ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT WATER DIVISION - WATER SUPPLY PROGRAM ADMINISTRATIVE CODE

CHAPTER 335-7-4 PERMIT REQUIREMENTS AND PROCEDURES

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335-7-4-.01 Applicability.

This chapter applies to each person in the state proposing to construct a new community or NTNC public water supply system or place into use a non-community water system. It also applies to each community, non-community, and NTNC water system seeking to make significant improvements or major modifications to an existing system.

Author: Joe Alan Power, Edgar K. Hughes, Dennis D. Harrison
Statutory Authority: Code of Ala. 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 **Repealed and Readopted:** January 4, 1989; October 31, 1990; effective December 5, 1990. **Amended:** Filed November 7, 2005; effective December 12, 2005. **Amended:** Filed December 18, 2007; effective January 22, 2008.

335-7-4-.02 Facility Permit.

All public water systems must possess a current Water Supply Permit authorizing the furnishing of water for potable use prior

to beginning operation, unless specifically exempted by 335-7-1-.02. All general and special conditions that are part of such permit must be met. All non-permitted systems or facilities meeting the definition of a public water system are prohibited from providing water for human consumption.

(a) Facility permits for community systems are issued for a period of six years.

(b) Facility permits for non-community and NTNC systems are issued for a period of ten years.

Author: Joe Alan Power, Edgar K. Hughes
Statutory Authority: Code of Ala. 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 **Repealed and Readopted:** January 4, 1989; October 31, 1990; effective December 5, 1990. **Amended:** Filed November 7, 2005; effective December 12, 2005.

335-7-4-.03 Permitting Requirements For System Addition.

(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 set 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 11 X 17 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 Ala. 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; effective December 5, 1990. **Amended:** Filed November 7, 2005; effective December 12, 2005. **Amended:** Filed

December 14, 2010; effective January 18, 2011. **Amended:** Filed August 21, 2012; effective September 25, 2012.

335-7-4-.04 Requirements For New Water Systems And Purchase Systems Installing Or Acquiring Surface Or Ground Sources.

(1) Prior to submitting a permit application package for the construction of a new community or NTNC water system, an engineering report must be submitted to the Department. All documents associated with the application package should be in electronic format unless paper format is approved by the Department in advance. The Department may require paper format. The engineering report is to provide the following:

(a) A description of the proposed service area;

(b) If the source of water is to be an existing permitted system, a copy of the executed purchase agreement;

(c) If the source of water is to be a new or newly acquired surface or ground source, a description of the source and treatment processes to be employed;

(d) An estimation of maximum and future water demands by the system;

(e) A narrative plan that details how the water system will meet the financial, technical and managerial requirements of ADEM Regulations;

(f) An asset management plan that includes the following elements:

1. Asset inventory;

2. The required sustainable level-of-service;

3. Determination of critical assets;

4. Determination of the lowest life-cycle cost options for providing the highest level-of-service over time; and

5. Long-term financing strategy.

(2) Community and NTNC systems shall submit a completed application package when requesting a permit for the construction of a new public water system.

(3) Proposed transient non-community water systems must provide the following:

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

(b) Permit fee as established by the Department.

(c) A summary report describing the functions of the facility, number of anticipated people it will serve, bacteriological and nitrate analyses of the proposed source of supply, well construction data should the proposed source be a well and any sources of contamination which might impact the water quality, and

(d) Information which demonstrates the applicant water system has technical, managerial and financial capacity.

Author: Joe Alan Power, Edgar K. Hughes, Ross Caton
Statutory Authority: Code of Ala. 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; effective December 5, 1990. **Amended:** Filed May 2, 2000; effective June 6, 2000. **Amended:** Filed November 7, 2005; effective December 12, 2005. **Amended:** Filed August 21, 2012; effective September 25, 2012. **Amended:** Published February 28, 2022; effective April 14, 2022.

335-7-4-.05 Engineering Requirements.

