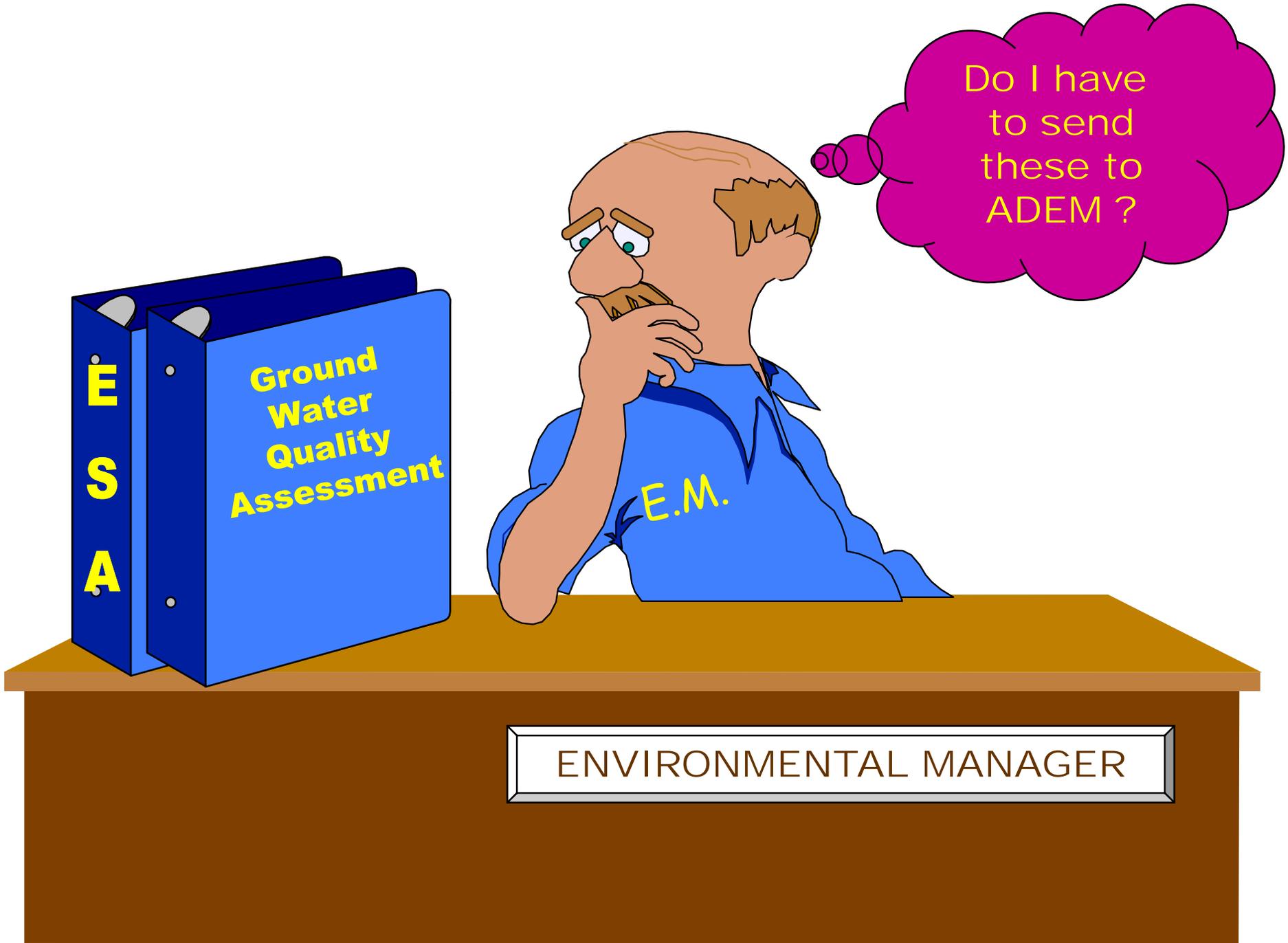


DO I HAVE TO REPORT THIS TO ADEM?





