

ONIS "TREY" GLENN, III
DIRECTOR



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August 6, 2008

James D. Giattina, Director
Water Management Division
USEPA Region 4
Atlanta Federal Center
61 Forsyth Street
Atlanta Georgia 30303-8960

RE: EPA Request for Decisions Relative to Vessel General Permit 401 Water Quality and Coastal Zone Consistency - Alabama

Dear Mr. Giattina:

The Alabama Department of Environmental Management (ADEM) received your July 3, 2008 correspondence regarding the request for the State of Alabama's decisions relative to 401 water quality certification and coastal consistency. Action pertinent to water quality and coastal management certification is required by Section 401(a)(1) of the Clean Water Act, 33 U.S.C. §1251, et. seq., and the Alabama Coastal Area Management Program, respectively.

It is our understanding that Senate bills 2766 and 3298 have passed Congress and been signed by the President which will have direct impact on the implementation of EPA's two proposed vessel General Permits: "VGP" and "RGP". Specifically, the new laws negate the need for the RGP and limit the VGP to non-fishing vessels longer than 79 feet. As regards EPA's request for Alabama's agreement with EPA's determination of coastal consistency, ADEM offers no decision at this time due, in part, to the truncated review time allotted. As regards water quality certification, ADEM hereby waives Section 401(a)(1) water quality certification for the reason expressed above. Of course, all discharges to waters of the State of Alabama must comply with all applicable Alabama water quality standards.

Please call or write anytime should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven O. Jenkins", is written over a horizontal line.

Steven O. Jenkins, Chief
Field Operations Division

SOJ/spg File: CZCERT/

e-copy: Phillip Hinesley, ADCNR-SLD
James M. McIndoe

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