

PERMIT REQUIREMENTS FOR DEVELOPMENT OF ENERGY AND
OTHER SELECTED NATURAL RESOURCES FOR THE
STATE OF ALABAMA

PREPARED FOR
APPALACHIAN REGIONAL COMMISSION
AND THE
U.S. GEOLOGICAL SURVEY

BY BARRY LAWSON ASSOCIATES

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State of Alabama
3734 Atlanta Highway
Montgomery, Alabama 36130

Appalachian Regional Commission
1666 Connecticut Avenue, N.W.
Washington, D.C. 20235

or

U.S. Geological Survey
Environmental Affairs Office
760 National Center
Reston, Virginia 22092

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SECTION 1.0

INTRODUCTION

This State permit guide for Alabama is one in a series of guidebooks prepared to explain State regulations governing the environmental consequences of the development of energy and other natural resources on State and private land. (This guidebook does not address Federal permits required on Federal lands within the State.) It is designed to provide individuals in both government and the private sector with a concise compilation of State regulations and policies dealing primarily with permitting processes concerning natural resource management and development.

The increasing number of State policies and regulations concerning natural resources, especially energy resources, makes it difficult to gain an accurate yet workable understanding of State procedures without considerable research and technical assistance. The permit guide therefore serves as a reference document to those seeking State environmental and energy resource permit information. It is intended to show clearly what is required by regulatory and permit-issuing State agencies relative to a number of resource- and energy-related areas.

All the information in this permit guide was obtained through personal interviews with representatives of the State agencies in Alabama responsible for the management of a particular resource area. Additional information was obtained directly from the appropriate State laws and regulations. It should be noted that the research was done during the spring of 1981 and that regulations are subject to change.

Most of the State agencies responsible for issuing permits require that applications be submitted on standard forms they provide. Such forms are usually numbered and named by the agency. If no form number is identified in the text, the application form should be requested by name.

The permit guide does not include a legal analysis or interpretation of statutes or regulations, nor is it intended to serve legal purposes. It provides a general summary of environmental and energy resource permit processes within a number of State agencies, and supplies information on selected State and local

policies and procedures, land use regulations, and environmental management. For each subject, the permit guide provides the following information:

Name of Permit
Authorizing Statute
Title of Regulation
Summary of Permit Process
Administering Agency

Corresponding to the growth of Federal, State, and local regulatory powers, the number of formal approvals necessary to initiate a specific development activity has increased substantially. Although each chapter of this guide outlines the major State approvals required for a particular development activity, they do not provide a comprehensive list of the broad range of permits, licenses, and approvals which could potentially be required for an activity, nor do they cross reference other potentially relevant chapters of the guide.

To demonstrate the complexity of this situation, the introduction to the Coal Mining chapter (Chapter 3.1.3) of this guide includes a list of all State approvals which could potentially be required to initiate coal mining activities depending on the nature, location, and magnitude of the proposed activities. Such detailed cross referencing and analysis for all chapters is beyond the purpose and scope of this document. Therefore, initial direct contact with the appropriate State agency(ies) is recommended for anyone contemplating a project requiring a permit or other State agency approval.

The following agencies were surveyed and have verified the content of the elements of their particular resource areas:

Office of State Planning and Federal Programs

Alabama Geological Survey
State Oil and Gas Board

Alabama Air Pollution Control Commission

Alabama Historical Commission

Alabama Water Improvement Commission

Alabama Liquified Petroleum Gas Board

Alabama Department of Industrial Relations
State Programs Division

Alabama Department of Public Health
Division of Solid and Hazardous Waste
Division of Public Water Supplies

Alabama Department of Conservation and Natural Resources
Division of Game and Fish

Alabama Coastal Area Board

Alabama Surface Mining and Reclamation Commission

SECTION 2.0

STATE POLICY AND PROCEDURES FOR
CONSOLIDATED PERMIT PROGRAM

CHAPTER 2.1

STATE CLEARINGHOUSE

INTRODUCTION: The Alabama Office of State Planning and Federal Programs (OSPFP) has been designated as the agency to function as the State Clearinghouse by Executive Order No. 2, July 17, 1968. Through this designation, the OSPFP is responsible for the implementation of the Federal Office of Management and Budget's (OMB) revised Circular A-95 in Alabama. The main function of the State Clearinghouse is to provide the State with a statewide project notification and review system for Federal assistance programs. These programs are coordinated with State and local agencies to ensure that applications for Federal assistance are in accordance with State and local plans, programs, and objectives. The coordination and review of direct Federal development projects, State plans, planning in multijurisdictional areas, and draft environmental impact statements also come under the realm of State Clearinghouse responsibility.

- A. **AUTHORIZING ORDER:** Executive Order No. 2, July 17, 1968 (Governor Albert P. Brewer)
- B. **TITLE OF REGULATION:** Office of Management and Budget revised Circular A-95.
- C. **SUMMARY OF A-95 NOTIFICATION AND REVIEW PROCEDURE:**
 - 1. **Applicability:** All Federal assistance projects designated for coverage under OMB revised Circular A-95 and within the Federal Catalog of Domestic Assistance.
 - 2. **General Requirements:** All applicants whose programs fall under Title I and Title III of OMB revised Circular A-95 must notify both the State Clearinghouse and appropriate areawide clearinghouse of their intent to apply for Federal assistance.
 - 3. **Submission Requirements:** Applicants should submit 4 copies of Standard Form 424, a good description of the program, and site maps (if applicable) to the State Clearinghouse.
 - 4. **Procedure for Obtaining Approval:**
 - a. **Time Requirements:** The applicant should submit the required application and information 90 days prior to submitting an application to a Federal funding agency for assistance.

b. Receipt of Notification: The State Clearinghouse logs the application in the computer, assigns the project a State Clearinghouse identifier number, and forwards a copy of the application to appropriate State agencies for review and comment.

c. Review of Notification:

- State Clearinghouse staff will complete its review of the application within 30 days unless there is need for further coordination with the applicant.
- State agencies review the application for consistency with existing State plans, programs, and projects to alleviate any possible conflict or duplication and submit their comments to the State Clearinghouse.
- After all comments from State agencies and the areawide clearinghouse are received by the State Clearinghouse, the State Clearinghouse notifies the applicant of the results of the review. If all comments are in support of the application, the State Clearinghouse forwards a concurrence letter to the applicant. If review comments indicate a need for further coordination or if a reviewing agency does not concur with the application, the State Clearinghouse forwards an issue letter to the applicant. The State Clearinghouse will then act as a mediator between the applicant and reviewing agency in an attempt to resolve the issue.

d. Applicant Action: The applicant must forward the A-95 letter, all State Clearinghouse comments, and all comments from reviewing agencies to the Federal funding agency when submitting the application for Federal assistance.

e. Federal Agency Action: The Federal agency considers all comments in making its decision on the application and must explain, in writing, to the State Clearinghouse any action it takes which is contrary to State Clearinghouse recommendations.

5. Notification of Award: The State Clearinghouse is the designated agency for receiving Federal grant award notifications. The Federal agency must notify the State Clearinghouse within 7 days of its funding approval.

6. Fees: None

7. Appeals: When an application receives negative comments from a reviewing agency, the State Clearinghouse will organize a meeting between the applicant and reviewing agency and act as a mediator in an effort to resolve the conflict or issue.

D. ADMINISTERING AGENCY: Office of State Planning and
Federal Programs
3734 Atlanta Highway
Montgomery, AL 36130
(205) 832-6400

CHAPTER 2.2

CONSOLIDATED PERMIT PROGRAM

INTRODUCTION: The State of Alabama does not have a one-stop permit agency at this time. There is no State equivalent of the National Environmental Policy Act. Presently, however, the Office of State Planning and Federal Programs is in the early stages of pursuing the establishment of a one-stop agency.

SECTION 3.0

RESOURCE EXTRACTION

CHAPTER 3.1
ENERGY RESOURCES

3.1.1 OIL AND GAS

INTRODUCTION: The State Oil and Gas Board is the agency responsible for the regulation of oil and gas industries in Alabama and for the issuance of drilling permits, formulation of requirements and standards for operations, prevention of oil and gas waste, and for the protection of correlative rights of landowners.

A. NAMES OF PERMITS:

1. Permit to Drill, Deepen, or Convert a Well
2. Permit to Re-enter a Well
3. Permit to Directionally Drill a Well
4. Producer's Certificate of Compliance and Authorization to Transport Oil, Gas, or Condensate from Lease
5. Producer's Certificate of Compliance and Authorization to Transport Products from Plant
6. Permit to Change Operator
7. Permit to Clean Tank

B. AUTHORIZING STATUTE: Oil and Gas Laws of Alabama (Code of Ala., 1975, Sections 9-17-1 through 9-17-88)

C. TITLE OF REGULATION: Order No. 76-100, Part I: General Rules and Regulations of the State Oil and Gas Board of the State of Alabama; Part II: Rules and Regulations Governing Drilling, Producing, and Pipeline Operations in Submerged Offshore Lands of Alabama

D. SUMMARY OF PERMIT PROCESS:

1. Applicability: The drilling of any well in search of oil or gas; the drilling or conversion of any well for secondary recovery or for the disposal of saltwater and other wastes produced in association with an oil or gas recovery operation; the drilling or conversion of any well for the development of storage reservoirs for liquid or gaseous hydrocarbons; and the re-entry of a plugged and/or abandoned well.

