

DEPARTMENT OF TRANSPORTATION

# **INSTITUTIONAL CONTROL PROGRAM**

**Coliseum Boulevard Plume Site  
Montgomery, Alabama**

**Submitted By:**

**Alabama Department of Transportation  
1409 Coliseum Boulevard  
Montgomery, Alabama**

**April 2008**

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# **Institutional Control Program**

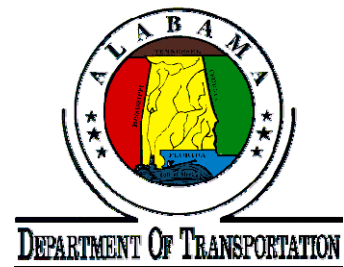
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**COLISEUM BOULEVARD PLUME SITE  
MONTGOMERY, ALABAMA**

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## **SUBMITTED BY:**

**ALABAMA DEPARTMENT OF TRANSPORTATION  
1409 COLISEUM BOULEVARD  
MONTGOMERY, ALABAMA**



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# SECTION 1

## INTRODUCTION

### INSTITUTIONAL CONTROLS

## **1.1 Introduction**

### **1.1.1 BACKGROUND**

The Alabama Department of Transportation (ALDOT) submitted a final report entitled "Site-Wide Corrective Measures Evaluation; Coliseum Boulevard Plume Site; Montgomery, Alabama; October 2007" (hereinafter "CME") to the Alabama Department of Environmental Management (ADEM). The CME contained descriptions of the regional and local geology and hydrogeology, and the distributions of volatile organic compounds (VOCs), primarily trichloroethylene (TCE), within the surface water and groundwater within an area described as the Coliseum Boulevard Plume (CBP). The report also included descriptions of the groundwater flow and contaminant fate and transport numerical model that was used to evaluate corrective measures, evaluation of potential exposure pathways, potential corrective measures for the CBP, and recommendations for corrective measures that should be implemented at the CBP.

Evaluations of potential corrective measures were based on the criteria of the U. S. Environmental Protection Agency (EPA). Those criteria are:

1. Overall protection of human health and the environment
2. Reduction of toxicity, mobility, and volume
3. Compliance with ARARs
4. Short-term effectiveness
5. Long-term effectiveness and permanence
6. Implementability
7. Cost
8. Community acceptance
9. State acceptance

Reduction of groundwater concentrations to maximum contaminant levels (MCLs) throughout the CBP was determined to be impractical because the size of the CBP and the density of structures limit the usefulness of certain corrective measures. The discharge of groundwater that contains TCE into a drainage ditch near Coliseum Boulevard was determined to be a potential exposure pathway at the



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CBP. Based on these determinations, two objectives were identified to prevent exposure to TCE within the CBP:

1. Restrict access to and contact with groundwater within the CBP; and
2. Restrict contact with surface water that contains TCE and treat the surface water prior to discharge from the CBP, if necessary

The CBP includes four major study areas:

1. Kilby Ditch;
2. Probehole 12 Area (PH12 Area);
3. Low-Lying Areas; and
4. Southwestern Area.

The extent of TCE in groundwater and the associated four major study areas in the CBP are shown on Figure 1. Currently, the groundwater that contains TCE underlies about 770 acres. The CME provides for:

- Institutional Controls to restrict access to TCE within the groundwater;
- Covering the West Kilby Ditch and modifications to the northern section of the Main Kilby Ditch to restrict access to surface water;
- Retaining or repositioning fences along the Main Kilby Ditch and constructing a fence around the Low-Lying area to restrict access to surface water;
- Constructing a wetlands treatment system to treat surface water within the Low-Lying Areas prior to discharge;
- Monitoring of groundwater and surface water; and
- Hydraulic control of plume migration in the Southwestern Area.

Additional details regarding the investigations at the CBP and the characteristics of the above corrective measures are provided in the CME.



## SECTION 1

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#### INSTITUTIONAL CONTROLS

#### 1.1.2 PURPOSE

This report provides the details of the Institutional Control Program (ICP), which is a component of the October 2007 CME report. The United States Environmental Protection Agency (EPA) defines institutional controls as “non-engineered instruments such as administrative and/or legal controls that minimize the potential for human exposure to contamination by limiting land or resource use.” ADEM has adopted the EPA definition of institutional controls in ADEM Rule 335-15-1-.02(z)(2 and 3) for land-use controls to limit or control exposure to residual contamination at a property. Institutional controls may include such land or resource-use controls as restrictive covenants, deed restrictions or conservation easements.

