mill Pond Creek	Its source	F&W
Bradford Creek	Barren Fork Creek	Its source	F&W
Indian Creek (Wheeler Lake)	TENNESSEE RIVER	Extent of reservoir	F&W
Indian Creek	Wheeler Lake	Its source	F&W
Huntsville Spring Branch	Indian Creek	Its source	F&W
Aldridge Creek	Wheeler Lake	Its source	F&W
Hurricane Creek	Flint River	Its source	F&W
Sand Branch	Hurricane Creek	Its source	F&W
Short Creek	Guntersville Lake	Scarham Creek	PWS/F&W
Short Creek	Scarham Creek	Its source	F&W
Drum Creek	Short Creek	Its source	F&W
East Fork of Drum Creek	Drum Creek	Its source	F&W
Turkey Creek	Short Creek	Its source	F&W
Town Creek (DeKalb County)	Guntersville Lake	Its source	F&W
South Sauty Creek	Guntersville Lake	Its source	S/F&W
North Sauty Creek (Guntersville Lake)	TENNESSEE RIVER	Extent of reservoir	PWS
North Sauty Creek	Guntersville Lake	Its source	PWS
Roseberry Creek	Guntersville Lake	Its source	F&W
Coon Creek (Guntersville Lake)	TENNESSEE RIVER	Extent of reservoir	S/F&W
Coon Creek	Guntersville Lake	Its source	S/F&W
Flat Rock Creek	Coon Creek	Its source	S/F&W

Waterbody	From	To	Classification
Widows Creek	TENNESSEE RIVER	Its source	S/F&W
Long Island Creek (Guntersville Lake)	TENNESSEE RIVER	Extent of reservoir	PWS/S/F&W
Long Island Creek	Guntersville Lake	Miller Creek	PWS/S/F&W
Long Island Creek	Miller Creek	Its source	S/F&W
Turkey Creek	Clear Fork	Its source	PWS/F&W
Bengis Creek	Town Creek	Its source	F&W

Endnote 1 - 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.

(15) THE TOMBIGBEE RIVER BASIN

Waterbody	From	To	Classification
TOMBIGBEE RIVER	MOBILE RIVER	One-half mile downstream from Norfolk Southern Railway Crossing	F&W
TOMBIGBEE RIVER	One-half mile downstream from Norfolk Southern Railway Crossing	Jackson Creek	PWS/S/F&W
TOMBIGBEE RIVER	Jackson Creek	Coffeeville Lock and Dam	F&W
TOMBIGBEE RIVER (Coffeeville Lake)	Coffeeville Lock and Dam	Beach Bluff (River Mile 141)	S/F&W
TOMBIGBEE RIVER (Coffeeville Lake)	Beach Bluff (River Mile 141)	One-half mile downstream from Alabama Highway 114	F&W ¹
TOMBIGBEE RIVER (Coffeeville Lake)	One-half mile downstream from Alabama Highway 114	Three miles upstream from Alabama Highway 114	PWS/F&W ¹
TOMBIGBEE RIVER (Coffeeville Lake)	Three miles upstream from Alabama Highway 114	Demopolis Lock and Dam	F&W ¹
TOMBIGBEE RIVER (Demopolis Lake)	Demopolis Lock and Dam	BLACK WARRIOR RIVER	S/F&W
Okatuppa Creek	Coffeeville Lake	Alabama-Mississippi state line	F&W
Bogueloosa Creek	Okatuppa Creek	Its source	F&W

