

APA-1
11/96

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 335 Department or Agency Environmental Management
Rule No. 335-7-14-.04
Rule Title: Content of Reports

 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.

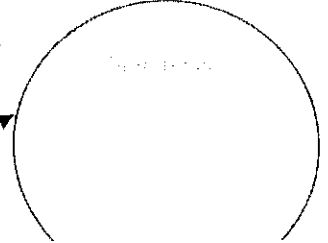
Certification of Authorized Official

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>	335-7-14-.04	<u>Content of Reports</u> (Amend)
	335-7-14-.05	<u>Additional Reporting Contents</u> (New)
	335-7-14-.06	<u>Required Additional Health Information</u> (Amend)
	335-7-14-.07	<u>Report Delivery and Recordkeeping</u> (Amend)
	335-7-14 Appendix B	<u>Regulated Contaminants for CCR</u> (Amend)
	335-7-14 Appendix C	<u>Health Affects and Required Language for Specific Contaminants</u> (Amend)

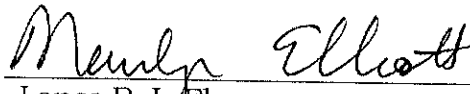
INTENDED ACTION: Revise Division 7 of the ADEM Administrative Code.

SUBSTANCE OF PROPOSED ACTION: Revisions to rules 335-7-14-.04; 335-7-14-.06; 335-7-14-.07 are being proposed to reflect applicable application federal requirements and to make administrative corrections. Appendix B is being proposed to separate a grouped contaminant entry into three separate contaminants. Appendix C is being proposed to update terminology. Rule 335-7-14-.06 is proposed to be added for additional reporting content.

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

335-7-14-.04 Content of Reports.

(1) Each CCR shall provide information on the water system sources of water to include type of source (surface water, groundwater, or combination), commonly used names (if any), general location (a map may be included), and a brief summary of treatment used. If a source water assessment has been completed, the CCR shall notify consumers of the means to obtain a copy. Additionally, the CCR shall summarize the source water assessment pursuant to rule 335-7-6-.15. If no source water assessment has been completed, the CCR shall notify customers of the status of efforts to complete it. All systems utilizing a groundwater source shall indicate whether it has established a Wellhead Protection Plan.

(2) Each CCR shall include the following definitions:

(a) Maximum Contaminant Level Goal or MCLG - The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

(b) Maximum Contaminant Level or MCL - The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

(c) Maximum Residual Disinfectant Level Goal or MRDLG - The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.

(d) Maximum Residual Disinfectant Level or MRDL - The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

(3) If applicable, the following definitions shall be included:

(a) Variances and Exemptions - The Department or EPA permission not to meet an MCL or a treatment technique under certain conditions

(b) Treatment Technique - A required process intended to reduce the level of a contaminant in drinking water.

(c) Action Level - The concentration of a contaminant that triggers treatment or other requirement a water system shall follow.

(d) Level 1 Assessment: A Level 1 assessment is a study of the water system to identify potential problems and determine (if possible) why total coliform bacteria have been found in our water system.

(e) Level 2 Assessment: A Level 2 assessment is a very detailed study of the water system to identify potential problems and determine (if possible)

why an *E. coli* MCL violation has occurred and/or why total coliform bacteria have been found in our water system on multiple occasions.

(4) Below are the reporting requirements for drinking water contaminants subject to mandatory monitoring.

(a) Each CCR shall include a Table of Primary Drinking Water Contaminants. This table shall include the MCL for each contaminant, and the highest detected level used to determine compliance. Any contaminant detected will also be displayed in the Table of Detected Contaminants as required below. A list of primary drinking water contaminants and MCLs appears in Appendix A.

(b) Each CCR shall contain a discrete Table of Detected Contaminants or several adjacent Tables of Detected Contaminants depicting the data specified below. Any additional monitoring results that a water system includes in the report shall be displayed separately. The data used in the table shall be derived from the monitoring and analytical results collected to comply with EPA and ADEM regulations:

1. Regulated contaminants subject to an MCL, action level, maximum residual disinfectant level, or treatment technique.

2. Unregulated contaminants monitored as required by the Department including monitoring required under the Information Collection Rule (ICR).

3. Disinfection by-products or microbiological contaminants that are detected in finished water.

(c) If a water system monitors certain contaminants less frequently than annually, the CCR shall include the most recent sample results, the date samples were collected, and a brief statement indicating that the data presented is from the most recent testing done in accordance with applicable regulations. A water system may exclude data more than five (5) years old.