The purpose of the ICP is to restrict access to TCE within the groundwater in the CBP. The ICP comprises legal, administrative, and outreach components. The legal component provides for agreements with owners of real property in the CBP for restrictive covenants. The covenants are executed with each owner of property at the time of execution and are filed in the probate records such that the covenants are legally enforceable in perpetuity with deed restrictions that prohibit unauthorized access to and use of groundwater and access easements for continued investigations and monitoring. The administrative component of the ICP provides procedures for ongoing oversight, monitoring and enforcement of the deed restrictions. Through the outreach component, current and future stakeholders in the CBP will continue to receive information about the institutional controls.

The October 2007 CME report shows that the current extent of the CBP underlies about 770-acres (see Figure 1) where the groundwater contains TCE at a concentration of at least 0.005 milligram per Liter (5 parts per billion). A groundwater numerical model, calibrated to existing groundwater data for the CBP, was used to predict expansion (the Expansion Area; see Figure 2) of the TCE-containing groundwater plume through the year 2036. Figure 2 also shows the geographic area where shallow groundwater is predicted to contain at least 0.001 milligram per Liter (1 part per billion) of TCE in 2036, with a 100-foot buffer added to allow for variations in the predicted extent of the



## SECTION 1 INTRODUCTION INSTITUTIONAL CONTROLS

dissolved TCE. Where TCE is predicted to underlie any portion of a parcel, the entire parcel is included in the Institutional Control Boundary (ICB). Restrictive covenants will be recorded and indexed to the deeds of real property parcels throughout the ICB shown in Figure 2 to prohibit unauthorized access to and use of groundwater and to provide an access easement for continued investigation and remediation of the CBP.

ALDOT will designate an IC Project Manager (ICPM) who will be responsible for implementing and sustaining the ICP. As an agency of the State of Alabama, ALDOT can meet the legal, administrative, technical, and financial requirements to implement, operate, maintain, and monitor the ICP.

### 1.1.3 SCHEDULE OF IMPLEMENTATION

The ICP is being administered in two steps. First, Restrictive Covenants that contain groundwater access and use restrictions are being executed for parcels within the ICB. These Covenants are being recorded and indexed in the land records of Montgomery County to provide notice of the restrictions to all interested parties. Second, administrative and outreach procedures are being implemented for ongoing oversight and enforcement of the restrictions.

As of February 1, 2008, Restrictive Covenants have been executed on more than 92% of the parcels within the ICB. This represents approximately 88% of the total acreage within the ICB. ALDOT will continue efforts to obtain agreements from owners of the remaining properties.

Administration and Outreach initiatives are being implemented to perpetuate compliance with groundwater access and use restrictions. A comprehensive plan for administration and outreach is outlined in this document and will be modified as needed throughout the project to improve communication between ALDOT and the community and to change procedures for monitoring the institutional controls as conditions warrant. An annual report will be submitted to ADEM that outlines the activities of the previous year and modifications to the ICP.



## SECTION 2 INSTITUTIONAL CONTROL PROGRAM LEGAL COMPONENTS INSTITUTIONAL CONTROLS

### 2.1 INSTITUTIONAL CONTROL PROGRAM – LEGAL COMPONENTS

#### 2.1.1 INTRODUCTION

The initial institutional controls implemented at the CBP resulted from the 2005 settlement of a class-action lawsuit (*Allen, et al. v. ALDOT, et al.*) brought by owners of residential property in the CBP. By agreement of the parties, the Court entered a “Final Order to Restrict the Use of Groundwater” that restricted unauthorized access or use of groundwater within the CBP without approval of ALDOT and an access agreement that allows entry to the property for ongoing investigation and remediation activities. The Order provides that the deed restrictions and easements “run with the land” and are effective in perpetuity. As consideration, the owners of residential property within the CBP received 5.1% of their 2003 property value as established by the Montgomery County Appraiser. From a total of 1,522 parcels of real property in the CBP, owners of 1,516 parcels agreed to the settlement and recordation of the deed restriction and easement in the real property records of Montgomery County.

The *Allen* Settlement Agreement that contained the deed restriction and easement for the participating 1,516 parcels and the Court’s “Order to Restrict the Use of Groundwater” were filed in the Montgomery County Office of Probate. Due to the manner in which the Order was filed, the deed restriction and easement were not readily apparent to interested parties conducting a title search on affected parcels. Prior to this discovery, approximately 300 parcels were sold to new owners. ALDOT promptly recorded a specific Restrictive Covenant against each of the *Allen* parcels still owned by an *Allen* party, along with a court-certified copy of the Court’s original “Final Order to Restrict the Use of Groundwater”. ALDOT has contacted each of the “new” owners of those parcels to execute a Restrictive Covenant specific to their property to be recorded in the real property records at the Montgomery County Office of Probate.