Plans and specifications submitted for new community and NTNC water systems or significant improvements or major modifications to these systems must bear the seal and signature of an engineer licensed by the Alabama State Board of Registration for Professional Engineers and Land Surveyors.

Author: Joe Alan Power, Edgar K. Hughes
Statutory Authority: Code of Ala. 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; effective December 5, 1990. **Amended:** Filed November 7, 2005; effective December 12, 2005.

335-7-4-.06 Permits Approval/Denial.

(1) Upon receipt of a complete application, appropriate fees, and necessary information to evaluate the water quality, system facilities, and operational aspects, existing and proposed system facilities will be evaluated. Existing and proposed systems must demonstrate technical, managerial, and financial capabilities to reliably meet performance requirements on a long-term basis and be self-sustaining. After a determination has been made that the proposed water system or additions to the system are satisfactory and the existing system has technical, managerial and financial

capacity and is in complete compliance with all regulations, a permit will be issued.

(2) If after the review of the application and information submitted shows water quality deficiencies, design problems or technical, managerial or financial capacity deficiencies, a formal request for additional information to clarify the problem areas will be made to the applicant. Upon failure to receive this additional information or if upon review of the supplemental information the proposal is still unsatisfactory, the permit will be denied. Permit denial will be made in writing to the applicant with reasons for the denial stated.

Author: Joe Alan Power, Edgar K. Hughes
Statutory Authority: Code of Ala. 1975, §§22-23-44, 22-23-49, 22-22A-5, 22-22A-6.
History: Repealed and Readopted: January 4, 1989; October 31, 1990. **Revised:** September 23, 1992; effective November 9, 1992. **Amended:** Filed May 2, 2000; effective June 6, 2000. **Amended:** Filed November 7, 2005; effective December 12, 2005.

335-7-4-.07 Facility Permit Renewal.

(1) Public water systems are eligible for permit renewal by submitting a completed application, necessary fees, and any documentation necessary to show the system has technical, managerial and financial capacity and is in complete compliance with the existing permit conditions and regulations of this Department.

(2) Water systems must submit a satisfactorily completed permit application with the appropriate permit fee to the Department requesting permit renewal no less than 180 days prior to permit expiration. Such an application will be accepted by the Department for processing up to 12 months prior to the expiration of the facility permit.

(3) The Department may, based on compliance history or deficiencies noted during inspections, require an existing public water system to submit an asset management plan as detailed at 335-7-4-.04(1)(f) as a condition of permit renewal.

Author: Joe Alan Power, Edgar K. Hughes, Ross Caton
Statutory Authority: Code of Ala. 1975, §§22-23-33, 22-23-49, 22-22A-5, 22-22A-6.
History: Repealed and Readopted: January 4, 1989; October 31, 1990; effective December 5, 1990. **Amended:** Filed May 2, 2000; effective June 6, 2000. **Amended:** Filed February 6, 2002; effective March 13, 2002. **Amended:** Filed November 7, 2005; effective December 12, 2005. **Amended:** Published February 28, 2022; effective April 14, 2022.

335-7-4-.08 Revocation Of A Water Supply Permit.

A permit issued by the Department may be revoked for any of the following causes:

(a) Failure to comply with the general or special conditions of the permit;

(b) Failure to establish and maintain such records, make such reports, maintain treatment equipments or provide satisfactory operation of water facilities;

(c) Failure to provide water which meets state and federal drinking water standards;

(d) Failure to comply with provisions of a Departmental Administrative Order or regulations;

(e) Failure to allow identified employees of the Department access to all water facilities and records for the purpose of evaluating compliance with these regulations;

(f) Failure to begin construction on the project within 365 days of the permit issuance date;

(g) Failure to continue construction for a period of six months or more;

(h) Failure to construct water facilities in accordance with approved plans and specifications and regulations in this chapter; or

(i) Failure to demonstrate the water system has technical, managerial and financial capacity.