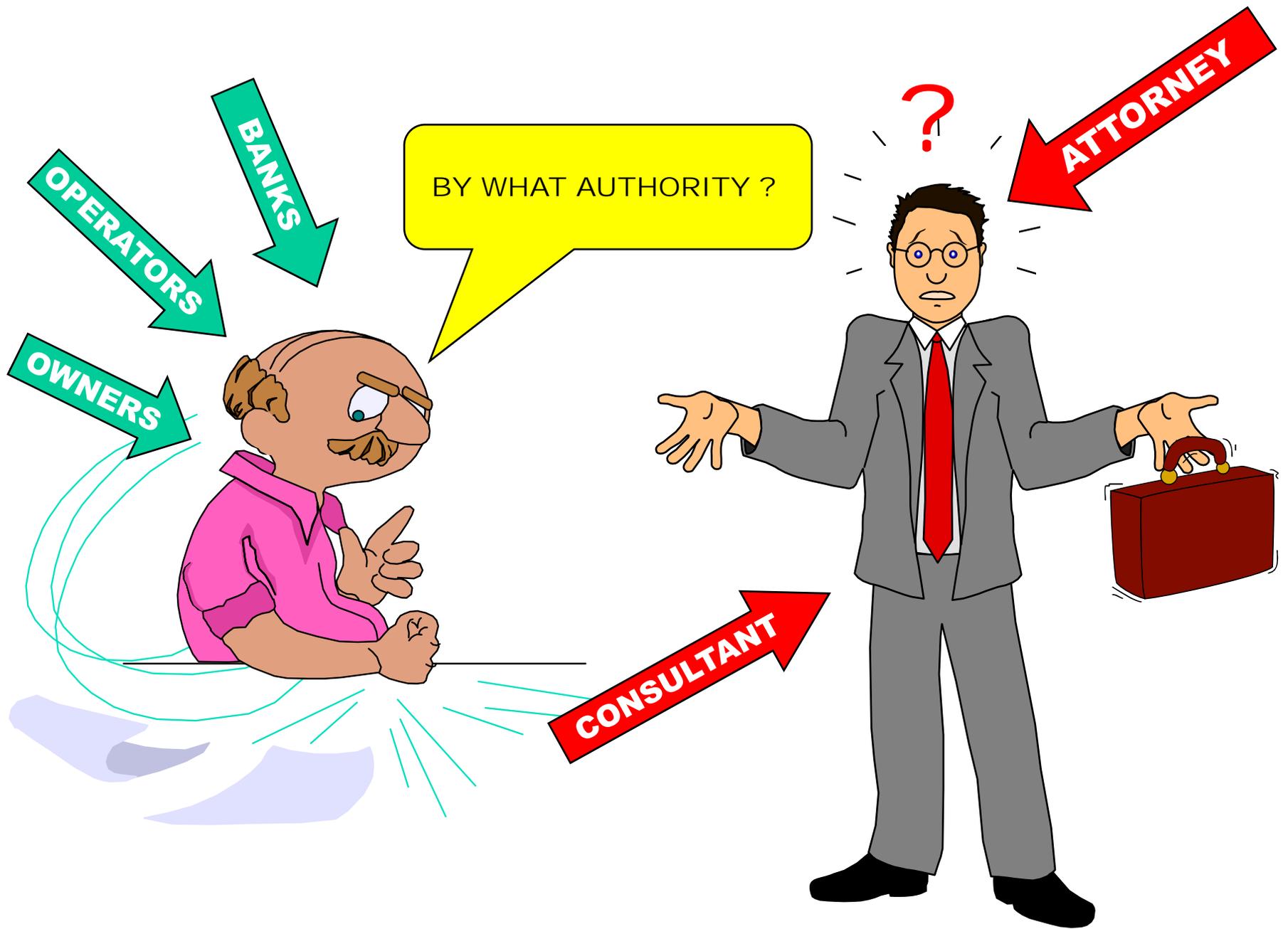
E
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Ground
Water
Quality
Assessment

E.M.

