

1 HB376
2 173018-2
3 By Representative Ainsworth
4 RFD: Transportation, Utilities and Infrastructure
5 First Read: 09-MAR-17

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8 SYNOPSIS: Under existing law, certain privately owned
9 wastewater systems, including community wastewater
10 systems and cluster wastewater systems, are subject
11 to regulation under certain conditions by the
12 Department of Environmental Management, the
13 Department of Public Health, and the Public Service
14 Commission. The terms "cluster wastewater system,"
15 "community wastewater system," and "small-flow
16 cluster systems" exclude systems that discharge
17 directly to the surface waters of the state.

18 This bill would remove the exclusions
19 described above from the definitions.
20

21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 To amend Section 22-25B-1 of the Code of Alabama
26 1975, relating to the regulation of privately owned wastewater
27 systems; to further provide for the definition of cluster

1 wastewater systems, community wastewater systems, and
2 small-flow cluster systems to delete the exclusions for
3 systems that discharge directly into the surface waters of the
4 state.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 22-25B-1 of the Code of Alabama
7 1975, is amended to read as follows:

8 "§22-25B-1.

9 "For purposes of this chapter, the following terms
10 shall have the following meanings unless the context clearly
11 indicates otherwise:

12 "(1) ADEM. The Alabama Department of Environmental
13 Management.

14 "(2) ADPH. The Alabama Department of Public Health.

15 "(3) CERTIFICATE OF ECONOMIC VIABILITY. The
16 certification by the commission of the financial viability of
17 a wastewater management entity's financial viability pursuant
18 to this chapter.

19 "(4) CLUSTER WASTEWATER SYSTEM. An integrated
20 wastewater collection system or treatment system, or both, or
21 multiple systems serving a single development or contiguous
22 developments, which collectively have a design flow of 15,000
23 GPD or less, and is designed and permitted for discharge of
24 the treated wastewater to a subsurface distribution system,
25 ~~but excluding~~ or systems that discharge directly to surface
26 waters of the state. The system must be designed by and
27 certified by a licensed professional engineer to comply with

1 design and permit requirements established by the ADPH. The
2 term does not include a small-flow cluster system.

3 "(5) COMMISSION. The Alabama Public Service
4 Commission.

5 "(6) COMMUNITY WASTEWATER SYSTEMS. An integrated
6 wastewater collection system or treatment system, or both, or
7 multiple systems serving a single development or contiguous
8 developments, which collectively have a design flow of more
9 than 15,000 GPD, and is designed and permitted for discharge
10 of the treated wastewater to a subsurface distribution system,
11 ~~but the term specifically excludes~~ or systems that discharge
12 directly to surface waters of the state. The system must be
13 designed and certified by a licensed professional engineer to
14 comply with the design and permit requirements established by
15 ADEM.

16 "(7) CUSTOMER. A person, business, or other entity,
17 public or private, that is connected or eligible for
18 connection to a certified wastewater management entity's
19 wastewater system upon proper payment of cost and fees and is
20 subject to rates approved by the commission.

21 "(8) DEPARTMENT. ADEM or ADPH as their jurisdiction
22 is applicable according to the terms of this chapter.

23 "(9) DESIGN FLOW. The average daily flow that the
24 wastewater system will treat with appropriate consideration
25 given to maximum flow periods, equalization, and organic
26 loading. Flow from the same subdivision or contiguous
27 subdivisions developed as a common group of wastewater

1 systems, shall be combined as one flow, even if from separate
2 systems, for the purpose of determining whether ADEM or ADPH
3 will permit the system.

4 "(10) DRAFT PERMIT. A preliminary permit issued by
5 the department setting forth the discharge and other
6 requirements which will be included in the final permit that
7 may be issued upon compliance with department rules.

8 "(11) DWELLING. A house, manufactured/mobile home or
9 house trailer, shelter, structure, or building, or portion
10 thereof, that is or could reasonably be expected to be
11 occupied in whole or in part as the home, residence, or
12 sleeping place of one or more persons.

13 "(12) EFFLUENT. Treated wastewater.

14 "(13) ESTABLISHMENT. A facility other than a
15 dwelling that is or could reasonably be expected to generate
16 wastewater of similar composition as a dwelling and of similar
17 strength of or higher strength than a dwelling.

18 "(14) GPD. Gallons per day.

19 "(15) PSC. The Alabama Public Service Commission.

20 "(16) SMALL-FLOW CLUSTER SYSTEM. A wastewater system
21 serving four or fewer dwellings, apartment units, or other
22 establishments whether owned by a single person or multiple
23 persons, including individual single-user septic tank systems
24 ~~but excluding systems that discharge directly to the waters of~~
25 ~~the state.~~

26 "(17) WASTEWATER. Waterborne waste of similar
27 composition as may be found in the typical residence or

1 dwelling and sometimes referred to as sewage; but not to
2 include wastewater generated at an industrial nonresidential
3 site.

4 "(18) WASTEWATER MANAGEMENT ENTITY. An entity which
5 exercises sole responsibility for the operation and
6 maintenance of one or more cluster or community wastewater
7 systems.

8 "(19) WASTEWATER SYSTEM. An integrated specialized
9 technological process for the collection, treatment,
10 processing, disposal, discharge, and reuse of domestic
11 wastewater generated by multiple dwellings or establishments,
12 including single structures with multiple units, sometimes
13 referred to as a wastewater plant."

14 Section 2. All laws or parts of laws which conflict
15 with this act are repealed.

16 Section 3. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.