Author: Joe Alan Power, Edgar K. Hughes, Dennis D. Harrison
Statutory Authority: Code of Ala. 1975, §§22-23-44, 22-23-49, 22-22A-5, 22-22A-6.
History: May 23, 1977. **Repealed and Readopted:** January 4, 1989; October 31, 1990; effective December 5, 1990. **Amended:** Filed May 2, 2000; effective June 6, 2000. **Amended:** Filed November 7, 2005; effective December 12, 2005. **Amended:** Filed December 18, 2007; effective January 22, 2008. **Amended:** Filed December 14, 2010; effective January 18, 2011.

335-7-4-.09 Revisions To Approved Plans And Specifications.

Any significant deviations from approved plans or specifications affecting capacity, hydraulic conditions, operating units, the

functioning of water treatment processes, or the quality of water to be delivered must be approved in writing before such changes are made. Major revisions may require submittal of a revised permit package and issuance of a new or modified Water Supply Permit.
Author: Joe Alan Power, Edgar K. Hughes
Statutory Authority: Code of Ala. 1975, §§22-23-44, 22-23-49, 22-22A-5, 22-22A-6.
History: May 23, 1977. **Repealed and readopted:** January 4, 1989; October 31, 1990; effective December 5, 1990. **Amended:** Filed November 7, 2005; effective December 12, 2005.

335-7-4-.10 Completed Project Approval.

(1) The following information shall be submitted to the Department in electronic format, unless paper format is approved by the Department in advance, prior to the final inspection:

(a) A written request to the Department to conduct a final inspection at least two weeks prior to the anticipated date of the final inspection.

(b) Water main pressure test results.

(c) Results of bacteriological analyses from distribution lines and storage tanks. A minimum of one bacteriological sample result will be collected for every 7000 linear feet of water main and on every dead-end water line installed.

(d) All primary and secondary water quality analysis representing treated water from a new source or plant.

(e) A completed application for approval to use a well if applicable.

(2) The following information shall be submitted no later than 60 days after the final inspection:

(a) Record drawings of all parts of the project included in the project, if required by the Department. For water main installations, the record drawings will be accompanied by valve references. Record drawings submitted in paper format shall be submitted on 11X17 paper or smaller unless approved by the Department in advance.

(b) A project completion form signed by the permittee.

(c) Copies of any forms that require updating with the completion of the project.

(3) For new surface water treatment plants, the results of plant treatment test must be performed for a minimum of 40 hours, prior to the final inspection. The test must include the operation of all treatment equipment and processes to be used during normal plant operations. The Department may require that the treated water during this test period not enter the distribution system.
Author: Joe Alan Power, Edgar K. Hughes
Statutory Authority: Code of Ala. 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; effective December 5, 1990. **Amended:** Filed November 7, 2005; effective December 12, 2005. **Amended:** Filed December 14, 2010; effective January 18, 2011. **Amended:** Filed August 21, 2012; effective September 25, 2012.

335-7-4-.11 Consecutive Water System Requirements.

(1) Consecutive systems must meet specific monitoring and reporting requirements as identified in subsequent chapters in these regulations.

(a) A purchase water contract shall be maintained by this system that allows sufficient water to be purchased to meet all system demands during normal operating periods. Upon expiration of such contract, the system shall not exceed a period of more than 30 consecutive days without a revised contract to ensure that adequate water can be provided to all existing customers. A copy of the new or revised water purchase contracts shall be provided to the Department within fifteen (15) days of execution.

(b) Water purchase contracts shall be modified to obtain additional capacity prior to the financial and construction commitment to serve additional customers that will cause the existing contract maximum allowable water purchased to be exceeded.

(2) Consecutive water systems must provide adequate operation through the employment of certified operators to ensure that the quality of water provided meets all State and Federal Drinking Water Standards.

(a) The system must employ an operator in responsible charge that meets the requirement of ADEM Administrative Code Division 10.

