

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 335 Department or Agency Environmental Management
Rule No. 335-7-2-.16
Rule Title: Operational Evaluation Level

 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 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: 335-7-2-.03 Inorganic Chemical Standards and Monitoring Requirement (Amend)
335-7-2-.04 Synthetic Chemical (SOCs) Standards and Monitoring Requirements (Amend)
335-7-2-.08 Radionuclide Standards and Monitoring Requirements (Amend)
335-7-2-.09 Maximum Residual Disinfection Levels and Monitoring Requirements (MRDLs) (Amend)
335-7-2-.12 Stage 2 Disinfection Byproducts (Amend)
335-7-2-.16 Operational Evaluation Level (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 335-7-2-.03(4) (g), 335-7-2-.03 (5) (e), 335-7-2-.04(1) and 335-7-2-.08(1) are being proposed to make clarifications and administrative changes. Revisions to rules 335-7-2-.09(2) (a), 335-7-2-.12(a) 4, and 335-7-2-.16 (5) are being made for technical changes.

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

335-7-2-.16 Operational Evaluation Level.

(1) A system has exceeded the operational evaluation level at any monitoring location where the sum of the two previous quarters' TTHM results plus twice the current quarter's TTHM result, divided by 4, exceeds 0.080 mg/L, or where the sum of the two previous quarters' HAA5 results plus twice the current quarter's HAA5 result, divided by 4, exceeds 0.060 mg/L.

(2) If the operational evaluation level has been exceeded, the system must conduct an operational evaluation and submit a written report of the evaluation to the Department no later than 90 days after being notified of the analytical result that causes the system to exceed the operational evaluation level. The written report must be made available to the public upon request.

(3) The operational evaluation must include an examination of system treatment and distribution operational practices, including storage tank operations, excess storage capacity, distribution system flushing, changes in sources or source water quality, and treatment changes or problems that may contribute to TTHM and HAA5 formation and what steps could be considered to minimize future exceedences.

(4) The system may request to limit the scope of the evaluation if the system is able to identify the cause of the operational evaluation level exceedance. The request to limit the scope of the evaluation does not extend the schedule in paragraph (2) of this rule for submitting the written report. The Department must approve this limited scope of evaluation in writing and the system must keep that approval with the completed report.

(5) If a consecutive system exceeds the TTHM and/or the HAA5 MCLs per paragraph 335-7-2-.12(a) then the following applies:

(i) A joint operational evaluation must be completed which includes the wholesale system that supplies water to the site where the exceedance occurred, and any consecutive system that conveys the water where the exceedance occurred.

(ii) The joint operational evaluation must be signed by responsible officials from each wholesale and consecutive system

(iii) Representatives from all systems involved shall meet quarterly to evaluate the effectiveness of the measures implemented based on the operational evaluation.

(I) An attendance list and meeting minutes shall be submitted to the Department within 30 days of the meeting.

(II) Once the consecutive system complies with the TTHM and/or HAA5 MCLs, then the quarterly meeting will no longer be required.

Author: Dennis D. Harrison.

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

History: January 22, 2008; XXXXX, 2012.