(d) The Table of Detected Contaminants shall include detected contaminant name, MCL of the as expressed in Appendix B, the MCLG of the contaminant expressed in the same units as the MCL, the range of detected levels (if applicable), and the likely source of contamination. If there is no MCL for a detected contaminant, the table shall note whether there is a treatment technique or specify the action level applicable to that contaminant.

(e) For contaminants subject to an MCL, except turbidity, fecal coliform, *E. coli* and total coliform, the Table of Detected Contaminants shall list the highest contaminant level used to determine compliance with National Primary Drinking Water Regulation (NPDWR) and the range of detected levels as follows:

1. If compliance with the MCL is determined annually or less frequently, the Table of Detected Contaminants shall include the highest detected level at any sampling point and the range of detected levels.

2. If compliance with the MCL is determined by calculating a running annual average of all samples taken at a sampling point, the Table of Detected Contaminants shall include the highest average of any of the sampling points and range of all sampling points. For the MCLs for TTHM and HAA5 systems must include the highest locational running annual average for TTHM and HAA5 and the range of individual sample results for all monitoring locations. If more than one location exceeds the TTHM or HAA5 MCL, the system must include the locational running annual average for all locations that exceed the MCL.

3. If compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all sampling points, the Table of Detected Contaminants shall include the average and range of detected levels. The system is required to include individual sample results conducted under rule 335-7-2-.13 when determining the range of TTHM and HAA5 results to be reported in the annual consumer confidence report for the calendar year that the DSE samples were taken.

(f) Turbidity shall be reported in the Table of Detected Contaminants as follows:

1. When reported pursuant to rule 335-7-2-.06 (turbidity as an MCL), the highest average monthly value.

2. When reported pursuant to rule 335-7-2-.06 (turbidity as a treatment technique), the highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits. In addition, an explanation of the reasons for measuring turbidity shall be included.

(g) For lead and copper, each CCR shall contain the 90th percentile of the most recent round of sampling and the number of sampling sites exceeding the action level.

(h) ~~Systems that are required to collect fewer than 40 coliform samples per month shall report the highest number of positive samples in a month. Systems required to collect at least 40 coliform samples shall report the highest percentage of positive samples detected in a month. All systems shall report the total number of positive *E. coli* fecal coliform samples. Total and fecal coliform and *E. coli* results of raw water and special samples are not included in this requirement.~~

(i) The likely source(s) of detected contaminants to the best of the operator's knowledge. Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and should be used when available to the operator. If the operator lacks specific information on the likely source, the report must include one or more of the typical sources

for that contaminant listed in Appendix B to this subpart that is most applicable to the system.

(j) If a water system distributes water to its customers from multiple, hydraulically independent distribution systems that are fed by different sources, the Table of Detected Contaminants shall contain a separate column for each service area. A water system may produce a separate CCR for each service area.

(k) The Table of Detected Contaminants shall clearly identify regulated contaminants detected in violation of an MCL, MRDL, treatment technique, or contaminants exceeding an action level. In addition, the CCR shall include a clear and readily understandable explanation of the violation including the length of the violation, the potential adverse health effects, and actions taken by the system to address the violation. To describe the potential health effects, the system shall use the relevant language of Appendix C.

(l) For detected unregulated contaminants for which monitoring is required, (except *Cryptosporidium*) the Table of Detected Contaminants shall contain the average and range at which the contaminant was detected. The CCR may include a brief explanation of the reasons for monitoring unregulated contaminants.

(5) The following subparagraphs govern the reporting of information on *Cryptosporidium*, radon, and other contaminants.

(a) If the system monitored for and detected *Cryptosporidium* in the raw water or the finished water including monitoring to satisfy the requirements of the information collection rule (ICR), the CCR shall include the following:

1. The results of the monitoring.
2. Information on how the monitoring was performed.
3. An explanation of the significance of the results.

(b) If the system has performed any monitoring for and detected radon in the finished water, the CCR shall include the following:

1. The results of the monitoring.
2. Information on how the monitoring was performed.
3. An explanation of the significance of the results.

