

APA-1
11/96

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 335 Department or Agency Environmental Management
Rule No. 335-7-11-.05
Rule Title: Repeat Monitoring 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.

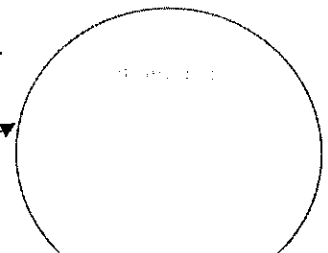
Certification of Authorized Official

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 *Mandy Elmore*

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

RULE NO. & TITLE: 335-7-11-.04 Initial Monitoring to Establish Action Levels (Amend)
335-7-11-.05 Repeat Monitoring Requirements (Amend)
335-7-11-.06 Number of Lead-Copper Monitoring Sites (Amend)
335-7-11-.14 Corrosion Control Parameter Monitoring Requirements (Amend)
335-7-11-.17 Public Education Requirement (Amend)
335-7-11-.18 Reporting Requirements (Amend)


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

SUBSTANCE OF PROPOSED ACTION: Revisions to rules 335-7-11-.04; 335-7-11-.05; 335-7-.06; 335-7-11-.14; 335-7-11-.17; and 335-7-11-.18 are being proposed to reflect applicable requirements of federal regulations and clarify rule language.

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

335-7-11-.05 Repeat Monitoring Requirements.

(1) Systems monitoring on a yearly basis shall use the number of reduced monitoring sites shown in Table 11-1. All monitoring must be taken from previous sites and must be collected during June, July, August, or September of that year unless the water system receives written approval from the Department for an alternative monitoring period.

(2) After three consecutive years of demonstrating satisfactory action levels-meeting-compliance-limits, a small or medium water system may reduce monitoring to once every three years.

(3) After three consecutive years of demonstrating satisfactory action levels and maintaining the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Department-meeting-compliance-limits-and-maintaining-the-range-of-values-for-the-water-quality-control-parameters-reflecting-optimal-corrosion-control-treatment-specified-by-the-state, any water system may reduce monitoring sites and frequency of monitoring to once every three years with written approval from the Department.

(4) A system with a 90th percentile level less than or equal to .005 mg/L for lead and 0.65 mg/L for copper for two consecutive six-month periods may reduce monitoring to once every three years.

(5) Any system exceeding a lead or copper compliance limit shall increase monitoring consistent with the initial monitoring compliance requirements. Monitoring must be collected from the initial sites and monitoring must take place during six-month compliance cycles (January – June or July – December) until compliance is achieved. Monitoring shall begin with the next available compliance cycle after the exceedance occurred. If optimum corrosion control treatment or source water treatment is initiated by the system, monitoring during six-month compliance cycles must continue for two six-month periods after the treatment has been installed demonstrating compliance with the compliance limits.

(6) Any system that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the Department for more than nine days in any six-month period shall increase monitoring consistent with the initial monitoring compliance requirements. Monitoring must be conducted utilizing the initial monitoring sites and monitoring must take place during six-month compliance cycles (January – June or July – December) until compliance is achieved. Monitoring shall begin with the next available compliance cycle after the exceedance occurred.

(7) A system may be allowed to monitor during months other than June, July, August and September. The alternate monitoring period shall be no longer than four months in duration when the highest lead levels are likely to

occur. Systems monitoring annually must conduct their next round of monitoring during a time period that ends no later than 21 months after the previous round of monitoring. Systems monitoring every three years must conduct their next round of monitoring during a time period that ends no later than 45 months after the previous round of monitoring.

Author: Joe Alan Power.

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

History: Adopted: September 23, 1992; Amended: September 19, 1995 (ER); November 28, 1995. Effective: January 2, 1996.

Amended: March 12, 2002; May 26, 2009; XXXXXX, 2014.