



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

**PROGRAMMATIC GENERAL PERMITS FOR MINOR STRUCTURES
AND ACTIVITIES WITHIN THE FEDERAL ENERGY REGULATORY
COMMISSION (FERC) PROJECT BOUNDARIES OF THE ALABAMA POWER
COMPANY RESERVOIRS WITHIN THE COOSA, TALLAPOOSA AND BLACK
WARIOR RIVER BASINS IN THE STATE OF ALABAMA**

**Effective Date: February 13, 2017
Expiration Date: January 9, 2022**

AUTHORITY:

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344), the Mobile District, U.S. Army Corps of Engineers (Mobile District) hereby revises and issues the following Alabama Power Company Programmatic General Permits (APCO-PGP) for a period of five (5) years. The ability to issue verification of permit coverage under a PGP avoids other Mobile District permit evaluation procedures and unnecessary duplication of regulatory efforts exercised by Federal, state or local agencies and provides an expedited means of project evaluation without reducing the degree of protection afforded the waters of the United States.

The term "programmatic general permit" means a Department of the Army (DA) authorization that is issued on a regional basis for a category or categories of activities when:

- (1) Those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or
- (2) The programmatic general permit would result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, state or local agency, provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal.

These permits supersede the previous Alabama Power Company Programmatic General Permits which expired on March 9, 2016.

ALABAMA POWER PROGRAMMATIC GENERAL PERMITS SUMMARY	
Permit	Activity
APCO-PGP-01	Debris Removal
APCO-PGP-02	Construction of Non-Commercial Boat Slips; Maintenance Dredging of Existing Boat Slips, Canals, or Navigation Channels *See Note 1
APCO-PGP-03	Construction and/or Maintenance of Fixed Structures *See Note 1

APCO-PGP-04	Construction and Modification of Boat Ramps *See Note 1
APCO-PGP-05	Riprap for Shoreline, Bank, and Channel Protection; Bulkheads and Other Standard Shoreline Protection/Stabilization Devices Roughly Paralleling, and at the Shoreline or Bank *See Note 1
APCO-PGP-06	New Work Channel Dredging *See Note 2
APCO-PGP-07	Filling of Previously Dredged Areas Such as Boat Slips, Artificial Canals, etc. *See Note 2

* Note 1: Activity heading changed from 2011 PGP:

APCO-PGP-02 "Dredging for Vessel Mooring"

APCO-PGP-03 "Construction, Modification, and Maintenance of Residential Overwater Structures"

APCO-PGP-04 "Construction and Modification of Boat Ramps and Marine Railways"

APCO-PGP-05 "Residential Bank Stabilization"

* Note 2: This PGP is newly proposed

GEOGRAPHIC APPLICABILITY:

These programmatic general permits are applicable within the Federal Energy Regulatory Commission (FERC) project boundaries of the Alabama Power Company reservoirs within the Coosa, Tallapoosa and Black Warrior River Basins in the State of Alabama (see map below). Each reservoir is considered a water of the United States within the regulatory boundaries of the Mobile District.

ADMINISTRATION:

A project-specific verification must be obtained for all activities covered under the Alabama Power Company Programmatic General Permits (APCO-PGP) **prior** to the start of regulated activities in waters of the United States. A pre-construction notification (PCN) for verification of permit coverage under the APCO-PGP may be submitted to and verification letters issued by the APCO Site Manager at the following location(s):

Lake	Contact Information
Coosa River – Weiss	1014 West Main Street Centre, Alabama 35960 256-927-2597
Coosa River – N. Neely Henry	16157 Alabama Highway 144 Ragland, Alabama 35131 205-472-0481
Coosa River – Logan Martin	16157 Alabama Highway 144 Ragland, Alabama 35131 205-472-0481
Coosa River – Lay	2030 7th Street South Clanton, Alabama 35045 205-755-4420
Coosa River – Mitchell	2030 7th Street South Clanton, Alabama 35045 205-755-4420

Lake	Contact Information
Coosa River – Jordan	2030 7th Street South Clanton, Alabama 35045 205-755-4420
Coosa River – Walter Bouldin	2030 7th Street South Clanton, Alabama 35045 205-755-4420
Tallapoosa River – Harris	9369 Highway 48 West Wedowee, Alabama 36278 256-396-5093
Tallapoosa River – Martin	1296 South Tallassee Street Dadeville, Alabama 36853 256-825-0053
Tallapoosa River – Yates	1296 South Tallassee Street Dadeville, Alabama 36853 256-825-0053
Tallapoosa River – Thurlow	1296 South Tallassee Street Dadeville, Alabama 36853 256-825-0053
Warrior River – Smith	5558 Curry Highway, Ste 3 Jasper, Alabama 35503 205-384-7385

PRE-CONSTRUCTION NOTIFICATION (PCN):

The prospective permittee is required to submit a PCN for their project. It is recommended to submit the PCN as early as possible, and if possible, at least 60 days prior to the planned start of their proposed project. Please note that reviews of projects that have potential to affect cultural resources or threatened and endangered species may take longer than 60 days to complete. The PCN must include a completed **Joint Application and Notification, U.S. Department of Army, Corps of Engineers, Alabama Department of Environmental Management** form. This form (commonly referred to as the Alabama Joint Application Form) can be accessed at USACE, Mobile District, Regulatory Division's website at:

www.sam.usace.army.mil/Missions/Regulatory.aspx

or

www.adem.alabama.gov/DeptForms/Form166.pdf

The following information is required for a complete PCN and verification of coverage under the Alabama Power Company Programmatic General Permits (unless noted as optional):