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### INSTITUTIONAL CONTROL PROGRAM LEGAL COMPONENTS

#### INSTITUTIONAL CONTROLS

ALDOT will continue to contact the remaining owners of residential and non-residential parcels both within the *Allen* settlement boundary and all other parcels within the Expansion Area (area where the CBP is predicted to expand to in 2036 plus a 100-foot buffer; see Figure 2) to execute Restrictive Covenants. Either as part of the Restrictive Covenant or in a separate instrument, ALDOT is recording a Declaration of Responsibility for each parcel that provides that ALDOT is responsible for all costs for management and remediation of the CBP.

The parcels for which ALDOT has or will obtain the Restrictive Covenants within the ICB are shown on Figure 2. ALDOT maintains a database of the ownerships and other relevant information for the parcels that are within the ICB.

#### 2.1.2 LEGALITY OF LAND USE CONTROLS

Review of relevant Alabama statutory and case law indicates that Restrictive Covenants are enforceable and can be used as an institutional control within the ICB. Each executed Restrictive Covenant will:

- Contain a legal description of the subject parcel either expressly or by reference to other instruments recorded in the Montgomery County Office of Probate;
- Be signed by the owner of fee simple title to the parcel owner or his/her agent or attorney-in-fact;
- Be appropriately witnessed or acknowledged by an authorized officer (i.e., a notary public);
- Be recorded in the real property records of the Montgomery County Office of Probate in a manner that will provide constructive notice to interested parties including prospective purchasers, mortgagees, and/or other parties;
- Establish an access easement to allow entry to parcels for continued investigation, implementation, and maintenance of remedial measures; and,



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- Restrict access to and use of groundwater without ALDOT approval.

The Restrictive Covenants, when executed by the owner of fee simple title to the subject parcel of real property and recorded in the real property records of Montgomery County, will place an encumbrance on groundwater use for the subject parcel that will run with the land (that is, apply to successor owners of the parcels) and will prohibit present and future owners, occupiers, tenants, invitees, or licensees of the parcel from accessing or using groundwater without the express approval of ALDOT. The Restrictive Covenant will be enforceable in equity against all present and future owners and occupiers of the parcel unless and until terminated by ALDOT or a court of competent jurisdiction.

The Alabama Legislature has recently enacted the Alabama Uniform Environmental Covenants Act. See Code of Alabama (1975)§35-19-1, *et. seq.* This Act provides for the use of restrictive covenants as part of a remedial plan.



## **SECTION 3**

### **INSTITUTIONAL CONTROL PROGRAM ADMINISTRATIVE AND OUTREACH COMPONENTS INSTITUTIONAL CONTROLS**

### **3.1 INSTITUTIONAL CONTROL PROGRAM – ADMINISTRATIVE AND OUTREACH COMPONENTS**

#### **3.1.1 INTRODUCTION**

The ICP is a dynamic program that provides for input from stakeholders. The ICP relies on various land-use controls to restrict uncontrolled access or use of groundwater. Also, the ICP provides for access to each parcel for investigation and management of the CBP. The administrative and outreach components provide:

- A defined organizational structure that provides for direct communications among the ICPM, ALDOT Director, ADEM, and Alabama Department of Public Health (ADPH);
- Reviews of real property transfers to verify the Restrictive Covenants are recorded to “run with the land” and are readily discoverable during title research;
- Maintenance of administrative/regulatory notification and permitting procedures at state and local levels through agreements to monitor and restrict access to and use of groundwater;
- Subscription to Alabama One-Call for notification of intent to drill or excavate on land within the ICB;
- Aerial photograph comparisons and vehicular reconnaissance to identify land-use changes that might affect the ICB;
- Periodic reviews to verify that stakeholders have been identified;
- Stakeholder outreach and communications; and,
- Annual compliance reports.

The administrative and outreach components of the ICP are presented in an action-specific format to define responsibilities. Several of the actions within the components stipulate various types of reviews of deeds, documents, agency forms, transmitting of letters, and so forth. The personnel who will be responsible for these actions will be identified by the ICPM.



