

APA-1
11/96

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 335 Department or Agency Environmental Management
Rule No. 335-7-1-.03
Rule Title: Variance from Regulations

 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.

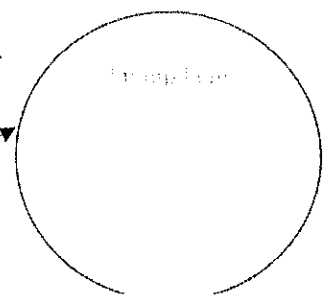
Certification of Authorized Official

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 Mandy Elliott

Date July 21, 2014

Date Filed



APA-2
11/96

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Environmental Management

<u>RULE NO. & TITLE:</u>	335-7-1-.01	<u>Definitions</u> (Amend)
	335-7-1-.03	<u>Variance from Regulations</u> (Amend)
	335-7-1-.04	<u>Variance Application</u> (Amend)
	335-7-1-.05	<u>Exemption</u> (Amend)

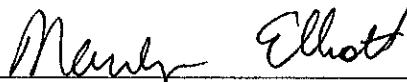
INTENDED ACTION: Revise Division 7 of the ADEM Administrative Code.

SUBSTANCE OF PROPOSED ACTION: Revisions to rules 335-7-4-.01; 335-7-1-.03; 335-7-1-.04, and 335-7-1-.05 are being proposed to update definitions and make administrative corrections.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Comments may be submitted in writing or orally at a public hearing to be held 2:00 p.m., September 10, 2014, in the ADEM Hearing Room, 1400 Coliseum Blvd., Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Wednesday, September 10, 2014 at 5:00 p.m.

CONTACT PERSON AT AGENCY: Christy V. Monk, Chief
Office of Water Services at (334) 394-4364



Lance R. LeFleur
Director

335-7-1-.03 Variance from Regulations. The Department may grant variances to design, treatment, and operational requirements based on the following conditions and procedures:

(a) No variance will be granted for treatment techniques or activities which will result in an unreasonable risk to public health, cause a public nuisance, create environmental pollution, or allow use of a surface source without filtration unless the system can demonstrate compliance with EPA Regulations 141.71, 141.72, and 141.75.

(b) No variance from the *E. coli* MCL will be granted.

(bc) The Department may impose additional monitoring, require onsite treatability studies, and may require the applicant to obtain and keep in force a bond to ensure further treatment facilities are obtained to prevent any hazard to public health.

(ed) The Department may establish a compliance schedule to obtain modifications to the treatment process, obtain a new source of supply, or other action deemed necessary to bring the system into full compliance with these regulations.

Author: Joe Alan Power.

Statutory Authority: Code of Alabama 1975, §§ 22-23-33, 22-23-35, 22-23-49, 22-22A-5, 22-22A-6.

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

Amended: September 19, 1995 (ER); November 28, 1995; effective: January 2, 1996; XXXXXX, 2014.