


**6/16/21**

**Minutes  
Environmental Management Commission Meeting  
Alabama Department of Environmental Management Building  
1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2400  
April 9, 2021**

**This is to certify that the Minutes contained herein are a true and accurate account of actions taken by the Alabama Environmental Management Commission on April 9, 2021.**

A handwritten signature in black ink, appearing to read 'S. L. Miller', written over a horizontal line.

**Samuel L. Miller, Chair**

**Alabama Environmental Management Commission**

**Certified this 11th day of June 2021.**

**Minutes**  
**Environmental Management Commission Meeting**  
**Alabama Department of Environmental Management Building**  
**1400 Coliseum Boulevard**  
**Montgomery, Alabama 36110-2400**  
**April 9, 2021**

**Convened: 11:00 a.m.**  
**Adjourned: 11:34 a.m.**

**Part A**

**Transcript**  
**Word Index**

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**Part A**



ALABAMA ENVIRONMENTAL MANAGEMENT  
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ALABAMA ENVIRONMENTAL MANAGEMENT  
COMMISSION MEETING

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
Alabama Room  
1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2400  
April 9, 2021  
11:00 a.m.

Taken by: Victoria M. Castillo, ACCR No. 17

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<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 COMMISSION MEMBERS PRESENT:</p> <p>4 H. Lanier Brown, II, Esq.</p> <p>5 John (Jay) H. Masingill, III</p> <p>6 Kevin McKinstry</p> <p>7 Mary J. Merritt</p> <p>8 Samuel L. Miller, M.D., Chair</p> <p>9 Ruby L. Perry, D.V.M.</p> <p>10 Thomas P. Walters, P.E., Vice Chair</p> <p>11</p> <p>12 ALSO PRESENT:</p> <p>13 Robert Tambling, AEMC Legal Counsel</p> <p>14 Debi Thomas, AEMC Executive Assistant</p> <p>15 Lance R. LeFleur, ADEM Director</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 DR. MILLER: The minutes are</p> <p>2 approved. Our next agenda item is -- there he</p> <p>3 is -- report from Mr. LeFleur, our Director.</p> <p>4 MR. LeFLEUR: I will remove my</p> <p>5 mask so you-all can understand me.</p> <p>6 DR. MILLER: Well, the mandate</p> <p>7 is over.</p> <p>8 MR. LeFLEUR: The mandate is</p> <p>9 over today, and we're still working on</p> <p>10 separation but it's nice to have the mask off a</p> <p>11 little bit.</p> <p>12 Well, good morning, all, and</p> <p>13 welcome to those of you here for the fourth</p> <p>14 meeting of the Alabama Environmental Management</p> <p>15 Commission for FY 2021. The Department uses many</p> <p>16 types of information to analyze and optimize our</p> <p>17 performance. The information must be from</p> <p>18 credible sources and must present a true</p> <p>19 representation of the facts.</p> <p>20 Today's report will identify some of</p> <p>21 the independent objective sources of that</p> <p>22 information and go into some detail with one of</p> <p>23 those, the updated EPA compliance and enforcement</p> <p>24 metrics, as we have done for a number of years.</p> <p>25 Our analysis utilizes information from internal</p>
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<p>1 (WHEREUPON, proceedings began at</p> <p>2 11:00 a.m.)</p> <p>3 DR. MILLER: Good morning to</p> <p>4 everyone. Welcome to the April 9th, 2021</p> <p>5 Environmental Management Commission meeting. We</p> <p>6 have a quorum present. And our first order of</p> <p>7 business is to consider the minutes from the</p> <p>8 meeting held on February 12th, 2021. These have</p> <p>9 been circulated to all the Commission members for</p> <p>10 their review, and I will entertain a motion to</p> <p>11 accept or reject those minutes.</p> <p>12 MR. MCKINSTRY: Move we accept</p> <p>13 the minutes.</p> <p>14 DR. MILLER: Is there a second?</p> <p>15 MS. MERRITT: Second.</p> <p>16 DR. MILLER: Moved and seconded.</p> <p>17 Any further discussion?</p> <p>18 (No response.)</p> <p>19 DR. MILLER: If not, all in</p> <p>20 favor please signify by raising your right hand.</p> <p>21 (All Commissioners raise their</p> <p>22 right hand.)</p> <p>23 DR. MILLER: All opposed, same</p> <p>24 sign.</p> <p>25 (No response.)</p>	<p>1 sources, from independent State oversight</p> <p>2 entities and from EPA as the independent Federal</p> <p>3 oversight entity.</p> <p>4 Here are a few of the more important</p> <p>5 internal sources of information we use to analyze</p> <p>6 our performance:</p> <p>7 Our internal independent Office of</p> <p>8 Environmental Quality regularly evaluates various</p> <p>9 operational quality measures throughout the</p> <p>10 Department including compliance with Standard</p> <p>11 Operating Procedures. Thirty different types of</p> <p>12 assessments are performed internally.</p> <p>13 Another way we measure our</p> <p>14 performance is measuring how well the Department</p> <p>15 does in achieving our strategic and annual</p> <p>16 operating plans. A progress report is provided</p> <p>17 before each Commission meeting with an annual</p> <p>18 recap at the beginning of each fiscal year in my</p> <p>19 report at the October Commission meeting.</p> <p>20 We review objective qualitative</p> <p>21 measures of the environment in Alabama over time</p> <p>22 utilizing water and air quality data most often</p> <p>23 from the date it first became available up to the</p> <p>24 present day. We also track the cleanup of legacy</p> <p>25 soil and groundwater contamination. It is a</p>

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1 snapshot of what the quality of the air, water  
2 and land was in the past and what it looks like  
3 today. It covers ambient air quality and water  
4 quality, impaired waterbodies, drinking water  
5 quality, and remediated contaminated land. It's  
6 a report card, if you will, on whether the  
7 environment in Alabama is actually improving.  
8         This type of data is not generally  
9 accessible for other states, so state-to-state  
10 comparisons are not feasible. I present this  
11 "State of the Environment in Alabama" report  
12 periodically to you and anticipate the next  
13 update to be at the June Commission meeting.  
14         Moving up to the State level, the  
15 Department regularly analyzes performance using  
16 audits and operational reviews by various State  
17 oversight bodies including the State Auditor, the  
18 Examiner of Public Accounts, the State  
19 Comptroller and the Department of Finance.  
20         When we look at Departmental  
21 performance measures against the rest of the  
22 nation, natural questions to consider are: Is  
23 the quality of our permits comparable to the rest  
24 of the nation? Are our inspections as  
25 comprehensive as other states? Are our

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1 inspectors identifying violations as they should?  
2 Are our labs finding what they're supposed to?  
3 Are we taking appropriate enforcement actions?  
4 Are we administering the various programs  
5 properly?  
6         In other words, who is looking over  
7 our shoulder to make sure we are not just  
8 operating a sub par organization whose results  
9 are misleading? When comparing ourselves to the  
10 rest of the states, we rely on Federal oversight  
11 of our programs and performance analyses from  
12 EPA.  
13         EPA performs regular targeted audits  
14 and reviews of ADEM Divisions and Branches  
15 including Air programs, such as our Clean Air Act  
16 Title V, PSD and Asbestos programs. Also looking at  
17 our inspection quality and performing Technical  
18 Systems audits of our ambient air monitoring in  
19 Field Operations.  
20         EPA audits our Water program  
21 including NPDES permit quality and inspection  
22 quality, Public Drinking Water Systems  
23 supervision and enforcement, our Drinking Water  
24 internal and external laboratory certification  
25 through our Field Operations Division and, along

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1 with NOAA, the ADEM Coastal program.  
2         EPA audits and reviews our  
3 Hazardous Waste programs, looking at our RCRA  
4 inspection quality and the CERCLA assessments and  
5 site investigations we do. Also, the Groundwater  
6 program and UST trust fund. It looks at our  
7 Drinking Water State Revolving Fund and Clean  
8 Water State Revolving Fund loan programs,  
9 auditing their financial activities as well as  
10 auditing for compliance with regulations.  
11         Each year EPA and ADEM negotiate  
12 work plans tied to EPA funding of the programs  
13 delegated to the Department. Annually, EPA  
14 performs an analysis of whether the Air, Water  
15 and Hazardous Waste program grant commitments  
16 have been met. EPA periodically performs what  
17 are known as State Review Framework audits of the  
18 Department. This type of audit covers the Air  
19 Title V, NPDES, Drinking Water and Hazardous  
20 Waste programs. It provides narrative feedback  
21 on various program elements individualized for  
22 each state, so national averages and  
23 state-to-state comparisons are not typically  
24 available.  
25         The SRF audit, the State Review

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1 Framework audit, examines data completeness, accuracy  
2 and timeliness, inspection coverage and quality,  
3 identification of violations, timely enforcement,  
4 penalty assessment, and return to compliance.  
5         Our State Review Framework audit  
6 report is available to the public on the  
7 Department's website.  
8         As you can see, there is extensive  
9 internal and independent external oversight of  
10 the Department's activities. Altogether, the  
11 Department has more than 70 different independent  
12 audits and reviews of its activities. Some of  
13 those are every three years, some are every year,  
14 some are twice a year. Those audits and reviews  
15 accurately tell us how we are doing. They show  
16 us where we can improve. And, with the exception  
17 of our extensive internal audit program, other  
18 states have similar independent audits and  
19 reviews so there is every reason to have  
20 confidence that the comparative metrics generated  
21 from them that we review with you are accurate  
22 and valid.  
23         That brings us to the EPA-generated  
24 Compliance and Enforcement metrics we will be  
25 examining today. Analyzing the rates of

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1 compliance with permits and the rate of necessary  
2 enforcement actions for our regulated industries  
3 in Alabama compared to the rest of the nation is  
4 an important way we measure our performance.  
5 This EPA-provided analysis examines  
6 the Air, NPDES, Drinking Water and Hazardous  
7 Waste programs. The tool uses standard  
8 quantifiable metrics that allow for  
9 state-to-state comparisons and the development of  
10 national averages.  
11 As you may recall from years past,  
12 the format for reviewing each program's metrics  
13 is to look at the size and composition of the  
14 universe of regulated facilities, then to compare  
15 the rate of inspections, informal enforcement  
16 actions and, significant non-compliance compared  
17 to the rest of the nation. This format was  
18 chosen to highlight that our objective is for the  
19 regulated facilities to comply with the  
20 requirements of the environmental permits and  
21 regulations issued by the Department. By looking  
22 at non-compliance metrics, we are in effect  
23 looking at compliance.  
24 When we speak of compliance and  
25 enforcement, we are referring to compliance with

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1 permits developed by the Department in accord  
2 with carefully developed environmental standards  
3 and enforcement actions when conditions in those  
4 permits are not met.  
5 Now to the dashboard slides that  
6 analyze compliance with, and enforcement of,  
7 environmental permit requirements.  
8 First, we will look at the size of  
9 the regulated universe for each of the four  
10 program areas.  
11 In Alabama, two local air programs  
12 were grandfathered as stand-alone entities when  
13 the Clean Air Act became law in 1970. They  
14 operate independently of the ADEM State program,  
15 although ADEM does provide substantial technical  
16 and other assistance to them. Recent upgrades to  
17 the EPA database now allow us to analyze the  
18 activities of ADEM independent of the local  
19 programs' activities.  
20 The universe of regulated Air  
21 facilities under the ADEM program is down from  
22 627 to 539 between 2012 and 2020, about a 14  
23 percent drop. The decline is primarily the  
24 result of some major sources closing over the  
25 years and other facilities reducing their