- A. An Alabama Joint Application form with all applicable portions completed, and signed by the applicant (must be an original signature and not a copy)
- B. Applicant name, address, telephone number, and email address (if available)
- C. If an agent is used, all agent contact information and applicant's original signature

authorizing the agent

- D. Exact location information for proposed project, including street address, latitude and longitude (in "Decimal Degree" format), and parcel number of property**
- E. Full project description, including all proposed dimensions of structures and/or activity**
- F. (Optional) Photographs (or description of existing conditions) of project area**
- G. Statement of purpose and need for project**
- H. Vicinity map on full 8.5"x 11" sheet (NOTE: The map should reproduce clearly on a black and white copier)**
- I. Overall plan view drawing of entire property and proposed project on 8.5"x 11" sheet (NOTE: All drawings should be in black and white, should be drawn with a straight edge or ruler, and should reproduce clearly on a black and white copier)**
- J. Cross-section or profile view drawing of proposed structure, or areas of dredge/fill, on 8.5"x 11" sheet (NOTE: All drawings should be in black and white, should be drawn with a straight edge or ruler, and should reproduce clearly on a black and white copier)**
- K. Names and addresses of adjoining property owners**
- L. If Applicable: A delineation of any wetlands that are present on the project parcel and/or adjacent riparian area**

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT:

The Alabama Department of Environmental Management (ADEM) has reviewed these programmatic general permits and issued a conditional water quality certification (WQC) letter pursuant to Section 401(a)(1) of the Clean Water Act. The WQC letter included nineteen (19) conditions which the ADEM requested to be incorporated into each permit. The ADEM's certification of these programmatic general permits will expire on January 9, 2022.

CULTURAL RESOURCES:

The Mobile District has determined that establishment of the permits included in the 2017 APCO-PGP Program will have no potential to cause effects to cultural, historical, or tribal resources or properties listed in or eligible for the National Register of Historic Places (NRHP), provided that the following review procedures are followed: Individual projects that may be authorized under this PGP will be reviewed by APCO's archeologist. Projects that may directly impact a known historic property, and projects located in the vicinity of a known historic property, will be referred back to the Mobile District for processing and review. These procedures, along with General Condition GC-8 will insure that no permit verifications will be issued for individual projects under this permit until all requirements of Section 106 of the NHPA and 33 CFR part 325, Appendix C have been satisfied. Additionally, General Condition GC-8 requires permittees to cease work and contact the APCO Site Manager if any previously unknown historic or cultural resources are discovered during permitted project activities.

If the Mobile District determines that the project may affect historic properties to which any federally recognized Indian Tribe attaches religious and cultural significance, then (in addition to the SHPO) the Mobile District will also contact the appropriate Indian Tribe(s) in a manner suitable to initiate government-to-government consultation. The Mobile District is responsible

for making the effects determination for each project, and after written notification of the determination is made to the SHPO, the Mobile District will provide the SHPO thirty (30) days to respond. In the cases of projects for which the Mobile District has made a determination that a project may affect historic tribal properties, the Mobile District will, after initiating government to government consultation, also provide the consulting Indian Tribe thirty (30) days to respond. Verifications cannot be issued until all required consultation pursuant to Section 106 of the NHPA and 33 CFR part 325, Appendix C is complete.

THREATENED AND ENDANGERED SPECIES:

No activity is authorized by these programmatic general permits that is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. Prior to verification of any PGP, an APCO environmental specialist will look over the proposed action(s), review their Sensitive Resource Area (SRA) database and determine if the site is located in an area of concern for threatened or endangered species. The SRA database has been verified by USFWS as accurately identifying threatened or endangered species and critical habitat site locations within the FERC boundaries of the APCO reservoirs within the State of Alabama. If the proposed action is in a SRA, APCO will not verify the PGP but will forward the permit request to the Mobile District for further evaluation. Furthermore, General Condition GC-7 states if the permittee or the permittee's contractors discover any federally listed threatened or endangered species and/or their habitat while accomplishing work or activities authorized by these PGPs, the permittee shall immediately notify the APCO Site Manager. Within 24 hours of permittee notification, the Site Manager shall notify the Mobile District. The Mobile District will initiate the Federal and state coordination required to determine if the species and/or habitat warrant further consultation with the U.S. Fish and Wildlife Service. Based upon this review procedure, the Mobile District has determined that issuance of this PGP would have no effect on listed threatened or endangered species, and no effect on designated critical habitat.

DEPARTMENT OF THE ARMY, MOBILE DISTRICT - FURTHER INFORMATION:

For the purposes of the Programmatic General Permits (PGPs): the APCO Site Manager is the entity to review and verify whether proposed work or activities would qualify for authorization under the terms and conditions of these PGPs, except when otherwise specified or the project is forwarded to the Mobile District by the Site Manager; the applicant is the entity that has proposed or applied for work or activities under the terms and conditions of these PGPs; and the permittee is the entity that has received written verification from the Site Manager that work or activities are authorized under the terms and conditions of the PGPs.

a. Limits of Authorization:

- (1) These permits do not obviate the need to obtain other Federal, state, or local authorizations required by law.
- (2) These permits do not grant any property rights or exclusive privileges.
- (3) These permits do not authorize any injury to the property or rights of others.