Waterbody	From	To	Classification
Tuckabum Creek	Coffeeville Lake	Alabama-Mississippi state line	F&W
Yantley Creek	Tuckabum Creek	Alabama-Mississippi state line	F&W
Sucarnoochee River	Coffeeville Lake	US Highway 11	F&W
Sucarnoochee River	US Highway 11	Miuka Creek	S/F&W
Sucarnoochee River	Miuka Creek	Alabama-Mississippi state line	F&W
Alamuchee Creek	Sucarnoochee River	Alabama-Mississippi state line	F&W
Toomsuba Creek	Alamuchee Creek	Alabama-Mississippi state line	F&W
Bilbo Creek	TOMBIGBEE RIVER	Its source	S/F&W
Bates Creek	Bilbo Creek	Its source	S/F&W
Lewis Creek	TOMBIGBEE RIVER	Its source	S/F&W
Bassetts Creek (Washington County)	TOMBIGBEE RIVER	Its source	S/F&W
Little Bassetts Creek (Washington County)	Bassetts Creek (Washington County)	Its source	F&W
Miles Creek	Little Bassetts Creek (Washington County)	Its source	F&W
Bassett Creek (Clarke County)	TOMBIGBEE RIVER	Its source	F&W
James Creek	Bassett Creek (Clarke County)	Its source	F&W
Jackson Creek	TOMBIGBEE RIVER	Its source	F&W
Salitpa Creek	TOMBIGBEE RIVER	Its source	S/F&W
Santa Bogue Creek	TOMBIGBEE RIVER	Its source	S/F&W
Turkey Creek	Coffeeville Lake	Its source	S/F&W
Bashi Creek	Coffeeville Lake	Its source	S/F&W
Wahalak Creek	Coffeeville Lake	Its source	F&W
Tishlarka Creek	Wahalak Creek	Its source	F&W
Horse Creek	Coffeeville Lake	Its source	S/F&W
Beaver Creek	Coffeeville Lake	Its source	S/F&W
Kinterbish Creek	Coffeeville Lake	Its source	S/F&W
Chickasaw Bogu	Coffeeville Lake	Its source	F&W
Sycamore Creek	Chickasaw Bogue	Its source	F&W
Unnamed tributary to Toomsuba Creek	Toomsuba Creek	Lake Louise Dam	F&W
Unnamed tributary to Toomsuba Creek (Lake Louise)	Lake Louise Dam	Its source	F&W

Waterbody	From	To	Classification
TOMBIGBEE RIVER (Demopolis Lake)	BLACK WARRIOR RIVER	Cobb Creek	S/F&W
TOMBIGBEE RIVER (Demopolis Lake)	TOMBIGBEE RIVER (Demopolis Lake)	Heflin Lock and Dam	F&W
TOMBIGBEE RIVER (Gainesville Lake)	Heflin Lock and Dam	Bevill Lock and Dam	S/F&W
TOMBIGBEE RIVER (Aliceville Lake)	Bevill Lock and Dam	Alabama-Mississippi state line	S/F&W
Noxubee River	Lake Demopolis	Alabama-Mississippi state line	F&W
Bodka Creek	Noxubee River	Alabama-Mississippi state line	F&W
Yellow Creek	At Alabama- Mississippi state line	Its source	F&W
Buttahatchee River	Alabama-Mississippi state line	US Highway 278 one mile east of Hamilton	F&W
Buttahatchee River	US Highway 278 one mile east of Hamilton	US Highway 278 seven miles east of Hamilton	PWS/F&W
Buttahatchee River	US Highway 278 seven miles east of Hamilton	Lake Buttahatchee Dam	F&W
Buttahatchee River (Lake Buttahatchee)	Lake Buttahatchee Dam	Extent of reservoir	S
Buttahatchee River	Lake Buttahatchee	Its source	F&W
Bull Mountain Creek	Alabama-Mississippi state line	Its source	F&W
Sipsey Creek	Alabama-Mississippi state line	Its source	F&W
Luxapallila Creek	Alabama-Mississippi state line	Fayette County Road 37	F&W
Luxapallila Creek	Fayette County Road 37	Kirkland Road	PWS/F&W
Luxapallila Creek	Kirkland Road	US Highway 78	F&W
Luxapallila Creek	US Highway 78	Its source	PWS/F&W
Sipsey River	Gainesville Lake	US Highway 43	F&W
Sipsey River	US Highway 43	Alabama Highway 102	PWS/F&W
Sipsey River	Alabama Highway 102	Its source	F&W
New River	Sipsey River	Its source	F&W
Little New River	Sipsey River	Its source	F&W

Waterbody	From	To	Classification
Lubbub Creek	Gainesville Lake	Its source	F&W
Bear Creek	Lubbub Creek	Its source	F&W
Little Bear Creek	Bear Creek	Its source	F&W
Coal Fire Creek	Aliceville Lake	Its source	S/F&W
Bogue Creek	Buttahatchee River	Its source	F&W
Beaver Creek	Buttahatchee River	US Highway 78	F&W
Beaver Creek	US Highway 78	Its source	PWS/F&W
Purgatory Creek	Beaver Creek	US Highway 278	F&W
Purgatory Creek	US Highway 278	Its source	PWS/F&W
Camp Creek	Buttahatchee River	Its source	F&W
East Branch Luxapallila Creek	Luxapallila Creek	Its source	PWS/F&W
Moore Creek	West Branch Buttahatchee River	Its source	F&W

Endnote 1 - Applicable dissolved oxygen level below existing impoundments is 4.0 mg/l.