2. General Requirements: Prior to starting a regulated activity, all persons must receive a permit from the Board.

3. **Submission Requirements:** Applicants must submit application Form No. OGB-1, OGB-1A, or OGB-1B, as appropriate. Applicants must also submit: a plat prepared by a licensed land surveyor or registered professional engineer showing the location of the proposed well; an Affidavit of Ownership or Control, Form No. OGB-2; a bond, Form No. OGB-3 or OGB-4, as appropriate; an Organization Report, Form No. OGB-5; a permit fee of \$250; and any illustrations or narrative material necessary for the Board to clearly understand all details of the proposed operation.

4. **Procedure for Obtaining a Permit:** Applications must be submitted to the Board before the proposed operation is started. On receiving a completed application, the Board reviews the proposed activities. If the activities comply with both the stated conservation measures and pollution control requirements of the regulations, the Board will approve the application. A permit will expire 1 year from the date of issuance if the permitted well has not been spudded.

5. **Notice and Hearing Requirements:** Except as permitting and administrative orders are provided for in the rules and regulations of the Board, a public hearing before the Board will be held before any rule, regulation, or order, in the absence of any emergency, is made by the Board. The Board or any interested party may institute proceedings for a hearing. A formal petition requesting a hearing must be filed at least 21 days prior to the regular meeting of the Board at which the petition will be heard. Notice of each public hearing is published at least 10 days prior to the scheduled hearing date. Within a reasonable time after a hearing, the Board enters its formal written order on the application.

6. **Operation Requirements:**

a. All oil and gas drilling operations must be done in a manner to prevent the escape of oil or gas from one stratum to another; to prevent the intrusion of water from one stratum into a separate oil or gas stratum; to prevent the pollution of freshwater supplies by oil, gas, or saltwater; to prevent wells from being drilled, operated, or produced in a manner which would cause injury to neighboring property; to prevent the drowning by water of any stratum capable of producing oil or gas; and to prevent blowout, caving, and seepage.

b. Before deepening a well below its permitted depth, all persons must file Form No. OGB-1 or OGB-1B with the Board.

c. All wells drilled in search of oil or gas must be drilled in accordance with all applicable spacing requirements.

d. All wells must be plugged within 30 days of completion or abandonment and, within 30 days after plugging, the operator must file Form No. OGB-11 with the Board.

e. Within 30 days after completion of operations, all operators must submit all required forms, reports, and surveys to the Board.

f. Test results must be submitted to the Board within 5 days after the test is done.

g. All persons whose operations fall within the classification of operator, transporter, or refiner must prepare and file the following reports, as applicable to the operations:

- Producer's Monthly Reports:
 - Oil Well Production Report, Form No. OGB-14
 - Gas Well Production Report, Form No. OGB-15
 - Report of Fluids Injected, Form No. OGB-17
- Transporter's and Storer's Monthly Report, Form No. OGB-16
- Refiner's Monthly Report, Form No. OGB-19

7. **Transportation Requirements:** No transporter may transport oil, gas, or condensate from any drilling or production unit or area until the operator supplies a certificate, Form No. OGB-12, from the Board.

8. **Fees:** Drilling permit: \$250

9. **Bonds:** A single well bond is required prior to drilling. The amount of the bond is determined by the table below:

| <u>Depth in Feet</u> | <u>Amount of Bond Required</u> |
|----------------------|--------------------------------|
| 0 to 5,000 | \$5,000 |
| 5,000 to 10,000 | \$10,000 |
| 10,000 to 15,000 | \$15,000 |
| 15,000 to 20,000 | \$30,000 |
| 20,000 or more | \$50,000 |

In lieu of a single well bond, an operator may file a blanket bond in the amount of \$100,000 to cover all operations.

10. **Appeals:** Any person aggrieved by a decision of the Board may, within 30 days, petition the Board for a new hearing. Final decisions of the Board may be appealed, within 30 days, to the appropriate county circuit court.

11. Special Rules Governing Drilling, Producing, and Pipeline Operations in Submerged Offshore Lands: All operators must comply with all applicable requirements, including those for drilling wells, well casing and cementing, drilling mud, blowout prevention equipment, drilling procedures, completed wells, wellhead equipment and testing procedures, subsurface safety devices, plugging and abandonment of wells, pollution and waste disposal, platforms, fixed structures, artificial islands, and pipelines in or over submerged offshore lands. A single well bond of at least \$100,000 is required for each well.

12. Special Notes:

a. Prior to the construction of a pipeline for the transfer of oil or gas, approval must be obtained from:

Alabama Public Service Commission
789 State Office Building
Montgomery, AL 36130
(205) 832-3420

b. If the pipeline will cross navigable streams or State waterbottoms, a lease must be obtained from:

Alabama Department of Conservation
and Natural Resources
64 North Union Street
Montgomery, AL 36130
(205) 832-6330

c. If the construction, of the pipeline will involve dredge or fill activities, a permit must be obtained from:

Office of the District Engineer
U.S. Army Corps of Engineers
P.O. Box 2288
Mobile, AL 36628
(205) 690-2660

E. ADMINISTERING AGENCY: State Oil and Gas Board
P.O. Drawer 0
University, AL 35486
(205) 349-2852

3.1.2 LIQUEFIED PETROLEUM GAS

INTRODUCTION: The Alabama Liquefied Petroleum Gas Board regulates the design, construction, location, installation, and operation of containers, tanks, systems, and equipment for storing, utilizing, handling, and transporting liquefied petroleum gas. The Board coordinates the enforcement of controlling statutory and regulatory laws through the State attorney general and district attorneys. The Board issues permits for dealing in liquefied petroleum gas, piping and appliance installation, bulk storage installation, and repairing or calibrating meters.

A. **NAME OF PERMIT:** Liquefied Petroleum Gas Permit; Class A, B, C, D, or E

B. **AUTHORIZING STATUTE:** Alabama Liquefied Petroleum Gas Board (Code of Ala., 1975, Sections 9-17-100 through 9-17-110)

C. **TITLE OF REGULATIONS:**

1. National Fire Protection Pamphlet 54 (National Fuel Gas Code)
2. National Fire Protection Pamphlet 58 (Storage and Handling of LP Gas)

D. **SUMMARY OF PERMIT PROCESS:**

1. **Applicability:** The engagement or continuation in the business of selling, distributing, storing, or transporting liquefied petroleum gas and selling, installing, servicing, repairing, or adjusting liquefied petroleum gas containers, tanks, or systems.
2. **General Requirements:** Prior to starting a regulated activity, all persons must receive a permit from the Board.
3. **Submission Requirements:** Applications must be submitted on standard forms provided by the Board and contain the following information: the applicant's name; the trade name; a designation of whether the company is a corporation, partnership, or is individually owned; the names of the partners, officers, or owners; the names of the employees who will install or serve LP gas equipment; and, for Class A permits only, the location of storage facilities.
4. **Procedure for Obtaining a Permit:** Applications must be submitted to the Board at least 30 days prior to a regularly scheduled Board meeting. (Meetings are held the first Thursday of January, April, July, and October) Action on a permit application will normally be taken at the Board meeting.

If the Board approves an application for a Class A or B permit, applicants must, within 180 days, be employed in the liquefied petroleum gas business; secure the proper insurance coverage, bond, facilities, and equipment; and have all personnel complete the Board's qualification test. This time requirement for Class C, D, and E permit applications is 60 days. Facilities will then be inspected and a permit will be issued. No work for the public can be performed until all requirements have been met.

5. **Notice and Hearing Requirements:** If the Board audits a permit holder's records and finds that the amount of fees paid was insufficient, the Board gives notice that payment is due. The firm the assessment is being made against is given an opportunity to request a hearing, within 20 days of the notice of assessment, to show why such assessment should not be made permanent. If the permit holder disagrees with the amount owed, he may request an appeal by the Board. Any assessment made by the Board will prima facie be correct on appeal.

6. **Fees:**

a. Class A and B permits:

- initial fee: \$300 plus an amount not to exceed 1/5 of 1 percent of the invoice cost to the point of delivery in Alabama
- renewal fee: \$200 plus an amount not to exceed 1/5 of 1 percent

b. Class C, D, and E permits:

- initial fee: \$50
- renewal fee: \$50

7. **Appeals:** Any person aggrieved by a decision or action of the Board, may appeal such decision or action to the Board at its next regularly scheduled meeting.

E. **ADMINISTERING AGENCY:** Alabama Liquefied Petroleum Gas Board
P.O. Box 1742
Montgomery, AL 36130
(205) 832-5861

3.1.3 COAL

INTRODUCTION: The Alabama Surface Mining Reclamation Commission has statewide jurisdiction over the surface mining of coal under the authority of the Alabama Surface Mining Control and Reclamation Act of 1981.

The major responsibility of the Commission is to provide for the safe, responsible, and reasonable reclamation of lands on which surface disturbances are created by surface or underground coal mining. Strict performance and reporting requirements are enforced by the Commission. Commission authority complements that of the Alabama Water Improvement Commission for responsibilities under the Federal Water Pollution Control Act, relating to the investigation of surface mining effects on the waters of the State and the necessary regulation to control such effects.

Prior to engaging in surface coal mining activities, all persons must obtain a mine operator's license and a mining permit for each mine site from the Commission. Prior to engaging in coal exploration activities, all persons must obtain a mine operator's license and approval from the Commission. Under the present interim regulatory program, the Commission does not issue licenses or permits for underground mines. The Commission does, however, inspect such operations and enforce performance standards. The Commission will issue special licenses and permits for underground mines once the State regulatory program has been approved by the Federal Office of Surface Mining (OSM).

