

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 335 Department or Agency Environmental Management

Rule No. 335-7-4-.04

Rule Title: Requirements for New Water Systems

 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

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.

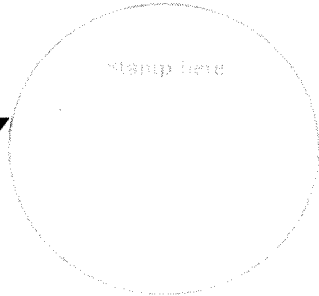
Certification of Authorized Official

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 Maulix Ellett

Date March 20, 2012

Date Filed



APA-2
11/96

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULE NO. & TITLE: 335-7-4-.03 Permitting Requirements for System Additions
(Amend)
335-7-4-.04 Requirements for New Water Systems (Amend)
335-7-4-.10 Completed Project Approval (Amend)
335-7-4-.11 Consecutive Water System Requirements (Amend)

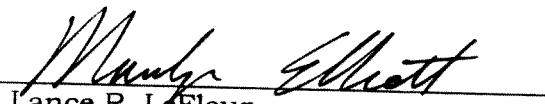
INTENDED ACTION: The Alabama Department of Environmental Management proposes to revise division 335-7, Public Water Supply.

SUBSTANCE OR PROPOSED ACTION: Revisions to rules 335-7-4-.03(2), (4), (5), 335-7-4-.04 (1), (3)(a), 335-7-4-.10(1), (2)(a), and 335-7-4-.11 (2)(f)1., 2. are being proposed to require electronic submittal of documents to the Department.

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

335-7-4-.04 Requirements for New Water Systems.

(1) Prior to submitting a permit application package for the construction of a new community or NTNC water system, an engineering report must be submitted to the Department. All documents associated with the application package should be in electronic format unless paper format is approved by the Department in advance. The Department may require paper format. The engineering report is to provide the following:

- (a) A description of the proposed service area,
- (b) A copy of a purchase agreement with a permitted public water system or the proposed sources of water supply and a description of treatment processes to be employed,
- (c) An estimation of maximum and future water demands by the system,
- (d) A 10-year financial plan that details how the water system will meet the financial, technical and managerial requirements of ADEM Regulations,

(2) Community and NTNC systems shall submit a completed application package when requesting a permit for the construction of a new public water system.

(3) Proposed transient non-community water systems must provide the following:

- (a) A completed Department permit application form, paper format is acceptable.
- (b) Permit fee as established by the Department.
- (c) A summary report describing the functions of the facility, number of anticipated people it will serve, bacteriological and nitrate analyses of the proposed source of supply, well construction data should the proposed source be a well and any sources of contamination which might impact the water quality, and
- (d) Information which demonstrates the applicant water system has technical, managerial and financial capacity.

Author: Joe Alan Power, Edgar K. Hughes.

Statutory Authority: Code of Alabama 1975, §§ 22-23-33, 22-23-49, 22-22A-5, 22-22A-6.

History: May 23, 1977; Repealed and readopted: January 4, 1989; October 31, 1990; effective: December 5, 1990.

Amended: June 7, 2000; December 12, 2005; XXXXX, 2012.