

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 335 Department or Agency Environmental Management

Rule No. 335-7-4-.11

Rule Title: Consecutive Water System Requirements

 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.

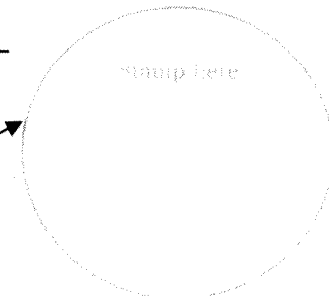
Certification of Authorized Official

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 *M. Murphy Elliott*

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)

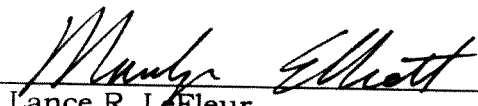
INTENDED ACTION: The Alabama Department of Environmental Management proposes to revise division 335-7, Public Water Supply.

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-.11 Consecutive Water System Requirements.

(1) Consecutive systems must meet specific monitoring and reporting requirements as identified in subsequent chapters in these regulations.

(a) A purchase water contract shall be maintained by this system that allows sufficient water to be purchased to meet all system demands during normal operating periods. Upon expiration of such contract, the system shall not exceed a period of more than 30 consecutive days without a revised contract to ensure that adequate water can be provided to all existing customers. A copy of the new or revised water purchase contracts shall be provided to the Department within fifteen (15) days of execution.

(b) Water purchase contracts shall be modified to obtain additional capacity prior to the financial and construction commitment to serve additional customers that will cause the existing contract maximum allowable water purchased to be exceeded.

(2) Consecutive water systems must provide adequate operation through the employment of certified operators to ensure that the quality of water provided meets all State and Federal Drinking Water Standards.

(a) The system must employ an operator in responsible charge that meets the requirement of ADEM Administrative Code Division 10.

(b) The responsible certified operator or its designees shall collect the required minimum number of monthly bacteriological samples and have these analyzed at an ADEM certified laboratory.

(c) The system must maintain an updated Bacteriological Sample Site Plan indicating the location of sites to be used for monthly bacteriological sampling, the primary and backup certified laboratories for bacteriological analysis, a public notification procedure to be activated in case of monitoring or maximum contaminant level violations, and other pertinent information necessary to ensure compliance with the bacteriological monitoring and analysis requirements.

(d) Samples must be taken at intervals established by the Department to analyze for lead and copper in accordance with 335-7-11.

(e) An annual Consumer Confidence Report must be prepared and made available to consumers in accordance with 335-7-14.

(f) Monthly Operation Data Reports must be maintained at the system office and a copy provided to the Drinking Water Branch of ADEM within 10 days after the end of each reporting month.

1. Water systems serving a population of 3,300 or greater shall submit the Monthly Operation Data Report in an electronic format approved by the Department for all reports dated January 1, 2013 or later.

2. Water systems serving a population of less than 3,300 shall submit the Monthly Operation Data Report in an electronic format approved by the Department for all reports dated January 1, 2014 or later.

(g) A Cross-Connection Policy shall be established to minimize contamination through cross-connections and unapproved connections. This policy shall be updated periodically and enforced within the capabilities of the system.

(h) Any additional information or forms required by ADEM Regulations.

Author: Joe Alan Power, Edgar K. Hughes, Dennis D. Harrison.

Statutory Authority: Code of Alabama 1975, §§ 22-23-32, 22-23-49, 22-23-49, 22-22A-5, 22-22A-6.

History: March 12, 2002.

Amended: December 12, 2005; January 22, 2008; XXXXX, 2012.