

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 335 Department or Agency Environmental Management
Rule No. 335-7-4-.03
Rule Title: Permitting Requirements for System Additions

 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.

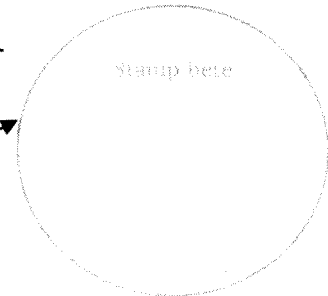
Certification of Authorized Official

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 March 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: 335-7-4-.03 Permitting Requirements for System Additions
(Amend)
335-7-4-.04 Requirements for New Water Systems (Amend)
335-7-4-.10 Completed Project Approval (Amend)
335-7-4-.11 Consecutive Water System Requirements (Amend)

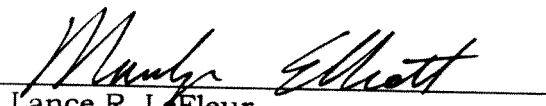
INTENDED ACTION: The Alabama Department of Environmental Management proposes to revise division 335-7, Public Water Supply.

SUBSTANCE OR PROPOSED ACTION: Revisions to rules 335-7-4-.03(2), (4), (5), 335-7-4-.04 (1), (3)(a), 335-7-4-.10(1), (2)(a), and 335-7-4-.11 (2)(f)1., 2. are being proposed to require electronic submittal of documents to the Department.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Comments may be submitted in writing or orally at a public hearing to be held May 2, 2012, at 10:00 a.m. in the Main Hearing Room at the ADEM Central Office located at 1400 Coliseum Blvd., Montgomery, AL 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: May 4, 2012 at 5:00 p.m.

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


Lance R. LeFleur
Director

335-7-4-.03 Permitting Requirements for System Additions.

(1) A permit to construct is required for, new water storage facilities, new or expanded water sources or treatment plants, pumping facilities, and distribution system additions which will significantly affect system hydraulics at community and NTNC water systems.

(2) Prior to submitting a permit application package for additions to an existing community or NTNC water system, an engineering report may be required by the Department. This report shall include the following:

- (a) Details of the proposed project, including its location on a map,
- (b) Its relationship to the existing system,
- (c) Its impact on the existing system,
- (d) The facilities to be included,
- (e) If required by the Department, alternatives to the proposed project and the justification for choosing the proposed alternative, and
- (f) Any additional information the Department deems necessary to adequately address the requirements of ADEM Regulations.

(g) All information should be submitted in electronic format unless paper format is approved by the Department in advance. The Department may require paper format.

(3) Prior to beginning construction on a system addition, the Department must issue a Water Supply Permit to construct the proposed addition.

(4) Community and NTNC systems shall submit the following permit application package when requesting a permit for the construction of significant modifications:

- (a) A cover letter with a description of the project, the water system name, and any other pertinent information,
- (b) A completed Department application form, paper format is acceptable.
- (c) Permit fees as established by the Department,
- (d) A layout map showing the location of the project as it relates to existing water system(s) in the area, and

(e) A ~~minimum of two sets~~ of plans and specifications reflecting acceptable construction techniques and design. Plans not meeting Departmental guidelines should be accompanied with documentation supporting design differences. If paper format is submitted, plans should be on 11X17 paper or smaller unless approved by the Department in advance.

(f) Information which demonstrates the applicant water system has technical, managerial and financial capacity may be required.

(5) From the effective date of the permit until the requirements of 335-7-4-.10 are met, the water system shall submit to the Department quarterly progress reports, which provide the status of construction and the estimated date of completion. A project update must also be submitted within 72 hours of a request from the Department.

(6) Transient non-community water systems proposing facility additions must provide the following:

(a) A completed Department application form, paper format is acceptable.

(b) Permit fee as established by the Department, and

(c) Any additional information the Department may require to complete a review of the facility addition.

Author: Joe Alan Power, Edgar K. Hughes.

Statutory Authority: Code of Alabama 1975, §§ 22-23-33, 22-23-49, 22-2A-5, 22-22A-6.

History: May 23, 1977; Repealed and readopted: January 4, 1989; October 31, 1990; effective December 5, 1990.

Amended: December 12, 2005; January 18, 2011; XXXX, 2012.