(16) THE YELLOW RIVER BASIN

Waterbody	From	To	Classification
YELLOW RIVER	Alabama-Florida state line	Its source	F&W
Pond Creek	Alabama-Florida state line	Its source	F&W
Big Creek	Alabama-Florida state line	Its source	F&W
Horsehead Creek	Alabama-Florida state line	Its source	F&W
Fleming Creek	Alabama-Florida state line	Its source	F&W
Lake Jackson	Within Florala and north of Alabama- Florida state line	Within Florala and north of Alabama- Florida state line	S/F&W
Five Runs Creek	YELLOW RIVER	Its source	F&W
Indian Creek	YELLOW RIVER	Its source	F&W
Lightwood Knot Creek	YELLOW RIVER	Frank Jackson Dam	F&W
Lightwood Knot Creek (Lake Frank Jackson)	Frank Jackson Dam	Extent of reservoir	S/F&W
Lightwood Knot Creek	Lake Frank Jackson	Its source	F&W
Cameron Creek	Lightwood Knot Creek	Its source	F&W
Bay Branch	Five Runs Creek	Its source	F&W
Blue Lake			S/F&W

Waterbody	From	To	Classification
	Within Conecuh National Forest	Within Conecuh National Forest	
Open Pond	Within Conecuh National Forest	Within Conecuh National Forest	S/F&W
Dowdy Pond	Within Conecuh National Forest	Within Conecuh National Forest	S/F&W

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:** April 1, 1970. **Amended:** October 16, 1972.

Amended: September 17, 1973. **Amended:** May 30, 1977. **Amended:** August 29, 1977. **Amended:** December 19, 1977. **Amended:** February 4, 1981. **Amended:** April 5, 1982. **Amended:** December 11, 1985.

Amended: March 26, 1986. **Amended:** Adopted July 20, 1988; Filed July 22, 1988; effective August 26, 1988. **Amended:** Adopted

January 24, 1990; Filed January 26, 1990; effective March 2, 1990. **Amended:** Adopted February 20, 1991; Filed February 27,

1991; effective April 3, 1991. **Amended:** Adopted June 26, 1991; Filed June 27, 1991; effective August 1, 1991. **Amended:** Adopted

February 26, 1992; Filed February 27, 1992; effective April 2, 1992. **Amended:** Adopted April 22, 1992; Filed April 24, 1992;

effective May 29, 1992. **Amended:** Adopted December 23, 1992; Filed December 28, 1992; effective February 1, 1993. **Amended:**

Adopted August 18, 1993; Filed August 19, 1993; effective September 23, 1993. **Amended:** Adopted July 20, 1994; Filed July

25, 1994; effective August 29, 1994. **Amended:** Filed April 25, 1997; effective May 30, 1997. **Amended:** Filed June 9, 1999;

effective July 14, 1999. **Amended:** Filed August 3, 2000;

effective September 7, 2000. **Amended:** Filed December 8, 2000;

effective January 12, 2001. **Amended:** Filed April 11, 2002;

Recertified: Filed June 28, 2002; effective June 28, 2002.

Amended: Filed February 27, 2003; effective April 3, 2003.

Amended: Filed December 24, 2003; effective January 28, 2004.

Amended: Filed April 22, 2004; effective May 27, 2004. **Amended:** Filed August 17, 2005; effective September 21, 2005. **Amended:**

Filed April 24, 2007; effective May 29, 2007. **Amended:** Filed

December 15, 2009; effective January 19, 2010. **Amended:** Filed

December 14, 2010; effective January 18, 2011. **Amended:** Filed

April 18, 2011; effective May 23, 2011. **Amended:** Filed October

23, 2012; effective November 27, 2012. **Amended:** Filed February

25, 2014; effective April 1, 2014. **Amended:** Filed December 20,

2016; effective February 3, 2017. **Amended:** Filed August 20,

2019; effective October 4, 2019. **Amended:** Published April 30,

2025; effective June 14, 2025.

Attachment 4

BEFORE THE
ENVIRONMENTAL MANAGEMENT COMMISSION
OF THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Adjourn to Executive Session to review and discuss
the applicants and afterwards reconvene to Regular Session

ORDER

This matter having come before the Environmental Management Commission pursuant to the above motion, and having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

1. That the above motion is hereby adopted; and
2. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below.

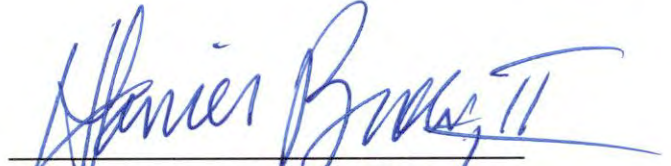
Environmental Management Commission Order
Page 2

ISSUED this 11th day of April 2025.