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1 emissions to the point they are no longer in the  
2 universe of federally reportable facilities.  
3 In the Water media, you can see the  
4 number of regulated facilities dropped between  
5 2012 and 2013 and has been generally steady since  
6 then at about 9,000. The decline is the result  
7 of EPA counting the facility once when it was  
8 subject to a permit by rule and a second time  
9 when it transitioned to the new general permit  
10 during 2012. This artificially inflated the 2012  
11 number.  
12 In Drinking Water, the universe has  
13 been very steady at around 580 facilities. This  
14 is a relatively small number of facilities. In  
15 the case of drinking water, the smaller number of  
16 facilities that are of larger size is beneficial  
17 because larger facilities have better access to  
18 management and other resources.  
19 The universe of Hazardous Waste  
20 facilities increased from about 4,900 to nearly  
21 5,500 in the period from 2012 to 2019 and  
22 remained stable between 2019 and 2020. The  
23 increase through 2019 is attributable in large  
24 part to a national enforcement settlement  
25 agreement that caused pharmacies and other retail

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1 facilities selling pharmaceuticals to report as  
2 hazardous waste generators.  
3 Next is inspections. As has often  
4 been repeated in my reports to you, the  
5 Department relies on inspections as the most  
6 significant tool to obtain compliance with  
7 environmental permits and requirements in  
8 Alabama. Independent research supports this  
9 concept, as will upcoming data showing our  
10 results.  
11 The following graphs will show  
12 inspection rates for each of the four media. The  
13 different programs have different names for the  
14 inspection activities such as Full Compliance  
15 Evaluation or Facilities Inspected or Site Visits  
16 or Inspection Coverage due to the slightly  
17 different terminology used in the various Federal  
18 enabling statutes.  
19 The graphs will use the term  
20 "inspections" for all media. There will be one  
21 inspection graph for each media showing the  
22 inspection rate for all regulated facilities. A  
23 second inspection graph will show the inspection  
24 rate for the largest regulated facilities in the  
25 media, except for Drinking Water. The large

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1 facilities are the ones that typically have the  
2 greatest potential for adverse impact on the  
3 environment and are therefore important to look  
4 at closely. Data on the inspection of the largest  
5 facilities in the Drinking Water media is not  
6 broken out in reports submitted to EPA so there  
7 will be no second inspection graph for Drinking  
8 Water.

9           Here in Alabama and throughout the  
10 nation, inspections is the area most affected by  
11 COVID-19. Since inspections often require close  
12 interpersonal contact in the field, the number of  
13 inspections declined in 2020. You will see that  
14 decline in both our state numbers and national  
15 averages.

16           The blue bars represent the  
17 inspection rate of all facilities during the last  
18 nine years for the Department's Air program. The  
19 dashed red line represents the average inspection  
20 rate for the nation. The state and national  
21 averages dipped in 2020. As you can see, Alabama  
22 continues to have an inspection rate that is  
23 about three times the national average and, with  
24 the exception of 2020, shows a fairly flat trend  
25 slightly over 98 percent.

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1           Looking at just the largest  
2 regulated facilities in Air, there is a similar  
3 pattern of inspections in recent years, with the  
4 exception of 2020, at about 100 percent, which is  
5 again about three times the national average.

6           The green bars for the Water program  
7 consistently show an inspection rate for all  
8 facilities that is about two and a half times  
9 better than the national average shown by the red  
10 dashed line. As you can see, there has been a  
11 favorable trend over the years.

12           For the largest regulated facilities  
13 in Water, the inspection rate has been trending  
14 higher in recent years and is consistently higher  
15 than the national average.

16           The orange bars for the Drinking  
17 Water program show an inspection rate for all  
18 regulated facilities that is typically about  
19 three times the national average shown by the red  
20 dashed line. As noted a moment ago, Drinking  
21 Water data for large facilities only is not  
22 available; however, with an inspection rate of  
23 nearly 100 percent of all facilities, the largest  
24 systems are being inspected at a high rate also.

25           Closing out inspections, the brown

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1 bars for the Hazardous Waste program show a rate  
2 for all inspections that is two to three times  
3 the national average. During 2020, the  
4 inspection rate did not drop off proportionately  
5 to the same degree as the rest of the nation.

6           For Treatment, Storage and Disposal,  
7 abbreviated TSD, facilities and Large Quantity  
8 Generators in Hazardous Waste, the inspection  
9 rate has been trending higher in recent years and  
10 is about twice the national average. Both the  
11 Hazardous Waste inspection graphs reflect the  
12 increased emphasis on inspections to address our  
13 higher than desired instances of Significant  
14 Non-Compliance.

15           The enforcement group of graphs  
16 highlights the second most important element,  
17 after inspections, in our strategy to achieve  
18 compliance. It's been our strategy to utilize  
19 education, including informal enforcement, to  
20 obtain a higher level of compliance. Research  
21 has shown that inspections and technical  
22 assistance, which is education, are the biggest  
23 contributors to compliance.

24           Most violations are not intentional.  
25 They are many times the result of either not

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1 knowing what is required under the permits,  
2 accidents, or mistakes. Informal enforcement is  
3 one form of education that helps avoid those  
4 situations. Additionally, penalties and formal  
5 enforcement actions typically require five to ten  
6 times the resources of informal enforcement  
7 actions so utilizing a higher percentage of  
8 informal actions uses resources more effectively.

9           EPA enforcement data was used to  
10 create the following graphs showing the  
11 relationship between informal and formal  
12 enforcement actions.

13           In this Air program graph, the blue  
14 columns represent the percentage of all enforcement  
15 actions that are informal and the dashed red line  
16 represents the average percentage for the nation.  
17 As you can see, ADEM consistently has a higher  
18 rate of informal enforcement. The slowly rising  
19 national trend line seems to indicate the rest of  
20 the nation is seeing the benefits of increased  
21 informal enforcement.

22           In the Water program, the percentage  
23 of informal actions is again considerably higher  
24 than the national average represented by the red  
25 dashed line. Both trend lines are essentially

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<p style="text-align: right;">Page 18</p> <p>1 flat, ours being at about 95 percent and the rest 2 of the nation being at about 80 percent. 3           The trend for our Drinking Water 4 program is increasing informal enforcement at a 5 rate above the dashed red line representing the 6 national average that is also increasing. 7           Hazardous Waste, like the other ADEM 8 programs, shows a high rate of informal 9 enforcement that yields high levels of 10 compliance. This program has employed a rate of 11 informal enforcement that is similar to that of 12 the other ADEM programs and is higher than the 13 national average. We will be applying an 14 increased emphasis on informal enforcement and 15 other forms of education that we expect will 16 further enhance the compliance rates in our 17 Hazardous Waste program. 18           This final group of slides will look 19 at the rates of Significant Non-Compliance, 20 commonly referred to as SNC. These are the ones 21 that potentially can adversely affect human 22 health or the environment. The objective of all 23 environmental programs is to have a low 24 non-compliance rate, which is synonymous with a 25 high compliance rate. This group of slides is</p>	<p style="text-align: right;">Page 20</p> <p>1 Non-Compliance, when we want to be below the 2 national average. 3           The Hazardous Waste program 4 primarily focuses on managing hazardous waste 5 handling sites, overseeing measures to prevent 6 new hazardous material releases, and remediating 7 past hazardous material releases. For decades, 8 we have had no substantial new hazardous waste 9 sites created in Alabama and many legacy sites 10 have been cleaned up. However, in the Hazardous 11 Waste program incidents of non-compliance 12 classified as significant do occur. They 13 typically involve exceeding the maximum number of 14 days a hazardous waste can be stored at a 15 location and/or repeated occurrences of minor 16 violations such as poor recordkeeping and 17 labeling. 18           At a rate of nine percent, this 19 graph represents eleven facilities in Significant 20 Non-Compliance out of a universe of 120 major 21 facilities inspected. Importantly, none of the 22 SNCs in Alabama have been found to result in harm 23 to human health or the environment. In order to 24 reduce the hazardous waste SNC rate in the 25 future, we are implementing a stepped-up,</p>
<p style="text-align: right;">Page 19</p> <p>1 where we see if our strategy of high rates of 2 inspections and informal enforcement is showing 3 results. 4           Beginning with Air, the blue bars 5 represent the percentage of inspections that 6 result in Significant Non-Compliance finding for 7 Alabama facilities and the dashed red line 8 represents the national average. The SNC rate 9 for Alabama is consistently below the national 10 average and is generally trending steady at one 11 to one and a half percent. 12           The Water program has a SNC rate for 13 inspections conducted at the lowest level in the 14 last nine years. The rate is about one-third the 15 national average and continues to trend 16 favorable. 17           At one percent, the Drinking Water 18 program continues to have a SNC rate that is 19 about one-third the national average, the red 20 dashed line. 21           Now, this is the one area where we 22 did not beat the national average. As you can 23 see, in the Hazardous Waste program we are above 24 the national average in the percentage of 25 inspections showing incidents of Significant</p>	<p style="text-align: right;">Page 21</p> <p>1 targeted education program, including video 2 format instruction, on the most common violations 3 and how to avoid them. The program will also 4 involve one-on-one training sessions with the 5 Treatment, Storage and Disposal facilities, which 6 are the largest hazardous waste handlers, as well 7 as joint sessions with their downstream 8 customers that represent the next largest 9 handlers. We will continue to address all 10 violations with appropriate enforcement action. 11           Okay. To summarize, the number of 12 regulated facilities in Alabama is generally 13 steady with some variation by media. High 14 inspection rates are being implemented across all 15 programs. The Department emphasizes informal 16 enforcement, which is a form of education. 17 Alabama has low rates of Significant 18 Non-Compliance compared to the rest of the nation 19 in our Air, Water and Drinking Water programs. 20 An enhanced inspection and instructional program 21 for the facilities covered by the Hazardous Waste 22 program is being implemented to reduce the rate 23 of Significant Non-Compliance. And, overall, the 24 Department outperforms the rest of the nation in 25 compliance and enforcement with long-term trends</p>



