



ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

POST OFFICE BOX 301463 36130-1463 ♦ 1400 COLISEUM BLVD. 36110-2059

MONTGOMERY, ALABAMA

WWW.ADEM.STATE.AL.US

(334) 271-7700

JAMES W. WARR

DIRECTOR (ACTING)

BOB RILEY

GOVERNOR

November 10, 2004

Mr. James F. Crew
Relicensing Project Manager
Alabama Power Company
P O Box 2641
Birmingham AL 35291

Facsimiles: (334)

Administration: 271-7950
General Counsel: 394-4332
Air: 279-3044
Land: 279-3050
Water: 279-3051
Groundwater: 270-5631
Field Operations: 272-8131
Laboratory: 277-6718
Mining: 394-4326
Education/Outreach: 394-4383

RE: ~~ACAMP Applicability to the:~~ Coosa Hydroelectric Project (FERC No. 2146)
Mitchell Hydroelectric Project (FERC No. 82)
Jordan Hydroelectric Project (FERC No. 618)

Dear Mr. Crew

Reference is made to your letter dated October 27, 2004 requesting a preliminary determination on the applicability of the Alabama Coastal Area Management Program (ACAMP) regulations to Alabama Power Company's (APC) Warrior Hydroelectric Project, FERC No. 2165. It is understood that the project consists of two developments – Smith and Bankhead – and is located on the Black Warrior River. The developments are located in the counties of Cullman, Walker, Winston, and Tuscaloosa. Neither of the developments occurs in the coastal area of Alabama as defined by ADEM Admin. Code R. 335-8-2-.02.

Based on the information provided in your letter and pursuant to ADEM Admin. Code R. 335-8-1-.09; the proposed activities are not subject to the permitting procedures of the ADEM Division 8 Administrative Code Rules or the ACAMP.

Although the Department finds this activity not subject to the permitting requirements of the coastal area management program, this does not relieve the operator of the responsibility to comply with other federal, State and/or local rules or ordinances nor to obtain any other licenses or permits which may be required thereby.

If you have questions regarding any of the information contained herein, please contact J. Scott Brown at (251) 432-6533.

Sincerely,

Handwritten signature of Steven O. Jenkins in black ink.

Steven O. Jenkins, Chief
Field Operations Division

SOJ/jsb

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

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, Alabama 35803-1333
(256) 353-1713
(256) 340-9359 [Fax]

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

Mobile – Coastal
4171 Commanders Drive
Mobile, Alabama 36615-1421
(251) 432-6533
(251) 432-6598 (Fax)



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RE: ACAMP Applicability to the Warrior Hydroelectric Project (FERC No. 2165)

Dear Mr. Crew:

Reference is made to your letter dated October 27, 2004 requesting a preliminary determination on the applicability of the Alabama Coastal Area Management Program (ACAMP) regulations to Alabama Power Company's (APC) Warrior Hydroelectric Project, FERC No. 2165. It is understood that the project consists of two developments – Smith and Bankhead – and is located on the Black Warrior River. The developments are located in the counties of Cullman, Walker, Winston, and Tuscaloosa. Neither of the developments occurs in the coastal area of Alabama as defined by ADEM Admin. Code R. 335-8-2-.02.

Based on the information provided in your letter and pursuant to ADEM Admin. Code R. 335-8-1-.09; the proposed activities are not subject to the permitting procedures of the ADEM Division 8 Administrative Code Rules or the ACAMP.

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If you have questions regarding any of the information contained herein, please contact J. Scott Brown at (251) 432-6533.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Jenkins".

Steven O. Jenkins, Chief
Field Operations Division

SOJ/jsb



From: Lovett, Barry K.
Sent: Tuesday, December 14, 2004 2:35 PM
To: Jenkins, Viki R.
Subject: FW: Public Notice 12/14/04

[For File](#)

-----Original Message-----

From: Hancock, James (Balch)
Sent: Tuesday, December 14, 2004 1:39 PM
To: Crew, James F.; Lovett, Barry K.; Akridge, R. M.
Subject: FW: Public Notice 12/14/04

fyi

James H. Hancock, Jr.
Balch & Bingham LLP
1710 Sixth Avenue North
Birmingham, Alabama 35203-2015
(205) 226-3418 -- direct dial
(205) 908-4653 -- cell phone
(205) 488-5878 -- facsimile
jhancock@balch.com
www.balch.com

