

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-7-10-.05
Rule Title: Records

 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 Maury Elliott

Date June 20, 2012

Date Filed



APA-2
11/96

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION**

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULE NO. & TITLE: 335-7-10-.05 Records (Amend)
335-7-10-.06 Reports (Amend)


INTENDED ACTION: The Alabama Department of Environmental Management proposes to revise division 335-7, Public Water Supply.

SUBSTANCE OR PROPOSED ACTION: Revisions to rules 335-7-10-.05(q) 4., 335-7-10-.06(12) and 335-7-10-.06(13) are being proposed to clarify requirements, make technical changes and to require electronic submittal of reports.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Comments may be submitted in writing at the offices of the Alabama Department of Environmental Management, 1400 Coliseum Blvd, Montgomery, AL 36109 or by mail to P.O. Box 301463, Montgomery, AL 36130-1463.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 3, 2012 at 5:00 p.m.

CONTACT PERSON AT AGENCY: George M. Cox, Section Chief
Groundwater Section [334/271-7778]



Lance R. LeFleur
Director

335-7-10-.05 Records. The following records shall be maintained by community and NTNC water systems, unless otherwise specified:

(a) Operational records on which all required water quality control tests are recorded shall be maintained by the water system for review by the Department during sanitary surveys for no less than three years or until the next sanitary survey, whichever is longer.

(b) For systems utilizing surface water or ground water under the influence of surface water, daily log sheets shall be completed for each shift. These records shall be maintained for five years for inspection by the Department.

(c) Records of bacteriological or microbiological analyses made pursuant to this part shall be kept for not less than five years or as indicated elsewhere in these regulations. Records of chemical analyses made pursuant to this part shall be kept for not less than ten years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:

1. The date, place, and time of sampling, and the name of the person who collected the sample;

2. Identification of the sample as to whether it was a routine distribution system sample, check sample, raw or process water sample or other special purpose sample;

3. The date of analysis;

4. The laboratory and person responsible for performing analysis;

5. The analytical technique/method used; and

6. The analysis results.

(d) Each water system shall maintain a complaint file including the date, location, type of complaint and action taken. Records shall be maintained for no less than three years after a complaint is received.

(e) Records of action taken by the system to correct violations of primary drinking water regulations shall be kept for a period of not less than three years after the last action taken with respect to the particular violation involved.

(f) Copies of any written reports, summaries or communications relating to sanitary surveys of the system, annual inspection or other site visit conducted by the system itself, by a private consultant, or by any local, state or federal agency shall be kept for a period not less than ten years after completion of the event involved.

(g) Records concerning an exemption granted to the system shall be kept for a period ending not less than five years following the expiration of such exemption.

(h) Any records or reports pertaining to the quality of water or operation of the water supply system shall be furnished to the Department upon request and must be available for review by the public.

(i) Each system required to monitor for disinfection byproducts or disinfectant residuals is required to develop and implement a monitoring plan. The system must maintain the plan and make it available for inspection by the Department and the general public no later than December 31, 2000. Community and NTNC systems utilizing surface sources or groundwater under the direct influence of surface water must submit a copy of the monitoring plan to the Department no later December 31, 2000. The Department may also require the plan to be submitted by any other system. After review, the Department may require changes in any plan elements. The plan must include at least the specific locations, a map with the locations marked and schedules for collecting samples for any disinfection byproducts or disinfectants and how the system will calculate compliance with MCLs, MRDLs, and treatment techniques for those contaminants. Failure to monitor in accordance with an approved monitoring plan is a violation and public notification is required according to the provisions of rule 335-7-2-.21.

1. Beginning July 1, 2007, all community and NTNC systems utilizing surface water and ground water under the influence of surface water must maintain a copy of the system's current monitoring plan on file with the Department. Changes to the monitoring plan must be approved by the Department and a copy submitted to the Department before conducting monitoring under the revised plan. The monitoring plan must be modified to reflect changes in treatment, distribution system operations and layout (including new service areas), or other factors that may affect TTHM or HAA5 formation.

2. The Department may require the monitoring plan to be submitted by water systems other than community and NTNC systems utilizing surface water or ground water under the influence of surface water.

3. After review, the Department may require changes in any plan elements.

4. The plan must include, as a minimum, the sample locations, a map with the locations marked, the schedules for collecting samples for any disinfection byproducts or disinfectants, and how the system will calculate compliance with MCLs, MRDLs, and treatment techniques for those contaminants.