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<p>1 in key metrics that are generally favorable. 2           These metrics are consistent with 3 the trends in non-statistical environmental 4 quality measures over many years highlighted in 5 my periodic reports on the "State of the 6 Environment in Alabama." They are also 7 consistent with EPA, regulated industry, and 8 independent research groups' findings that 9 Alabama is one of the top environmental 10 performers in the nation. 11           While the state overall has an 12 enviable environmental record, there are serious 13 environmental issues occasionally that can and do 14 cause great concern in local communities. 15 Typically, each year there are several. This 16 year significant concerns with coal ash, per- and 17 polyfluoroalkyl substances and the application of 18 certain byproduct materials have been expressed 19 by citizens. We address these in regulatory 20 programs and enforcement actions and cover them 21 in my reports to you and in news releases. 22           Next, in keeping with the 23 Department's commitment to encourage our 24 personnel to continue their professional 25 development, I am pleased to recognize Skyler</p>	<p>1 fill material deposited in the area many years 2 ago in an attempt to mitigate flooding. Other 3 approaches to addressing the contamination would 4 have delayed the progress by years, if not 5 decades. ADEM endorses the approach being 6 utilized by EPA. 7           In closing, please note April 22nd 8 celebrates Earth Day that was first observed in 9 1970. ADEM has posted a series of videos on our 10 YouTube channel and our website and made them 11 available to teachers throughout Alabama as a 12 tool to educate students and others about 13 protecting our State's wonderful environment. We 14 also use this outreach as a recruiting tool. 15           But, anyway, that concludes today's 16 report. I would be pleased to answer any 17 questions you may have. 18           DR. MILLER: Any questions? 19           (No response.) 20           DR. MILLER: Thank you, 21 Mr. Director. 22           MR. LefLEUR: Thank you. 23           DR. MILLER: The Chairman's 24 report, we have been extremely well informed by 25 the Department -- and we appreciate Robert and</p>
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<p>1 Sanderson in our Air Division who has completed 2 the rigorous process to earn the designation of 3 Professional Engineer. He is unable to join us 4 today. That's his picture up there. But, 5 Skyler, we are a stronger organization because of 6 your work. Job well done and we appreciate your 7 work. 8           On a different topic, I'm pleased to 9 report on EPA's progress in cleaning up soil 10 contamination in the North Birmingham area. All 11 but a very few of the more than 2,000 individual 12 sites in the area have been tested for 13 contamination. About one-third have shown 14 contamination at a level warranting removal of a 15 layer of soil. More than 80 percent of those 16 contaminated sites have been cleaned up. The 17 cleanup will be complete in about two years. 18           This is good news for the residents 19 of the Collegeville, Fairmont and Harriman Park 20 areas near 35th Avenue in Birmingham. They now 21 can gain the peace of mind they have sought 22 for so long. 23           EPA progress confirms that the 24 removal action is the most efficient and 25 effective method for addressing the contaminated</p>	<p>1 Debi and the Director for keeping us that way -- 2 but I'd also like to recognize Laura Cranage who 3 sends us every day the media releases and keeps 4 us up to date on appointments, et cetera. And we 5 appreciate her hard work, too. 6           Next item is item 4, consideration 7 of adoption of the Proposed Amendment to ADEM 8 Administrative Code 335-7, Water Supply Program 9 Regulations. 10           I'd like to call on the Department. 11 Thank you. 12           MR. KITCHENS: Good morning, 13 Commissioners. I'm Jeffery Kitchens, Chief of 14 the Water Division. For your consideration today 15 is a proposed new chapter of the ADEM 16 Administrative Code Rule 335-7-13 titled 17 Laboratory Certification. The new chapter will 18 codify requirements for laboratories that wish to 19 analyze drinking water in Alabama. This will 20 formalize the procedures that have been in use by 21 the Department for many years in order to 22 maintain primacy from EPA for the Public Water 23 System Supervision Program. 24           Notice of this rulemaking was 25 published on January 24th, 2021, and a public</p>

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<p>1 hearing was held on March 11th, 2021. No 2 comments were received during the public comment 3 period or the public hearing. 4 We respectfully ask for your 5 favorable consideration of the proposed rule. 6 And I would be happy to answer any questions that 7 you may have. 8 DR. MILLER: Are there any 9 questions from the Department? 10 (No response.) 11 DR. MILLER: All right. I will 12 entertain a motion to accept these rule changes 13 as proposed. 14 MR. WALTERS: I move to adopt 15 the proposed amendments. 16 DR. MILLER: Do I hear a second? 17 MS. MERRITT: Second. 18 DR. MILLER: I think I heard a 19 second. 20 Any further discussion? 21 (No response.) 22 DR. MILLER: All right. I will 23 call for the question. All in favor, signify by 24 raising your right hand. 25 (All Commissioners raise their</p>	<p>1 (All Commissioners raise their 2 right hand.) 3 DR. MILLER: Looks like we have 4 unanimous consent. Thank you-all for being here. 5 (Proceedings concluded at 6 11:34 a.m.) 7 ***** 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
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<p>1 right hand.) 2 DR. MILLER: All opposed, same 3 sign. 4 (No response.) 5 DR. MILLER: Motion carries. 6 Thank you. 7 Is there any other business which we 8 need to bring before the Commission today? 9 (No response.) 10 DR. MILLER: Okay. Our next 11 Commission meeting is June 11th, 2021. Is there 12 anyone who has a conflict at this point that we 13 need to address? 14 (No response.) 15 DR. MILLER: Looks like we're on 16 for June 11th then. 17 The public comment period, we have 18 received no requests for public comments for 19 today; and, therefore, I will entertain a motion 20 to adjourn. 21 MS. MERRITT: So moved. 22 DR. MILLER: And seconded? 23 MR. WALTERS: Second. 24 DR. MILLER: All in favor, raise 25 your right hand.</p>	<p>1 STATE OF ALABAMA) 2 COUNTY OF ELMORE) 3 4 5 I hereby certify that the above 6 proceedings were taken down by me and transcribed 7 by me using computer-aided transcription and that 8 the above is a true and accurate transcript of 9 said proceedings taken down by me and transcribed 10 by me. 11 I further certify that I am neither 12 of kin nor of counsel to any of the parties nor 13 in anywise financially interested in the outcome 14 of this case. 15 I further certify that I am duly 16 licensed by the Alabama Board of Court Reporting 17 as a Certified Court Reporter as evidenced by the 18 ACCR number following my name found below. 19 20 21 22 23 24 25</p> <p style="text-align: center;"><i>Victoria Castillo</i> VICTORIA CASTILLO, ACCR #17, 9/30/21 FREELANCE COURT REPORTER</p>



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**Part B**

## **Attachment Index**

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**Attachment 2 Director's Slides  
(Agenda Item 3)**

**Attachment 3 Resolution adopting amendments to ADEM Administrative Code 335-7,  
Water Supply Program Regulations, and Attachment A, Final Rules  
(Agenda Item 4)**



**Attachment 1**

AGENDA\*  
MEETING OF THE  
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: April 9, 2021

TIME: 11:00 a.m.

LOCATION: Alabama Department of Environmental Management (ADEM) Building  
Alabama Room (Main Conference Room)  
1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2400

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\* The Agenda for this meeting will be available on the ADEM website, [www.adem.alabama.gov](http://www.adem.alabama.gov),  
under Environmental Management Commission

\*\* The Minutes for this meeting will be available on the ADEM website  
under Environmental Management Commission

1. CONSIDERATION OF MINUTES OF MEETING HELD ON FEBRUARY 12, 2021
2. REPORT FROM THE ADEM DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. CONSIDERATION OF PROPOSED AMENDMENTS TO ADEM ADMINISTRATIVE CODE DIVISION 335-7, WATER SUPPLY PROGRAM REGULATIONS

The Commission will consider proposed amendments to ADEM Administrative Code Division 335-7, Water Supply Program Regulations. Revisions add Chapter 335-7-13, Laboratory Certifications, to establish rules for laboratories that analyze drinking water for public water systems. The Department held a public hearing on the proposed amendments on March 11, 2021.

5. OTHER BUSINESS
6. FUTURE BUSINESS SESSION

#### PUBLIC COMMENT PERIOD

#### BRIEF STATEMENTS BY MEMBERS OF THE PUBLIC REGISTERED TO SPEAK

Members of the public that wish to make a brief statement at a Commission meeting may do so by first signing in on a register maintained by the Commission office prior to each regularly scheduled meeting. The register will close ten minutes prior to convening each meeting of the Commission. Following completion of all agenda items, the Commission Chair will call on members of the public wishing to make a statement in the order their names appear on the register. Speakers are encouraged to limit their statement to matters that directly relate to the Commission's functions. Speakers will be asked to observe a three minute time limit. While an effort will be made to hear all members of the public signed on the register, the Commission may place reasonable limitations on the number of speakers to be heard. (Guideline 11, Guidelines for Public Comment).

The Guidelines for Public Comment are used in the application of ADEM Administrative Code 335-2, Environmental Management Commission Regulations, Rule 335-2-3-.05, Agenda and Public Participation. The Guidelines for Public Comment serve to educate and inform the public as to how the Commission interprets and intends to apply the Rule. The revised Rule 335-2-3-.05 was effective October 7, 2016.

**Attachment 2**



## Alabama Department Of Environmental Management

### Internally-Sourced Information

- Internal audits (30) – Office of Environmental Quality
- Strategic & Operating Plans Performance
- Trends in State of Alabama Environment
  - Ambient Air Quality (NAAQS) & Water Quality
  - Impaired water bodies – CWA 303(d) list
  - Drinking Water Quality – SDWA
  - Remediated contaminated land - RCRA



## Alabama Department Of Environmental Management

### State-Sourced Information

- Alabama State Auditor
- Alabama Examiner of Public Accounts
- Alabama State Comptroller
- Alabama Department of Finance



## Alabama Department Of Environmental Management

### Questions

- Are permits high quality and protective?
- Are inspections comprehensive?
- Are inspectors competent?
- Are our labs functioning properly?
- Are we administering proper enforcement?
- Are programs administered properly?



## Alabama Department Of Environmental Management

### Federally-Sourced Information

- EPA Air audits / reviews:
  - Title V, PSD, Asbestos programs
  - Inspection quality and lab monitoring (FOD)
- EPA Water & Drinking Water audits/reviews:
  - NPDES permit & inspection quality
  - Drinking Water Systems supervision & enforce
  - Drinking Water lab certifications (FOD)
  - Coastal program (FOD)





## Alabama Department Of Environmental Management

### Federally-Sourced Information

- EPA Hazardous Waste audits & reviews:
  - RCRA inspection quality & CERCLA (PA & SI)
  - Groundwater program & UST Trust fund
- EPA Revolving Funds audits:
  - Drinking Water & Clean Water financial
  - Drinking Water & Clean Water programs compliance



## Alabama Department Of Environmental Management

### Federally-Sourced Information

- EPA grant commitments analysis
- EPA State Review Framework audits:
  - Data completeness, accuracy, timeliness
  - Inspection coverage & quality
  - Identify violations, timely enforcement, penalty assessment, return to compliance