-----Original Message-----

From: Bowden, Matthew
Sent: Tuesday, December 14, 2004 1:30 PM
To: WILLARD BOWERS; JOHN GROGAN; Hancock, Jim; Gidiere, Stephen
Subject: FW: Public Notice 12/14/04

-----Original Message-----

From: List90 [<mailto:List90@adem.state.al.us>]
Sent: Monday, December 13, 2004 7:00 AM
Subject: Public Notice 12/14/04

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NOTICE OF APPLICATION FOR WATER QUALITY CERTIFICATION AS PART OF FEDERAL ENERGY REGULATORY COMMISSION (FERC) LICENSE APPLICATIONS FOR ALABAMA POWER COMPANY'S (APCO) LEWIS SMITH AND BANKHEAD (BLACK WARRIOR RIVER) AND WEISS, NEELY HENRY, LOGAN MARTIN, LAY, MITCHELL, JORDAN, AND WALTER BOULDIN (COOSA RIVER) HYDROELECTRIC PROJECTS.

Notice is hereby given that Alabama Power Company (applicant) has applied to the Alabama Department of Environmental Management (ADEM) for water quality certification as part of Federal Energy Regulatory Commission (FERC) license applications for the aforementioned hydroelectric projects. The Alabama Department of Environmental Management (ADEM) is soliciting comments and information from interested parties regarding these applications.

Alabama Power Company, with its principal office located at 600 North 18th Street, Birmingham, Post Office Box 2641, Birmingham, Alabama, 35291, has applied for water quality certification for the continued operation of turbine generators at its Lewis Smith and Bankhead hydroelectric projects, licensed collectively as the Warrior River Project (FERC Project No. 2165), in the Black Warrior River basin. The applicant has also applied for water quality certification for continued operation at its Weiss, Neely Henry, Logan Martin, Lay and Bouldin hydroelectric projects, licensed collectively as the Coosa River Project (FERC No. 2146) and at the Mitchell (FERC No. 82) and Jordan (FERC No. 618) projects in the Coosa River basin. In addition, the applicant intends to include in the FERC license application a call for maintenance and refurbishment or replacement of certain components of four existing units: Lay Unit 1, Lay Unit 2, Bouldin Unit 2 and Jordan Unit 4.

Construction and operation of hydroelectric generating units on navigable waterways is subject to the jurisdiction of the FERC under the Federal Power Act. The applicant, currently under license from the FERC, has operated and maintained the Lewis Smith Project since 1961 and the Bankhead Project since 1963. The Weiss project has been in operation since 1961, Neely Henry since 1966, Logan Martin since 1964, Lay since 1914, Mitchell since 1923, Jordan since 1928, and Bouldin since 1967.

A federal permit from the FERC is required for the proposed impact to waters. In accordance with Section 401 of the Clean Water Act, this federal permit must include a certification from ADEM, as authorized by the Alabama Water Pollution Control Act (AWPCA), that the project will not violate state water quality standards and regulations.

A copy of the certification applications may be viewed on the ADEM web page at the following address: www.adem.state.al.us/PublicNotice/PublicNotice.htm. In addition, persons wanting to review the applications may request an electronic copy on a compact disk by writing Lynn Sisk, Chief, Water Quality Branch, at the address indicated below or calling (334) 271-7826. A nominal fee for the compact disks may be charged.

ADEM
Water Quality Branch
Water Division
1400 Coliseum Boulevard
Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7826

Persons wishing to comment may do so, in writing, prior to 5:00 p.m. central time, January 14, 2005, to the Department at the address shown below, attention Russell A. Kelly, Chief, Permits and Services Division:

ADEM
Permits and Services Division
Post Office Box 301463
Montgomery, Alabama 36130-1463

COMMENTERS SHOULD IDENTIFY THE PROJECT NAME ON THE FIRST PAGE OF THEIR COMMENTS. In order to affect final decisions, all comments must address issues that have an impact on the applicant's ability to comply with the environmental law, rules and regulations.

Upon the expiration of the comment period a response to all significant comments will be prepared. After consideration of all comments received during the notice period and the requirements of the Alabama Water Pollution Control Act and appropriate regulations, the Director will make a final decision regarding certification issuance.

Notice of any final administrative action will be sent to any person who requests in writing notice of the final certification decision.

This notice is hereby given this December 14, 2004, by authorization of the Alabama Department of Environmental Management.

James W. Warr, Acting Director

Courtesy copy: Publish at your own expense