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### **ADMINISTRATIVE AND OUTREACH COMPONENTS**

### **INSTITUTIONAL CONTROLS**

Flow charts are provided as Figures 3 through 7 for some elements of the ICP to depict the administrative processes. Forms referenced in the text are provided in the “Forms” section of this report. The order of presentation of the administrative and outreach components to sustain the ICP is as follows:

- Restrictive Covenants;
- Prevent Access to and Contact with Groundwater;
- Control Excavations through Alabama One-Call;
- Inspections to Sustain Institutional Control;
- Stakeholders;
- Stakeholder Outreach and Communications; and,
- Annual Compliance Report.

A Long Term Monitoring (LTM) Program will also be an integral part of the management of the Coliseum Boulevard Plume. The LTM Program will be outlined in detail in a separate plan and contains proposed groundwater and surface water sampling and a contingency plan for augmenting the corrective actions if the institutional controls prove ineffective.

#### **3.1.2 ADMINISTRATIVE AND OUTREACH COMPONENTS**

##### ***3.1.2.1 RESTRICTIVE COVENANTS***

Restrictive Covenants will restrict unauthorized access to groundwater and provide for entry, as needed, to each parcel of real property (except for appurtenant structures) within the ICP for investigation and management of the CBP. Appropriate recording, indexing and cross-indexing of the Restrictive Covenants will provide notice to new parcel owners or interested parties of the terms of the Restrictive Covenants and legal enforceability.

Title for real property may be transferred through deeds, bond-for-title (BFT), tax sales, foreclosures, or bankruptcies. Periodic



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monitoring of the indexed Restrictive Covenants will be accomplished as follows (also see Figure 3; Forms 1A and 1B):

- Deeds and BFTs – Year 1
  - Review all parcels to verify that the Restrictive Covenants are properly cross-indexed to ownership instruments;
- Deed and BFTs - Annual Review in Years 2 - 30
  - In the first quarter of each year, compare the end-of-year tax rolls of the preceding year and the prior year to identify changes in ownership;
  - For each property within the ICB with a change in ownership during the preceding year, review the recorded deed and/or other transfer instruments to determine if the newly recorded instruments properly recognize and cross-index the recorded Restrictive Covenant; and,
  - Randomly sample 10% of the parcels that did not have a change in ownership during the preceding year to determine if the recorded Restrictive Covenant is cross-indexed to the deeds for the subject parcels. If indexing discrepancies are detected, 100% of the parcel records will be reviewed.
- Tax Sales
  - Monitor tax sales on an annual basis by reviewing the Montgomery County Appraisal Office tax roll and records of the Montgomery County Revenue Office to identify real properties sold via tax sale;
  - In the parcel database, note the following information:
    - Name and address of prior owner;
    - Date of tax sale;
    - Expiration date of redemption period; and,
    - Any other relevant information.
  - Provide written notice to the tax sale purchaser of the existence, terms and conditions of the Restrictive Covenant.
- Foreclosures
  - Monitor foreclosures on a quarterly basis by reviewing the Montgomery Independent, Montgomery Advertiser, AlaCourt, and Montgomery County Probate records;



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- Identify foreclosed parcels within the ICB and prepare a quarterly report that includes:
  - Name of each defaulting property owner;
  - Parcel address;
  - Parcel identification number;
  - Mailing address;
  - Phone number;
  - Name and contact information of foreclosing party;
  - Name and contact information of attorney of foreclosing party;
  - County appraised value; and,
  - Map showing the location of any foreclosed parcel within the ICB.
- Provide written notice to the foreclosing party of the existence, terms and conditions of the Restrictive Covenant.
- Bankruptcies
  - Monitor bankruptcies on a quarterly basis by reviewing an appropriate electronic database;
  - Identify any ICB parcel that is property of a bankruptcy estate;
  - Prepare a quarterly report that includes:
    - Name of the bankrupt property owner;
    - Parcel address;
    - Parcel identification number;
    - Mailing address;
    - Phone number;
    - County appraised value;
    - Name and contact information for the debtor's attorney;
    - Bankruptcy trustee;
    - Holder of any security interest in the parcel;
    - Date of bankruptcy;
    - Bankruptcy Court and case number; and,
    - Map showing the location of the subject parcel(s) in the ICB.



