



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, AL 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
WARRIOR RIVER BASINS IN THE STATE OF ALABAMA**

Effective Date: 10 January 2022

Expiration Date: 9 January 2027

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-PGPs) 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 a streamlined 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 January 9, 2022.

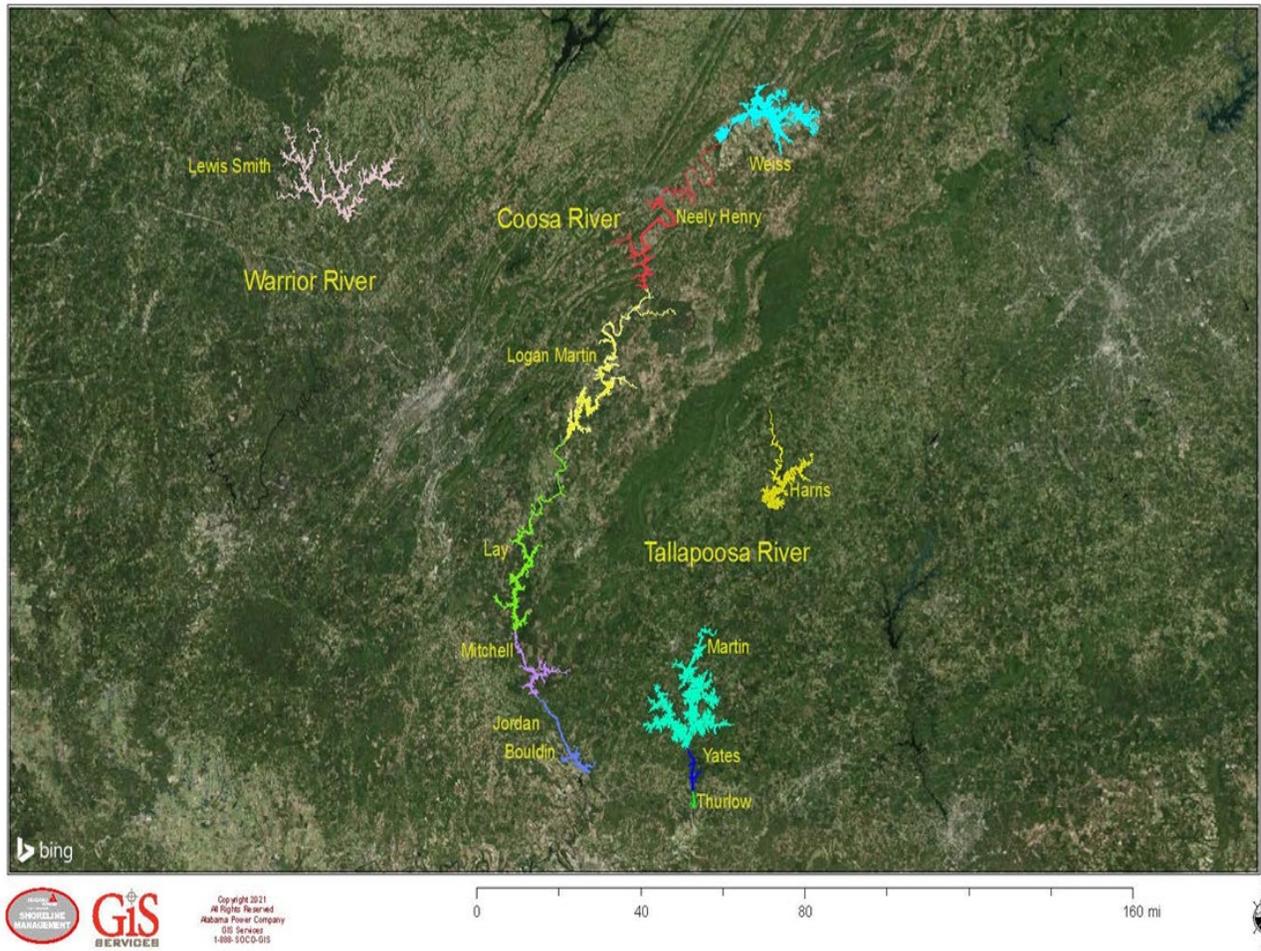
ALABAMA POWER PROGRAMMATIC GENERAL PERMITS SUMMARY	
Permit	Activities
APCO-PGP-01	Debris Removal
APCO-PGP-02	Dredging for Construction of New Non-Commercial Boat Slips; Maintenance Dredging of Existing Boat Slips, Canals, or Navigation Channels <i>*See Note 1</i>
APCO-PGP-03	Construction and/or Maintenance of Fixed and Floating Structures <i>*See Note 1</i>
APCO-PGP-04	Construction and Modification of Water Access Ramps <i>*See Note 1</i>
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
APCO-PGP-06	New Work Channel Dredging
APCO-PGP-07	Filling of Previously Dredged Areas such as Boat Slips, Artificial Canals, etc.