In addition to these major regulatory requirements, depending on the location, nature, and magnitude of the proposed activities, a prospective mine operator may also be required to obtain the following permits, licenses, and approvals:

- a blaster's certificate from the Commission,
- an NPDES permit from the Alabama Water Improvement Commission (See Chapter 5.2 of this guide),
- solid and hazardous waste permits (See Chapters 5.4 and 5.5 of this guide),
- air quality permits (See Chapter 5.1 of this guide),
- wetlands permits (See Chapter 6.3 of this guide),
- coastal zone certifications (See Chapter 6.4 of this guide), and
- compliance with zoning restrictions in Jefferson and Jackson Counties (See Chapter 7.1 of this guide).

All required plans and structural designs must be prepared by a registered professional engineer registered by the State Registration Board. Prospective mine operator's are advised to contact the Commission for clarification of regulatory requirements and procedures. Present policies may change as the OSM revises Federal regulations.

A. NAMES OF PERMITS AND LICENSES:

1. Licenses: L - [3-digit number designation]; for example, L-123
2. Permits: P - [4-digit number designation]; for example, P-4567

B. AUTHORIZING STATUTE: Alabama Surface Mining Control and Reclamation Act of 1981 (Act 435 of Regular Session, 1981, Senate Bill No. 197)

C. TITLE OF REGULATION: State of Alabama, Surface Mining Reclamation Commission Regulations (Proposed)

D. SUMMARY OF PERMIT PROCESS:

1. Applicability: All coal mining, reclamation, and exploration activities.

2. General Requirements: Prior to commencing all coal mining or exploration activities, all persons must first obtain a license to mine and then obtain a permit for the proposed activities.

3. Submission Requirements:

a. Surface Mining Permit Application: Applications must be submitted on standard forms provided by the Commission and include:

- all required legal, financial, compliance, and related information including:
 - an identification of interests,
 - right of entry and operation information,
 - information on the relationship of the area to areas designated unsuitable for mining,
 - permit term information,
 - personal injury and property damage insurance information,
 - an identification of other required licenses and permits,
 - an identification of the location of the public office for the filing of the application, and
 - a copy of the newspaper advertisement of the application and proof of publication;

- all required information on environmental resources including:
 - general environmental resources information,
 - geological and hydrological information,
 - alternative water supply information,
 - climatological information,
 - vegetation information,
 - soil resources information,
 - land use information, and
 - all maps required according to regulatory standards; and
- the required operation and reclamation plan describing:
 - type and method of mining,
 - construction, modification, use, maintenance, and removal of facilities,
 - a blasting plan,
 - a hydrologic monitoring plan,
 - probable hydrologic consequences of the proposed activities,
 - dams, embankments, and other impoundments,
 - overburden and top soil handling structures,
 - coal removal, handling, storage, cleaning, and transportation areas and structures,
 - spoil, coal processing waste, and non-coal waste removal, handling, storage, transportation, and disposal areas and structures,
 - mine facilities, and
 - water pollution control facilities.

b. Application for Approval of Coal Exploration Activities: Applications must be made on standard forms provided by the Commission and include:

- the name and address of the applicant;
- the name and address of the person or organization responsible for conducting the exploration; and
- an exploration and reclamation operations plan describing:
 - the proposed area,
 - surface topography,
 - geological, surface water, and other physical features,
 - vegetative cover,
 - the distribution and important habitats of fish, wildlife, and plants,

- known archaeological resources in the proposed area,
- methods to be used in coal exploration and reclamation, and
- an estimated timetable for all phases of the operation.

c. Underground Mining Permit Application: As noted in the Introduction to this chapter, under the present interim program, the Commission does not issue licenses or permits for underground mining. When the program is approved by the OSM, the Commission will issue special licenses and permits for underground mining operations. Permit applications will require the same type of information required for surface mining permits, i.e., legal and compliance information, environmental resources information, and an operation and reclamation plan.

4. Procedure for Obtaining a Permit: Operators must first obtain a license to mine from the Commission and should contact the Commission for licensing requirements. Operators must then submit a complete application for a permit to the Commission. On receiving the completed application and following the required notice and hearing procedures, the Commission approves, requires modification of, or denies the application within 60 days. If it is approved, the applicant must file a bond for performance with the Commission. The Commission then inspects all facilities and issues a permit if the facilities are found to be in compliance with all regulatory requirements. Permits are valid for a fixed term specified in the permit, not to exceed 5 years, unless the applicant shows that a specified longer term is necessary to allow the applicant to obtain financing for equipment and to open the operation. This need must be confirmed in writing by the applicant's proposed source of financing.

5. Notice and Hearing Requirements: Applicants must publish notice of their applications in a newspaper of general circulation in the affected area at the time the application is filed with the Commission. This notice must be published for at least 4 consecutive weeks. Within 30 days of this notice period, any interested or affected party may file written comments or objections and/or request an informal conference to be held. If so requested, an informal conference will be held by the Commission within a reasonable time, following a 2-week notice of the conference.

6. Operation Requirements: All operations must comply with all plans and specifications stated in the permit, all applicable performance standards described in the rules and regulations of the Commission, and all applicable testing, reporting, and monitoring requirements.

7. **Fees:** The fee structure is presently being determined by the Commission. These fees will not exceed the actual or anticipated cost of reviewing, administering, and enforcing the permit.

8. **Bonds:** Bonding requirements are presently being determined by the Commission. They will be site specific and a minimum of \$10,000.

9. **Appeals:** Any person aggrieved by a final decision, determination, or action of the Commission may, within 30 days, appeal to the appropriate circuit court.

E. **ADMINISTERING AGENCY:** Alabama Surface Mining and
Reclamation Commission
P. O. Box 2390
1811 South 2nd Avenue
Jasper, AL 35501
(205) 221-4130

SECTION 4.0
LAND USE REGULATION

CHAPTER 3.2

SURFACE MINING (Non-Coal)

INTRODUCTION: The Alabama Surface Mining Act of 1969 authorizes the Department of Industrial Relations to regulate the surface mining of clay, sand, gravel, and other minerals except limestone, marble, dolomite, and coal. The purpose of the Act is to provide for the reclamation of lands which have been mined by surface methods, to protect property values, to preserve natural resources, and to protect and promote health and safety. Prior to starting surface mining activities, all persons must obtain a permit from the Department of Industrial Relations.

- A. **NAME OF PERMIT:** Surface Mining Permit
- B. **AUTHORIZING STATUTE:** Alabama Surface Mining Act of 1969 (Code of Ala., 1975, Sections 9-16-30 through 9-16-53)
- C. **TITLE OF REGULATION:** General Rules and Regulations Affecting the Alabama Surface Mining Act of 1969
- D. **SUMMARY OF PERMIT PROCESS:**

1. **Applicability:** The surface mining of clay, sand, gravel, and all other minerals except limestone, marble, dolomite, and coal.

2. **General Requirements:** Prior to engaging in a regulated activity, all persons must obtain a permit from the Department.

3. **Submission Requirements:** Applications must be submitted on standard forms provided by the Department and must contain:

- a description of the tract or tracts of land which will be affected by the proposed operation,
- a statement by the applicant that he has the right and power to mine the land described,
- a statement as to whether the applicant holds or has held any other permits under the Surface Mining Act and an identification of such permits,
- the post office address of the applicant, and
- a statement by the applicant of the manner in which he intends to reclaim the affected land.

Applications must also be accompanied by the required bond or security, and a filing fee.

4. Procedure for Obtaining a Permit: On receiving a completed application, bond or security, and fee, the Department will issue a permit to the applicant which will entitle the applicant to engage in surface mining on the land described in the application for a period of 1 year, beginning immediately. An operator desiring to amend a permit must file an amended application with the Department.

5. Operation Requirements: Every operator to whom a permit has been issued must:

- submit to the Department, no later than 90 days after the expiration of the permit period, a map or aerial photograph showing the location of the operation;
- grade affected land to reduce peaks and ridges, as required by the Surface Mining Act;
- cover the face of toxic materials left exposed by the operation with overburden material or by a permanent water impoundment;
- divert water from the mining operation in a manner designed to reduce siltation, erosion, or other damage to streams and water courses;
- plant, seed, or in any other way revegetate affected land as required by the Act; and
- complete the reclamation of all affected land within 3 years from the date of expiration of the permit period.

6. Fees:

- a. Filing fee for applications: \$250
- b. Filing fee for amendments: \$50

7. Bonds: \$150 for each acre covered by the permit

8. Appeals: Any person aggrieved by any decision, order, or action of the Department may, within 30 days, appeal to the appropriate circuit court.

E. ADMINISTERING AGENCY: Alabama Department of Industrial
Relations
649 Monroe Street
Montgomery, AL 36130
(205) 832-6753

CHAPTER 4.1

MAJOR FACILITY SITING

INTRODUCTION: There is no comprehensive legislation in the State of Alabama providing for site selection procedures for major facilities. Under the existing legal framework for the State, several Federal, State, and local agencies have a role in facility siting decisions.

Local jurisdictions are responsible for evaluating the impact of proposed facilities on adjacent land uses to determine land use compatibility. Every municipality is also responsible for ensuring that a proposed facility is constructed in accordance with local building, fire, and other codes. (See Chapter 7.1 of this guide)

The Alabama Air Pollution Control Commission and the Alabama Water Improvement Commission are responsible for ensuring proposed facilities meet State air and water pollution control requirements. The Alabama Oil and Gas Board and Liquefied Petroleum Gas Board regulate the location, design, and operation of facilities for the production and transfer of oil and gas and liquefied petroleum gas. The Division of Public Water Supplies and the Division of Solid and Hazardous Waste in the Alabama Department of Public Health are responsible for regulating the location, design, and operation of water supply and wastewater treatment and disposal facilities. The Office of State Planning and Federal Programs and the Department of Conservation and Natural Resources review plans for proposed facilities to ensure compatibility with comprehensive land use management and development plans. The Alabama Public Service Commission has general supervisory authority over all public utilities and carriers and the granting and revocation of certificates of convenience and necessity. (See Chapters 2.1, 3.1.1, 3.1.2, 4.2, 5.1, 5.2, 5.3, 5.4, and 5.5 of this guide and Code of Ala., 1975, Sections 37-1-1 through 37-1-137)

The U.S. Army Corps of Engineers reviews proposed facilities to ensure compliance with Federal dredge and fill laws. (See Chapter 6.3 of this guide)

CHAPTER 4.2

LAND USE

INTRODUCTION: The State government of Alabama has been involved in land resource planning through the issuance of policy statements contained in a number of legislative acts. Such policy statements have dealt with the functions and objectives of the State planning agency and regional planning and development commissions; the appropriate use of land through municipal zoning; the desirability of soil conservation to preserve farm, forest, and grazing land; the need to protect and enhance the quality of air and water; and the need to protect flood-prone areas and the coastal zone.

