

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-7-14-07
Rule Title: Report Delivery and Recordkeeping
 New 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

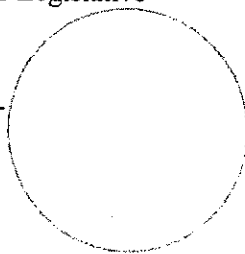
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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 *Merilyn Elliott*

Date March 21, 2016



**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION**

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Environmental Management

Rule No. & Title: 335-7-14-.07 Report Delivery and Recordkeeping (Amend)

Intended Action: The Alabama Department of Environmental Management proposes to amend rule 335-7-14-.07

Substance of Proposed Action:

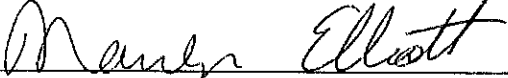
The Department proposes to make amendments in this rule to allow for the electronic delivery of consumer confidence reports and to make administrative corrections and clarifications.

Time, Place, Manner of Presenting Views:

Comments may be submitted in writing or orally at a public hearing to be held at 1:00 PM, May 13, 2016, in the ADEM Main Hearing Room, 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

Final Date for Comment and Completion of Notice: May 13, 2016

Contact Person at Agency: Christy Monk, (334) 394-4364



Lance R. LeFleur
Director

335-7-14-.07 Report Delivery and Recordkeeping.

(1) Each system shall deliver a copy of its CCR and certification form to the Department no later than July 1 of each year for the previous calendar year's information.

(2) A system serving a population of at least 100,000 ~~(or at least ~33,333 customers)~~ shall mail a copy to each customer, make a good faith effort to reach consumers who do not receive bills, and post the CCR on a publicly accessible site on the internet.

(3) A system serving a population of at least 10,000 ~~or (~3,333 customers)~~ shall mail a copy to each customer and make a good faith effort to reach consumers who do not receive a bill.

(4) A system serving a population of at least 500 ~~or (~167 customers)~~ but less than 10,000 ~~(~3,333 customers)~~ may choose to mail the CCR; ~~or publish it in one or more local newspapers provided customers are informed in writing the CCR will not be mailed; or post the CCR on a publically accessible site on the internet and meet the requirements of paragraph (10) of this rule.~~ The CCR shall be published in full in a size readable by the average consumer.

(5) If a system serving a population of less than 500 ~~or (~167 customers)~~ chooses not to mail a copy of its CCR to each customer it, shall provide written notice to each customer that the CCR is available upon request. In addition, a copy of the CCR shall be displayed in a prominent place easily accessible to consumers.

(6) All systems shall provide a copy of its CCR to the health department of the county in which the system or a majority of the system is located.

(7) If a public library is located within five miles of the system office, a copy shall be provided to that library.

(8) If a system's rates are regulated by the Public Service Commission (PSC), a copy of the system's CCR shall be provided to the PSC.

(9) Water systems shall maintain copies of its CCR for a minimum of five (5) years, provide copies at no charge to customers, and make the reports available to the public when requested, at cost if necessary.

(10) A water system may post its CCR on a publically accessible site on the internet instead of mailing a copy to each customer if the following conditions are met:

(a) The water system shall provide a direct link or URL to the CCR to allow customers to navigate directly to the CCR;

(b) The water system shall provide customers the opportunity to elect to continue receiving a paper copy of the CCR. This option shall be made

available on each bill sent to the customer, similar to a change in address or pay by credit card option;

(c) The water system shall assess the customers' preferred delivery method each year prior to certification of delivery. The previous year's delivery preference can be used if the customer has not communicated a change in the preference. Completion of this assessment shall be documented on the CCR certification form;

(d) The water system shall still make a good faith effort to provide a paper copy of the CCR to customers who do not receive a bill or are known not to have access to the internet and/or electronic delivery of the CCR;

(e) The water system shall display the direct link or URL to the CCR on each billing statement in a typeface that is at least as large as the largest type on the billing statement. The water system shall include the direct link or URL to the CCR on all correspondence or notifications to the customers;

(f) The water system shall include a short message to encourage readership of the CCR above or near the direct link or URL to the CCR when the most recent CCR includes a violation. If no violation is included in the most recent CCR, the short message to encourage readership is strongly recommended; and

(g) The water system shall send an email with a CCR related subject line to inform customers of the availability of the CCR each year. A copy of the email shall be sent to the Department.

(11) A water system may send an electronic copy of their CCR to their customers via email instead of mail as long as the email list is kept up to date. If a water system sends the CCR via email and it receives a message that the email failed to reach the customer (i.e., it bounced back), the water system shall provide a paper copy of the CCR via mail to that customer.

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

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

History: June 7, 2000.

Amended: December 12, 2005; January 22, 2008; November 25, 2014; XXXX XX, 2016.