

APA-1
11/96

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 335 Department or Agency Environmental Management
Rule No. 335-6-8-.23
Rule Title: Class VI Well Reporting Requirements

X New 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.

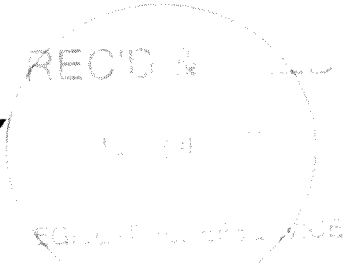
Certification of Authorized Official

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 Elliot

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:

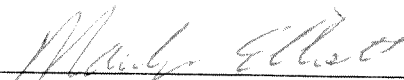
Revisions to the Division 6 Code are being proposed to include requirements for Class VI injection wells, for geologic sequestration of carbon dioxide. The proposed additions and amendments are consistent with the federal regulations for Class VI wells published in the Federal Register on December 10, 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-.23 Class VI Well Reporting Requirements.

(1) The owner or operator must provide the following reports to the Department, and to EPA, at a minimum, on a semi-annual basis, and as specified in paragraph (e) of this section, for each permitted Class VI well. The Department and EPA may each specify a more frequent schedule for submittal of the following reports:

(a) Reports containing:

1. Any changes to the physical, chemical, and other relevant characteristics of the carbon dioxide stream from the proposed operating data;

2. Monthly average, maximum, and minimum values for injection pressure, flow rate and volume, and annular pressure;

3. A description of any event that exceeds operating parameters for annulus pressure or injection pressure specified in the permit;

4. A description of any event which triggers a shut-off device required pursuant to 335-6-8-.20(5) and the response taken;

5. The monthly volume and/or mass of the carbon dioxide stream injected over the reporting period and the volume injected cumulatively over the life of the project;

6. Monthly annulus fluid volume added; and

7. The results of monitoring prescribed under 335-6-8-.22.

(b) Report, within 30 days, the results of:

1. Periodic tests of mechanical integrity;

2. Any well workover; and,

3. Any other test of the injection well conducted by the permittee if required by the Department.

(c) Report, within 24 hours:

1. Any evidence that the injected carbon dioxide stream or associated pressure front may cause an endangerment to a USDW;

2. Any noncompliance with a permit condition, or malfunction of the injection system, which may cause fluid migration into or between USDWs;

3. Any triggering of a shut-off system (i.e., down-hole or at the surface);

4. Any failure to maintain mechanical integrity; or

5. Pursuant to compliance with the requirements at 335-6-8-.22(h) for surface air/soil gas monitoring or other monitoring technologies, if required by the Department, any release of carbon dioxide to the atmosphere or biosphere.

(d) Owners or operators must notify the Department in writing 30 days in advance of:

1. Any planned well workover;

2. Any planned stimulation activities, other than stimulation for formation testing conducted under 335-6-8-.14; and

3. Any other planned test of the injection well conducted by the permittee.

(e) Owners or operators must submit all required reports, submittals, and notifications relating to Class VI injection well facilities and activities, required by this chapter, to EPA in an electronic format approved by EPA.

(f) Records shall be retained by the owner or operator as follows:

1. All data collected under 335-6-8-.14 for Class VI permit applications shall be retained throughout the life of the geologic sequestration project and for 10 years following site closure.

2. Data on the nature and composition of all injected fluids collected pursuant to 335-6-8-.22(1)(a) shall be retained until 10 years after site closure. The Department may require the owner or operator to deliver the records to the Department at the conclusion of the retention period.

3. Monitoring data collected pursuant to 335-6-8-.22(1)(b) through (i) shall be retained for 10 years after it is collected.

4. Well plugging reports, post-injection site care data, including, if appropriate, data and information used to develop the demonstration of the alternative post-injection site care timeframe, and the site closure report collected pursuant to requirements at 335-6-8-.25(6) and (8) shall be retained for 10 years following site closure.

5. The Department has authority to require the owner or operator to retain any records required in this subpart for longer than 10 years after site closure.

Author: Sonja Massey.

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

History: XXXXXX, 2011.