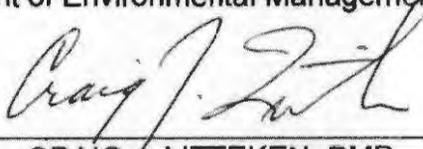
- (4) These permits do not authorize interference with any existing or proposed Federal project.
- b. **Limits of Liability:** In issuing these authorizations, neither the Federal Government, the State of Alabama, nor any designated resource agency; their staff or employees, assume any liability.
- c. **Reliance on Applicant's Data:** In part, each individual determination by the Mobile District that verification of permit authorization is not contrary to the public interest is made with reliance on the information provided by the applicant.
- d. **Re-evaluation of Permit Decision:** The Mobile District may re-evaluate any permit verification decision at any time the circumstances warrant. Circumstances that could require a re-evaluation include, but are not limited to, the following:
- (1) Failure to comply with the terms and conditions of the verification letter or the permit.
 - (2) The information provided in support of the PCN proves to have been false, incomplete, or inaccurate (See c. above.)
 - (3) Significant new information surfaces which we (USACE) did not consider in reaching the original public interest decision.
 - (4) Such a re-evaluation may result in a determination that it is appropriate to use the suspension, modification, or revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring compliance with the terms and conditions of the permit and for the initiation of legal action where appropriate. The applicant/permittee will be required to pay for any corrective measures ordered by this office and failure to comply with such directive, may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise request restitution.
- e. **Expiration or Suspension of this Programmatic General Permit Program:** These programmatic general permits will be valid for a five-year period or until suspended, or revoked. They may be suspended or revoked, in whole or in part, if it is determined that the cumulative effects of any activities pursuant to them adversely affect water quality, navigation, or other public interest factors. Such suspension shall be effective upon issuance of a public notice which shall indicate a date periodically to determine if continuation of these permits is in the overall public interest.

These programmatic general permits will be re-advertised via public notice every five years as part of a public interest review. The Mobile District will periodically review each of the permits within the APCO-PGP Program and their conditions and will decide to modify, reissue, or revoke the permits. If a PGP is not modified or reissued within five years of its effective date, it automatically expires and becomes null and

void. Activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon an authorized PGP will remain authorized provided the activity is completed within twelve months of the date of the permit's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.7. Activities completed under the authorization of these permits which were in effect at the time the activities were completed continue to be authorized by these permits unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.7.

- f. **Time Extensions:** Authorization under these PGPs is valid until their scheduled expiration date of January 9, 2022. However, if you have commenced or are under contract to commence the permitted activity before January 9, 2022, you will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2017 APCO-PGPs. In the event you have not commenced or completed your project by this date, a new PCN will be required.
- g. Failure to secure verification of authorization under these programmatic general permits as specified herein or failure to comply with conditions of any PGP or any verification issued for these permits may result in enforcement actions by the Mobile District or the Alabama Department of Environmental Management.

JAMES A. DELAPP
Colonel, U.S. Army
District Commander

BY: 

CRAIG J. LITTEKEN, PMP
Chief, Regulatory Division

DATE: 10 FEB 2017

DEPARTMENT OF THE ARMY PERMIT

ELIGIBLE STRUCTURES AND ACTIVITIES
ALABAMA POWER PROGRAMMATIC GENERAL PERMITS

APCO-PGP-1 – Debris removal. Debris may be removed from any waterway for navigational or drainage purposes only. Debris includes but is not limited to stumps, tree limbs, appliances, lumber, metal objects, etc. Living vegetation attached to the substrate would not be considered debris. All debris must be properly placed in an approved landfill. Alternative disposal sites for woody debris may be authorized on a case-by case basis, but only after full coordination with the USACE and USFWS if located in a jurisdictional area. Examples of authorized activities include, but are not limited to: Removal of polystyrene foam, picking up debris materials by hand, and removal of other materials in a manner that does not alter the water bottom. (Section 10)

APCO-PGP-2 – Construction of non-commercial boat slips; maintenance dredging of existing boat slips, canals, or navigation channels. Dredging of less than 500 cubic yards of material from below the ordinary high water mark is authorized. The depth shall be no greater than the design depths and the depth of the water leading to the area to be maintained. No dredging may be authorized in wetlands, bottomland hardwoods, vegetated shallows or submerged grass beds. Dredged material shall not be placed in adjacent waters, bottomland hardwoods or wetlands but shall be deposited in a confined upland area in such a manner that the sediment will not re-enter the waterway or interfere with natural drainage. Aquatic vegetation which has invaded previously dredged areas may be dredged during maintenance. (Section 10)

APCO-PGP-3 – Construction and/or maintenance of fixed structures. Construction and/or maintenance of non-commercial piers, docks, wharves, boat shelters, boat houses, hoists, gazebos, sun decks, stairways and walkways involving no fill in waters of the United States, including wetlands. The size limits of each structure shall be no greater than the size limits specified in the Alabama Power Shoreline Management Permit. (Section 10)

APCO-PGP-4 – Construction and modification of boat ramps. Dredging and/or filling of less than 250 cubic yards below the ordinary high water mark to build or modify a boat ramp is authorized. No wetlands may be filled. Dredged material shall not be placed in adjacent waters, bottomland hardwoods or wetlands, but shall be deposited in a confined upland area in such a manner that the sediment will not re-enter the waterway or interfere with natural drainage. Should dredging and filling both be performed, the cumulative total material for both activities would be used to determine if the activity involved less than 250 cubic yards. The boat ramp shall be no wider than 20 feet. (Sections 10 and 404)

