

## SB231 INTRODUCED



1 SB231  
2 I332K66-1  
3 By Senator Allen  
4 RFD: Transportation and Energy  
5 First Read: 06-Mar-25



SYNOPSIS:

Under existing law, certain privately owned sewer and wastewater systems are exempt from the regulatory jurisdiction of the Public Service Commission.

This bill would subject privately owned sewer and wastewater systems of a certain size to the regulatory jurisdiction of the Public Service Commission regardless of the method of disposal.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to utilities; to amend Section 22-25B-1, Code of Alabama 1975, to subject certain privately owned sewer and wastewater systems of a certain size to the regulation and jurisdiction of the Alabama Public Service Commission.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§22-25B-1

For purposes of this chapter, the following terms~~shall~~ have the following meanings unless the context clearly



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indicates otherwise:

(1) ADEM. The Alabama Department of Environmental Management.

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

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

(4) CLUSTER WASTEWATER SYSTEM. An integrated wastewater collection system or treatment system, or both, or multiple systems serving a single development or contiguous developments, which collectively have a design flow of ~~15,000~~ 5,000 GPD or less, and is designed and permitted for discharge of the treated wastewater to a subsurface distribution system, but excluding systems that discharge directly to surface waters of the state. The system must be designed by and certified by a licensed professional engineer to comply with design and permit requirements established by ~~the~~ ADPH. The term does not include a small-flow cluster system.

(5) COMMISSION or PSC. The Alabama Public Service Commission.

(6) COMMUNITY WASTEWATER SYSTEMS. An integrated wastewater collection system or treatment system, or both, or multiple systems serving a single development or contiguous developments or non-contiguous customers, which collectively have a design flow of more than ~~15,000~~ 5,000 GPD, ~~and is designed and permitted for discharge of the treated wastewater to a subsurface distribution system, but the term specifically~~



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~~excludes systems that discharge directly to surface waters of the state.~~ The system must be designed and certified by a licensed professional engineer to comply with the applicable design and permit requirements established by ADEM or ADPH.

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

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

(9) DESIGN FLOW. The average daily flow that the wastewater system will treat with appropriate consideration given to maximum flow periods, equalization, and organic loading. Flow from the same subdivision or contiguous subdivisions or non-contiguous customers developed as a common group of wastewater systems, shall be combined as one flow, even if from separate systems, for the purpose of determining whether ADEM or ADPH will permit the system.

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

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



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85 (12) EFFLUENT. Treated wastewater.

86 (13) ESTABLISHMENT. A facility other than a dwelling  
87 that is or could reasonably be expected to generate wastewater  
88 of similar composition as a dwelling and of similar strength  
89 of or higher strength than a dwelling.

90 (14) GPD. Gallons per day.

91 ~~(15) PSC. The Alabama Public Service Commission.~~

92 ~~(16)~~ (15) SMALL-FLOW CLUSTER SYSTEM. A wastewater system  
93 serving four or fewer dwellings, apartment units, or other  
94 establishments whether owned by a single person or multiple  
95 persons, including individual single-user septic tank systems  
96 but excluding systems that discharge directly to the waters of  
97 the state.

98 ~~(17)~~ (16) WASTEWATER. Waterborne waste of similar  
99 composition as may be found in the typical residence or  
100 dwelling and sometimes referred to as sewage; but not to  
101 include wastewater generated at an industrial nonresidential  
102 site.

103 ~~(18)~~ (17) WASTEWATER MANAGEMENT ENTITY. An entity which  
104 exercises sole responsibility for the operation and  
105 maintenance of one or more cluster or community wastewater  
106 systems.

107 ~~(19)~~ (18) WASTEWATER SYSTEM. An integrated specialized  
108 technological process for the collection, treatment,  
109 processing, disposal, discharge, and reuse of domestic  
110 wastewater generated by multiple dwellings or establishments,  
111 including single structures with multiple units, sometimes  
112 referred to as a wastewater plant."



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113               Section 2. This act shall become effective on October  
114    1, 2025.