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TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control No. **335** Department or Agency **Environmental Management**
Rule No. **335-7-11-.12**
Rule Title: **Corrosion Control Treatment Requirement**

____ New X Amend ____ Repeal ____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?	YES
Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?	YES
Is there another, less restrictive method of regulation available that could adequately protect the public?	NO
Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?	NO
Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?	NO
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?	YES

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Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Marilyn Elliott

Date March 20, 2012

Date Filed

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DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULE NO. & TITLE:

335-7-11-.11	Action Level Non-Compliance (Amend)
335-7-11-.12	Corrosion Control Treatment Requirement (Amend)
335-7-11-.13	Corrosion Control Study (Amend)
335-7-11-.17	Public Education Requirement (Amend)

INTENDED ACTION: The Alabama Department of Environmental Management proposes to revise division 335-7, Public Water Supply.

SUBSTANCE OR PROPOSED ACTION: Revisions to rules 335-7-11-.11(a), 335-7-11-.12(a), 335-7-11-.13(e) and 335-7-11-.17(2) are being proposed to correct typographical errors and clarify requirements.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Comments may be submitted in writing or orally at a public hearing to be held May 2, 2012, at 10:00 a.m. in the Main Hearing Room at the ADEM Central Office located at 1400 Coliseum Blvd., Montgomery, AL 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: May 4, 2012 at 5:00 p.m.

CONTACT PERSON AT AGENCY: George M. Cox, Section Chief
Groundwater Section [334/271-7778]

Lance R. LeFleur
Director

335-7-11-.12 Corrosion Control Treatment Requirement. Any water system which has been deemed to have optimized corrosion control and has corrosion control treatment in place shall continue to operate and maintain treatment to ensure that optimal corrosion control is maintained.

(a) All water systems with an action level which exceeds a lead or copper compliance limit and any new drinking water source proposed for use after the effective date of these regulations shall install and properly operate optimum corrosion control processes continuously to reduce the potential for lead or copper exposure by the consumers. Within six months of exceeding the compliance limit a system shall provide a detailed report indicating the process and equipment to be used to provide corrosion control treatment. Installation and start up of the equipment must be completed within 24 months of approval of the ~~department~~Department. A corrosion control treatment study may be required by the Department to determine the optimum process to be installed. Those systems practicing corrosion control in their treatment process prior to the effective date of these regulations and acceptable to the Department may have the treatment study requirements waived. Systems required to perform a corrosion control treatment study shall complete the study and submit its results along with a proposal for the process to be used to the Department within 12 months of exceeding a compliance limit. This report must include a proposed construction schedule for installation of the equipment. This project must be completed no more than 24 months after the study submittal. All systems installing corrosion control treatment processes shall monitor initial site during the next two consecutive six-month compliance periods.

(b) The water in a water system is considered to meet optimum corrosion control when the distribution system:

1. Water quality parameters reflected on the Baylis Curve indicates no incrusting or corrosion will occur, or

2. The Langelier Index of the water is between -1.0 to +2,

3. The Ryznar Index is between 7 and 11,

4. A phosphate or silicate corrosion inhibitor is continuously applied at the manufacturer/supplier recommended level resulting in minimum complaints, or

5. The Calcium Carbonate Precipitation Potential (CCPP) is maintained between 4-10 mg/l, and

6. The water continuously meets the lead and copper compliance limits.

(c) Any water system may be considered to optimize corrosion control treatment if it demonstrates that it has conducted activities equivalent to the corrosion control steps outlined in this rule. Water systems deemed to have

optimized corrosion control under this subparagraph shall operate in compliance with the State-designated optimal water quality control parameters and continue to conduct lead and copper tap and water quality parameter monitoring as required by these regulations. The system shall provide to the Department:

1. The results of all monitoring for each of the water quality parameters listed in 335-7-11-.13(c);

2. A report explaining the test methods used by the water system to evaluate the corrosion control treatments listed in 335-7-11-13(a), the results of all tests conducted and the basis for the system's selection of optimal corrosion control treatment;

3. A report explaining how corrosion control has been installed and how it is being maintained to ensure minimal lead and copper concentrations at consumer's taps; and

4. The information from tap water monitoring conducted in accordance with 335-7-11-.07 above the compliance limit.

(d) Any water system is deemed to have optimized corrosion control if it submits results of tap water monitoring conducted in accordance with 335-7-11-.08 and source water monitoring in accordance with 335-7-11-.15 that demonstrates for two consecutive six-month monitoring periods that the difference between the 90th percentile tap water level computed under 335-7-11-.03 and the highest source water lead concentration is less than 0.005 mg/l.

1. Those systems whose highest source water lead level is below the Method Detection Limit may also be deemed to have optimized corrosion control under this subparagraph if the 90th percentile tap water lead level is less than or equal to 0.005 mg/l for two consecutive 6-month monitoring periods.

2. Any water system deemed to have optimized corrosion control in accordance with this subparagraph shall continue to monitor for lead and copper at the tap no less frequently than once every three calendar years using the reduced number of monitoring sites and conducting the monitoring at times and locations specified in these regulations.

3. Any water system deemed to have optimized corrosion control shall notify the Department in writing pursuant of any change in treatment or the addition of a new source. Any new source or long-term change in water treatment shall have written approval from the Department before being placed into service or implemented. The system may be required to conduct additional monitoring or to take other action to ensure that the system maintains minimal levels of corrosion in the distribution system.

4. Any system triggered into corrosion control because it is no longer deemed to have optimized corrosion control under this subparagraph shall

implement corrosion control treatment in accordance with the deadlines in the regulations. Large systems shall adhere to the schedule specified in the paragraph for medium size systems; with the time periods for completing each step being triggered by the date the system is no longer deemed to have optimized corrosion control under this paragraph.

Author: Joe Alan Power, Dennis D. Harrison.
Statutory Authority: Code of Alabama 1975, §§ 22-23-33, 22-22A-5, 22-22A-6.
History: Adopted: September 23, 1992; Amended: September 19, 1995 (ER); November 28, 1995. Effective: January 2, 1996.
Amended: March 12, 2002; January 22, 2008; May 26, 2009; January 18, 2011; XXXXX, 2012.