Alabama has maintained under various names and with varying responsibilities, a State planning agency since 1939. Presently, the Alabama Office of State Planning and Federal Programs (OSPFP) operates as part of the executive branch and reports directly to the governor's staff. It has broad responsibilities with regard to growth management and land use planning, including:

- to formulate long-range State comprehensive plans and policies for the orderly and coordinated growth of the State;
- to encourage and, if necessary, require the coordination and assistance of the planning and programming activities of all State departments, agencies, and institutions; and
- to advise and consult with regional, county, and local planning and development agencies.

Additional State agencies have direct or indirect influence on how land resources are used through their ability to enforce various State and Federal program guidelines and through their ability to plan for or to fund various public works. Those agencies with considerable public works influence include the State Highway Department, State Docks Department, Water Improvement Commission, Department of Conservation and Natural Resources, State Oil and Gas Board, and the State Department of Education.

State agencies which have considerable influence through planning and/or coordination activities include the Department of Agriculture and Industries, the Department of Conservation and Natural Resources, the Alabama Soil and Water Conservation Committee, the State Forestry Commission, the various river basin authorities, and the Energy Management Board.

CHAPTER 4.3

FLOOD PLAIN MANAGEMENT

4.3.1 CONSTRUCTION OF STATE FACILITIES

INTRODUCTION: The Office of State Planning and Federal Programs (OSPFP) has developed flood plain management criteria and regulations applicable to the construction of State facilities and to recipients of State grants or loans in flood plain areas in accordance with the requirements of the National Flood Insurance Program (NFIP) as authorized by Executive Order No. 11 (August 27, 1979). Each State agency that proposes to undertake a development activity within the flood plain of the State must fully comply with all provisions of the regulations adopted by the OSPFP. The State Building Commission has been designated as the agency to administer and enforce these regulations through the issuance of development permits to State agencies proposing such development. All State agencies responsible for the construction or the administration of grant or loan programs for construction must preclude the uneconomic, hazardous, or unnecessary use of flood plains as specified in the regulations. The OSPFP provides advice and assistance to such State agencies to carry out the intent of the order.

- A. NAME OF PERMIT: Development Permit
- B. AUTHORIZING ORDER: Executive Order No. 11, August 27, 1979
- C. TITLE OF REGULATION: Flood Plain Management Regulations for the State of Alabama
- D. SUMMARY OF PERMIT PROCESS:
 - 1. Applicability: All development activities within all areas of the flood plains of the State.
 - 2. General Requirements: Prior to commencing a regulated activity, all State agencies must obtain a development permit from the State Building Commission.
 - 3. Submission Requirements: Each State agency that proposes to undertake a development activity must notify the Director of the State Building Commission prior to initiating or undertaking the development activity. This notification must include: a written statement of assessment of the proposed development, including an explanation of why the activity is proposed and must be located in a flood plain; a description of alternative sites considered; an explanation of why alternate sites were rejected; and a complete description of the development, including all required plans and specifications to meet the established protective measures included in the State flood plain management regulations.

4. **Procedure for Obtaining a Permit:** On receiving notification of a development proposal, the State Building Commission reviews the proposal and determines whether all protective measures of the State regulations have been met. The Building Commission will notify all appropriate Federal agencies from which prior approval is required for the proposed development. The Building Commission will then issue a development permit, issue a development permit with specific conditions, or deny the proposal stipulating the reasons for denial.

5. **Permittee Requirements:**

a. When a State agency has received a development permit which includes buildings in the development proposal, the agency must obtain certification from a land surveyor or professional engineer that the actual lowest floor of the building, the floodproofing which may be utilized, and the actual level of floodproofing which may be utilized are in accordance with the protective measures specified in the State regulations and submit proof of such certification to the Building Commission within 30 days after the actual lowest floor or floodproofing has been finished.

b. Within 60 days after the completion of buildings, the State agency must obtain certification from a professional engineer that the floodproofing utilized and support and anchor structures utilized comply with the protective measures specified in the State regulations and submit proof of such certification to the Building Commission.

6. **Fees:** None

7. **Appeals:** Any State agency aggrieved by a decision of the Building Commission with respect to development permits may appeal to the State Board of Adjustment.

E. **ADMINISTERING AGENCY:** Alabama Building Commission
800 South McDonough Street
Montgomery, AL 36104
(205) 832-3404

For further information, contact:

Office of State Planning and
Federal Programs
3734 Atlanta Highway
Montgomery, AL 36130
(205) 832-6400

4.3.2 COUNTY FLOOD PLAIN MANAGEMENT

INTRODUCTION: The county commission of each Alabama county is authorized to adopt a comprehensive land use management program for flood-prone areas which lie outside the corporate limits of any municipality in the county. The applicable statutory provisions are directed toward the provision of flood insurance coverage in flood-prone areas of the State through compliance with the Federal requirements of the National Flood Insurance Act of 1968.

A. **NAME OF PERMIT:** Permit to Construct in Flood-Prone Areas

B. **AUTHORIZING STATUTE:** Comprehensive Land Use Management in Flood-Prone Areas (Code of Ala., 1975, Sections 11-19-1 through 11-19-24)

C. **SUMMARY OF PERMIT PROCESS:**

1. **Applicability:** Construction and development within a flood-prone area which lies within an unincorporated area of a county.

2. **General Requirements:** Prior to such construction and development, all persons must receive a permit from the county commission. Activities related to utility facilities are expressly exempt from the permitting requirements of the plan.

3. **Submission Requirements:**

a. Plans and specifications must be submitted to the county commission which clearly demonstrate compliance with the specifications, rules, and regulations adopted by the county commission as part of its comprehensive land use management plan for flood-prone areas. County commissions adopt their own plans, specifications, rules, and regulations and must be contacted directly for submission requirements.

b. County commissions are given broad authority to establish comprehensive land use control measures, specifically including:

- to control the development of subdivisions in flood-prone areas,
- to establish building codes and health regulations which incorporate the minimum standards necessary to reduce flood damage in flood-prone areas,
- to provide occupancy standards for the prudent use of flood-prone areas,

- to provide maps for public inspection which clearly delineate flood-prone areas and floodways in the county,
- to conduct necessary related studies,
- to employ technical or advisory personnel including the establishment of a county planning commission,
- to adopt county ordinances necessary for the enforcement of regulations, and
- for coastal flood-prone areas, to prescribe land uses and minimum elevations of the first floors of buildings, including consideration of the need for bulkheads, seawalls, and pilings.

4. Procedure for Obtaining a Permit: County commissions adopt their own permitting procedures and should be contacted directly for regulatory requirements. On the determination of compliance by the county commission, a permit will be issued for the proposed construction.

5. Permittee Requirements: All buildings and structures must be erected, constructed, reconstructed, altered, repaired, converted, and/or maintained; all subdivisions must be established; and all land must be used to comply with any ordinance or other regulation adopted by the county commission.

6. Fees: County commissions should be contacted directly for fee requirements.

7. Appeals: Any party aggrieved by a decision or action of the county commission may, within a reasonable time, appeal such decision or action to the county board of adjustment.

- Any party aggrieved by a final judgment or decision of a board of adjustment may, within 15 days, appeal such judgment or decision to the appropriate county court.

D. ADMINISTERING AGENCY: Contact the appropriate county commission.

CHAPTER 5.1

AIR QUALITY

INTRODUCTION: The Alabama Air Pollution Control Act of 1971 was enacted to implement the Federal Clean Air Act of 1970 and Clean Air Amendments, and to preserve and protect the air resources of the State. The Alabama Air Pollution Control Commission was established to examine problems of air pollution and to develop means of controlling and preventing air pollution in the State.

The Commission has adopted a permit system for the construction and operation of any air contaminant source. The Commission has also adopted ambient air quality standards and source emission standards.

A. NAMES OF PERMITS:

1. Permit to Construct
2. Permit to Operate

B. AUTHORIZING STATUTE: Alabama Air Pollution Control Act of 1971 (Code of Ala., 1975, Sections 22-28-1 through 22-28-23)

C. TITLE OF REGULATION: Alabama Air Pollution Control Commission Rules and Regulations

D. SUMMARY OF PERMIT PROCESS:

1. **Applicability:** Construction, operation, activation, or reactivation of any article, machine, equipment, or other contrivance which will cause, increase, or reduce the issuance of air contaminants into the atmosphere.
2. **General Requirements:** Prior to starting a regulated activity, all persons must obtain a permit from the Air Pollution Control Commission.
3. **Submission Requirements:** Applications for permits must be submitted on standard forms provided by the Commission and must include plans, specifications, and any additional information the Commission requires to make a determination that all standards and requirements will be met.