Alabama Department Of  
Environmental Management

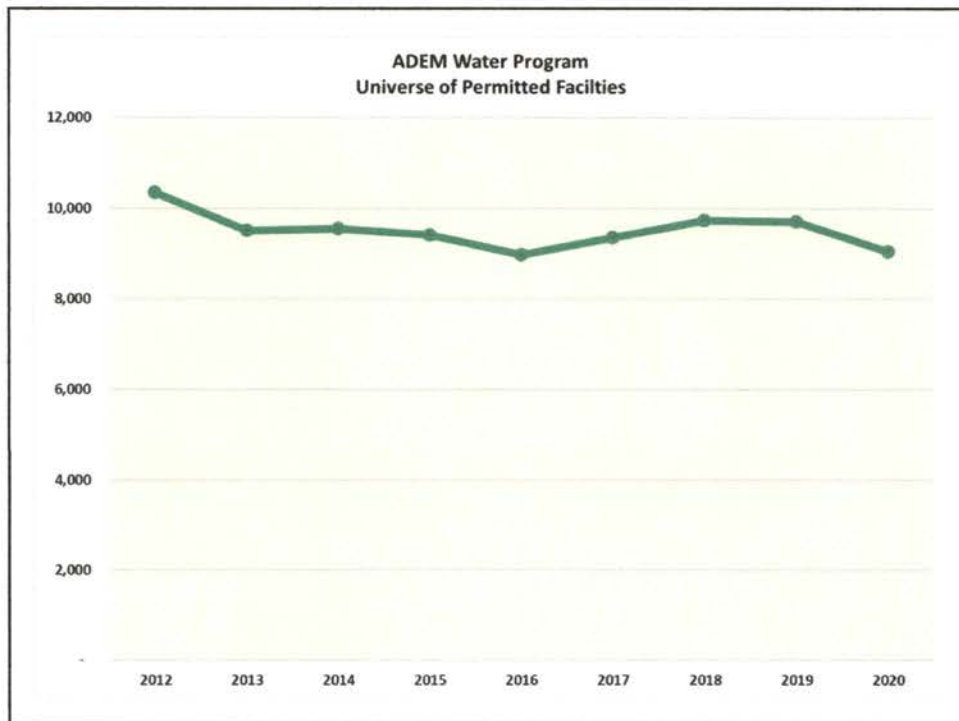
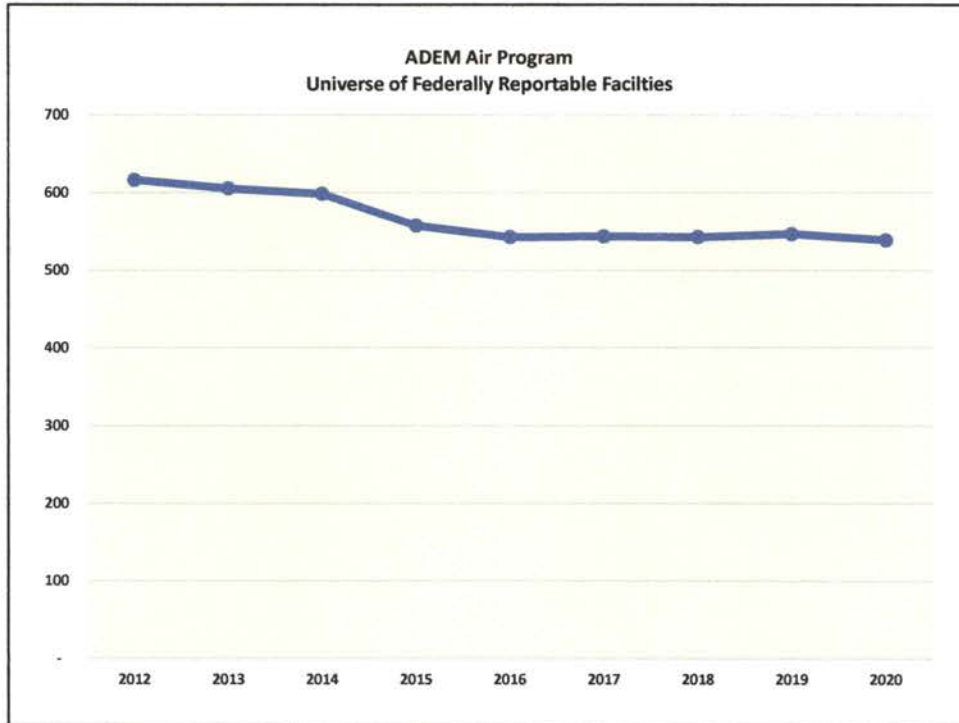
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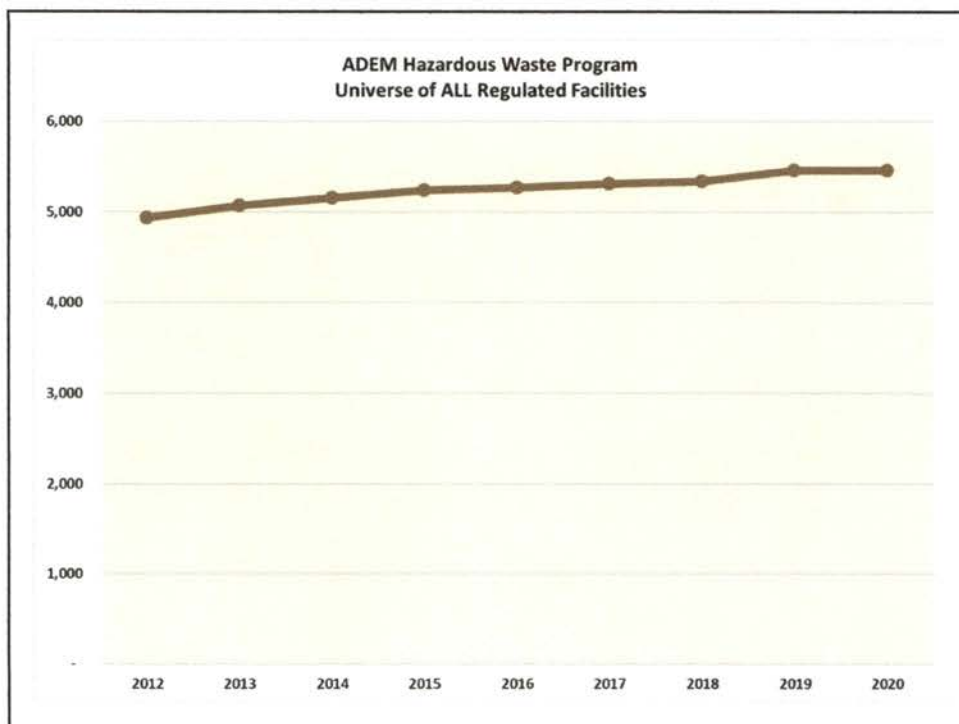
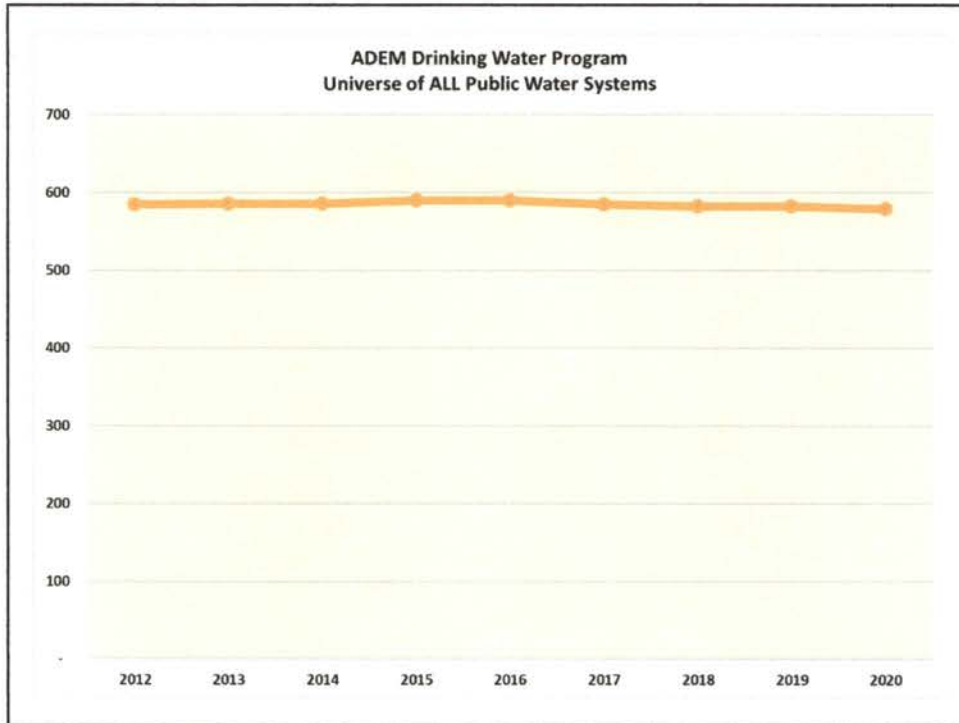


Alabama Department Of  
Environmental Management

## SIZE OF UNIVERSE

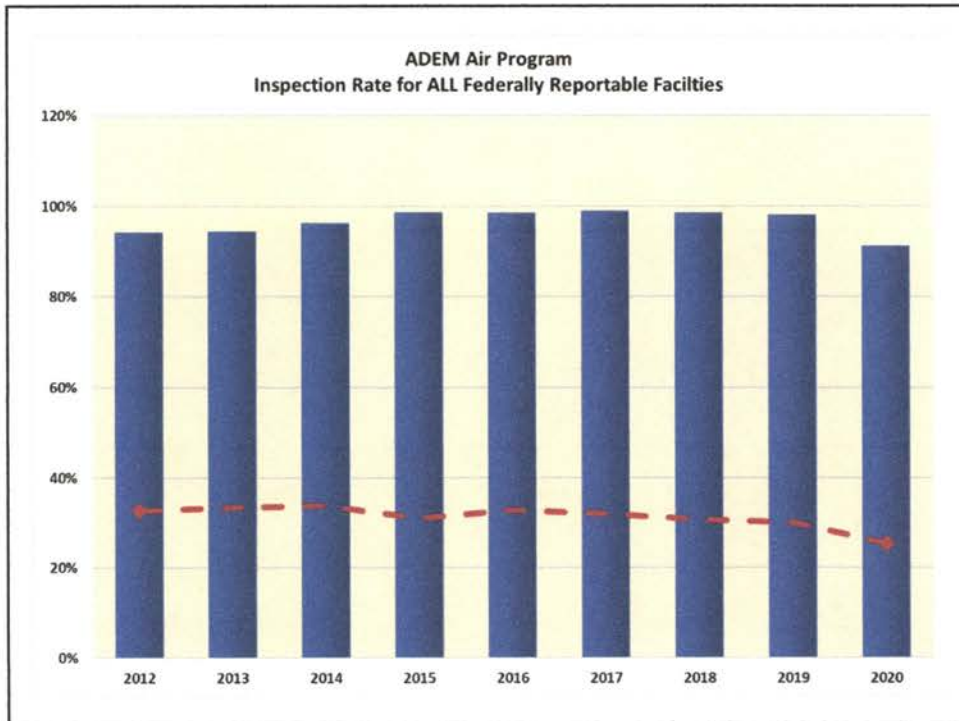


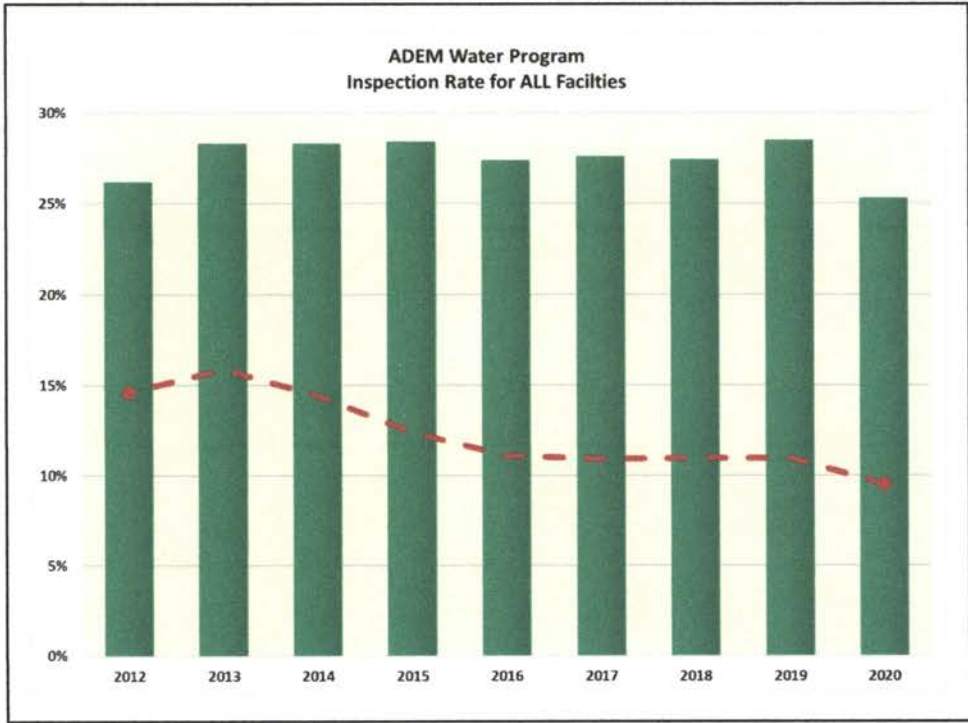
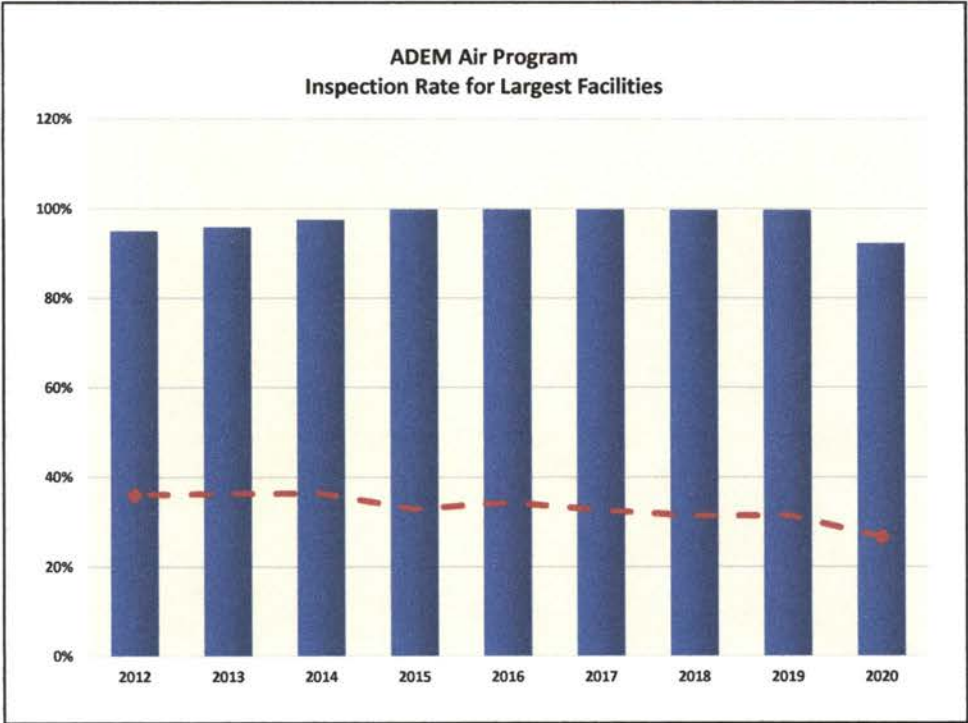


