

APA-1
11/96

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 335 Department or Agency Environmental Management
Rule No. 335-7-14-.05
Rule Title: Additional Reporting Contents

X 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.

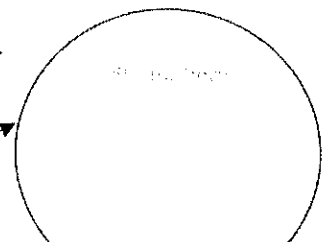
Certification of Authorized Official

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 *Mindy 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)

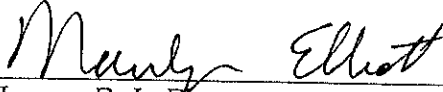
INTENDED ACTION: Revise Division 7 of the ADEM Administrative Code.

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-.05 Additional Reporting Contents.

(1) 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.

(2) Any system required to comply with the Level 1 assessment requirement or a Level 2 assessment requirement that is not due to an *E. coli* MCL violation must include in the report the text found in paragraph (2)(a) and paragraphs (2)(b) and (2)(c) of this section as appropriate, filling in the blanks accordingly and the text found in paragraphs (2)(d) of this section if appropriate.

(a) Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution

system. We found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessment(s) to identify problems and to correct any problems that were found during these assessments.

(b) During the past year we were required to conduct [INSERT NUMBER OF LEVEL 1 ASSESSMENTS] Level 1 assessment(s). [INSERT NUMBER OF LEVEL 1 ASSESSMENTS] Level 1 assessment(s) were completed. In addition, we were required to take [INSERT NUMBER OF CORRECTIVE ACTIONS] corrective actions and we completed [INSERT NUMBER OF CORRECTIVE ACTIONS] of these actions.

(c) During the past year [INSERT NUMBER OF LEVEL 2 ASSESSMENTS] Level 2 assessments were required to be completed for our water system. [INSERT NUMBER OF LEVEL 2 ASSESSMENTS] Level 2 assessments were completed. In addition, we were required to take [INSERT NUMBER OF CORRECTIVE ACTIONS] corrective actions and we completed [INSERT NUMBER OF CORRECTIVE ACTIONS] of these actions.

(d) Any system that has failed to complete all the required assessments or correct all identified sanitary defects, is in violation of the treatment technique requirement and must also include one or both of the following statements, as appropriate:

1. During the past year we failed to conduct all of the required assessment(s).

2. During the past year we failed to correct all identified defects that were found during the assessment.

(3) Any system required to conduct a Level 2 assessment due to an *E. coli* MCL violation must include in the report the text found in paragraphs (3)(a) and (3)(b) of this section, filling in the blanks accordingly and the text found in paragraphs (3)(c) of this section, if appropriate.

(a) *E. coli* are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems. We found *E. coli* bacteria, indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessment(s) to identify problems and to correct any problems that were found during these assessments.

(b) We were required to complete a Level 2 assessment because we found *E. coli* in our water system. In addition, we were required to take [INSERT NUMBER OF CORRECTIVE ACTIONS] corrective actions and we completed [INSERT NUMBER OF CORRECTIVE ACTIONS] of these actions.

(c) Any system that has failed to complete the required assessment or correct all identified sanitary defects, is in violation of the treatment technique requirement and must also include one or both of the following statements, as appropriate:

1. We failed to conduct the required assessment.

2. We failed to correct all sanitary defects that were identified during the assessment that we conducted.

(4) If a system detects *E. coli* and has violated the *E. coli* MCL, in addition to completing the table as required in paragraph 335-7-14-.04(3)(d) and (e) of this section, the system must include one or more of the following statements to describe any noncompliance, as applicable:

(a) We had an *E. coli*-positive repeat sample following a total coliform-positive routine sample.

(b) We had a total coliform-positive repeat sample following an *E. coli*-positive routine sample.

(c) We failed to take all required repeat samples following an *E. coli*-positive routine sample.

(d) We failed to test for *E. coli* when any repeat sample tests positive for total coliform.

(5) If a system detects *E. coli* and has not violated the *E. coli* MCL, in addition to completing the table as required in paragraph 335-7-14-.04(3)(d) and (e) of this section, the system may include a statement that explains that although they have detected *E. coli*, they are not in violation of the *E. coli* MCL.

Author: Dennis D. Harrison.

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

History: XXXXXX, 2014