4. Procedure for Obtaining a Permit:

a. For new facilities, the applicant must first obtain a permit to construct. If construction has not commenced within 2 years, the permit will be cancelled. On completion of construction, the operator must submit a letter to the Commission testifying that the construction has been completed and is in accordance with the specifications stated in the permit. The permittee must then apply for a permit to operate. On receiving the application, the Commission may issue a temporary permit to operate until an official inspection of the facility can be made and a permit to operate issued.

b. For new and existing facilities, a permit to operate must be obtained before any contaminant source may begin, activate, or reactivate operations.

c. Permits to operate are valid for an unlimited period of time unless they are revoked by the Commission. Permits are not transferable to another location, person, or piece of equipment.

5. Operation Requirements:

a. Permits to operate must be kept readily available for inspection upon request by any person.

b. All sources must be operated in compliance with all approved plans and specifications, terms and conditions of the permit, and all applicable standards and requirements as specified in the Air Pollution Control Act and regulations of the Commission.

c. The Commission may allow for the intermittent discharge of contaminants in excess of the specified limitations if it finds that, because of the nature of the source, there is no practicable alternative.

6. Fees: None

7. Appeals: Any person aggrieved by a decision of the Commission may, within 20 days, appeal the decision to the appropriate circuit court.

8. Special Notes: The Air Pollution Control Act allows concurrent enforcement of clean air standards at the local level by permitting each county board of health to establish and administer a local air pollution control program, so long as its regulations are at least as strict as State standards.

Regulations which are identical to the Commission's regulations, or which concern sources or types of contaminants for which the Commission has not yet established any standards, may be promulgated by the local boards of health without approval by the Commission. To enforce requirements stricter than State standards, however, the local boards of health must submit their standards to the Commission for approval. At this time, Jefferson County, Tri-County Health District, and the City of Huntsville have acted to establish local programs.

E. SUMMARY OF AIR QUALITY STANDARDS:

1. General Standards: The Commission has adopted ambient air quality standards as well as source emission standards. The National Primary Ambient Air Quality Standards and National Secondary Ambient Air Quality Standards (40 CFR 50) have been incorporated into the State regulations. The Commission currently has emission standards for particulates, sulfur compounds, nitrogen oxide, carbon monoxide, fluorides, organic compounds, and motor vehicles. The Commission has also adopted emission standards consistent with the Federal New Source Performance Standards and the National Emissions Standards for Hazardous Air Pollutants.

2. Operation Requirements: The Commission may require the owner/operator of a contaminant source to: establish and maintain records; make periodic reports; install, use, and maintain monitoring equipment or methods; make emissions samples and reports; and establish standby plans for air pollution warnings, episodes, or emergencies. Sampling and testing procedures and methods must be in accordance with applicable Federal regulations (40 CFR 60).

3. Non-Attainment Areas:

a. Under its State Implementation Plan (SIP), the attainment date for both primary and secondary air quality standards was July, 1975, with the exception of those areas listed below:

| County | Pollutant | Attainment Date (Primary and Secondary) |
|---------------------------|-----------------|--|
| Russell County | ozone | Dec. 31, 1982 |
| Jefferson County | ozone | Dec. 31, 1982 |
| Madison County | ozone | Dec. 31, 1982 |
| Morgan County | ozone | Dec. 31, 1982 |
| Mobile County | ozone | Dec. 31, 1982 |
| Parts of Mobile County | TSP | Dec. 31, 1982 |
| Parts of Jefferson County | TSP | No date approved by the EPA |
| Parts of Etowah County | TSP | No date approved by the EPA |
| Parts of Colbert County | SO ₂ | No date approved by the EPA |
| Parts of Jackson County | SO ₂ | No date approved by the EPA |

b. The existing State regulations contain an "offset policy" for issuing permits in these non-attainment areas which requires the use of the best available control technology (BACT) to achieve the lowest achievable emission rate (LAER) in these areas.

4. Clean Air Areas: The State of Alabama has received full prevention of significant deterioration (PSD) delegation from the U.S. Environmental Protection Agency. The Commission has adopted PSD regulations which, as yet, have not been approved by the EPA.

F. ADMINISTERING AGENCY: Alabama Air Pollution Control
Commission
645 South McDonough Street
Montgomery, AL 36130
(602) 834-6570

SECTION 5.0
ENVIRONMENTAL QUALITY MANAGEMENT

CHAPTER 5.2

WATER QUALITY STANDARDS AND REGULATIONS

INTRODUCTION: The Alabama Water Pollution Control Act was enacted to promote the conservation of State waters and to provide for the prevention, abatement, and control of new or existing water pollution.

The Alabama Water Improvement Commission was created to supervise all activities and enforce all laws relating to water pollution in the State and to establish criteria for acceptable limits of pollution. The Commission has been designated as the State water pollution control agency for purposes of the Federal Clean Water Act and has been granted National Pollutant Discharge Elimination System (NPDES) permitting authority.

The Commission issues permits for the discharge of sewage wastes, industrial wastes (entering directly or through a municipal or private treatment facility), and other wastes into the waters of the State. Each permit stipulates the conditions under which a waste discharge may be permitted. NPDES permits are required for industrial activities, surface mining activities, and municipal and semi-public waste treatment facilities.

Water quality standards and criteria have been set by the Commission, based on water uses which are to be protected. These standards and criteria are considered by the Commission in its regulation of discharges.

A. NAMES OF PERMITS:

1. NPDES Permit
2. SID Permit (State Indirect Discharge)

B. **AUTHORIZING STATUTE:** The Alabama Water Pollution Control Act (Code of Ala., 1975, Sections 22-22-1 through 22-22-14)

C. **TITLE OF REGULATION:** Regulations, Policies, and Procedures of the Alabama Water Improvement Commission (1981)

D. SUMMARY OF PERMIT PROCESS:

1. **Applicability:** All discharges of pollutants into the waters of the State.

2. General Requirements:

a. All persons currently discharging or proposing to begin discharging pollutants from a point source must obtain a valid NPDES permit from the Water Improvement Commission.

b. Any person who is a non-municipal, non-domestic discharger, and who introduces or proposes to introduce pollutants into a publicly owned treatment works (POTW) must obtain a SID permit from the Water Improvement Commission and comply with the SID pretreatment regulations.

3. **Submission Requirements:** Applications for permits must be submitted on standard forms provided by the Commission and must include information on: the nature of the operations producing the wastes, the sources and characteristics of the wastes, the treatment proposed, and the quantities and characteristics of the treated wastes the applicant wishes to discharge. In the case of discharges to POTW's, a letter of acceptance from the municipality should accompany the application.

4. **Procedure for Obtaining a Permit:**

a. Any person discharging pollutants from any point source whose previously filed NPDES application has been determined to be deficient in satisfying the specified requirements of the State regulations, must file a complete NPDES application within 60 days of the date he is notified of the deficiency. Applications for new permits must be submitted to the Commission at least 180 days prior to the date on which the discharge will begin. The Commission then determines if the application is complete and the permitting process is initiated.

b. NPDES permits are issued following the required review and comment procedures if the proposed or existing discharge is in compliance with all applicable Federal and State standards and requirements as specified in the State regulations. The Commission then authorizes the construction of treatment facilities, and upon completion of these facilities, the Commission makes an inspection to determine if the facilities have been constructed in accordance with approved plans and specifications. The facility may then begin to operate with a permit.

c. SID permits are issued upon agreement of permit terms and conditions among the applicant, the POTW, and the Commission, and are not subject to the notice requirements for NPDES permits.

5. **Notice and Hearing Requirements:** On receiving a completed NPDES application, the Commission prepares a draft permit for a 30-day review by the applicant and the U.S. Environmental Protection Agency (EPA). Following the resolution of details of the draft permit, the proposed permit is posted and/or published for a 30-day comment period.

Following this comment period, if there are no changes, the proposed permit is issued. If there is sufficient public interest, a public hearing is scheduled, following a 30-day notice of the hearing. Within 30 days after the close of the hearing record, the Commission issues a final written decision.

6. Operation Requirements: The permittee is required to comply with all applicable monitoring and record-keeping requirements and with all terms and conditions specified in the permit. Any process modification which results in an increased discharge of pollutants must be reported to the Commission. Permits may be renewed if the permittee submits a written request for reissuance to the Commission at least 180 days prior to the expiration date of the permit. No permit may be transferred without prior notice and approval by the Commission.

7. Fees: None

8. Appeals: Any person aggrieved by a decision of the Commission may, within 15 days, appeal that decision to the Commission. The final Commission decision may be reviewed by petition to the appropriate circuit court.

E. SUMMARY OF WATER QUALITY STANDARDS AND CRITERIA:

1. General Standards: The purpose and intent of the water quality standards is to conserve, protect, maintain, and improve the waters of the State of Alabama. Water quality standards are based on the following water-use classifications: public water supplies, water contact sports, shell fish harvesting, fish and wildlife uses, agricultural and industrial water supplies, industrial operations, and navigational uses.

2. General Criteria: Water quality criteria have been developed by the Commission and set forth in the State regulations for those uses of surface waters known and expected to exist in the State. They are based on present scientific knowledge, experience, and judgment. General conditions applicable to all water quality criteria, minimum conditions applicable to all State waters, wastewater treatment requirements, and specific water quality criteria for each classified use have been established and included in the State regulations.

F. ADMINISTERING AGENCY: Alabama Water Improvement Commission
Public Health Services Building
2721 Gunner Park Drive, West
Montgomery, AL 36130
(205) 277-3630

CHAPTER 5.3

PUBLIC WATER SUPPLY

INTRODUCTION: The Alabama Safe Drinking Water Act of 1977 placed the responsibility for supervision of all public water systems of the State with the Department of Public Health. The State Board of Health is empowered by the Act to promulgate State Primary and Secondary Drinking Water Regulations. State Primary Drinking Water Regulations are at least as stringent as National Primary Drinking Water Regulations promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Federal Safe Drinking Water Act.