(b) The responsible certified operator or its designees shall collect the required minimum number of monthly bacteriological samples and have these analyzed at an ADEM certified laboratory.

(c) The system must maintain an updated Bacteriological Sample Site Plan indicating the location of sites to be used for monthly bacteriological sampling, the primary and backup certified laboratories for bacteriological analysis, a public notification procedure to be activated in case of monitoring or maximum contaminant level violations, and other pertinent information necessary to ensure compliance with the bacteriological monitoring and analysis requirements.

(d) Samples must be taken at intervals established by the Department to analyze for lead and copper in accordance with 335-7-11.

(e) An annual Consumer Confidence Report must be prepared and made available to consumers in accordance with 335-7-14.

(f) Monthly Operation Data Reports must be maintained at the system office and a copy provided to the Drinking Water Branch of ADEM within 10 days after the end of each reporting month.

1. Water systems serving a population of 3,300 or greater shall submit the Monthly Operation Data Report in an electronic format approved by the Department for all reports dated January 1, 2013, or later.

2. Water systems serving a population of less than 3,300 shall submit the Monthly Operation Data Report in an electronic format approved by the Department for all reports dated January 1, 2014, or later.

(g) A Cross-Connection Policy shall be established to minimize contamination through cross-connections and unapproved connections. This policy shall be updated periodically and enforced within the capabilities of the system.

(h) Any additional information or forms required by ADEM Regulations.

Author: Joe Alan Power, Edgar K. Hughes, Dennis D. Harrison
Statutory Authority: Code of Ala. 1975, §§22-23-32, 22-23-49, 22-23-49, 22-22A-5 22-22A-6.
History: New Rule: Filed February 6, 2002; effective March 13, 2002. **Amended:** Filed November 7, 2005; effective December 12, 2005. **Amended:** Filed December 18, 2007; effective January 22, 2008. **Amended:** Filed August 21, 2012; effective September 25, 2012.

335-7-4-.12 Segmental Water System Requirements.

A consecutive system can be designated as a segmental water system if it contains no pumping facilities or water storage tanks, and consists primarily of plumbing instead of distribution lines. This

facility, such as an apartment complex or shopping center, must obtain water from a permitted public water system whose actions, activities, reports, and monitoring meets all State and Federal Standards and are sufficient to ensure that a proper quality of water is made available to the customers of the segmental system during all times of normal operation.

(a) Segmental water systems are not required to maintain a valid Water Supply Permit nor routinely collect water quality samples. However, water quality monitoring may be required by the Department if the quality of water being supplied by the parent water system does not meet drinking water standards, there is a high potential for the water to not meet drinking water standards, or if the parent water system fails to monitor water quality.

(b) Segmental Water Systems are subject to inspection and records review by ADEM staff after a 10-day intent notice is provided to the responsible operator or manager.

Author: Joe Alan Power, Edgar K. Hughes, Dennis D. Harrison
Statutory Authority: Code of Ala. 1975, §§22-23-32, 22-23-49, 22-22A-5, 22-22A-6.
History: **New Rule:** Filed February 6, 2002; effective March 13, 2002. **Amended:** Filed November 7, 2005; effective December 12, 2005. **Amended:** Filed December 18, 2007; effective January 22, 2008.

335-7-4-.13 Continuation Of Expiring Permits.

If the water system has submitted a timely and complete application for reissuance, the system has technical, managerial and financial capacity, is in complete compliance with all regulations and the delay in the permit issuance has not been caused by the actions of the water system, then the terms and conditions of an expiring facility permit are automatically extended pending issuance of a new facility permit.

Author: Edgar Hughes
Statutory Authority: Code of Ala. 1975, §§22-23-32, 22-23-49, 22-22A-5, 22-22A-6.
History: **New Rule:** Filed December 24, 2003; effective January 28, 2004. **Amended:** Filed November 7, 2005; effective December 12, 2005.