5. Beginning January 1, 2012, if a monitoring plan is changed, the sites with the lowest LRAA must be replaced with new locations that reflect the current distribution system locations with expected high TTHM or HAA5 levels.

6. Failure to monitor in accordance with an approved monitoring plan is a violation and public notification is required according to the provisions rule 335-7-2-.21.

(j) Systems that were required to perform disinfection profiling and/or disinfection benchmarking must keep results of the profile, including raw data and analysis, indefinitely.

(k) A record of the company name, telephone number, address and chemicals supplied must be maintained in a file at the treatment plant. All chemical manufacturers supplying chemicals to the treatment plant for the past two years shall be maintained on the list.

(l) Copies of all monitoring plans shall be kept for the same period of time as the records of monitoring results taken under the plan are required to be kept, except as specified elsewhere in these regulations.

(m) Systems must keep the results from each round of source water monitoring for cryptosporidium until the next round of source water monitoring is completed, but in no case shall records be kept for less than 3 years.

(n) Systems must keep any notification to the Department that they will not conduct source water monitoring due to meeting the requirements of rule 335-7-2-.17 (at least 5.5-log treatment for *Cryptosporidium*) for three years.

(o) Systems must keep the results of treatment monitoring associated with microbial toolbox options in rule 335-7-6-.21 until the next sanitary survey or three years, which ever is longer.

(p) Systems must report to the Department in accordance with the following table for any microbial toolbox option used to comply with treatment requirements in rule 335-7-6-.21. Alternatively, the Department may approve a system to certify operation within required parameters for treatment credit rather than reporting monthly operational data for toolbox options.

Microbial Toolbox Reporting Requirements		
Toolbox Option	Required Information	Schedule

Microbial Toolbox Reporting Requirements

Toolbox Option	Required Information	Schedule
Watershed control program (WCP)	(i) Notice of intention to develop a new or continue an existing watershed control program.	No later than two years before the applicable treatment compliance date in 335-7-6-.20.
	(ii) Watershed control plan	No later than one year before the applicable treatment compliance date in 335-7-6-.20.
	(iii) Annual watershed control program status report	Every 12 months, beginning one year after the applicable treatment compliance date in 335-7-6-.20.
	(iv) Watershed sanitary survey report	Every three years beginning three years after the applicable treatment compliance date in 335-7-6-.20.
Alternative source/intake management	Verification that system has relocated the intake or adopted the intake withdrawal procedure reflected in monitoring results.	No later than the applicable treatment compliance date in 335-7-6-.20.
Pre-sedimentation	Monthly verification of the following: (i) Continuous basin operation. (ii) Treatment of 100% of the flow. (iii) Continuous addition of a coagulant. (iv) At least 0.5-log mean reduction of influent turbidity or compliance with alternative Department-approved performance criteria.	Monthly reporting within 10 days following the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in 335-7-6-.20.
Two-stage lime softening	Monthly verification of the following: (i) Chemical addition and hardness precipitation occurred in two separate and sequential softening stages prior to filtration. (ii) Both stages treated 100% of the plant flow.	Monthly reporting within 10 days following the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in 335-7-6-.20.

Microbial Toolbox Reporting Requirements

Toolbox Option	Required Information	Schedule
Bank filtration	(i) Initial demonstration of the following: (A) Unconsolidated, predominantly sandy aquifer (B) Setback distance of at least 25 ft. (0.5-log credit) or 50 ft. (1.0-log credit).	No later than the applicable treatment compliance date in 335-7-6-.20.
	(ii) If monthly average of daily max turbidity is greater than 1 NTU then system must report result and submit an assessment of the cause.	Report within 30 days following the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in 335-7-6-.20.
Combined filter performance	Monthly verification of combined filter effluent (CFE) turbidity levels less than or equal to 0.15 NTU in at least 95 percent of the 4 hour CFE measurements taken each month.	Monthly reporting within 10 days following the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in 335-7-6-.20.
Individual filter performance	Monthly verification of the following: (i) Individual filter effluent (IFE) turbidity levels less than or equal to 0.15 NTU in at least 95 percent of samples each month in each filter (ii) No individual filter greater than 0.3 NTU in two consecutive readings 15 minutes apart.	Monthly reporting within 10 days following the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in 335-7-6-.20.
Demonstration of performance	(i) Results from testing following a Department approved protocol.	No later than the applicable treatment compliance date in 335-7-6-.20.
	(ii) As required by the Department, monthly verification of operation within conditions of Department approval for demonstration of performance credit.	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in 335-7-6-.20.