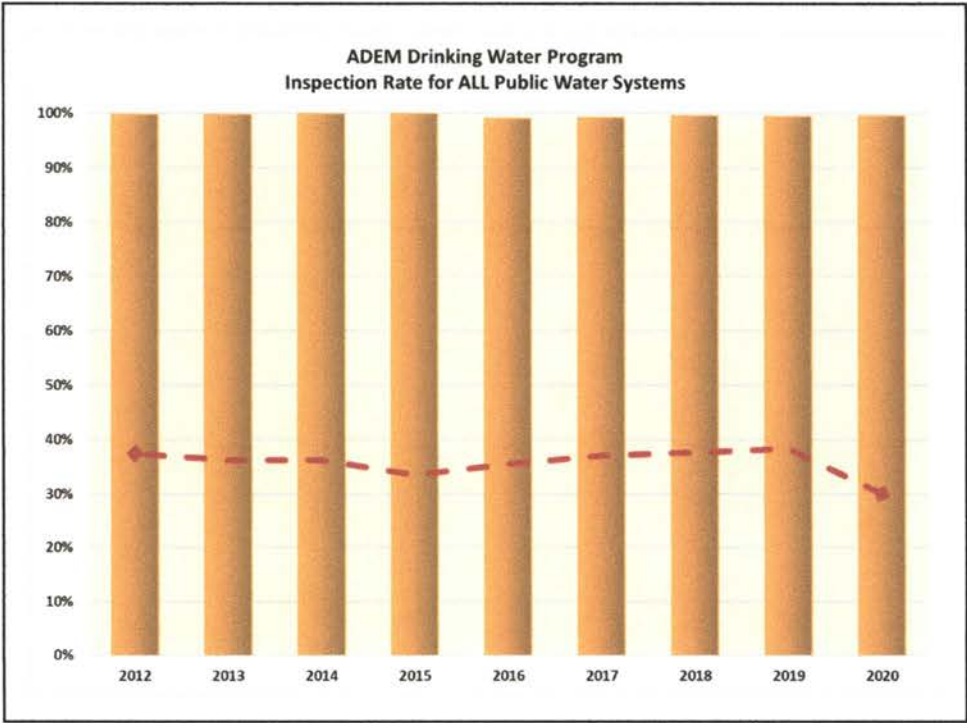
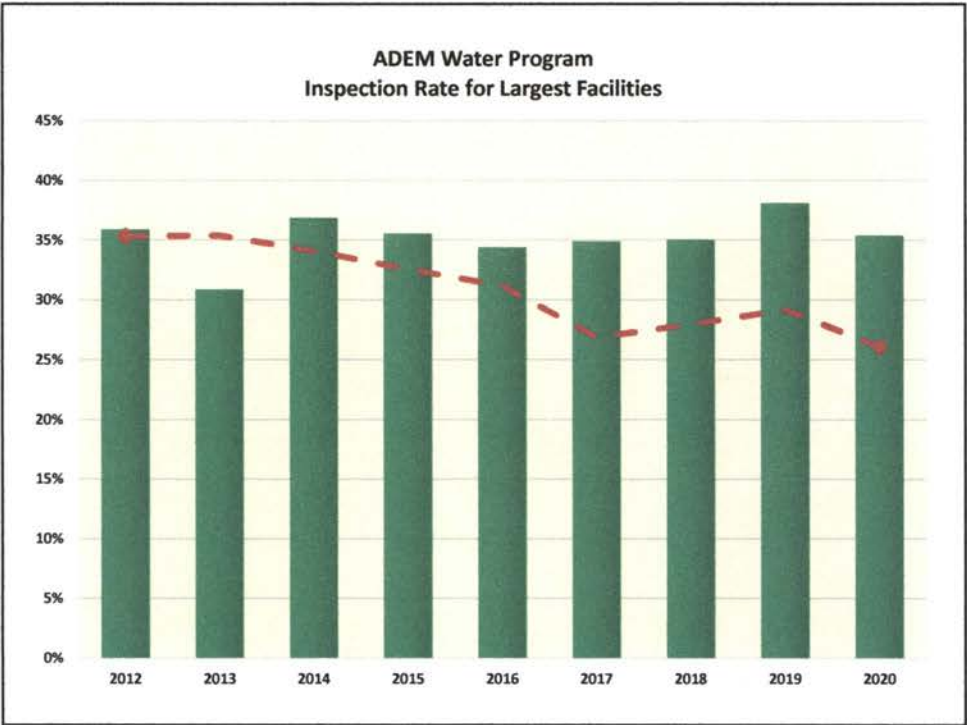


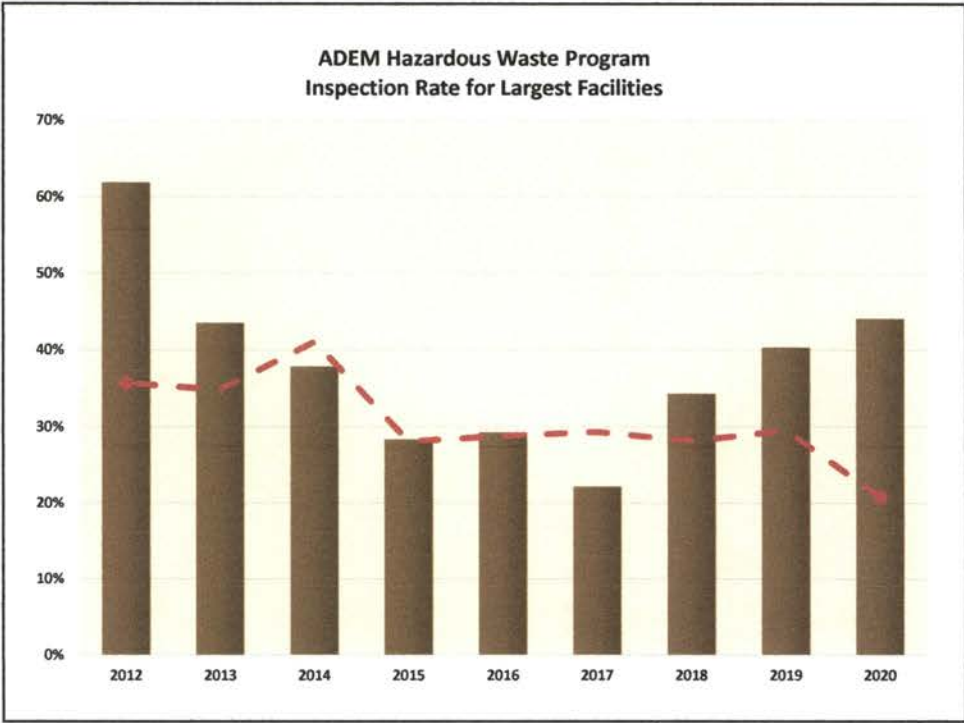
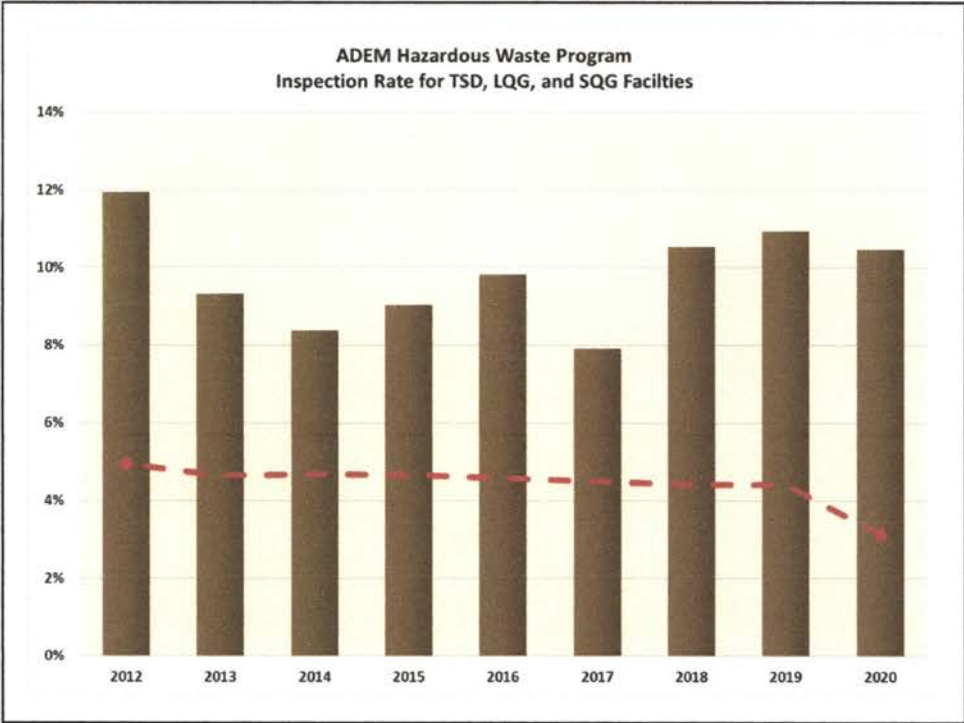