The Act and State regulations require a permit to construct and operate all public water systems. Standards and requirements for the use and treatment of groundwater and surface water sources in the State are also specified in the regulations.

A. NAMES OF PERMITS:

1. Permit to Construct
2. Permit to Use

B. **AUTHORIZING STATUTE:** Alabama Safe Drinking Water Act of 1977 (Code of Ala., 1975, Sections 22-23-1 through 22-23-54)

C. **TITLE OF REGULATION:** Regulations Governing Public Water Supplies

D. SUMMARY OF PERMIT PROCESS:

1. **Applicability:** Construction, addition, modification, and/or operation of any new or existing water works or water works system for supplying water to the public for domestic purposes.

2. **General Requirements:** Prior to starting a regulated activity, all persons must receive a permit from the Department's Division of Public Water Supplies.

3. **Submission Requirements:** Applications for permits must be submitted on standard forms provided by the Division. Complete plans and specifications must be submitted with the application, along with a general description of the proposed system or proposed change in an existing system, showing its geographical location in relation to the source of water supply, and its methods of storage, purification or treatment, and delivery.

4. Procedure for Obtaining a Permit:

a. For construction of new systems or expansion or modification of existing systems, a preliminary report must be filed with the Division prior to the preparation of final plans and specifications. The Division reviews the report and, if it gives preliminary approval, final plans and specifications must then be prepared and submitted for review. If the Division finds them acceptable, a permit to construct is issued. All reports, final plans, and specifications must be submitted at least 30 days prior to the date on which action by the Division is desired. A permit to construct expires in 6 months unless construction on the project has started.

b. Monthly progress reports must be submitted to the Division during the construction period. After construction is completed in compliance with the approved plans and specifications, a temporary permit to use, valid for 30 days, can be issued by the Division. Upon final inspection by the Division and approval of the facility as built, a permit to use is issued to the supplier.

5. Operation Requirements: All water works or water works systems must comply with all applicable State Primary and Secondary Drinking Water Regulations and all terms, conditions, and specifications established in the issued permit. All applicable treatment requirements for groundwater and/or surface water, pumping requirements, finished water storage requirements, and operational, maintenance and record-keeping requirements must be adhered to. The Division may inspect facilities and, if necessary, revoke any permit at any time.

6. Notice and Hearing Requirements: Any supplier of water may request a variance from the provisions of the regulations in accordance with the conditions and findings specified in the regulations. On receiving such a request, the Division posts or publishes a public notice of the proposed variance and informs interested and affected parties that they may request a hearing. Requests must be made in writing within 30 days of the publication or posting of the notice. If the Division determines there is cause for a hearing, it schedules a date and publishes and/or posts notice of the hearing 15 days prior to the scheduled date. Within 30 days after the close of the hearing record, the Division confirms, revises, or rescinds the proposed variance.

7. Fees: None

8. Appeals: Any person adversely affected by a decision or action of the Department of Public Health may, within 30 days, appeal to the appropriate circuit court.

E. ADMINISTERING AGENCY:

Division of Public Water Supplies
Alabama Department of Public Health
Public Health Services Building
434 Monroe Avenue
Montgomery, AL 36130
(205) 832-3170

CHAPTER 5.4

SOLID WASTE MANAGEMENT

INTRODUCTION: The Alabama Solid Waste Disposal Act was enacted in 1969 and amended in 1971 to control the collection and disposal of solid waste in Alabama. The Act delegates significant authority, particularly in the area of collection, to the local counties. The State regulations for solid waste management were adopted under the Act and are currently being revised.

- A. **NAME OF PERMIT:** Department of Public Health Approval
- B. **AUTHORIZING STATUTE:** Solid Waste Disposal Act (Code of Ala., 1975, Sections 22-27-1 through 22-27-26)
- C. **TITLE OF REGULATION:** State of Alabama Rules and Regulations for Solid Waste Management
- D. **SUMMARY OF APPROVAL PROCESS:**

1. **Applicability:** Establishment or operation of facilities for the management of solid wastes in the State. (The present regulations are minimal, with much of the regulatory authority delegated to the individual counties, allowing them to be as stringent as they wish. The new regulations will be more comprehensive.)

2. **General Requirements:**

a. No person may establish or operate a solid waste disposal facility without obtaining and maintaining approval for site location from the Department of Public Health.

b. No one may construct or operate a facility used in the treatment and processing of solid waste for final disposal, or used in reclaiming or recycling solid waste prior to final disposal, without first giving written notice to the Department. For either type of facility to be permitted, a request for approval must be made in writing to the Department.

3. **Procedure for Obtaining Approval:** Both the site and the operating plan must be approved by the State prior to the establishment of the facility. Presently, the request for approval for a private facility must be accompanied by an approval letter from the local governmental agency before the State will consider the application.

4. Operation Requirements:

a. All solid waste must be collected, transported, stored, treated, utilized, processed, reclaimed, recycled, and disposed of in compliance with the requirements of the regulations. The Department of Public Health, and local health departments, are responsible for enforcement.

b. The specific plans of operation will be considered by the Department on each application for approval. The regulations under development will more fully treat this subject. However, under the present regulations, open burning is banned, compacting of waste is required in sanitary landfills, groundwater and surface water are to be protected, and putrescible wastes must be buried immediately in sanitary landfills. There are also requirements for closure.

5. Fees: At this time, there is no State fee structure.

6. Appeals: Persons aggrieved by a decision of the Department of Public Health may, within 30 days, appeal to the appropriate circuit court.

7. Special Notes: Major regulatory revisions are planned to be completed within the next few months.

E. ADMINISTERING AGENCY: Division of Solid and Hazardous Waste
Alabama Department of Public Health
State Office Building
Montgomery, AL 36130
(205) 832-6728

CHAPTER 5.5

HAZARDOUS WASTE MANAGEMENT

INTRODUCTION: The Alabama Hazardous Waste Management Act of 1978 was enacted to control the transportation, treatment, storage, and disposal of hazardous waste within Alabama. The Act was modeled after the Federal Resource Conservation and Recovery Act of 1976 (RCRA). The Alabama hazardous waste management regulations were adopted by the Alabama Department of Public Health in 1980 to implement the Act.

At this time, the Alabama Department of Public Health has been granted Phase I interim authorization to run its own program for the management of hazardous waste. The State regulations are substantially equivalent to the Federal regulations promulgated by the U.S. Environmental Protection Agency (EPA), but are presently being amended in preparation for application by the State to the EPA for Phase II authority to site and permit new facilities.

- A. **NAME OF PERMIT:** Hazardous Waste Management Permit (EPA)
- B. **AUTHORIZING STATUTE:** Hazardous Waste Management Act of 1978 (Code of Ala., 1975, Sections 22-30-1 through 22-30-24)
- C. **TITLE OF REGULATION:** Hazardous Waste Management Regulations
- D. **SUMMARY OF PERMIT PROCESS:**
 - 1. **Applicability:** The operation and modification of existing hazardous waste storage, treatment, and disposal facilities; the transportation and generation of hazardous waste.
 - 2. **General Requirements:** The general requirements of the regulations are substantially equivalent to the Phase I regulations promulgated by the U.S. EPA for interim status of a hazardous waste facility (40 CFR).
 - 3. **Procedure for Obtaining a Permit:** At this time, the proper permitting authority is the U.S. EPA. Alabama has not completed development of its permit procedures; these procedures are being developed in accordance with Phase II regulations.

4. **Operation Requirements:** At this time, the general operating requirements are based on interim status under Phase I. All facilities must have been in existence on November 19, 1980, and meet all interim standards for security, inspection, personnel training, emergency preparedness, financial responsibility, and closure and post-closure plans. All facilities, generators, and transporters must comply with the manifest system of record-keeping and reporting. More specific operation requirements are under development and will be part of the regulations under Phase II.

5. **Notice and Hearing Requirements:** The Department may grant an individual variance from the specific provisions of the regulations upon proof that a requirement would impose an arbitrary or unreasonable hardship. In such cases, the Department will publish notice of the petition for a variance and provide an opportunity for public hearing. Requests for hearings must be submitted in writing within 30 days after publication of the hearing notice.

6. **Fees:** At this time, there is no State fee structure. Such fees are under consideration both by the Department and by the State legislature.

7. **Appeals:** Any person aggrieved by a decision of the Department may, within 30 days, appeal such decision to the appropriate circuit court.

8. **Special Notes:** These regulations are substantially equivalent to Federal regulations but are presently being amended as the State prepares to apply for Phase II authority to site and permit new facilities. It should be noted that Alabama is more stringent with regard to transporters than the Federal program. Transporters must obtain a permit prior to transporting hazardous waste in the State. (See Code of Ala., 1975, Section 22-30-12(c)(1), and Section 4-270 of the Hazardous Waste Management Regulations)

E. **ADMINISTERING AGENCY:** Division of Solid and Hazardous Waste
Alabama Department of Public Health
State Office Building
Montgomery, AL 36130
(205) 832-6728

SECTION 6.0
SOCIAL/ECOLOGICAL PRESERVATION

CHAPTER 6.1

RARE AND ENDANGERED SPECIES

INTRODUCTION: Alabama has no official laws or regulations that protect rare and endangered species in the State. However, an unofficial list of endangered and threatened plants and animals has been established and includes all species protected by Federal laws and regulations, as well as species which the Alabama Department of Conservation and Natural Resources (DCNR) has considered to be in need of protection.