Microbial Toolbox Reporting Requirements

Toolbox Option	Required Information	Schedule
Bag filters and cartridge filters	(i) Demonstration that the following criteria are met: (A) Process meets the definition of bag or cartridge filtration. (B) Removal efficiency established through challenge testing that meets the criteria in rule 335-7-6-.25.	No later than the applicable treatment compliance date in 335-7-6-.20.
	(ii) Monthly verification that 100% of plant flow was filtered.	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in 335-7-6-.20.
Membrane filtration	(i) Results of verification testing demonstrating the following: (A) Removal efficiency established through challenge testing that meets criteria in this subpart. (B) Integrity test method and parameters, including resolution, sensitivity, test frequency, control limits, and associated baseline.	No later than the applicable treatment compliance date in 335-7-6-.20.
	(ii) Monthly report summarizing the following: (A) All direct integrity tests above the control limit; (B) If applicable, any turbidity or alternative Department-approved indirect integrity monitoring results triggering direct integrity testing and the corrective action that was taken.	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in 335-7-6-.20.
Second stage filtration	Monthly verification that 100% of flow was filtered through both stages and that first stage was preceded by a coagulation step.	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in 335-7-6-.20.
Slow sand filtration (as secondary filter)	Monthly verification that both a slow sand filter and a preceding separate stage of filtration treated 100% of flow.	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in 335-7-6-.20.

Microbial Toolbox Reporting Requirements

Toolbox Option	Required Information	Schedule
Chlorine dioxide	Summary of CT values for each day as described in 335-7-6-.26.	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in 335-7-6-.20.
Ozone	Summary of CT values for each day as described in 335-7-6-.26.	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in 335-7-6-.20.
UV	(i) Validation test results demonstrating operating conditions that achieve required UV dose.	No later than the applicable treatment compliance date in 335-7-6-.20.
	(ii) Monthly report summarizing the percentage of water entering the distribution system that was not treated by UV reactors operating within validated conditions for the required dose as specified in 335-7-6-.26(4).	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in 335-7-6-.20.

(q) A ground water system regulated under the ground water rule (GWR) in rule 335-7-5-.22 must maintain the following information in its records:

1. Documentation of corrective actions. Documentation shall be kept for a period of not less than ten years.
2. Documentation of notice to the public as required under rule 335-7-5-.22(6)(a)7. Documentation shall be kept for a period of not less than three years.
3. Records of decisions under rule 335-7-5-.22(5)(a)5.(ii) and records of invalidation of fecal indicator-positive ground water source samples under rule 335-7-5-.22(5)(d). Documentation shall be kept for a period of not less than five years.
4. For consecutive systems, documentation of notification to the wholesale system(s) of total-coliform positive samples that are not invalidated by the Department in implementing under rule 335-7-2-.07. Documentation shall be kept for a period of not less than five years.
5. For systems, including wholesale systems, that are required to perform compliance monitoring under rule 335-7-5-.22(6)(b):

(i) Records of the Department-specified minimum disinfectant residual. Documentation shall be kept for a period of not less than ten years.

(ii) Records of the lowest daily residual disinfectant concentration and records of the date and duration of any failure to maintain the Department-prescribed minimum residual disinfectant concentration for a period of more than four hours. Documentation shall be kept for a period of not less than five years.

(iii) Records of Department-specified compliance requirements for membrane filtration and of parameters specified by the Department for Department-approved alternative treatment and records of the date and duration of any failure to meet the membrane operating, membrane integrity, or alternative treatment operating requirements for more than four hours. Documentation shall be kept for a period of not less than five years.

(r) All water systems that are required to complete a Source Water Assessment per chapter 335-7-15 shall maintain a copy of their current Source Water Assessment for review by the Department during sanitary surveys.

(s) All log sheets shall be filled out legibly using ink. Any correction made shall have a single line drawn through it, initialed by the operator, and the correct entry written near the incorrect entry.

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

History: May 23, 1977; Repealed and readopted: January 4, 1989; October 31, 1990, September 19, 1995 (ER); November 28, 1995; effective January 2, 1996. **Amended:** March 12, 2002, May 30, 2003, December 12, 2005, January 22, 2008; May 26, 2009; XXXXX, 2012.