APCO-PGP-5 – Riprap for shoreline, bank, and channel protection; bulkheads and other standard shoreline protection/stabilization devices roughly paralleling, and at, the shoreline or bank. No wetlands may be filled. If the area, or portion thereof, to be protected is a wetland, no fill may be placed in the wetland, and the shore protection device must be designed to allow the normal hydrologic regime to be maintained. Should the shore, bank or

channel require dressing, the bedding fill below the ordinary high water mark may not exceed an average of one (1) cubic yard per linear foot of area being protected; however, there is no limit to the amount of riprap which may be placed above the ordinary high water mark. Use of appropriate filter fabric shall be considered, and may be required by the local authorities. Stream channelization projects are not authorized by this PGP. Bulkheading is limited to a total project length of 1,000 linear feet. However, the protection must be along the existing shoreline. New bulkheads shall not extend more than 36 inches waterward from the full pool elevation of the reservoir. Replacement bulkheads shall not extend more than 24 inches waterward from a failed bulkhead. The amount of backfill may not exceed an average of one (1) cubic yard per linear foot below the ordinary high water mark for the area being protected. If a channel is being protected by bulkhead, the backfill is limited to one (1) cubic yard per linear foot for each side. Groins, jetties, or solid structures perpendicular to the shore or bank are not authorized under this permit. Furthermore, this permit may not be used to regain land lost to erosion, or otherwise accreted land. Only clean earthen fill, free of waste, metal or organic trash, unsightly debris, cultural resources, etc., may be used. Riprap will be placed at the base of all bulkheads. Stabilization of eroding shoreline utilizing appropriate bioengineering techniques (to include "soft" engineering with the use of fiber logs, aquatic or semi-aquatic vegetation) is authorized. Projects that include the use of vegetative and bioengineering practices are not subject to length restrictions. (Sections 10 and 404)

APCO-PGP-6 – New work channel dredging. Dredging of up to 500 cubic yards of material may be authorized. Dredging is limited to open water channels for navigation access and must be a single and complete project. No dredging may be authorized in wetlands, bottomland hardwoods or submerged grass beds and no dredged material shall be used to raise the elevation of any wetland or water bottom unless specifically authorized under other General Permits or Standard Permits. Dredging depth is limited to the controlling navigational depth. Dredged material shall not be placed in adjacent waters, bottomland hardwoods or wetlands but shall be deposited in a confined upland area in such a manner that the sediment will not re-enter the waterway or interfere with natural drainage. (Section 10)

APCO-PGP-7 – Filling of previously dredged areas such as boat slips, artificial canals, etc. No wetlands, submerged grass beds, natural streams or natural channels may be filled. If the area to be filled had previously been a wetland or natural channel, the fill may not exceed the original elevations or dimensions. Further, no area providing mitigation, enhancement or flushing of an aquatic system may be filled. Only clean earthen fill, free of waste, metal or organic trash, unsightly debris, etc., may be used. (Sections 10 and 404)

GENERAL CONDITIONS:

1. The PGPs authorize only those activities specifically addressed herein. Any activity not authorized in the PGP or which exceeds the limitations of the PGP, requires specific authorization through the USACE.
2. If the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the U.S. Coast Guard shall be installed and maintained by and at the expense of the permittee.
3. If future operations by the United States require the removal, relocation or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee shall be required, upon due notice from the USACE, to remove, relocate or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
4. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).
5. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.
6. The activity authorized must be maintained in good condition and in conformance with the terms and conditions of the permit. The permittee is not relieved of this requirement if the permitted activity is abandoned.
7. If the permittee or the permittee's contractors discover any federally listed threatened or endangered species and/or their habitat while accomplishing the work or activities authorized by these PGPs, the permittee shall immediately notify the APCO Site Manager. Within 24 hours of permittee notification, the Site Manager shall notify the Mobile District. The Mobile District will initiate the Federal and state coordination required to determine if the species and/or habitat warrant further consultation with the U.S. Fish and Wildlife Service.
8. If the permittee or the permittee's contractors discover any previously unknown historic or archaeological remains while accomplishing the work or activities authorized by the PGP(s), the permittee shall immediately notify the APCO Site Manager. Within 24 hours of permittee notification, the Site Manager shall notify the Mobile District to determine requirements for further action. For each project proposed to be authorized under this PGP, the APCO archaeologist will look over the proposed actions, review