**Note 1: Activity heading changed from 2017 PGP*

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.

Lakes on the Warrior, Coosa, and Tallapoosa River Systems



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. Permit requests should be initiated via the APCO website at www.apcshorelines.com. 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 - H. 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
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 in any area designated environmentally sensitive may take longer than 60 days to complete. The PCN must include the appropriate, completed Lakeshore Use Permit Application Form. To initiate the permitting process, go to Alabama Power's Shoreline Management website at:

<https://apcshorelines.com/>

In most instances, a proposed project complying with the conditions of the APCO-PGPs, including the attached General Conditions, can receive project specific authorization.

However, conformance with the conditions contained in the APCO-PGPs does not necessarily guarantee authorization under the APCO-PGP. Any proposed project not complying with the conditions of a PGP would be evaluated by the USACE as a Nationwide Permit, Letter of Permission or Standard Permit, as appropriate. Letters of Permission and Standard Permits would be individually coordinated with third parties, including Federal and state resource agencies. For any activities that must be evaluated directly by the USACE, the PCN must include a completed Joint Application and Notification, U.S. Department of Army, Corps of Engineers, Alabama Department of Environmental Management form (commonly referred to as the Alabama Joint Application Form). This form can be accessed at the USACE, Mobile District, Regulatory Division website or the Alabama Department of Environmental Management website at:

www.sam.usace.army.mil/Missions/Regulatory/E-Submittal-of-Applications/

or

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

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 November 16, 2026. Immediately prior to expiration, the ADEM certification may be extended to coincide with the expiration date of the programmatic general permits by request of the Mobile District.

HISTORIC PROPERTIES:

Individual projects will be reviewed for National Historic Preservation Act (NHPA) Sensitive Resources in the APCO Sensitive Resource Area (SRA) database to determine if the activity is located in an area of concern for historic properties. Projects that are sensitive for historic properties that may be authorized under this PGP will be reviewed by APCO Environmental Affairs. APCO Environmental Affairs will retain the services of a professional archaeologist when further evaluation of the potential to affect historic properties may occur. Where an activity may impact a known historic property, APCO will not verify the PGP but will forward the permit request to the Mobile District for further evaluation. These procedures, along with General Condition GC-15 will ensure that no permit verifications will be issued for individual projects under this permit until all requirements of 33 CFR part 325, Appendix C and Section 106 of the NHPA have been satisfied. Additionally, General Condition GC-15 requires permittees to cease work and contact the APCO Site Manager if any previously unknown historic properties 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 appropriate Tribe(s) will be contacted 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 SHPO will have thirty (30) days to respond. In the case of projects for which the Mobile District has made a determination that a project may affect tribal properties, the Mobile District will also provide the consulting Tribe thirty (30) days to respond. Verifications cannot be issued until all required consultation pursuant to 33 CFR part 325, Appendix C and Section 106 of the NHPA 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 would directly or indirectly destroy or adversely modify the critical habitat of such species. Individual projects will be reviewed for ESA Sensitive Resources in the APCO Sensitive Resource Area (SRA) database to determine if the site is located in an area of concern for threatened or endangered species. The SRA database for ESA has been reviewed and verified by the United States Fish and Wildlife Service (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. Projects that are within an ESA Sensitive Resource Area for threatened or endangered species or critical habitat that may be authorized under this PGP will be reviewed by APCO Environmental Affairs. Where an activity has the potential to affect a listed species and/or critical habitat, APCO will verify the PGP only where a valid Biological Assessment (BA), Biological Opinion (BO), or species and activity specific Concurrence Letter between APCO and USFWS exists governing the implementation of activities that may affect the ESA Sensitive Resource. If no valid BA, BO, or Concurrence Letter exists for the identified ESA Sensitive Resource, APCO will forward the permit request to the Mobile District for further evaluation and USFWS consultation as appropriate.