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- Provide written notice to the bankruptcy trustee and holder of any security in the real property, if any, of the existence, terms and conditions of the Restrictive Covenant.
- Post-review actions:
  - Document the transaction reviews on Forms 1A and 1B;
  - At the conclusion of the reviews, provide written notice to each purchaser of the existence, terms and conditions of the Restrictive Covenant by sending Form 2 and/or 3, as appropriate;
  - Issue a report that summarizes the results of the review and provides recommendations regarding modifications, if any, to the review process; and,
  - Provide written notice to owners of parcels within the ICB of the existence, terms and conditions of the Restrictive Covenant. At a minimum, these reminders will be provided every three years.

#### *3.1.2.2 COMMUNICATIONS/OUTREACH*

- Annually compile a list of contact information of stakeholders involved in real property transactions within the ICB by contacting relevant trade groups and organizations including:
  - Montgomery Area Association of Realtors;
  - Alabama Real Estate Appraisers Board;
  - Alabama Real Estate Commission;
  - Appraisal Institute, Alabama Chapter;
  - Mortgage Bankers Association, Montgomery Chapter;
  - Montgomery County Bar Association; and,
  - Title Companies.
- Annually disseminate current information regarding the CBP and the terms and conditions of the Restrictive Covenants for real property within the ICB to the above parties via:
  - United States Postal Service first class mail or meetings with each of the above groups; and,



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- Meeting with individuals when circumstances prevent individuals from attending the group meetings.
- Maintain an automated answering service for inquiries regarding the CBP, the Restrictive Covenants and the ICP. Responses to inquiries will be provided by ALDOT; and,
- Maintain public access to the CBP website.

#### *3.1.2.3 PREVENT ACCESS TO AND CONTACT WITH GROUNDWATER*

The primary goal of the ICP is to prevent access to and contact with groundwater that contains TCE. Installation of water wells is the primary means of groundwater access/use. Thus, prohibition of new wells and closure of existing wells are important parts of the ICP. Two existing notification processes will be incorporated into the ICP. First, ADEM Administrative Code R. 335-9 requires drillers to give notice of intent to drill a water well and post-installation notice. Second, the City of Montgomery requires a property owner to obtain a permit from the Plumbing, Gas, and Mechanical Department (see Appendix A) of the City prior to installation of a well. The specific attributes of these procedures are described below. In addition to monitoring of the existing permit records, ALDOT is observing each parcel within the ICB to identify the presence of unlisted water wells and/or the presence of other ways to access groundwater. A database is being compiled by ALDOT to document property observations, identified wells or other potential exposure pathways to groundwater, and actions to abandon the wells or potential access to groundwater.

There are a number of commercial properties within the ICB that may have monitoring wells or require monitoring wells in the future. ALDOT will coordinate with those parcel owners to verify that the monitoring wells are constructed in a manner that will not breach the lower confining clay. Personnel involved in constructing and sampling the monitoring wells shall possess the proper OSHA training and qualifications to manage contaminated groundwater. Annually, the ALDOT will conduct a Federal and State database



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search of regulated sites that might have groundwater wells within the CBP.

#### **3.1.2.3.1 State Water-Well Notification Procedure**

The in-place notification procedure is mandated by ADEM Administrative Code R. 335-9. The requirement is for submittal of a notification of intent to drill/completion form. Code R. 335-9 requires that:

- To construct a water-supply well, a driller must be licensed by the ADEM and must:
  - Submit a “Notification of Intent to Drill a Water Well” Form to ADEM 7 days prior to constructing the well (See Form 60 in Appendix A);
  - Submit a “Certification of Completion” Form to ADEM within 30 days after constructing the well (see Form in Appendix A); and,
  - Collect samples in compliance with (see Appendix A) Code of Alabama 1975, §§ 22-24-8 (5) (84) if requested by the Geological Survey of Alabama (GSA).
  
- ADEM must notify local health authorities within 7 days of the receipt of the Certificate of Completion Form. ADEM will then:
  - File the notification and completion forms according to county and driller within the Groundwater Branch office of ADEM;
  - Make the filed forms available for review by appointment after seven 7 days from a request to review files;
  - Enter the following information into ADEM’s computerized database, which is not available to the public but may be accessed by ADEM personnel during a file review:
    - Drilling company name and license number;
    - Owner of well;
    - Address of owner;
    - Address of well;



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- Depth of well;
  - Category of well (e.g. private supply or irrigation); and,
  - Latitude and longitude (if provided).
- 
- A copy of the Certification of Completion Form (ADEM Form 60) historically has been submitted to the GSA Water Information office within 30 days after installation. The GSA Water Information office then:
  - Files forms in the GSA Water Information office according to county and well location (by township, section, and range if provided). Forms that do not have the township, section, and range designated are filed separately as “location unknown”; and,
  - Makes filed forms available for view in the GSA Water Information office Monday through Friday from 8:00 am to 12:00 pm and from 1:00 pm to 5:00 pm. No notice is required but the office should be called to confirm the appropriate personnel will be present.