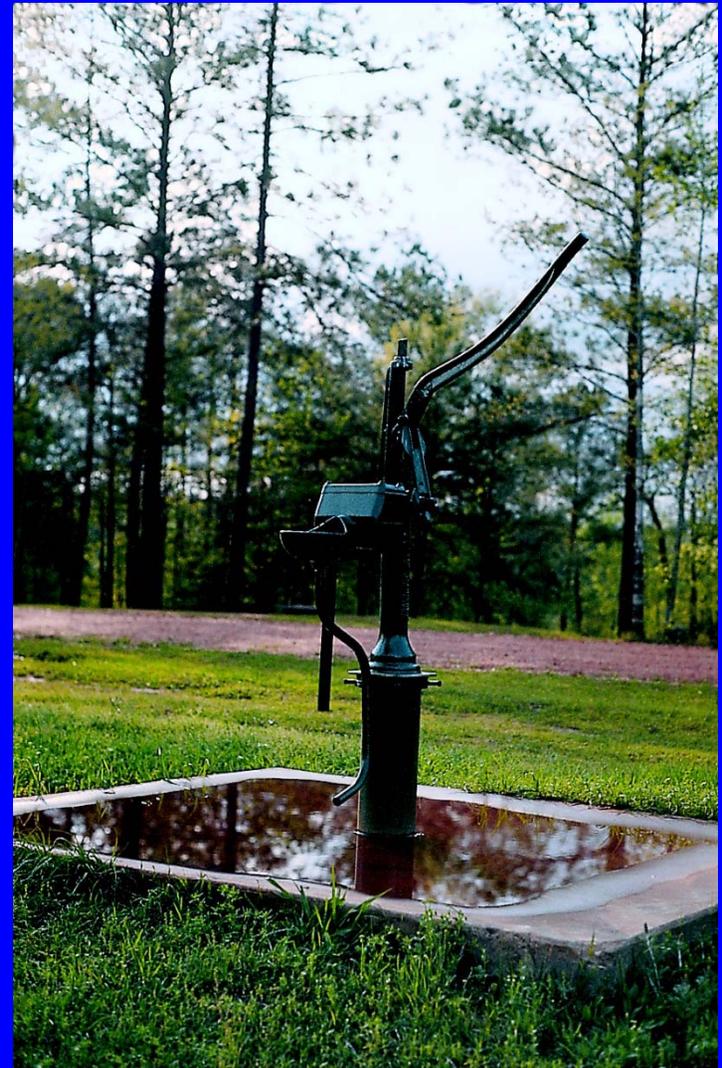
Do I have
to send
these to
ADEM ?

ENVIRONMENTAL MANAGER



The Alabama Department of Environmental Management

- ADEM is the lead agency in Alabama for ground water protection, administering the majority of ground water programs.



STATUTORY AUTHORITIES

Title 22, Code of Alabama, 1975, contains the statutes which provide the authorities for all environmental regulatory programs whether administered by ADEM, the Health Department or other agencies.

The following citations provide authorities relating to ground water protection.

- **Chapter 10, Nuisances Menacing Public Health**
- **Chapter 22, Alabama Water Pollution Control**
- **Chapter 22A, Alabama Environmental Management Act**
- **Chapter 24, Water Well Standards**





- **Chapter 27, Solid Wastes Disposal Act**
- **Chapter 30, Hazardous Wastes Management and Minimization**
- **Chapter 30A, Alabama Hazardous Substance Cleanup Fund**
- **Chapter 35, Alabama Underground and Aboveground Storage Tank Trust Fund Act**
- **Chapter 36, Alabama Underground Storage Tank and Wellhead Protection Act**



Statutes that provide authorities relevant to ground water protection are also found in **Title 9, Code of Alabama 1975.**

- **Chapter 7, Preservation and Development of Coastal Areas**
- **Chapter 16, Alabama Surface Mining Act of 1969**
- **Alabama Water Resources Act (1993)**

The Ground Water Branch of ADEM

- Is located organizationally within the Land Division of ADEM
- The organizational function of the Ground Water Branch within ADEM integrates the various ground water related programs within the Department and serves in large part as the coordinating mechanism.