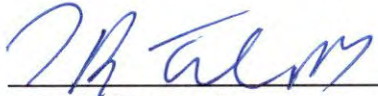
APPROVED:



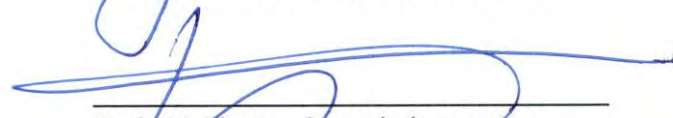
Mary J. Merritt, Commissioner



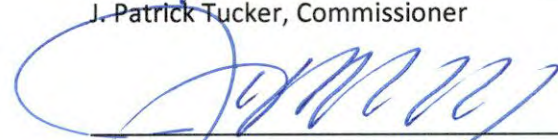
H. Lanier Brown, II, Commissioner



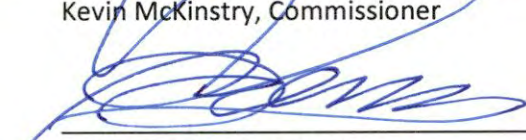
J. Patrick Tucker, Commissioner



Kevin McKinstry, Commissioner



John (Jay) H. Masingill, III, Commissioner



Ruby L. Perry, Commissioner



A. Frank McFadden, Commissioner

DISAPPROVED:

Mary J. Merritt, Commissioner

H. Lanier Brown, II, Commissioner

J. Patrick Tucker, Commissioner

Kevin McKinstry, Commissioner

John (Jay) H. Masingill, III, Commissioner

Ruby L. Perry, Commissioner

A. Frank McFadden, Commissioner

Environmental Management Commission Order
Page 3

ABSTAINED:

Mary J. Merritt, Commissioner

H. Lanier Brown, II, Commissioner

J. Patrick Tucker, Commissioner

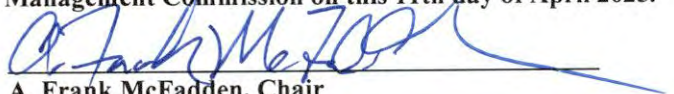
Kevin McKinstry, Commissioner

John (Jay) H. Masingill, III, Commissioner

Ruby L. Perry, Commissioner

A. Frank McFadden, Commissioner

This is to certify that this Order is a true and accurate
account of the actions taken by the Environmental
Management Commission on this 11th day of April 2025.



A. Frank McFadden, Chair
Environmental Management Commission
Certified this 11th day of April 2025

Attachment 5

BEFORE THE
ENVIRONMENTAL MANAGEMENT COMMISSION
OF THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Call back for interviews at the June meeting

Anthony Scott Hughes, David A. Perry, Edward F. Poolos, and James Michael Thornton

ORDER

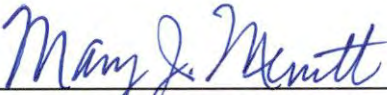
This matter having come before the Environmental Management Commission pursuant to the above motion, and having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

1. That the above motion is hereby adopted; and
2. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below.

Environmental Management Commission Order
Page 2

ISSUED this 11th day of April 2025.

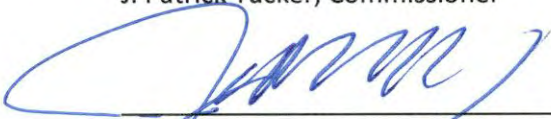
APPROVED:



Mary J. Merritt, Commissioner



J. Patrick Tucker, Commissioner



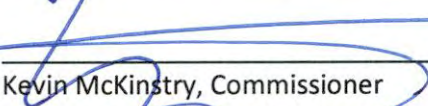
John (Jay) H. Masingill, III, Commissioner



A. Frank McFadden, Commissioner



H. Lanier Brown, II, Commissioner



Kevin McKinstry, Commissioner



Ruby L. Perry, Commissioner

DISAPPROVED:

Mary J. Merritt, Commissioner

J. Patrick Tucker, Commissioner

John (Jay) H. Masingill, III, Commissioner

A. Frank McFadden, Commissioner

H. Lanier Brown, II, Commissioner

Kevin McKinstry, Commissioner

Ruby L. Perry, Commissioner

Environmental Management Commission Order
Page 3

ABSTAINED:

Mary J. Merritt, Commissioner

H. Lanier Brown, II, Commissioner

J. Patrick Tucker, Commissioner

Kevin McKinstry, Commissioner

John (Jay) H. Masingill, III, Commissioner

Ruby L. Perry, Commissioner

A. Frank McFadden, Commissioner

This is to certify that this Order is a true and accurate account of the actions taken by the Environmental Management Commission on this 11th day of April 2025.



A. Frank McFadden, Chair
Environmental Management Commission
Certified this 11th day of April 2025