# INSPECTIONS



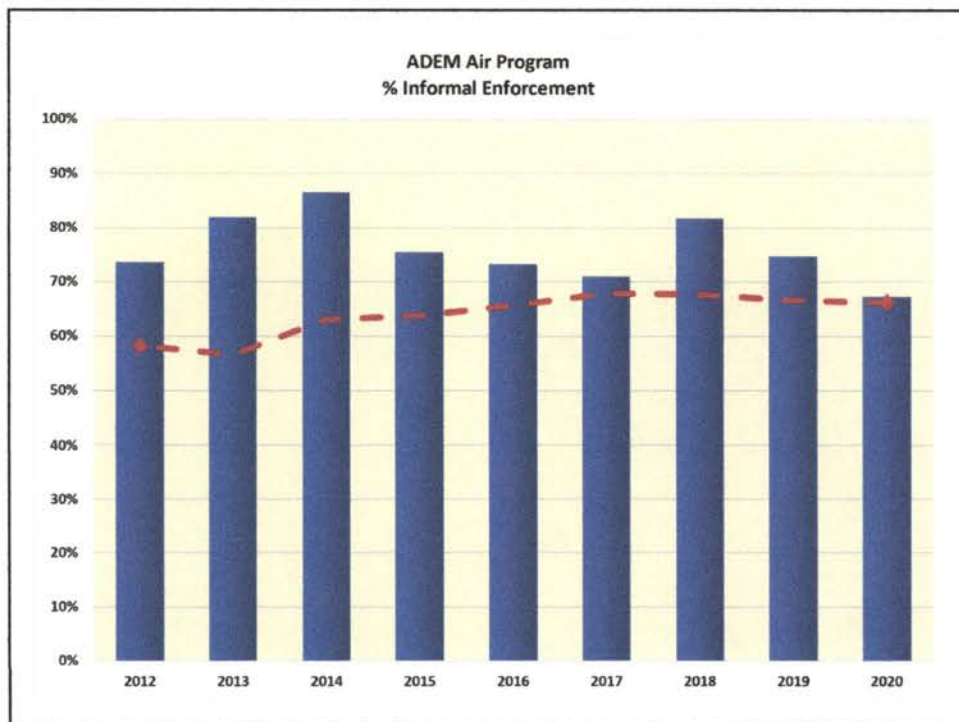


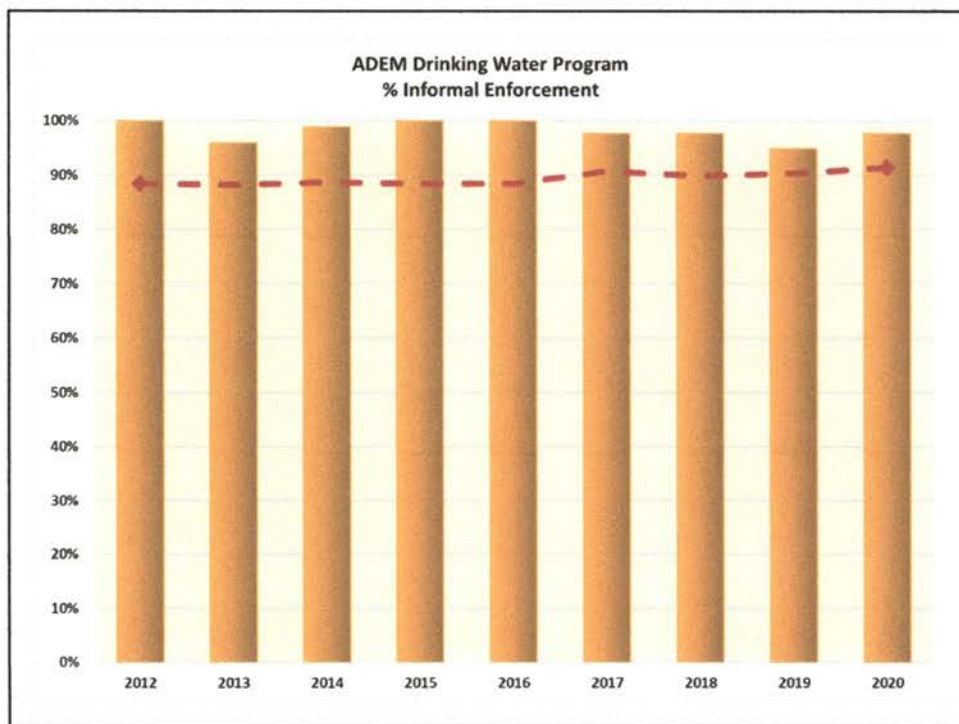
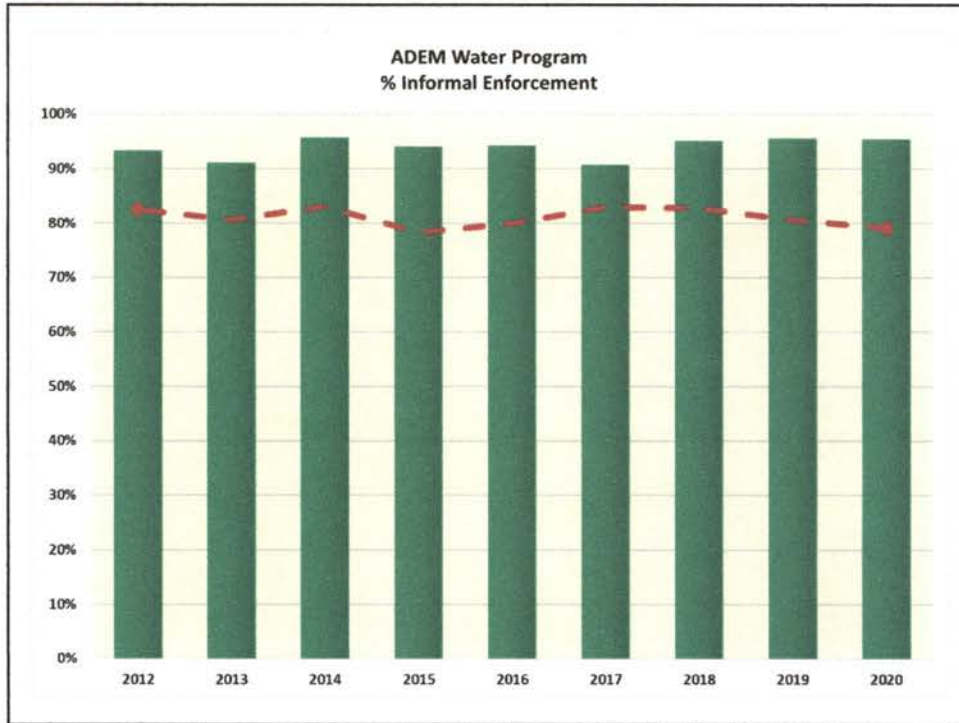




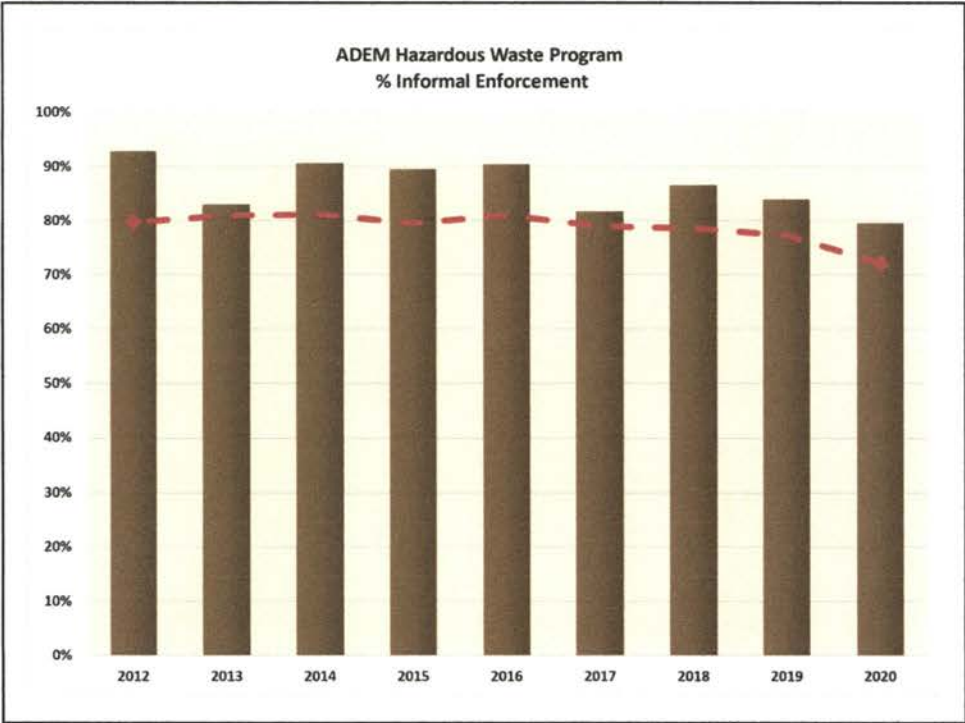


# INFORMAL ENFORCEMENT



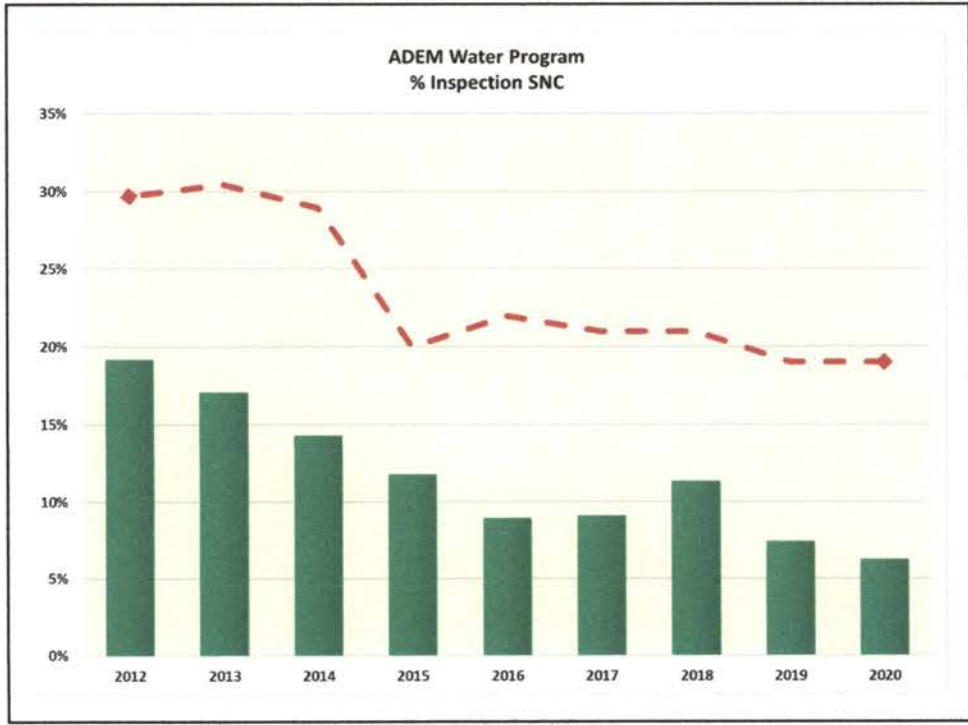
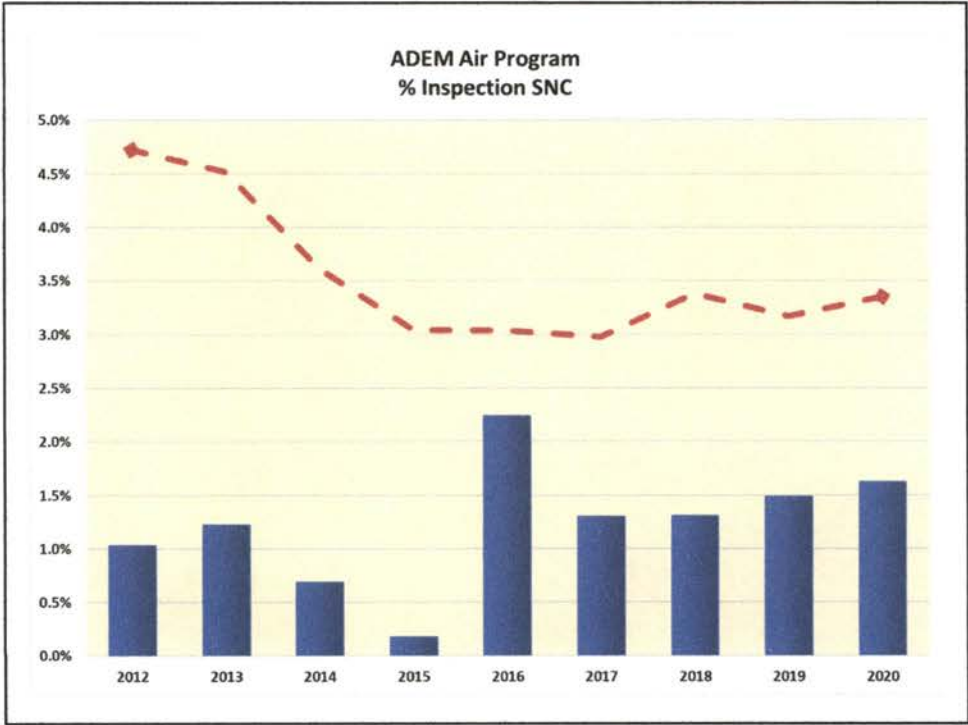