(c) The water system shall include in its CCR the results of additional monitoring that indicates the presence of a contaminant in the finished water for which the EPA has issued a health advisory. For such contaminants, the CCR shall include:

1. The results of the monitoring.

2. An explanation of the significance of the results noting the existence of a health advisory.

(d) Each CCR shall identify all violations occurring during the reporting year of the requirements listed below and provide a brief explanation of the violation, potential adverse health effects, steps taken to address the violation, and the date the system returned to compliance.

1. Monitoring and reporting.
2. Treatment techniques.
 - (i) Filtration and disinfection.
 - (ii) Lead and copper control requirements.
 - (iii) Treatment techniques for Acrylamide and Epichlorohydrin.
3. Record keeping.
4. Special monitoring requirements for inorganic and organic contaminants.
5. Violation of the terms of a variance, an exemption, or an administrative or judicial order.

(e) If a system has been granted a variance or an exemption, its CCR shall contain the following:

1. An explanation of the reasons for the variance or exemption.
2. The date on which the variance or exemption was issued.
3. A brief status report on the steps the system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption.
4. A notice of any opportunity for public input in the review of the variance or exemption.

~~(6) The following subparagraphs govern the reporting information regarding the Groundwater Rule contained in rule 335-7-5-.22:~~

~~(a) Any ground water system that receives notice from the Department of a significant deficiency or notice from a laboratory of a fecal indicator positive ground water source sample that is not invalidated by the Department under rule 335-7-5-.22(5)(d) must inform its customers of any significant deficiency that is uncorrected at the time of the next report or of any fecal indicator positive ground water source sample in the next report. The system must continue to inform the public annually until the Department determines that particular significant deficiency is corrected or the fecal~~

~~contamination in the ground water source is addressed under rule 335-7-5-22(6)(a). Each report must include the following elements:~~

~~1. The nature of the particular significant deficiency or the source of the fecal contamination (if the source is known) and the date the significant deficiency was identified by the Department or the dates of the fecal indicator-positive ground water source samples.~~

~~2. If the fecal contamination in the ground water source has been addressed under rule 335-7-5-22(6)(a) and the date of such action.~~

~~3. For each significant deficiency or fecal contamination in the ground water source that has not been addressed under rule 335-7-5-22(6)(a), the Department approved plan and schedule for correction, including interim measures, progress to date, and any interim measures completed.~~

~~4. If the system receives notice of a fecal indicator positive ground water source sample that is not invalidated by the Department under rule 335-7-5-22(5)(d), the potential health effects using the health effects language of Appendix C of this division.~~

~~(b) If directed by the Department, a system with significant deficiencies that have been corrected before the next report is issued must inform its customers of the significant deficiency, how the deficiency was corrected, and the date of the correction under subparagraph (6)(a) of this rule.~~

(76) Additional information.

(a) Each report shall contain a brief explanation regarding contaminants, which can be found in all drinking water including bottled water. This explanation shall include subparagraphs (a)1. and (a)2. Systems may also use any portion the language of subparagraphs (a)3. or (a)4. to provide additional information to customers.

1. All drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline (800-426-4791).

2. The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and radioactive material, and it can pick up substances resulting from the presence of animals or from human activity.

3. Contaminants that may be present in source water include the following:

(i) Microbiological contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.

(ii) Inorganic contaminants, such as salts and metals, which can be naturally-occurring or result from urban storm run-off, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.

(iii) Pesticides and herbicides, which may come from a variety of sources such as agriculture, storm water runoff, and residential uses.

(iv) Organic chemical contaminants, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban storm water run-off and septic systems.

(v) Radioactive contaminants, which can be naturally occurring or be the result of oil and gas production and mining activities.

4. To ensure that tap water is safe to drink, EPA prescribes regulations that limit the amount of certain contaminants in water provided by public water systems. FDA regulations establish limits for contaminants in bottled water.

(b) Each CCR shall include the name and telephone number of the owner, operator, or designee of the public water system as a source of additional information. In addition, each CCR shall include the names of water board members.

(c) If a community water system determines that there is a large proportion of non-English speaking residents, the CCR shall contain information in the appropriate language regarding the importance of the report. Or contain a telephone number or address where such residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language.

(d) Each CCR shall include information such as time and place of regularly scheduled board meetings to encourage public participation in decisions that may affect the quality of the water.

(e) Each CCR may include additional information necessary for public education, which is consistent with, but does not detract from, the purpose of the report.

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: May 30, 2003; January 1, 2005; December 12, 2005; January 22, 2008; May 26, 2009, XXXXXX, 2014.