The Ground Water Branch of ADEM

- This Branch directly administers the UIC and UST programs.
- Provides hydrogeological technical support for all other programs with ground water protection or remediation elements.

The Hydrogeology Section of ADEM's Groundwater Branch

- This section directly administers the Alabama Water Pollution Control Act in coordination with ADEM's Division 6 Groundwater and UIC regulations.
- Provides hydrogeological technical support for all other programs with ground water protection or remediation elements. (we are not ADEM's emergency response group)

Regulation Under the AWPCA

- Statute based not regulation based - Alabama Water Pollution Control Act, Title 22 §§ 22-22 -1 to 22-22-14, Code of Alabama, 1975
- Addresses gaps that may exist between individual regulatory programs
- Provides broad authorities to require preventative, investigative, and corrective actions and is routinely used in this manner

The unpermitted discharge of pollutants to Waters of the State

- Prohibited by State law and ADEM administrative code
- Reporting requirements concerning a release are addressed in ADEM Admin. Code r. 335-6-8-.06
- 335-6-8-.06 Required Actions
 - (1) In the event of a discharge of fluids and /or pollutants to groundwater and / or soils, which may result in a discharge of fluids and / or pollutants to groundwater, which is not authorized by a permit, the following actions must be taken by the person responsible for the discharge:
 - (a) Make a report to the Department within 24 hours of becoming aware that an unauthorized discharge has occurred;.....

Voluntary Environmental Site Assessments and Groundwater Quality Assessments

- There is a statutory obligation which prohibits unpermitted discharges a discharger has responsibility for assessment and remediation
- No Statute Covering ESAs of Real-Estate
- Voluntary and Proprietary
- Driven by Lending Institutions and Internal Corporate Policies
- Follow ASTM Standards
- (follow ADEM AEIRG guidance for unconditional NFA)

Copies to ADEM



What Do Companies Want Before Moving to Alabama?

No Further Action Letter

- many partial assessments are sent for quick turnaround
- ADEM wants the NFA to be meaningful due to good reporting and sampling
- a NFA requires submittal of complete copies of phase I & II environmental site assessments

Ground Water Regulatory Actions

- No Required Action
(insufficient information, not a statement that no contamination exists)
- No Further Action Letter
- Conditional “No Further Action Letter”

Ground Water Regulatory Actions

“No Further Action Letter”

Review of the information indicates that further assessment or corrective actions pursuant to the Alabama Water Pollution Control Act, Title 22 §§ 22-22-1 to 22-22-14, Code of Alabama (1975) are not warranted at this time. The Department, by not requiring further action at this time, is not making a determination as to contamination which may or may not exist at this site. The Department will review any additional information that may warrant further consideration should it become available.

Ground Water Regulatory Actions

- **Soil Incident Letter**

Acknowledges the presence of contaminants in the soil and the potential for the unpermitted discharge of pollutants to “Waters of the State”. It requires the assessment of ground water quality to determine if the unpermitted discharge of pollutants has effected the ground water.

Ground Water Regulatory Actions

- Notice of Violation
- Groundwater Incident Letter

May require further investigation and or remediation of ground water (in addition to emergency removal of any free phase product discovered on the site).

Ground Water Regulatory Actions

- Consent Agreements
- Administrative Orders

Utilized by the Department to set forth the scope of work required at sites and schedule the accomplishment of those goals.

**DO I HAVE TO REPORT
THIS TO ADEM?**

YES!

(call me)

Charles C. W. "*Whit*" Slagle
Chief, Hydrogeology Section, Land Division

cws@adem.state.al.us
(334) 271-7831