



ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
WATER DIVISION

NOTICE OF INTENDED ACTION

**Agency Name:** Alabama Department of Environmental Management

**Rule No. & Title:** 335-6-6-.05 Duration of Permits (Amend)

**Intended Action:** The Alabama Department of Environmental Management proposes to amend rule 335-6-6-.05.

**Substance of Proposed Action:**

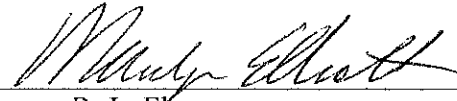
The Department also proposes to make administrative corrections in this rule.

**Time, Place, Manner of Presenting Views:**

Comments may be submitted in writing or orally at a public hearing to be held at 2:00 P.M., June 15, 2015, in the ADEM Main Hearing Room, 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

**Final Date for Comment and Completion of Notice:** June 15, 2015

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



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Lance R. LeFleur  
Director

### **335-6-6-.05 Duration of Permits.**

(1) An NPDES permit issued pursuant to the AWPCA and this rule chapter shall have a fixed term not to exceed five years unless a longer term is allowed by 40 CFR Part 122 and is approved by the Director. A person who wishes to continue to discharge beyond the term of such permit shall apply for reissuance of an NPDES permit pursuant to rule 335-6-6-.08.

(2) Except as provided by rule-paragraph 335-6-6-.05(4), an NPDES permit issued for a "new discharger" or "new source" shall expire eighteen months after issuance if "construction" has not begun during that eighteen-month period. This period shall be tolled by any administrative request for hearing or an administrative or judicial stay.

(3) That portion of an NPDES permit authorizing the discharge of increased quantities of pollutants to accommodate the modification of an existing facility shall expire eighteen months after issuance if "construction" of the modification has not begun within eighteen months after reissuance of the NPDES permit or modification of the NPDES permit to allow the discharge of increased quantities of pollutants. This period shall be tolled by any administrative request for hearing or an administrative or judicial stay.

(4) An NPDES permit issued for a "new discharger" or "new source" associated with a "surface coal mine" shall expire eighteen months after issuance if "construction" has not begun during that eighteen-month period, unless the Permittee has not started "construction" pending issuance of a permit by the "ASMC" and at the time the NPDES permit was issued had complied with the application requirements of the "ASMC" Administrative Code Title 880. In such cases, the NPDES permit shall expire 18 months after issuance of the "ASMC" permit if "construction" has not begun during that eighteen-month period. This period shall be tolled by any administrative request for hearing or an administrative or judicial stay.

**Author:** John Poole, Richard Hulcher, Glenda Dean, Chip Crockett.

**Statutory Authority:** Code of Alabama 1975, § 22-22-9, § 22-22A-5.

**History:** October 19, 1979. **Amended:** January 24, 1989; July 12, 1995, August 1, 2002; April 3, 2012; XXXX XX, 2015.