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 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, Revocation or Suspension of this Programmatic General Permit Program:** These programmatic general permits will be valid for a five-year period or until reissued, modified, 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 to periodically 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, 2027. However, if you have commenced or are under contract to commence the permitted activity under the authorization of a specific PGP before January 9, 2027, you will have twelve (12) months from that date to complete the activity under the terms and conditions of the 2022 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.

JEREMY J. CHAPMAN, P.E.
Colonel, U.S. Army
District Commander

BY: _____
CRAIG J. LITTEKEN, PMP
Chief, Regulatory Division

DEPARTMENT OF THE ARMY PERMIT

2022-2027 ALABAMA POWER PROGRAMMATIC GENERAL PERMITS
ELIGIBLE STRUCTURES AND ACTIVITIES**APCO-PGP-01 – DEBRIS REMOVAL:**

This permit authorizes the removal of debris 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 U.S. Fish and Wildlife Service (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) **(SAM-2021-0063-LET)**

APCO-PGP-02 – DREDGING FOR CONSTRUCTION OF NEW NON-COMMERCIAL BOAT SLIPS; MAINTENANCE DREDGING OF EXISTING BOAT SLIPS, CANALS, OR NAVIGATION CHANNELS:

This permit authorizes the dredging of less than 500 cubic yards of material from below the ordinary high-water mark. The depth shall be no greater than the design depths of the slip, canal or channel, 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 (this condition may be waived on a case-by-case basis by APCO and/or the Mobile District when the dredging would impact only concentrations of invasive or noxious species). 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) **(SAM-2021-1064-LET)**

APCO-PGP-03 – CONSTRUCTION AND/OR MAINTENANCE OF FIXED OR FLOATING STRUCTURES:

Construction and/or maintenance of non-commercial piers, docks, wharves, boat shelters, boat houses, boardwalks, hoists, gazebos, sun decks, stairways, walkways, and anchor structures, which may include large tethered concrete blocks, (also known as deep-water anchors) as determined necessary to hold floating structures in place and/or to prevent the floating structure from flipping under certain environmental conditions (wind conditions, vessel wakes, location on a peninsula, etc.). No more than 12 cubic yards of fill may be discharged below the ordinary high-water mark to install deep-water anchors on floating structures. No discharge of fill material into waters of the United States is authorized except for the deep-water anchor structures and no fill material may be discharged into wetlands. The size limit of structures and the required number of deep-water anchors for floating structures shall be no greater than the limits specified in the Alabama Power Shoreline Permitting Program. (Sections 10 and 404) **(SAM-2021-01065-LET)**

APCO-PGP-04 – CONSTRUCTION AND MODIFICATION OF WATER ACCESS RAMPS:

Dredging and/or filling of less than 250 cubic yards below the ordinary high-water mark to build or modify a ramp for accessing the lake 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 total width of all water access ramp(s) on a property shall be no wider than 20 feet. (Sections 10 and 404) **(SAM-2021-01066-LET)**

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:

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 and must follow the natural contour of 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 resource materials, etc., may be used. Riprap will be placed at the base of all bulkheads, where possible. 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) **(SAM-2021-01067-LET)**

APCO-PGP-06 – 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. The dredging restriction may be waived on a case-by-case basis by APCO and/or the Mobile District when the dredging would impact only concentrations of invasive or noxious species. 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) **(SAM-2021-1068-LET)**

APCO-PGP-07 – 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) **(SAM-2021-1069-LET)**

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. No work shall be performed under authority of these PGPs until the applicant submits an application to the APCO 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.
3. Conformance with descriptions and quantities contained herein does not necessarily guarantee consideration and/or subsequent authorizations.
4. 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.
5. Construction debris, liquid concrete, old riprap, old support materials, or litter shall not be placed in streams or in areas where migration into streams, wetlands, or other waters of the United States (i.e., APCO lakes) could reasonably be expected to occur.
6. The discharge of dredged or fill material into waters of the United States shall consist of suitable material free from toxic pollutants. All earthen fill material, not excavated at project locations, shall be obtained from non-contaminated high ground sources which have little or no organic content. All dredged or borrowed material used as fill on this project will be from clean, uncontaminated sources, and free from cultural resource materials, waste metal and organic trash, or other unsightly debris.
7. A complete copy of the PGPs with written authorization from the APCO 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.
8. 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. Moreover, permittees are encouraged to follow Best Management Practices as provided in the Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas which can be found at <https://alabamasoilandwater.gov/alesc/>.