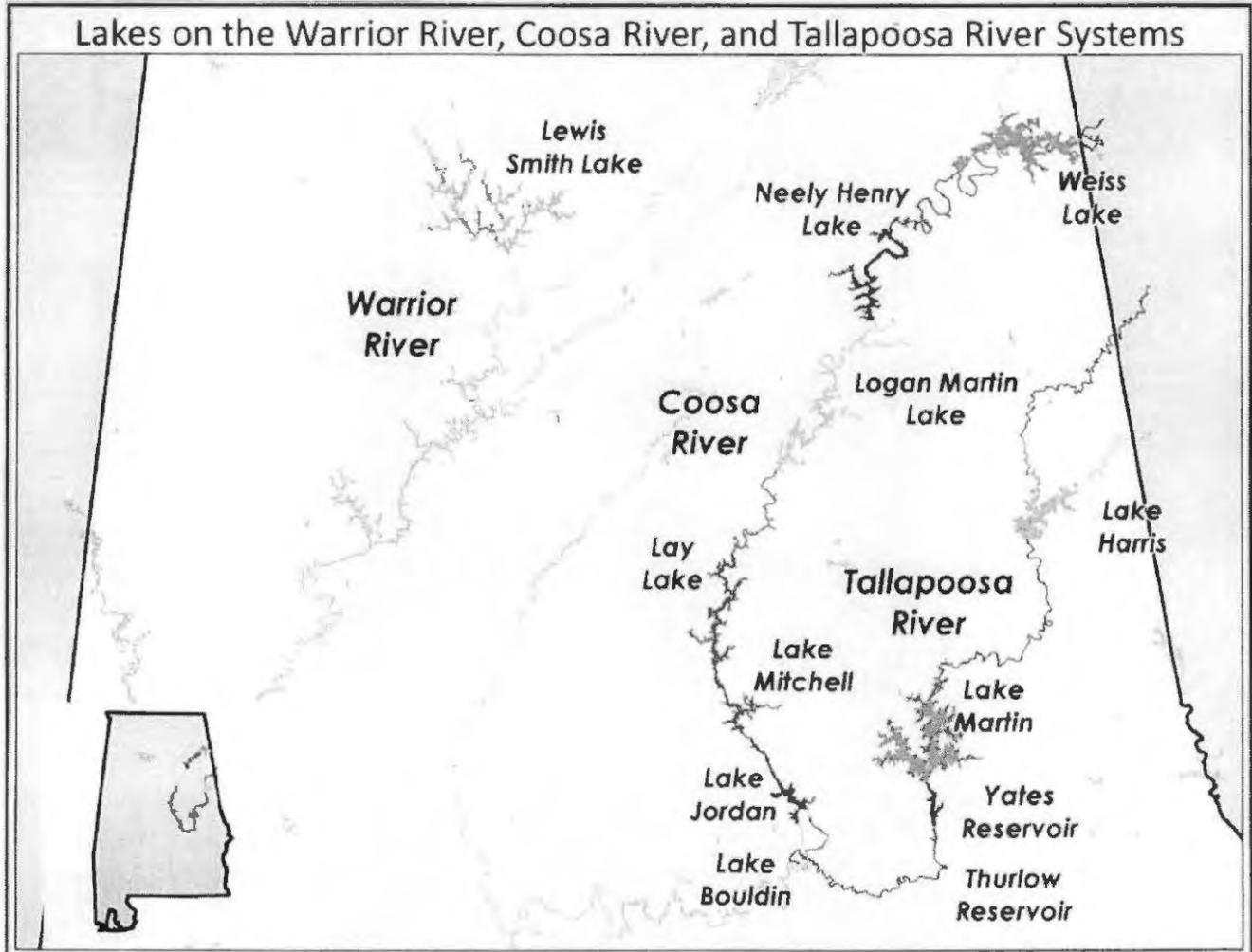
their database of known sites, and then verify the permit, or forward to the Mobile District for evaluation if projects are located within the immediate vicinity of an identified cultural resource.

9. If the property associated with this permit is sold, the permittee shall provide the Site Manager with the name and signature of the new owner and forward a copy of the permit to the Site Manager to validate the transfer of the APCO PGP verification. The APCO permit itself is not transferable.
10. The permittee shall allow Federal or state resource agency representatives as well as APCO representatives to inspect the proposed and/or authorized activity at any-time deemed necessary.

SPECIAL CONDITIONS:

1. No work shall be performed under authority of these PGPs until the applicant submits an application to the Site Manager and the permittee receives written verification from the Site Manager that the proposed work and/or activities are authorized under the terms and conditions of these PGPs.
2. Conformance with descriptions and quantities contained herein does not necessarily guarantee consideration and/or subsequent authorizations.
3. The time limit for completing work authorized under authority of these PGPs is one (1) year from the date of obtaining verification. In addition, the permittee shall notify the Site Manager of the time the activity authorized herein will be commenced, as far in advance of the time of commencement as the Site Manager may specify, and of any suspension or work if for a period of more than one (1) week, resumption or work, and its completion.
4. A complete copy of the PGPs with written authorization from the Site Manager, including drawings, special conditions and any amendments shall be maintained at the work site whenever work is being performed. The permittee shall assure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of the terms and conditions of these PGPs.
5. No oils, grease, materials or other pollutants will be discharged from the construction activities that reach public waters.
6. No habitable structures, fueling or storage facilities over navigable waters of the United States are authorized under this PGP.
7. Approved floatation: All floats (existing and proposed) shall be encased or closed cell extruded and expanded polystyrene and specifically manufactured for marine use. All floats shall not be subject to waterlogging or sinking if punctured. If maintenance or modification of a residential overwater structure is proposed under this PGP, all existing floats not meeting this requirement must be replaced to be eligible for verification under this PGP.

