

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management

Rule No. 335-6-8-.05

Rule Title: Prohibited Actions

 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?

 N/A

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

 YES

Does the proposed rule have an economic impact?

 NO

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

Certification of Authorized Official

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

Signature of certifying officer

Marilyn Elrod

Date May 20, 2011

Date Filed



APA-2
11/96

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Environmental Management

Rule NO.	Title
335-6-8-.01	Purpose
335-6-8-.02	Definitions
335-6-8-.05	Prohibited Actions
335-6-8-.07	Permit Issuance Procedures
335-6-8-.08	Public Notice Requirements
335-6-8-.10	Class V Well Permit Application Requirements
335-6-8-.12	Class V Well Permit Requirements
335-6-8-.13	Class VI Well Applicability and General Requirements
335-6-8-.14	Class VI Well Permit Application and Application Review Requirements
335-6-8-.15	Class VI Well Minimum Criteria for Siting
335-6-8-.16	Class VI Well Area of Review and Area of Review Corrective Action
335-6-8-.17	Class VI Well Financial Responsibility Requirements
335-6-8-.18	Class VI Well Construction Requirements
335-6-8-.19	Class VI Well Logging, Sampling and Testing Requirements Prior to Injection Well Operation
335-6-8-.20	Class VI Well Operating Requirements
335-6-8-.21	Class VI Well Mechanical Integrity Requirements
335-6-8-.22	Class VI Well Testing and Monitoring Requirements
335-6-8-.23	Class VI Well Reporting Requirements
335-6-8-.24	Class VI Well Plugging Requirements
335-6-8-.25	Class VI Well Post-Injection Site Care and Site Closure Requirements
335-6-8-.26	Class VI Well Emergency and Remedial Response Requirements
335-6-8-.27	Class VI Well Permit Requirements
335-6-8-.28	Technical Submittals and Other Reports to the Department
335-6-8-.29	Coordination with EPA
335-6-8-.30	Confidentiality

INTENDED ACTION: Revise Division 6 of the ADEM Administrative Code with the addition or amendment of Rules 335-6-8-.01 (Purpose), 335-6-8-.02 (Definitions), 335-6-8-.05 (Prohibited Actions), 335-6-8-.07 (Permit Issuance Procedures), 335-6-8-.08

(Public Notice), 335-6-8-.10 (Class V Well Permit Application Requirements), 335-6-8-.12 (Permit Issuance Procedures), 335-6-8-.13 (Class VI Well Applicability and General Requirements), 335-6-8-.14 (Class VI Well Permit Application and Application Review Requirements), 335-6-8-.15 (Class VI Well Minimum Criteria for Siting), 335-6-8-.16 (Area of Review and Area of Review Corrective Action), 335-6-8-.17 (Class VI Well Financial Responsibility Requirements), 335-6-8-.18 (Class VI Well Construction Requirements), 335-6-8-.19 (Class VI Well Logging, Sampling and Testing Requirements Prior to Injection Well Operation), 335-6-8-.20 (Class VI Well Operating Requirements), 335-6-8-.21 (Class VI Well Mechanical Integrity Requirements), 335-6-8-.22 (Class VI Well Testing and Monitoring Requirements), 335-6-8-.23 (Class VI Well Reporting Requirements), 335-6-8-.24 (Class VI Well Plugging Plan), 335-6-8-.25 (Post-Injection Site Care and Site Closure Requirements), 335-6-8-.26 (Class VI Well Emergency and Remedial Response Requirements), 335-6-8-.27 (Class VI Well Permit Requirements), 335-6-8-.28 (Technical Submittals and Other Reports to the Department), 335-6-8-.29 (Coordination with EPA), and 335-6-8-.30 (Confidentiality).

SUBSTANCE OF PROPOSED ACTION:


Revisions to the Division 6 Code are being proposed to include requirements for Class VI injection wells, for geologic sequestration of carbon dioxide. The proposed additions and amendments are consistent with the federal regulations for Class VI wells published in the Federal Register on December 10, 2010.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held 1:00 p.m., July 11, 2011, in the ADEM Hearing Room, 1400 Coliseum Blvd., Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: July 11, 2011

CONTACT PERSON AT AGENCY: Sonja Massey (334) 271-7832



Lance R. LeFleur
Director

335-6-8-.05 Prohibited Actions.

(1) The following actions are prohibited by this chapter:

(a) The discharge of fluids and/or pollutants to ground water and/or to soils, which may result in a discharge of fluids and/or pollutants to ground water which is not authorized by and in compliance with a permit issued under the provisions of this chapter, the Alabama Hazardous Waste Management and Minimization Act or ADEM Administrative Code division 335-14 (Hazardous Waste Program) or other chapter of the ADEM Administrative Code.

(b) The injection into any injection well or the construction of any injection well or facility to be used for the injection into any injection well unless such injection and construction is authorized by permit in accordance with this chapter.

(c) Violation of any condition or requirement of any permit issued pursuant to this chapter.

(d) Constructing, operating, maintaining, converting, plugging, abandoning, or conducting any other injection activity in a manner that allows the movement of fluids and/or pollutants into a USDW, if the presence of fluids and/or pollutants may cause an exceedance of any primary or secondary drinking water regulation under 40 CFR Part 1421 and 143; or may result in a water of the state failing to meet applicable water quality criteria in accordance with ADEM Administrative Code rule 335-6-10; or may otherwise adversely affect the health of persons or other legitimate beneficial uses. The owner or operator shall have the burden of showing that the requirements of this paragraph are met.

(e) Well injection between the outermost casing and the borehole.

(f) Construction or operation of a Class I well.

(g) Operation of a Class III well lacking mechanical integrity.

(h) Operation of a Class VI well lacking mechanical integrity.

~~(h)~~ Construction or operation of a Class IV well.

~~(i)~~ Construction or operation of a cesspool.

~~(j)~~ Construction or operation of a motor vehicle waste disposal well.

~~(k)~~ Construction or operation of a Class V vertical well for the injection of sanitary waste, treated or untreated.

(2) If the Department becomes aware that an injection well may cause a violation of primary or secondary drinking water regulations under 40 CFR Parts 1421 and 143 in a USDW, has not been operated in accordance with the requirements of this chapter, or otherwise poses a threat to the

environment or the health of persons, the Department may order the owner or operator to take such actions (including where required closure of the injection well) as may be necessary to prevent or abate the violation of a primary or secondary drinking water regulation under 40 CFR Part 1421 and 143 in a USDW. This may include the performance of ground water quality investigations and the implementation of corrective actions. Such investigations and/or corrective actions shall be conducted in a manner suitable to the Department.

(3) The Department may take emergency action upon receipt of information that a fluid and/or pollutant which is present in or likely to enter a USDW may present an imminent and substantial endangerment to the health of persons or the environment.

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 16, 2002.

Amended: July 28, 2009; XXXXX, 2011.