

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management  
Rule No. 335-6-8-.07  
Rule Title: Permit Issuance Procedures  
         New          X Amend          Repeal          Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?         YES        

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?         YES        

Is there another, less restrictive method of regulation available that could adequately protect the public?         NO        

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?         NO        

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?         NO        

Are all facts of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?         YES        

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Does the proposed rule have an economic impact?         NO        

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer         Mandy Elliott        

Date         April 20, 2015

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
WATER DIVISION

NOTICE OF INTENDED ACTION

**Agency Name:** Alabama Department of Environmental Management

**Rule No. & Title:** 335-6-8-.07 Permit Issuance Procedures (Amend)

**Intended Action:** The Alabama Department of Environmental Management proposes to amend rule 335-6-8-.07.

**Substance of Proposed Action:**

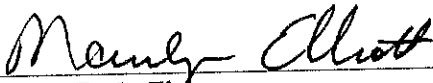
The Department proposes to amend rule 335-6-8-.07 "Permit Issuance Procedures" to add a reference to 40 CFR Part 142.

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

Comments may be submitted in writing or orally at a public hearing to be held at 10:00 A.M., June 11, 2015, in the ADEM Main Hearing Room, 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

**Final Date for Comment and Completion of Notice:** June 11, 2015

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

  
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Lance R. LeFleur  
Director

**335-6-8-.07 Permit Issuance Procedures.** Upon receipt of a complete permit application the Department shall:

- (a) Determine the type of well.
- (b) Determine if a general permit may be applicable.
- (c) Determine whether the proposed injection poses an unacceptable risk of contamination of an USDW. Where the application does not provide sufficient information to demonstrate that the proposed injection well will not cause the exceedance of a primary or secondary drinking water regulation under 40 CFR Part 141, 142, and 143, or otherwise render the ground water unsafe or objectionable for human consumption, or result in a water of the state failing to meet applicable water quality criteria in accordance with ADEM Administrative Code rule 335-6-10, the Department shall not issue the permit.
- (d) Determine any special construction and operation requirements which may be required to protect a USDW.
- (e) For a Class III or Class VI well, or a Class V well permitted by an individual permit:
  - 1. Prepare a fact sheet and include as a minimum the information required by 40 CFR 124.8 or future Federal regulations applicable to State UIC Programs;
  - 2. Submit a copy of the draft permit to the owner or operator and EPA for review and comment.
- (f) Allow public participation in the permitting process in accordance with procedures established in rule 335-6-8-.08.
- (g) Review comments received from any interested persons, EPA and the owner or operator.
- (h) Make a final decision to issue, modify and issue, or deny the permit.
- (i) A Class VI well may not be permitted or authorized by procedures of permit by rule, general permit, or by an area permit.

**Author:** Curt Johnson, Thad Pittman, Sonja Massey.

**Statutory Authority:** Code of Alabama 1975, §§ 22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.

**History:** June 19, 1982; **Repealed:** April 11, 2002. **Readopted:** May 6, 2002.

**Amended:** July 28, 2009; September 26, 2011; XXXX XX, 2015.