



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-.10 Class V Well Permit Application Requirements.**

(1) To apply for a Class V or general Class V permit, an owner or operator of a new or existing well field(s) shall submit a permit application to the Department which shall include the following information:

(a) Name, address and phone number of the owner and, if different, the name, address and phone number of the property owner and operator.

(b) Facility name, address, phone number (if applicable) and physical location (if different from the address).

(c) A map(s) which shows the location of proposed injection well(s), public and private water supply wells, source water assessment areas meeting the requirements of rule 335-7-5, well head protection areas meeting the requirements of rule 335-7-12, surface waters and other pertinent surface features such as roads, natural or man made drainage courses, residences, and other structures within the area of review.

(d) A description of the fluids and/or pollutants to be injected and proposed operational procedures which include estimated average and maximum daily injection rates and volume of fluids and/or pollutants to be injected.

(e) The design, plans, construction specifications and other pertinent information of the treatment system, injection well(s), sampling system, and ground water monitoring well(s) required by the Department. Monitoring wells shall be located and constructed in accordance with approved plans and shall conform to the following requirements:

1. The monitoring well configuration shall be designed to detect pollutant movement away from the well or well field;

2. The monitoring well plan shall be designed to detect pollution in the USDW into which injection is permitted and any other USDW which the Department determines may or has the potential to be impacted by the permitted injection and any associated facility or activity in the area of review;

3. An adequate number of monitoring wells shall extend into all USDW's, likely to be affected, to detect any movement of fluids and/or pollutants injected, process by-products or formation fluids into the USDW;

4. For the purposes of determining the bottom elevation of a subsurface fluid distribution system, the seasonal high ground water elevation or soil restrictive layer shall be determined either by measurement of ground water levels or natural soil features indicative of soil saturation. A minimum separation distance between the bottom elevation of a subsurface fluid distribution system and the seasonal high ground water elevation or soil restrictive feature shall be established by the Department based upon the

proposed disposal technology to allow for the protection of groundwater quality and for the proper functioning of the subsurface distribution system.

5. A plugging and abandonment plan may be required for a monitoring well when the Director deems it is necessary in order to prevent pollution of a USDW.

(f) Hydrogeological data determined to be necessary by the Department such as depth to ground water, direction of ground water flow, topographic description, physiographic province, etc.

(g) When required, the financial responsibility requirements in subparagraph (1)(h) of rule 335-6-8-.09 shall be demonstrated.

(h) A certification described in subparagraph (1)(o) of rule 335-6-8-.09 signed by the responsible official described by subparagraph (1)(n) of rule 335-6-8-.09.

(2) The Department may require submittal of additional information concerning any permit application when that information is required to evaluate the potential for pollution of a USDW or surface water or to determine permit conditions necessary to protect a USDW or surface water.

(3) A permit application will not be processed until a completed application is received by the Department with the appropriate permit fee in accordance with rule 335-1-6.

(4) A permit application for discharge of treated sanitary waste must include a demonstration of compliance with any applicable requirement for financial viability certification. Any permit application for which permit issuance has not occurred prior to July 28, 2009, must comply with this requirement prior to permit issuance.

(5) The Department may require a Class V experimental well for research or pilot projects relating to carbon sequestration to comply with all permitting and operational requirements of 335-6-8-.13 through 335-6-8-.27.

**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; XXXXXXX, 2011.