



APA-2  
11/96

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
WATER DIVISION**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Alabama Department of Environmental Management

<b>Rule NO.</b>	<b>Title</b>
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-.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 ~~142~~141 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 Class V wells permitted by individual permits, except when general permits apply, issue a draft permit to the owner or operator for review and comment:
  - ~~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 for review and comment.~~~~
- ~~(f) For a Class III wells, or a Class VI wells, or a Class V well permitted by an individual permit and:
  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.~~
- (g) Allow public participation in the permitting process in accordance with procedures established in rule 335-6-8-.08.
- (h) 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.

(j) 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; XXXXXX, 2011.