The DCNR has jurisdiction over game animals only and does protect those game animals listed as species in need of protection. All bird species are also protected, but no plant species are protected. The title and ownership to all wild birds and animals in the State is vested in the State for the purpose of regulating the use and disposition of these animals.

A scientific collecting permit is required by the DCNR for the collection of those species protected by the game laws of the State.

- A. **NAME OF PERMIT:** Scientific Collecting Permit
- B. **AUTHORIZING STATUTE:** State Laws Pertaining to the Department of Conservation and Natural Resources; Article 8: Hunting and Trapping of Birds and Game (Code of Ala., 1975, Sections 9-11-230 through 9-11-263)
- C. **TITLE OF REGULATION:** Procedure for Obtaining Scientific Collecting Permits
- D. **SUMMARY OF PERMIT PROCESS:**
 - 1. **Applicability:** The collection of all species protected by the game laws of the State.
 - 2. **General Requirements:** Prior to the collection of these species, a scientific collecting permit must be obtained from the Division of Game and Fish within the DCNR.
 - 3. **Submission Requirements:** Applications for scientific permits must be submitted on standard forms provided by the DCNR and include information describing: the collector's training and experience in biology, the reasons for collecting, the species to be collected and locations where collection will be made, methods and equipment to be used, and the proposed disposition of the species collected. If the intended collector is a student, the application must be accompanied by a letter of justification from the student's academic advisor or course instructor.

4. Procedure for Obtaining a Permit: If the species appears on the State's rare and endangered species list, the applicant must also obtain an accompanying letter from the Commissioner of the DCNR setting out specific conditions under which such rare and endangered species may be collected. Scientific permits are issued only to individuals. In addition to a State scientific permit, a Federal permit is required for the collection of species protected by the Federal government.

5. Permittee Requirements: At least 2 days prior to collecting, holders of scientific permits must notify the radio operator in the Montgomery Office of the Game and Fish Division's Law Enforcement Section of: when and where the collection will be conducted, what is to be collected, and the methods to be used in collection. The permit holder must have written permission from the landowner or be accompanied by the landowner or his agent when collecting any species. No pelt, carcass, or any other part of any specimen taken under a scientific permit may be used for commercial purposes. Scientific permits are not transferable and permits must be in the personal possession of the collector during collection. Holders of scientific permits must provide the Game and Fish Division with a report of all collections made, the date and location of collection, and the disposition of materials collected within 10 days of the expiration date of the permit.

6. Fees: Application fee: \$1

7. Appeals: The decision of the DCNR is final. If, however, an application is denied, the DCNR may request that additional information be submitted by the applicant justifying his request. If the DCNR feels the justification is valid, it will then issue a permit.

E. ADMINISTERING AGENCY: Division of Game and Fish
Department of Conservation and Natural
Resources
Administrative Building
64 North Union Street
Montgomery, AL 36130
(205) 832-6300

CHAPTER 6.2

ARCHAEOLOGICAL AND HISTORICAL

INTRODUCTION: The Alabama Historical Commission was formed to promote and increase interest, knowledge, and understanding of the history of Alabama. It is vested with the power of eminent domain for the purpose of acquiring historical structures or sites of exceptional importance, including buildings, sites, objects, or monuments of special significance, for excavational, salvage, protective, and interpretive purposes. The Commission establishes criteria for certification, selection, and acquisition of properties for State ownership and maintenance, and implements the Federal regulations promulgated pursuant to the National Historic Preservation Act of 1966, as amended (16 USC 470), in the State of Alabama.

By the provisions of the State law preserving aboriginal mounds and antiquities, the State of Alabama reserves the exclusive right and privilege of "exploring, excavating or surveying, ... all aboriginal mounds and other antiquities, earthworks, ancient or historical forts and burial sites within the State." State ownership is expressly declared in all objects found or located within the antiquities. No State regulations have been adopted pursuant to the Act and no State permits are required.

A. **NAME OF APPROVAL:** Alabama Historical Commission Approval

B. **AUTHORIZING STATUTES:**

1. An Act Creating the Alabama Historical Commission (Code of Ala., 1975, Sections 41-9-240 through 41-9-259)

2. Aboriginal Mounds and Antiquities Preserved (Code of Ala., 1975, Sections 41-3-1 through 41-3-6)

C. **TITLE OF REGULATION:** No State regulations have been adopted pursuant to the above Acts. Federal regulations (36 CFR 800) apply in Alabama. The Alabama Historical Commission has established guidelines for Cultural Resource Assessment Reports consistent with the applicable Federal regulations.

D. **SUMMARY OF APPROVAL PROCESS:**

1. **Applicability:** Exploring, excavating, or surveying all aboriginal mounds and other antiquities, earthworks, ancient or historical forts, and burial sites within the State of Alabama. Only the State through its authorized officers, agents, or employees who have the required training may explore, excavate, and survey sites, subject to the rights of the owner on which such sites are found.

2. **General Requirements:** Prior to commencing the above activities, permission must be obtained from the Alabama Historical Commission.

3. **Procedure for Obtaining Approval:** Persons wishing to commence explorations should contact the Commission for procedures and guidelines to follow.

4. **Requirements for Explorations:**

a. Explorations cannot be made without the consent of the owner of the land. Explorations must not injure any crops, houses, or improvements on the land adjacent to or forming a part of the remains, and must not deface or injure the remains. No objects taken from the remains can be sold or disposed of outside the State; they must remain in State custody, and be placed in either the collection of the Department of Archives and History or in the museums or libraries of the educational or other institutions of the State.

b. Following the excavation, a Cultural Resource Assessment Report must be submitted, identifying the natural setting and prehistoric and historic background of the area of interest and including a description of field reconnaissance procedures and results. The report must also contain a statement of eligibility of each site to the National Register of Historic Places, applying the National Register Criteria, and any photographs of sites, structures, and/or cultural material recovered if it will enhance the data presented.

E. **ADMINISTERING AGENCY:** Alabama Historical Commission
725 Monroe Street
Montgomery, AL 36130
(205) 832-6621

CHAPTER 6.3

WETLANDS

INTRODUCTION: Activities that affect wetlands in the State of Alabama must comply with the water quality standards and requirements of the Alabama Water Improvement Commission as well as the U.S. Army Corps of Engineers requirements for Section 404 permits.

A. NAME OF PERMIT: U.S. Army Corps of Engineers 404 Permit

B. AUTHORIZING STATUTES:

1. Federal Clean Water Act, PL 95-217
2. Alabama Water Pollution Control Act (Code of Ala., 1975, Section 22-22-1 et seq.)
3. Memorandum of Agreement between the Alabama Water Improvement Commission and The Corps of Engineers, Mobile, Alabama District Relating to the Corps Regulatory Functions Program, May 21, 1980
4. Memorandum of Agreement between the Alabama Water Improvement Commission and the Corps of Engineers, Mobile, Alabama District Relating to Federally authorized operation and maintenance or continuing authority projects, May 13, 1981

C. TITLE OF REGULATION: U.S. Army Corps of Engineers Dredge and Fill requirements under PL 95-217, Section 401(a)(1) and regulations, policies, and procedures of the Alabama Water Improvement Commission to include water quality standards

D. SUMMARY OF PERMIT PROCESS:

1. **Applicability:** Dredge and fill activities in wetlands areas.
2. **General Requirements:** All persons must comply with surface water quality standards and requirements for dredge and fill in wetlands areas. State certification is required from the Alabama Water Improvement Commission for activities requiring a Corps permit and for Corps Federally authorized operation and maintenance or continuing authority projects.
3. **Procedure for Obtaining a Permit:**
 - a. Applications for 404 permits must be submitted to the U.S. Army Corps of Engineers. Immediately following the receipt of an application, the Corps will transfer a copy to the Commission. Such application transmittal is deemed as a request by the applicant for State certification.

b. The Corps will then issue a joint public notice of the application for the Corps and the Commission. The Corps will prepare, reproduce, and distribute public notices to all parties known to be interested in the application. Interested parties may comment on the application within 30 days after the issuance of the notice. All public comments relating to water quality along with a request for certification are forwarded to the Commission following the comment period.

c. Within 30 days after the close of the public comment period, the Commission will either certify, deny certification, or waive certification of the application. This time period may be extended at the request of the Commission.

d. A public hearing on a project permit and/or certification may be held if there is significant comment on a project or if the Corps or the Commission requests such a hearing to be held. Notice of any hearing held must be issued by the Corps at least 45 days in advance of the hearing date. If a public hearing is held, the 30-day response period of the Commission would be extended.

e. The Commission waives its water quality certification for all projects which may be issued a Corps "General" permit or a Corps "Nationwide" permit, unless there is special notification by the Commission of its intent not to waive water quality certification on a particular project.

4. Permittee Requirements: The permittee must comply with conditions established in the 404 permit, which are partially determined through the certification process.

5. Fees: None required by the State.

6. Appeals: If an application is rejected, the applicant may appeal to the Commission or directly to the Corps.

7. Special Notes:

a. If the proposed construction will affect the waters and shores of any navigable river or stream, a license from the Alabama State Docks Department must be obtained. Licenses issued by the Department are subject to approval of appropriate Federal and State regulatory agencies.

b. Any wetlands construction involving dredging and removal of sand, gravel, fill, or other bottom material from State-owned water bottoms requires a lease/contract from the State Lands Division of the Department of Conservation and Natural Resources, for which a royalty-type charge is made.