8. No work shall be conducted under authority of these PGPs that requires discharge of wet or otherwise uncured concrete in areas below water unless explicitly authorized by APCO and unless the concrete is contained within waterproof forms until the concrete cures.
9. Failure to secure authorization as specified herein or failure to comply with the conditions of any authorizations under these PGPs may result in enforcement actions.
10. Verifications cannot be issued for proposed activities and structures in the Choccolocco Creek Embayment of Logan Martin Reservoir until the permittee receives written notice from the U.S. Environmental Protection Agency, Superfund Remedial Branch (EPA), and the U.S. Fish and Wildlife Service (USFWS), that the EPA and USFWS concur with the project. The permittee must implement and abide by any requirements and/or agreements set forth by EPA and/or USFWS in their written notice.





REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
BIRMINGHAM FIELD OFFICE
218 SUMMIT PARKWAY, SUITE 222
HOMEWOOD, ALABAMA 35209

CESAM-RD-N
SAM-2016-00117-JMT

February 13, 2017

SPECIAL PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT

Proposed Programmatic General Permits for Minor Structures and Activities in Alabama Power Company Reservoirs Within the Coosa, Tallapoosa and Black Warrior River Basins Within the State of Alabama

ALABAMA POWER COMPANY PROGRAMMATIC GENERAL PERMITS		
Permit	Activity	Page Number
APCO-PGP-1	Debris Removal	
APCO-PGP-2	Construction of non-commercial boat slips; maintenance dredging of existing boat slips, canals, or navigation channels	
APCO-PGP-3	Construction and/or maintenance of fixed structures	
APCO-PGP-4	Construction and modification of boat ramps	
APCO-PGP-5	Riprap for shoreline, bank, and channel protection; bulkheads and other standard shoreline protection/stabilization devices roughly paralleling, and at, the shoreline or bank	
APCO-PGP-6	New work channel dredging	
APCO-PGP-7	Filling of previously dredged areas such as boat slips, artificial canals, etc.	

TO WHOM IT MAY CONCERN:

Interested parties are hereby notified that in accordance with 33 CFR 325.2(e)(2) and 325.3(b), the Mobile District of the U.S. Army Corps of Engineers (USACE) has authorized the following Alabama Power Company (APCO) Programmatic General Permits (PGP), described herein, pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. These permits will supersede the APCO-PGPs issued on February 9, 2012 that expired on March 9, 2016.

The term "Programmatic General Permit" refers to a type of general permit, authorized by the Department of the Army, that is issued on a nationwide or regional basis for a category or categories of activities when those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or the general permit would result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, state, or local agency, provided it has been determined

Proposed Programmatic General Permits for Minor Structures and Activities in Alabama Power Company Reservoirs Within the Coosa, Tallapoosa and Black Warrior River Basins Located Within the State of Alabama

that the environmental consequences of the action are individually and cumulatively minimal.

APCO owns the pool property of the reservoirs listed in Table 1 and in some areas has additional property rights along the shoreline. APCO regulates certain activities and structures within the boundaries of the hydroelectric reservoirs subject to licenses issued by the Federal Energy Regulatory Commission (FERC), and pursuant to FERC requirements, these activities and structures must be pre-approved and permitted by APCO.

TABLE 1
Alabama Power Reservoirs Subject to Jurisdiction Under Section 10 (Coosa River Basin)
Weiss Lake-Neely Henry-Logan Martin-Lay Lake-Lake Mitchell-Bouldin-Jordan
Alabama Power Reservoirs Subject to Jurisdiction Under Section 10 and Section 404 (Tallapoosa and Black Warrior River Basins)
Martin – Yates- Thurlow- R.L Harris- Smith

Therefore, in an effort to expedite authorization of work, including minor structures and other activities with minimal adverse impacts located in waters of the United States, the USACE, Mobile District, proposes the authorization of the enclosed PGPs. These PGPs are only applicable within the FERC project boundaries of APCO reservoirs located in the Coosa, Tallapoosa and Black Warrior River basins within the State of Alabama (reference enclosed map).

Under the proposed PGPs, a permit applicant will only apply to APCO, rather than applying to both APCO and the USACE for authorization. APCO will (1) verify that the proposed project meets the terms and conditions of the PGP(s); (2) notify the applicant and; (3) provide any General and Special Conditions of the PGP(s). This notification will accompany APCO's Shoreline Permit.

General permits are reviewed every five (5) years. Each PGP contains certain limitations intended to protect the aquatic environment, natural, and cultural resources. Conformance with the conditions contained in the PGP does not necessarily guarantee authorization under the PGP. In most instances, a proposed project complying with conditions of the PGP can receive specific authorization. Any proposed project not complying with the conditions will be evaluated by USACE as either a Nationwide

Proposed Programmatic General Permits for Minor Structures and Activities in Alabama Power Company Reservoirs Within the Coosa, Tallapoosa and Black Warrior River Basins Located Within the State of Alabama

Permit or Standard Permit. A Standard Permit will be individually coordinated with third parties, including Federal and state resource agencies.

If you have any questions concerning this notice or for additional information, you may contact Mr. Joseph Tanko (joseph.m.tanko@usace.army.mil), phone (205) 290-9096.