9. 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.

10. Verifications for proposed activities and structures in the Choccolocco Creek Embayment of Logan Martin Reservoir will be made in accordance with the conditions outlined by the U.S. Environmental Protection Agency, Superfund Remedial Branch (EPA), with concurrence from the USFWS in their letter issued to APCO on July 29, 2019.

11. 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.

12. All work performed under the PGP is subject to the conditions contained in the attached Water Quality Certification, issued by the Alabama Department of Environmental Management (ADEM), pursuant to Section 401 of the Clean Water Act.

13. 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.

14. If the permittee or the permittee's contractors discover any federally listed threatened or endangered species while accomplishing the work or activities authorized by these PGPs, the permittee shall immediately notify the APCO Site Manager. As soon as practicable after the permittee notification, the Site Manager shall notify APCO Environmental Affairs. APCO Environmental Affairs will 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 USFWS.

15. If the permittee or the permittee's contractors discover any previously unknown historical or archaeological remains while accomplishing the work or activities authorized by the PGP(s), the permittee shall immediately cease work and notify the APCO Site Manager. As soon as practicable after the permittee notification, the Site Manager shall notify APCO Environmental Affairs. APCO Environmental Affairs will forward information regarding the discovery to the Mobile District for evaluation.

16. 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.
17. If the property associated with this permit is sold, the permittee shall provide the APCO 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 without APCO written approval.
18. No habitable structures, fueling or storage facilities over navigable waters of the United States are authorized under this PGP.
19. 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.

**MOBILE DISTRICT
U. S. ARMY CORPS OF ENGINEERS**



Alabama Department of Environmental Management
adem.alabama.gov

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(334) 271-7700 ■ FAX (334) 271-7950

November 17, 2021

COLONEL JEREMY J CHAPMAN
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-2021-01063-LET, 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 Chapman:

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 Permits:

APCO shall ensure that activities authorized under the APCO PGPs are conducted by individual applicants consistent with the requirements of the August 4, 2021, *Clean Water Act (CWA) Section 401 Water Quality Certification (WQC), U.S. Army Corps of Engineers (COE) 2021 Proposed Issuance of Alabama General Permits (ALGPs) for Activities Within the State of Alabama* 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 me by email at ash@adem.alabama.gov or by phone at (334) 394-4304.

Sincerely,

A handwritten signature in black ink that reads "Anthony Scott Hughes".

Anthony Scott Hughes, Chief
Field Operations Division

File: WQ401/40419/DAP





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

August 4, 2021

Colonel Sebastien P. Joly
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 (WQC), U.S. Army Corps of Engineers (COE) 2021 Proposed Issuance of Alabama General Permits (ALGPs) For Activities Within the State of Alabama

Dear Colonel Joly:

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

ALGP-01 Excavated Boat Slips
ALGP-03 Dredging
ALGP-04 Debris Removal
ALGP-05 Piers and Pile-Supported Structures
ALGP-07 Boat Ramps and Marine Ways
ALGP-11 Shoreline and Bank Stabilization and Protection
ALGP-13 Filling of Previously Dredged Areas

Because action pertinent to WQC is required by Section 401(a)(1) of the CWA, 33 U.S.C. Section 1251, et seq., we hereby issue certification 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 Sections 301 and 302 nor applicable standards under Sections 306 and 307 of the CWA in regard to the activities specified. This certification shall expire at the same time as the expiration date for the above-referenced Alabama Nationwide Permits for activities within the State of Alabama.

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 special conditions as appropriate to the type, location, scope, duration, and potential impact of each activity in Alabama authorized by the COE ALGPs:

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).
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.

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.
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.
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.
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.
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.
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.

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.
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 COE that are typically utilized in marine or other aquatic applications.
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.
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.
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.
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.
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 for fueling facilities, and a sewage pump out system where appropriate) as needed to protect water quality.

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 bio-retention 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.
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.
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 basis, 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.
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.

Please feel free to contact me at 334-394-4304 in the event you have any questions.

Sincerely,



Anthony Scott Hughes, Chief
Field Operations Division

File: WQ401

c: Nashville District COE & EPA Region IV