



ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
WATER DIVISION

NOTICE OF INTENDED ACTION

**Agency Name:** Alabama Department of Environmental Management  
**Rule No. & Title:** 335-7-2-.10 Special Monitoring and Analytical Requirements for Unregulated Contaminants (Amend)  
**Intended Action:** The Alabama Department of Environmental Management proposes to amend rule 335-7-2-.10

**Substance of Proposed Action:**

The Department proposes revisions to this rule to allow the Department to require monitoring of certain contaminants in drinking water for which health advisories or toxicity values have been issued.

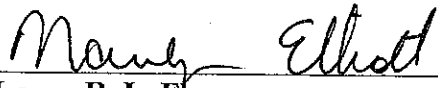
**Time, Place, Manner of Presenting Views:**

Comments may be submitted in writing or orally at a public hearing to be held at 1:00 PM, April 11, 2019, in the ADEM Main Hearing Room, 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

**Final Date for Comment and Completion of Notice:**

April 11, 2019

**Contact Person at Agency:** Christy Monk, (334) 394-4364

  
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Lance R. LeFleur  
Director

**ECONOMIC IMPACT STATEMENT  
FOR APA RULE  
(Section 41-22-23 (f))**

Control No. 335 Department or Agency Environmental Management

Rule No: 335-7-2-.10

Rule Title: Special Monitoring and Analytical Requirements for Unregulated Contaminants

         New      X   Amend             Repeal             Adopt by Reference

         This rule has no economic impact.

  X   This rule has an economic impact, as explained below:

**1. NEED/EXPECTED BENEFIT OF RULE:**

This amendment will allow the Department to require monitoring for drinking water contaminants for which health advisories or toxicity values have been issued. This monitoring will help the Department determine how prevalent the contaminant(s) are, and allow the Department, public water systems, and their customers to make informed decisions about drinking water safety.

**2. COST/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:**

There is no other method available to determine the presence of unregulated contaminants of concern, when standards for those contaminants have not yet been established under the federal Safe Drinking Water Act.

**3. EFFECT OF THIS RULE ON COMPETITION:**

Adoption of this revision is not expected to have any effect on competition.

**4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:**

Adoption of this rule revision would have a negligible effect, if any, on the cost-of-living and doing business in the geographical area of implementation (State of Alabama).

**5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:**

Adoption of this revision is not expected to have any effect on employment.

**6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:**

Revenue from the Federal Grant and fines and fees collected by the Department will fund the implementation and enforcement of this rule revision.

**7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:**

The costs allocated to customers of public water systems would be trivial, at most; the potential benefits from identifying contaminants that may have adverse health impacts would be immeasurable.

**8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:**

Public water systems already conduct extensive monitoring of drinking water, so the additional burden would be minimal. Identification of contaminants that may have adverse health impacts could potentially impact large numbers of persons, who need this information to make informed decisions about their source of drinking water.

**9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:**

Contaminants that are not yet subject to regulatory standards may still have an impact on human health and the environments. The effects vary depending on the contaminant(s) studied.

**10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:**

Consumers of drinking water from public water systems will not have information on potentially harmful contaminants, leading not only to potential health impacts but also to an erosion of public trust.

**335-7-2-.10 Special Monitoring and Analytical Requirements for Unregulated Contaminants.**

(1) All community and NTNC water systems shall monitor for the following:

<b>Unregulated/Miscellaneous SOCs</b>		
Aldicarb	Carbaryl	Metolachlor
Aldicarb Sulfone	Dicamba	Metribuzin
Aldicarb Sulfoxide	Dieldrin	Propachlor
Aldrin	3-Hydroxycarbofuran	
Butachlor	Methomyl	

<b>Unregulated VOCs</b>		
Bromobenzene	o-Chlorotoluene	Isopropylbenzene
Bromochloromethane	p-Chlorotoluene	p-Isopropyltoluene
Bromodichloromethane	Dibromomethane	Methyl Tertiary Butyl Ether (MTBE)
Bromoform	m-Dichlorobenzene	
Bromomethane	Dichlorodifluoromethane	Naphthalene
n-Butylbenzene	1,1-Dichloroethane	n-Propylbenzene
sec-Butylbenzene	1,3-Dichloropropane	1,1,2,2-Tetrachloroethane
tert-Butylbenzene	2,2-Dichloropropane	1,2,3-Trichlorobenzene
Chlorodibromomethane	1,1-Dichloropropene	1,2,4-Trichlorobenzene
Chloroethane	1,3-Dichloropropene	1,2,3-Trichloropropane
Chloroform	Fluorotrichloromethane	1,2,4-Trimethylbenzene
Chloromethane	Hexachlorobutadiene	1,3,5-Trimethylbenzene

(2) The following are the monitoring requirements for the unregulated contaminants:

(a) All community and NTNC water systems shall sample for unregulated SOCs at the same sampling point and at the same time as the initial samples are collected for the analysis of the regulated SOCs.

(b) All community and NTNC water systems shall collect one sample at each sampling point for the unregulated inorganic chemicals at the same time as samples are collected for the analysis of the regulated inorganic chemicals.

(c) The monitoring frequency and analytical requirements for the unregulated and regulated VOCs shall be the same.

(d) Any water system required to monitor by this rule shall notify persons served by the system of the availability of the results of sampling. Results of such monitoring and notice shall be provided to the Department within 30 days of completion.

(e) The Department may increase monitoring where necessary to detect variations within a water system.

(f) In addition to the contaminants listed at paragraph (1) of this rule, the Department may require monitoring for other contaminants of concern in drinking water for which health advisories or toxicity values have been issued, at locations and frequencies as determined by the Department.

**Author:** Joe Alan Power, Thomas S. DeLoach, Edgar K. Hughes, Dennis D. Harrison, Aubrey White.

**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:** Effective January 4, 1989; **Amended:** Effective October 31, 1990. **Amended:** Filed July 24, 1995; Effective November 28, 1995; **Amended:** Effective September 19, 1995 (ER); **Amended:** Filed November 28, 1995; Effective January 2, 1996; **Amended:** Filed December 21, 1998; Effective January 25, 1999; **Amended:** Filed May 2, 2000; Effective June 7, 2000; **Amended:** Filed: November 7, 2005; Effective December 12, 2005; **Amended:** Filed December 18, 2007; Effective January 22, 2008; **Amended:** Filed July 21, 2016; Effective August 5, 2016; Proposed February 20, 2019.