For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

Encls

MOBILE DISTRICT
U.S. Army Corps of Engineers

LANCE R. LEFLEUR
DIRECTOR



ROBERT J. BENTLEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

January 10, 2017

COLONEL JAMES A DELAPP
DISTRICT COMMANDER
MOBILE DISTRICT
U S ARMY CORPS OF ENGINEERS
P O BOX 2288
MOBILE AL 36628-0001

RE: Clean Water Act (CWA) Section 401 Water Quality Certification, Public Notice SAM-2016-00117-JMT, U.S. Army Corps of Engineers (COE) Proposed Programmatic General Permits (APCO-PGP-1 – APCO-PGP-7) For Minor Structures and Activities in Alabama Power Company (APCO) Reservoirs Within the Coosa, Tallapoosa, and Warrior River Basin Within the State of Alabama

Dear Colonel DeLapp:

This office has completed a review of the above-referenced joint public notice and all associated materials submitted related to the proposed project. Any comments made during the public notice period have also been forwarded to us for review.

Because action pertinent to water quality certification (WQC) is required by Section 401(a)(1) of the Clean Water Act (CWA), 33 U.S.C. Section 1251, et seq., we hereby issue certification, for a period **not to exceed five (5) years** from the date of issuance, that there is reasonable assurance that the discharge resulting from the proposed activities as submitted will not violate applicable water quality standards established under Section 303 of the CWA and Title 22, Section 22-22-9(g), Code of Alabama, 1975, provided the applicant acts in accordance with the following conditions as specified. We further certify that there are no applicable effluent limitations under Section 301 and 302 nor applicable standards under Section 306 and 307 of the CWA in regard to the activities specified.

To minimize adverse impacts to State waters, by copy of this letter we are requesting the Mobile District Corps of Engineers to incorporate the following as a special condition of the Corps Permit:

APCO shall ensure that activities authorized under the APCO PGPs are conducted by individual applicants consistent with the requirements of the August 18, 2016, Water Quality Certification *Clean Water Act (CWA) Section 401 Water Quality Certification (WQC), U.S. Army Corps of Engineers (COE) Proposed 2016 Reissuance of Alabama General Permits (ALGPs) for Minor Structures and Activities Within the State of Alabama* (copy attached), applicable to and commensurate with the location, size, scope, and type of activity proposed/authorized.

Should you have any questions on this or related matters, please do not hesitate to contact Richard Hulcher, Office of Field Services, by email at rfh@adem.alabama.gov or by phone at (334) 394-4311.

Sincerely,

Anthony Scott Hughes, Chief
Field Operations Division

File: WQ401/0000040419/DAP

c: Permits & Services Division, ADEM
Alabama Power Company

JAN 25 2017

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
3664 Dauphin Street, Suite B
Mobile, AL 36608
(251) 304-1176
(251) 304-1189 (FAX)

The ADEM has requested that the Mobile District incorporate the following Water Quality Conditions within this permit:

- WQ-1 During project implementation, the applicant shall ensure compliance with applicable requirements of ADEM Admin. Code Chapter 335-6-6 [National Pollutant Discharge Elimination System (NPDES)], Chapter 335-6-10 (Water Quality Criteria), and Chapter 335-6-11 (Water Use Classifications for Interstate and Intrastate Waters).
- WQ-2 ADEM permit coverage may be required prior to commencing and/or continuing certain activities/operations relating to or resulting from the project. If an applicant has any questions regarding ADEM regulated activity or the need for NPDES permit coverage, the applicant can contact ADEM's Water Division at (334) 271-7823. If an applicant has any questions regarding ADEM regulated activity or the need for air permit coverage, the applicant can contact ADEM's Air Division at (334) 271-7869. If the applicant has any questions regarding ADEM regulated activity or the need for hazardous, toxic, and/or solid waste permit coverage, the applicant can contact ADEM's Land Division at (334) 271-7730.
- WQ-3 Upon the loss or failure of any treatment facility, Best Management Practice (BMP), or other control, the applicant shall, where necessary to maintain compliance with this certification, suspend, cease, reduce or otherwise control work/activity and all discharges until effective treatment is restored. It shall not be a defense for the applicant in a compliance action that it would have been necessary to halt or reduce work or other activities in order to maintain compliance with the conditions of this certification.
- WQ-4 The applicant shall retain records adequate to document activities authorized by this certification for a period of at least three years after completion of work/activity authorized by the certification. Upon written request, the applicant shall provide ADEM with a copy of any record/information required to be retained by this paragraph.
- WQ-5 The applicant shall conduct or have conducted, at a minimum, weekly comprehensive site inspections until completion of the proposed activity to ensure that effective BMPs are properly designed, implemented, and regularly maintained (i.e. repair, replace, add to, improve, implement more effective practice, etc.) to prevent/minimize to the maximum extent practicable discharges of pollutants in order to provide for the protection of water quality.
- WQ-6 The applicant shall implement a project-specific or a detailed general BMP Plan prepared by an ADEM recognized qualified credentialed professional (QCP) applicable to and commensurate with activities of the type proposed. Effective BMPs shall be implemented and continually maintained for the prevention and control of turbidity, sediment, and other sources of pollutants, including measures to ensure permanent revegetation or cover of all disturbed areas, during and after project implementation.
- WQ-7 The applicant shall implement a Spill Prevention Control and Countermeasures (SPCC) Plan for all temporary and permanent onsite fuel or chemical storage tanks or facilities consistent with the requirements of ADEM Admin. Code R. 335-6-6-.12(r), Section 311 of the Federal Water Pollution Control Act, and 40 CFR Part 112. The applicant shall maintain onsite or have readily available sufficient oil & grease absorbing material and flotation booms to contain and clean-up fuel or chemical spills and leaks. The applicant shall immediately notify ADEM after becoming aware of a significant visible oil sheen in the vicinity of the proposed activity. In the event of a spill with the potential to impact groundwater or other waters of the State, the applicant should immediately call the National Response Center at 1-800-424-8802 and the Alabama Emergency Management Agency at 1-800-843-0699. The caller should be prepared to report the name, address and telephone number of person reporting spill, the exact location of the spill, the company name and location, the material spilled, the estimated quantity, the source of spill, the cause of the spill, the

nearest downstream water with the potential to receive the spill, and the actions taken for containment and cleanup.