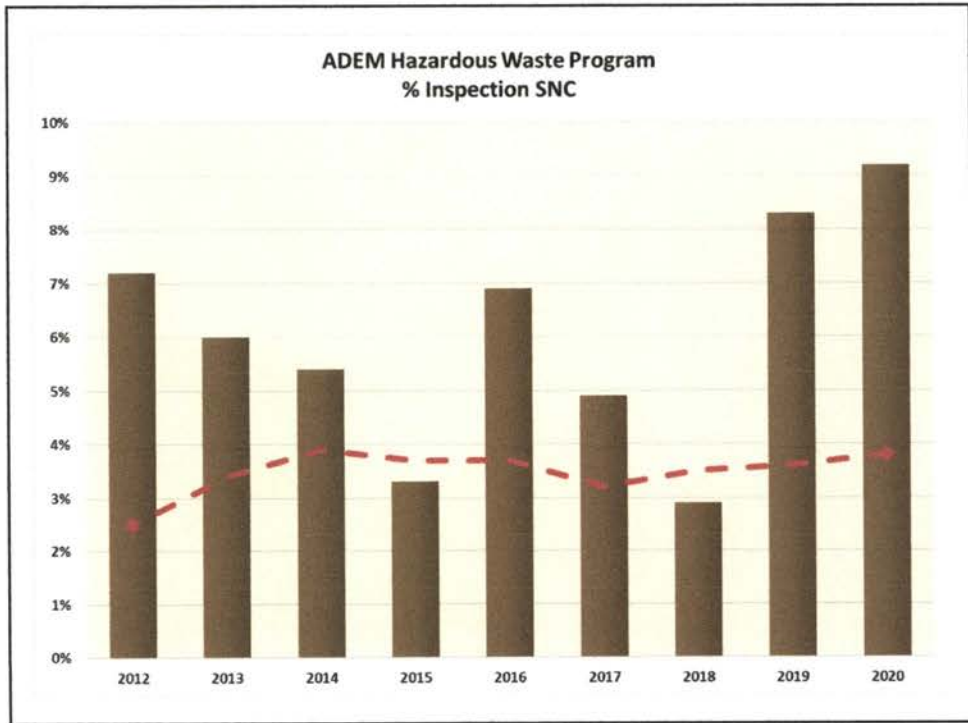
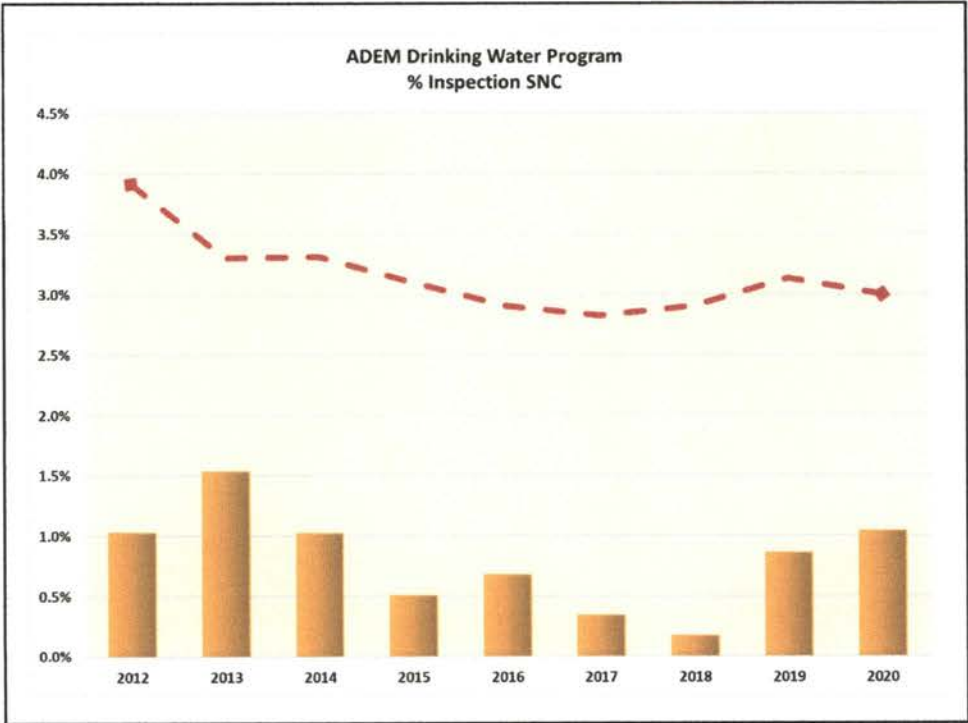




**ADEM** Alabama Department Of Environmental Management

**SIGNIFICANT  
NON-COMPLIANCE**







## Alabama Department Of Environmental Management

### Summary

- Regulated Universe Steady to Growing
- High Rates of Inspections
- High Rates of Informal Enforce (Education)
- Low Rates of Serious Non-Compliance for Air, Water, Drinking Water
- Program to Reduce Hazardous SNCs
- Overall Out-perform Nation & Favorable Trends

**SKYLER  
SANDERSON  
AIR**



**Attachment 3**

**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

WHEREAS, the Alabama Department of Environmental Management gave notice of a public hearing on the proposed revisions to ADEM Admin. Code 335-7 of the Department's Water Division – Water Supply Program Rules in accordance with Ala. Code § 22-22A-8 (2006 Rplc. Vol.) and Ala. Code § 41-22-4 (2000 Rplc. Vol.); and

WHEREAS, a public hearing was held before a representative of the Alabama Department of Environmental Management designated by the Environmental Management Commission for the purpose of receiving data, views and arguments on the amendment of such proposed rules; and

WHEREAS, the Alabama Department of Environmental Management has reviewed the oral and written submissions introduced into the hearing record, and has prepared a concise statement of the principal reasons for and against the adoption of the proposed rules incorporating therein its reasons for the adoption of certain revisions to the proposed rules in response to oral and written submissions, such revisions, where appropriate, having been incorporated into the proposed rules attached hereto; and

WHEREAS, the Environmental Management Commission has considered fully all oral and written submissions respecting the proposed amendments and the Reconciliation Statement prepared by the Alabama Department of Environmental Management.


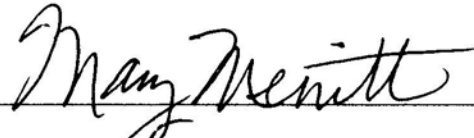
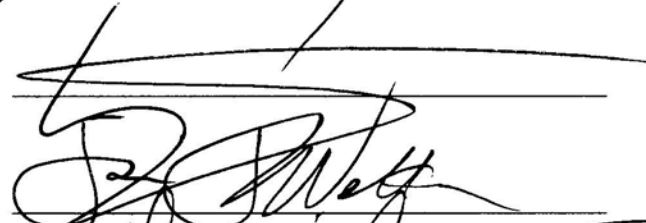

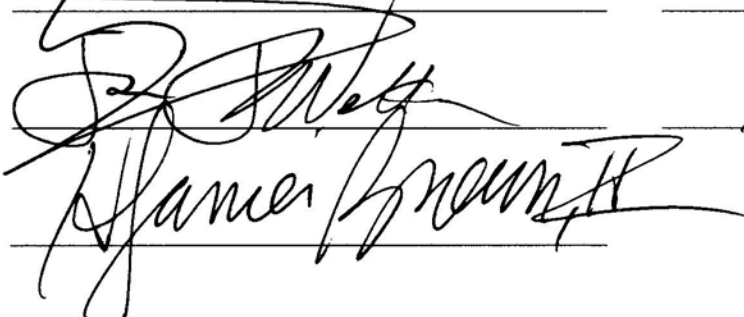

NOW THEREFORE, pursuant to Ala. Code. §§ 22-22A-5, 22-22A-6, 22-22A-8 (2006 Rplc. Vol.), and Ala. Code. § 41-22-5 (2000 Rplc. Vol.), as duly appointed members of the Environmental Management Commission, we do hereby adopt and promulgate these revisions to division 335-7 [335-7-13;Laboratory Certification (New)] of the Department's Water Division – Water Supply Program rules, administrative code attached hereto, to become effective forty-five days, unless otherwise indicated, after filing with the Alabama Legislative Services Agency.

**ENVIRONMENTAL MANAGEMENT COMMISSION  
RESOLUTION**

ADEM Admin. Code division 335-7 – Water Supply Program

IN WITNESS WHEREOF, we have affixed our signatures below on this 9<sup>th</sup> day of April 2021.

APPROVED:

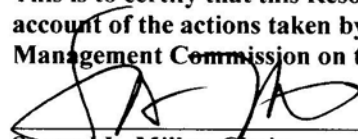
DISAPPROVED:

_____	_____
_____	_____
_____	_____

ABSTAINED:

_____	_____
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This is to certify that this Resolution is a true and accurate account of the actions taken by the Environmental Management Commission on this 9th day of April 2021.

  
\_\_\_\_\_  
Samuel L. Miller, Chair  
Environmental Management Commission  
Certified this 9th day of April 2021



**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
WATER DIVISION - WATER SUPPLY PROGRAM**

**CHAPTER 335-7-13  
LABORATORY CERTIFICATION**

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**335-7-13-.01 Purpose.** This chapter provides the mechanism to assure the validity and quality of the data being generated to determine compliance with the requirements of this division.

**Author:** Aubrey H. White III, James M. Arnold.

**Statutory Authority:** Code of Alabama 1975, §§ 22-23-49.

**History: Filed:** April 30, 2021; **Effective:** June 14, 2021.

**335-7-13-.02 Applicability.** This chapter applies to any laboratory performing Department-required analyses to determine the quality of drinking water.

**Author:** Aubrey H. White III, James M. Arnold.

**Statutory Authority:** Code of Alabama 1975, §§ 22-23-49.

**History: Filed:** April 30, 2021; **Effective:** June 14, 2021.

**335-7-13-.03 Definitions.** The following words and phrases, unless a different meaning is plainly required by the context, shall have the following meaning:

(1) Analytical Method – “method” number assigned by EPA that describes the proper process for obtaining accurate and repeatable analyte concentration results.

(2) Certificate – the document issued by the Department showing those drinking water parameters and the EPA-approved Drinking Water method for



which a laboratory has received certification, and the type of certification. The certificate remains the property of the Department and must be surrendered at its direction.

(3) Certification – a declaration by the Department that a laboratory has been evaluated under the State Drinking Water Laboratory Certification Program and found acceptable to analyze specified parameters.

(4) Certification Authority (CA) – the agency in a state, or EPA, which certifies drinking water laboratories. In the state of Alabama, the CA for Drinking Water laboratories is the Department.

(5) Certified Laboratory – a laboratory that meets the regulatory performance criteria and any other requirements for the drinking water parameters and methods listed on the certificate.

(6) Corrective Action Plan – report submitted by a laboratory detailing steps it must take to satisfactorily correct deficiencies either found during an audit or that caused an unsatisfactory result on a performance evaluation (PE) sample and prevents their reoccurrence.