E. ADMINISTERING AGENCIES: Alabama Water Improvement Commission
Public Health Services Building
2721 Gunner Park Drive, West
Montgomery, AL 36130
(205) 277-3630

Office of the District Engineers
U.S. Army Corps of Engineers
P.O. Box 2288
Mobile, AL 36628
(205) 690-2660

Alabama State Docks Department
P.O. Box 1588
Mobile, AL 36601
(205) 690-6112

State Lands Division
Alabama Department of Conservation
and Natural Resources
64 North Union Street
Montgomery, AL 36130
(205) 832-6330

CHAPTER 6.4

COASTAL ZONE MANAGEMENT

INTRODUCTION: The Alabama Coastal Area Act of 1976 was enacted to promote, improve, and safeguard the lands and waters located in the coastal areas of the State through a comprehensive and cooperative program designed to preserve, enhance, and develop such valuable resources for the present and future well-being and general welfare of the citizens of the State.

The Alabama Coastal Area Board (CAB), created by the Act, has authority to review all "regulated" and "non-regulated" uses which have a "direct and significant impact" on the "coastal area". A "regulated" use is defined as a use which either requires a State permit, a Federal permit, or by Federal law is required to be consistent with the State Coastal Area Management Program. A "non-regulated" use is a use which does not require a State or Federal permit or is not required by Federal law to be consistent with the management program. Non-regulated uses include, but are not limited to, construction on dunes and beaches and in the 100-year flood plain, septic tank construction and operation, and extraction of groundwater resources. A "direct and significant impact" is the result of an activity which is likely to have an adverse effect on the coastal area through an identifiable link or process. The "coastal area" is defined as the lands and waters of Alabama seaward of the 10-foot contour and extending to the limit of the territorial sea. This area exists wholly within Mobile and Baldwin counties.

Generally, the CAB must find that those uses which require a State or Federal permit are consistent with the policies, rules and regulations which it has promulgated as part of the Alabama Coastal Area Management Program. The CAB also reviews uses that are not otherwise regulated through its own permitting procedure.

A. NAMES OF PERMITS:

1. Certificate of Compliance
2. Certificate of Consistency
3. Coastal Area Board (CAB) Permit

B. **AUTHORIZING STATUTE:** Alabama Coastal Area Act of 1976 (Code of Ala., 1975, Sections 9-7-10 through 9-7-22)

C. **TITLE OF REGULATION:** The Alabama Coastal Area Management Program

D. SUMMARY OF PERMIT PROCESS:

1. **Applicability:** All regulated and non-regulated uses which have a direct and significant impact on the coastal area.

2. **General Requirements:** All uses subject to the management of the CAB must comply with the compliance, consistency, or permit procedures outlined below.

3. **Procedure for Obtaining a Certificate of Compliance, Certificate of Consistency, or CAB Permit:**

a. **Review of State Permits Issued by Regulatory Agencies for Compliance:** The State regulatory agency sends an informational copy of a permit application and supporting documents submitted by a permit applicant to the CAB within 10 days of receiving the application. On receipt of the application copy, the CAB begins its review process and initiates an interagency coordination process. As early as possible in this process, the State agency notifies the CAB that the proposed use satisfies its own rules and regulations and assures the CAB that the agency will condition its permit issuance on compliance with the Coastal Area Management Program and any associated special limitations the CAB requires. The agency will then send a written request for certification to the CAB. Within 45 days of receiving this request, the CAB will either issue or deny a certificate of compliance.

b. **Review of Federal Projects and Activities for Consistency:** As early as practicable, the Federal agency should notify the CAB of a proposed or ongoing Federal project or activity which is subject to the Coastal Area Management Program. Upon completion of its own investigation to determine if the use is consistent with the management program, and in no case later than 90 days before final approval of the use by the agency, the Federal agency submits a determination of consistency to the CAB. Within 45 days after receiving the agency's determination of consistency, the CAB either concurs or objects to the determination of consistency.

c. **Review of Federal Permits for Consistency:** Within 10 days of filing a permit application to a Federal agency for a use subject to the management program, the applicant must send an informational copy of the application and supporting documents to the CAB. After completing all technical studies required by the Federal agency, the applicant must provide the CAB with a certification of consistency issued by the Federal agency. Within 6 months of receipt of the certification of consistency, the CAB will either concur with or object to the certification of consistency.

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d. Review of Activities Described in Outer Continental Shelf (OCS) Lands Plans for Consistency: Prior to the submission of an OCS plan to the Secretary of the Interior, the person submitting the plan must identify all activities which are subject to CAB review and determine that the proposed activities are consistent with the management program. When submitting the plan, the person must provide the Secretary of the Interior with a certificate of consistency issued by the appropriate agency. Within 5 days of submitting the plan, the person must provide the CAB with a copy of the OCS plan and a copy of the certificate of consistency. The CAB will review the plan and within 6 months, concur with or object to the certificate of consistency.

e. Review of Federal Assistance to Local Governments for Consistency: When a State or local government applies for Federal assistance for a project involving a coastal area, the State Clearinghouse provides a copy of the application to the CAB. Within 30 days of receipt of a copy of the loan or grant application from the State Clearinghouse, the CAB reviews the application and either issues or denies a certificate of consistency.

f. Review of Non-Regulated Uses for CAB Permit: Any person wishing to use the coastal area for a non-regulated activity must make an application to the CAB for a CAB permit. On receipt of a completed application, the CAB notifies the applicant of receipt of the application, begins its review process, and informs the permit applicant of the information and studies which will be required and of the availability of a public hearing. Within 60 days from the receipt of the application for a permit, the CAB either issues a permit for the proposed use, with or without conditions, or denies the permit.

4. General Rules and Regulations:

a. Approval by the CAB of any regulated or non-regulated use or the issuance of any CAB permit is conditional upon continued compliance with the Coastal Area Management Program.

b. Uses that are determined by the CAB to degrade the coastal area will not be permitted nor certified unless the CAB determines that there is a compelling public interest. If uses of a compelling public interest are permitted by the CAB, these activities must be undertaken in a manner that, to the greatest extent practicable, minimizes degradation of the coastal area.

c. Applicants seeking CAB approval of major projects which may have a direct and significant impact must assess the impacts of the proposed use on the following coastal resources:

- water quality,
- air quality,
- wetlands and submersed grassbeds,
- wildlife habitats,
- water resources,
- biological resources
- cultural resources,
- public access,
- shorelines,
- beaches and dunes,
- flood and hurricane mitigation areas, and
- associated land uses.

d. If the CAB finds that an imminent peril to the public health, safety, or welfare requires immediate action without adherence to the procedures set out in the management program, it may approve such proposed emergency actions without prior notice or hearing. Emergency approvals are effective for no longer than 120 days.

5. Monitoring and Enforcement:

a. The CAB monitors the conduct of activities which have been previously reviewed through:

- periodic surveys or inspections,
- memoranda of agreement with other agencies to monitor uses,
- aerial surveys,
- compliance monitoring, and
- biological baseline analyses.

b. The CAB also carries out a monitoring program to locate and identify activities that are subject to the management program which have not been submitted for CAB review.

c. When activities which are not in compliance with the management program are identified through the monitoring activities of the CAB, the CAB takes the following action, as necessary:

- informs the permitting agency of such abuses,
- requires the operation to be brought into compliance within a specific period of time,

- issues a cease and desist order until the use can be brought into compliance, and finally
- revokes the certificate of consistency or compliance, or permit.

6. Appeals: Any person aggrieved by any final action or decision of the CAB may, within 30 days, submit a written protest to the CAB and request a hearing. If one is requested, the CAB schedules an appeals hearing "as soon as practicable," giving a 30-day notice of such hearing. If the CAB denies an appeal, an aggrieved party may appeal the order of the CAB to the appropriate circuit court.

7. Special Notes: The CAB supports the one-stop permit concept and is continuing to work for such a procedure. The first step toward the establishment of a permit clearinghouse for the coastal area has been taken by the CAB: a contract has been signed with the Mississippi/Alabama Sea Grant Consortium to develop the information necessary to establish a permit information center at the CAB office. Persons wishing to develop property in the coastal area will be able to come to the CAB office, obtain copies of permit applications, and receive assistance in properly filling out the forms required by other agencies. This service will be available to anyone who wishes to conduct an activity within the coastal area.

E. ADMINISTERING AGENCY: Alabama Coastal Area Board
P.O. Box 755
Daphne, AL 36526
(205) 626-1880

CHAPTER 7.1

LOCAL GOVERNMENT LAND USE AND NATURAL RESOURCE CONTROL ENABLING LAWS

INTRODUCTION: Alabama municipalities and counties have a number of segmented responsibilities and powers with respect to land use control.

Alabama municipalities may form planning commissions engaged in zoning regulations, adopt zoning regulations for airport hazard areas, cooperate and assist housing authorities with respect to redevelopment projects, condemn land for public building sites or other public uses, and adopt building codes and ordinances, although they cannot apply these codes to State buildings and public schools.

Although Alabama counties do not possess general land use regulatory powers, they may cooperate in redevelopment plans submitted by a municipality or housing authority, adopt building codes and ordinances which have been adopted by a municipality, acquire land for public parks or recreational purposes within their own jurisdiction or within an adjoining county, singly or on a cooperative basis with another county, adopt zoning regulations for airport hazard areas, establish and operate airports, and condemn land for public building sites or for other public uses.

- A. **AUTHORIZING STATUTES:** Code of Ala., 1975, Sections 37-772 through 37-814; 25-99; 4-6; 27-785; 55-367; 12-224 through 12-226; 25-109; 4-20; and 12-192 through 12-199
- B. **TITLE AND SUMMARY OF REGULATION:** Local jurisdictions adopt their own ordinances and regulations and must be contacted directly for regulatory requirements.
- C. **ADMINISTERING AGENCIES:** Contact the appropriate county or municipal governing authority.