- WQ-8 Additional, effective BMPs shall be fully implemented and maintained on a daily basis as needed to prevent to the maximum extent possible potential discharges of pollutants from activities authorized by this certification, directly to or to a tributary or other stream segment, that have the potential to impact a State water currently considered impaired [waterbody is identified on the Alabama 303(d) list, a total maximum daily load (TMDL) has been finalized for the waterbody, and/or the waterbody is otherwise considered a Tier 1 water pursuant to ADEM Admin. Code Ch. 335-6-10]. The applicant shall inspect all BMPs as often as is necessary (daily if needed) for effectiveness, need for maintenance, and the need to implement additional, effective BMPs. Additional effective BMPs shall immediately be implemented as needed to ensure full compliance with ADEM requirements and the protection of water quality in the impaired waterbody.
- WQ-9 All construction and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed in an approved manner. If acceptable offsite options are unavailable, effective onsite provisions for collection and control of onsite worker toilet wastes or gray waste waters (i.e. port-o-let, shower washdown, etc.) must be implemented and maintained. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up or be removed and disposed in an approved manner. Also, the applicant shall manage and dispose of any trash, debris, and solid waste according to applicable state and federal requirements.
- WQ-10 All materials used as fill, or materials used for construction of structures in a waterbody, must be non-toxic, non-leaching, non-acid forming, and free of solid waste or other debris. This requirement does not preclude the use of construction materials authorized by the U.S. Army Corps of Engineers that are typically utilized in marine or other aquatic applications.
- WQ-11 The applicant shall implement appropriate measures to minimize the potential for a decrease of instream dissolved oxygen concentrations as a result of project implementation. In addition, the applicant shall ensure that the activities authorized by this certification do not significantly contribute to or cause a violation of applicable water quality standards for instream dissolved oxygen.
- WQ-12 The applicant shall implement appropriate, effective BMPs, including installation of floating turbidity screens as necessary, to minimize downstream turbidity to the maximum extent practicable. The applicant shall visually monitor or measure background turbidity. The applicant must suspend operations should turbidity resulting from project implementation exceed background turbidity by more than 50 NTUs. Operations may resume when the turbidity decreases to within acceptable levels.
- WQ-13 The applicant shall evaluate, characterize, and as necessary, conduct regular analysis of any material proposed to be dredged/removed/disturbed in order to ensure that potential pollutants are not present in concentrations that could cause or contribute to a violation of applicable water quality standards. Information regarding the evaluation, characterization, or detailed results of any analyses shall be made available to ADEM upon request.
- WQ-14 If upland disposal areas are utilized, the applicant shall be responsible for the condition of the disposal area, including the structural integrity of any embankments, until the disposal area is permanently reclaimed or adequately stabilized, to ensure that sediment and/or turbidity in the return water and/or stormwater runoff will not cause substantial visible contrast with the receiving waters, or result in an increase of 50 NTUs above background turbidity levels in the receiving waters.
- WQ-15 For proposed activities associated with new or updated docks, marinas, multiple boat slips, floating docks, large or multiple piers, etc. or that increase the number of berthing areas, the applicant shall

ensure that these facilities are equipped with appurtenances (i.e. trash receptacles, receptacles for fish offal and carcasses, SPCC plan for fueling facilities, and a sewage pump out system where appropriate) as needed to protect water quality.

- WQ-16 The applicant is encouraged to consider additional pollution prevention practices, low impact development (LID), and other alternatives to assist in complying with applicable regulatory requirements and possible reduction/elimination of pollutant discharges. LID is an approach to land development or re-development that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. There are many practices that have been used to implement these sustainable ideas such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. By implementing LID principles and practices, water can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within an ecosystem or watershed.
- WQ-17 The applicant is encouraged to consider and implement a site design plan/strategy for post-construction hydrology to mimic pre-construction hydrology to the extent feasible, and for post-construction stormwater runoff peak flows and total stormwater volume to minimize potential downstream channel and stream bank erosion.
- WQ-18 In recognition that projects are site specific in nature and conditions can change during project implementation, ADEM reserves the right to require the submission of additional information or require additional management measures to be implemented, as necessary on a case-by-case, in order to ensure the protection of water quality. Liability and responsibility for compliance with this certification are not delegable by contract or otherwise. The applicant shall ensure that any agent, contractor, subcontractor, or other person employed by, under contract, or paid a salary by the applicant complies with this certification. Any violations resulting from the actions of such person may be considered violations of this certification.
- WQ-19 Issuance of a certification by ADEM neither precludes nor negates an operator/owner's responsibility or liability to apply for, obtain, or comply with other ADEM, federal, state, or local government permits, certifications, licenses, or other approvals. This certification does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of Federal, State, or local laws or regulations, and in no way purports to vest in the applicant title to lands now owned by the State of Alabama nor shall it be construed as acquiescence by the State of Alabama of lands owned by the State of Alabama that may be in the applicant's possession.