(7) Department – the Alabama Department of Environmental Management.

(8) EPA – the United States Environmental Protection Agency.

(9) EPA Manual for the Certification of Laboratories Analyzing Drinking Water – the latest edition and any addendums, which describes criteria and procedures that EPA uses in evaluating laboratories for certification.

(10) Interim Certification – a laboratory that is granted certification when it is impossible or unnecessary to perform an on-site audit.

(11) Not Certified – a laboratory, which possesses deficiencies, and the Department has determined cannot consistently produce valid data.

(12) On-site Audit – an inspection of a drinking water laboratory that seeks to be certified or plans to continue certified status. This inspection will include an evaluation of their facility, instrumentation, sample analysis processes, quality assurance manual/system, and personnel training and capabilities.

(13) On-site Auditor – a person approved by the CA and/or EPA to conduct an on-site audit.

(14) Parameter – a drinking water analyte for which a laboratory is seeking certification.

(15) Performance Evaluation (PE) Sample – an annual (or more frequent if required by the method) sample received from an American National Standards Institute (ANSI)-certified PE vendor that is analyzed by the laboratory. The

laboratory results are compared to the known value by the certified PE vendor, and determined to be either acceptable or unacceptable.

(16) Provisionally Certified – a laboratory that has deficiencies but demonstrates its ability to consistently produce valid data within the acceptance limits specified in the National Primary Drinking Water Regulations (NPDWR) and within the requirements of their certification authority.

(17) Reciprocity – a type of certification that is issued by the Department to out of state laboratories that hold equivalent certification issued by EPA or EPA-approved state programs.

**Author:** Aubrey H. White III, James M. Arnold.

**Statutory Authority:** Code of Alabama 1975, §§ 22-23-49.

**History: Filed:** April 30, 2021; **Effective:** June 14, 2021.

**335-7-13-.04 Parameters Requiring Certification.** Certification of the laboratory is required before the Department will accept analytical data for any parameter required by this division or a Water Supply Permit issued pursuant to this division, unless specifically exempted.

**Author:** Aubrey H. White III, James M. Arnold.

**Statutory Authority:** Code of Alabama 1975, §§ 22-23-49.

**History: Filed:** April 30, 2021; **Effective:** June 14, 2021.

**335-7-13-.05 Certification Manual.** Unless otherwise directed in writing by the Department, certified laboratories and laboratories seeking certification shall comply with the EPA Manual for the Certification of Laboratories Analyzing Drinking Water. If there is a conflict between the Certification Manual and the EPA method, the EPA method shall govern.

**Author:** Aubrey H. White III, James M. Arnold.

**Statutory Authority:** Code of Alabama 1975, §§ 22-23-49.

**History: Filed:** April 30, 2021; **Effective:** June 14, 2021.

**335-7-13-.06 Certification Process.** A laboratory must hold a valid certification issued by the Department before analyzing parameters that require certification and submitting the results to the Department.

- (1) The certification of a laboratory is effective for one year.
- (2) In order for a laboratory located in Alabama to be certified, the laboratory must complete the following:
  - (a) Submit a completed ADEM-approved application form. This form must include the parameters for which the laboratory is seeking certification.
  - (b) Submit the appropriate application fee.

(c) Submit a satisfactory set of PE samples for the parameters, using the EPA-approved drinking water analytical method for which the laboratory is applying to be certified.

(d) Successfully pass an on-site audit, conducted by an on-site auditor, within the previous three years.

1. For a laboratory seeking certification for the first time, the audit will not be scheduled until after submittal of the application and fee.

2. As a result of the on-site audit, the Department may require a corrective action plan that includes the steps to be taken to satisfactorily address any deficiencies noted in the audit report. The corrective action plan must be submitted within 60 days of receipt of the audit report.

(3) In order for a laboratory located outside of Alabama to be granted certification reciprocity, the laboratory must complete the following:

(a) Submit a completed ADEM-approved application form. This form must include the parameters for which the laboratory is seeking certification.

(b) Submit the appropriate certification fee.

(c) A copy of the certification package (certificate and scope of analysis) for the appropriate parameters, from the CA which issued the laboratory's original certification. This certification shall come directly from the CA and may not be submitted by the applicant.

(4) A certified laboratory must notify the CA in writing within 30 days of major changes in personnel, equipment, or laboratory location.

(a) A major change in personnel is the loss or replacement of the laboratory supervisor or a situation in which a trained and experienced analyst is no longer available to analyze a particular parameter for which certification has been granted.

(b) Upon notification by the Department that the change has resulted in a deficiency, the laboratory shall correct the deficiency by the deadline established by the Department.

(5) If a complete renewal application with satisfactory PE results, audit report, and fee is not received by the certification expiration date:

(a) The laboratory may apply to renew its certificate up to 30 days after expiration.

(b) After 30 days, the laboratory may submit a complete application for initial certification if it wishes to resume analyzing drinking water samples.

**Author:** Aubrey H. White III, James M. Arnold.

**Statutory Authority:** Code of Alabama 1975, §§ 22-23-49.

**History: Filed:** April 30, 2021; **Effective:** June 14, 2021.

**335-7-13-.07 Types of Certification.**

(1) Certified Laboratory. A Certified Laboratory may submit to the Department analytical results for compliance purposes for those analytes for which it is certified.

(2) Provisionally Certified Laboratory.

(a) A Provisionally Certified Laboratory may analyze drinking water samples for compliance purposes for those analytes for which it is certified.

(b) The public water system shall be given written notification of the certification status.

(c) The certification status shall be noted on all applicable analyte result reports.

(d) The certification will not be issued if the Department determines the laboratory cannot perform an analysis within the acceptance limits specified by the EPA Method, by EPA regulations, or by the EPA Manual for the Certification of Laboratories Analyzing Drinking Water.

(3) Interim Certification.

(a) A laboratory may be granted Interim Certification if the laboratory has the appropriate instrumentation, is using the approved methods, has adequately trained personnel to perform the analyses, and has satisfactorily analyzed PE samples for the analytes in question.

(b) The public water system shall be given written notification of the certification status.

(c) The certification status shall be noted on all analyte results reports for which it is relevant.

(4) Not Certified. A laboratory that is not certified shall not submit analytical results to the Department for compliance purposes for the relevant parameters.

**Author:** Aubrey H. White III, James M. Arnold.

**Statutory Authority:** Code of Alabama 1975, §§ 22-23-49.

**History: Filed:** April 30, 2021; **Effective:** June 14, 2021.

**335-7-13-.08 Certification Downgrade Process.**

(1) A laboratory may be downgraded to "provisionally certified" status for a parameter or group of parameters for any of the following reasons:

(a) Failure to satisfactorily analyze a PE sample at least annually, or as directed by the Department;

(b) Failure of a certified laboratory to notify the Department within 30 days of major changes (e.g., in personnel, equipment, or laboratory location);

(c) Failure to satisfy the Department that the laboratory is maintaining the required standard of quality, based upon an on-site audit; or

(d) Failure to report compliance data to the public water system or the Department in a timely manner.

(2) If a laboratory is subject to downgrading in accordance with paragraph (1) of this rule, it shall respond to an intent to downgrade notification from the Department within 30 days. The written response shall specify the corrective actions being taken, the time frame those actions will take to complete, and any proposed actions that need the concurrence of the Department.

(3) A laboratory that fails to satisfactorily analyze a PE sample may avoid a downgrade in certification if it identifies and corrects the problem to the Department's satisfaction within 30 days of being notified of the failure.

(a) The laboratory shall submit a second PE sample within the Department-specified timeframe from the first unsatisfactory PE sample.

(b) If the second PE sample is unsatisfactory, the laboratory may be downgraded to "provisionally certified".

(4) After the Department notifies a laboratory that it has been downgraded to "provisionally certified" status for procedural, administrative, equipment, or personnel deficiency, the laboratory must correct any noted issues within 90 days.

(5) If the laboratory was downgraded to "provisionally certified" status because of a failure to satisfactorily analyze a PE sample, the laboratory shall correct its deficiencies and satisfactorily analyze another PE sample within 30 days of receipt of the certification downgrade.

**Author:** Aubrey H. White III, James M. Arnold.

**Statutory Authority:** Code of Alabama 1975, §§ 22-23-49.

**History:** **Filed:** April 30, 2021; **Effective:** June 14, 2021.

**335-7-13-.09 Certification Revocation Process.**

(1) A laboratory may be downgraded from certified, provisionally certified, or interim certified status to "not certified" for a particular parameter analysis for any of the following reasons:

- (a) Reporting PE data from another laboratory as its own;
- (b) Falsification of data or other deceptive practices;
- (c) Failure to use the analytical methodology specified in the regulations;
- (d) For provisionally certified laboratories, failure to successfully analyze a PE sample for a particular contaminant within the acceptance limits specified;
- (e) For provisionally certified laboratories, failure to satisfy the Department that the laboratory has corrected deficiencies identified during on-site evaluations;
- (f) For provisionally certified laboratories, persistent failure to report compliance data to the public water system or the Department in a timely manner;
- (g) Refusal to participate in an on-site audit; or,
- (h) Failure to submit complete application package.

(2) A laboratory may respond to a determination to revoke its certificate up to 30 days after notification by the Department. If the Department does not receive a response by that date or, if the response does not fully resolve the deficiencies noted by the Department, the certificate is immediately revoked.

(a) The response shall include an explanation of the reasons for the challenge and shall be signed by the laboratory's responsible authority (such as the director, owner, or president).

(b) Denial of the response by the Department results in the immediate revocation of the certificate.

(c) If the Department determines the response to be valid, the Department may suspend the revocation of certification or upgrade the certification status to "provisionally certified" or "certified".

(d) A laboratory with a revoked certificate shall not submit analyses to the Department for compliance purposes for any analyte covered by the revocation.

**Author:** Aubrey H. White III, James M. Arnold.  
**Statutory Authority:** Code of Alabama 1975, §§ 22-23-49.  
**History:** **Filed:** April 30, 2021; **Effective:** June 14, 2021.

**335-7-13-.10 Certification Upgrade/Reinstatement Process.**

(1) A laboratory shall submit a written request to the Department seeking an upgrade or reinstatement of certification.

(2) The laboratory shall demonstrate to the Department's satisfaction that any noted deficiencies which resulted in provisionally certified status or revocation have been corrected.

**Author:** Aubrey H. White III, James M. Arnold.  
**Statutory Authority:** Code of Alabama 1975, §§ 22-23-49.  
**History:** **Filed:** April 30, 2021; **Effective:** June 14, 2021.

**335-7-13-.11 Recordkeeping.**

(1) A laboratory shall maintain easily accessible records for five years from the creation of a record or until the next on-site audit is complete, whichever is longer.

(2) The laboratory shall make copies of analyses, raw data, calculations, and quality control data available to the relevant client water system upon request.

**Author:** Aubrey H. White III, James M. Arnold.  
**Statutory Authority:** Code of Alabama 1975, §§ 22-23-49.  
**History:** **Filed:** April 30, 2021; **Effective:** June 14, 2021.

**335-7-13-.12 Special Requirements.**

(1) A laboratory shall notify the Department and the water system of any exceedance of a lead/copper action level or total coliform/E Coli positive result within 24 hours of completion of the analysis.

(a) The notification shall be made to the Drinking Water Branch staff by a method approved by the Department.

(b) If the analysis result is determined outside of normal business hours, the laboratory shall use a method approved by the Department to notify the Drinking Water Branch staff as soon as possible the next business day.

**Author:** Aubrey H. White III, James M. Arnold.  
**Statutory Authority:** Code of Alabama 1975, §§ 22-23-49.  
**History:** **Filed:** April 30, 2021; **Effective:** June 14, 2021.