

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-7-11-.10
Rule Title: Monitoring Waivers
 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

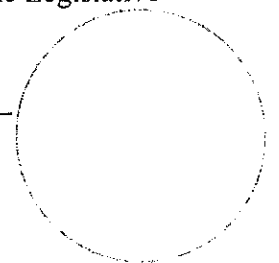
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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 Mandy Elliott

Date September 21, 2016



**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION**

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Environmental Management

Rule No. & Title: 335-7-11-.10 Monitoring Waivers (Amend)

Intended Action: The Alabama Department of Environmental Management proposes to amend rule 335-7-11-.10

Substance of Proposed Action:

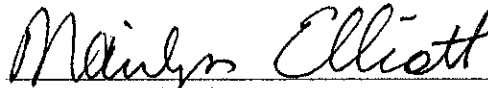
The Department proposes to amend this rule to make an administrative clarification.

Time, Place, Manner of Presenting Views:

Comments may be submitted in writing or orally at a public hearing to be held at 1:00:00 PM, November 9, 2016, in the ADEM Main Hearing Room, 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

Final Date for Comment and Completion of Notice: November 9, 2016

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



Lance R. LeFleur
Director

335-7-11-.10 Monitoring Waivers. A small system that meets the requirements of this rule may apply to the state to reduce the frequency of monitoring for lead and copper to once every nine years.

(a) The system must submit a materials survey showing the system is free of lead and copper containing materials as detailed below.

1. It contains no plastic pipes which contain lead plasticizers, or plastic service lines which contain lead plasticizers; and

2. It is free of lead service lines, lead pipes, lead soldered pipe joints, and leaded brass or bronze alloy fittings and fixtures, unless such fittings and fixtures meet the NSF Standard 61 Section 9.

3. The system contains no copper pipes or copper service lines.

(b) The system must have completed at least one six-month round of standard tap water monitoring for lead and copper demonstrating that the 90th percentile levels for all rounds of monitoring conducted since the system became free of all lead-containing and copper-containing materials were less than or equal to .005 mg/L for lead and 0.65 mg/L for copper.

(c) A system that has been granted a waiver must monitor for lead and copper at the reduced number of monitoring sites specified in Table 11-1 every nine years. The system must also submit a materials survey along with the monitoring results.

(d) A system must return to monitoring for lead and copper at least every three years if the system no longer meets the materials criteria, has a 90th percentile level for lead greater than .005 mg/L or a 90th percentile level for copper greater than .065 mg/L.

(e) The system shall notify the Department within 60 days after determining the system is no longer free of materials that contain lead or copper.

(4) Any water system with a waiver shall notify the Department, in writing, of any upcoming long-term change in treatment or addition of a new source.

Author: Thomas S. DeLoach, Dennis D. Harrison.

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

History: March 12, 2002.

Amended: May 30, 2003; January 22, 2008; May 26, 2009; XXXX XX, 2017.