#### **3.1.2.3.2 City of Montgomery Permit Procedure**

The City of Montgomery Code contains two ordinances that regulate installation of water wells within the corporate limits of the City. City Ordinances 71-67 and 72-67 require:

- Submittal of an “Application for Permit to Drill Water Wells” (see application in Appendix A) prior to constructing a water well. The permit must:
  - Show the latitude and longitude of the proposed well;
  - Show the physical address and Zip Code of the proposed well;
  - Be signed by a driller with a business license; and,
  - Be submitted to the Plumbing, Gas, and Mechanical Department.



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### INSTITUTIONAL CONTROL PROGRAM ADMINISTRATIVE AND OUTREACH COMPONENTS INSTITUTIONAL CONTROLS

- Approval of the application by the City of Montgomery Chief Plumbing Inspector and the Montgomery County Health Officer.

The Plumbing, Gas, and Mechanical Department maintains the well applications by date and makes them available for review Monday through Friday from 7:30 am to 12:00 pm and from 1:00 pm to 4:25 pm. Also, the permit applications are recorded on a computerized spreadsheet maintained by the Plumbing, Gas, and Mechanical Department. The records can be sorted by street address to determine permit numbers for wells on any street names of concern.

#### **3.1.2.3.3 Additional Institutional Control to be Implemented by ALDOT**

Existing State and City regulations incident to water-well installation provide helpful information and are considered an additional layer of notification and means to monitor the ICP. Figure 4 identifies the regulatory or governmental entities involved with the installation of water-wells in the City of Montgomery and the process to monitor for water-well installations.

To increase the effectiveness of the ICP, ALDOT:

- Has established a procedure whereby ADEM will transmit a copy of the “Notification of Intent to Drill a Well” form for each well in Montgomery County to the ALDOT ICPM within three (3) days of receipt of the form by ADEM;
- Has established the procedure diagramed in Figure 5 with the City of Montgomery for notification and coordination with ALDOT when a driller files a “Notification of Intent to Drill a Well” within the ICB;
- Will coordinate with GSA and ADEM to determine if regulations should be amended to provide a requirement that GSA will provide ADEM prompt notice of the receipt of intent to drill forms



## **SECTION 3**

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#### **ADMINISTRATIVE AND OUTREACH COMPONENTS**

#### **INSTITUTIONAL CONTROLS**

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- so that ADEM can ascertain if the intended well location is within the ICB;
- Will increase assurance that wells have not been constructed without proper notice and controls within the ICB by conducting annual, (see Figure 4) documented reviews of:
    - “Intent to Drill a Well” and “Certificate of Completion” forms filed with ADEM;
    - Permit applications and approvals by the City of Montgomery; and,
    - “Intent to Drill a Well” and “Certificate of Completion” forms filed with GSA.
  - Will provide the ICPM with a copy of completed Form 4 after completion of the annual document review at ADEM, the City and GSA, provide the ICPM with a copy of completed Form 4;
  - Will notify, via certified letter (see Form 5), the owner of a parcel that has been determined to contain an unauthorized water well that access and use of groundwater at the site is regulated by a Restrictive Covenant and that the owner must contact the ICPM within 5 business days;
  - Will annually meet with representatives of ADEM, City of Montgomery, and the GSA to determine if the existing procedures for annual review of well-inventory files of ADEM, the City, and GSA should be modified;
  - Will perform an annual aerial photographic survey to look for evidence of new groundwater wells by:
    - Using software to compare the most recent aerial photographs to the photographs from the previous year to identify changes in land use;
    - Visually comparing aerial photographs from the most recent year with photographs from the previous year to identify significant changes in land use;
    - Within five (5) business days after analysis of aerial photographs, indicate apparent modifications of land use that could result in access of groundwater and make on-site visual inspection of target parcels; and,



## SECTION 3

### INSTITUTIONAL CONTROL PROGRAM ADMINISTRATIVE AND OUTREACH COMPONENTS INSTITUTIONAL CONTROLS

- Within 5 business days after completion of on-site visual inspections, give verbal and written notice to the ICPM of confirmed threats of groundwater access at each specific site and a plan for detailed analysis of each threat and recommended resolution.
- Will establish an annual notification to remind/educate well-drilling contractors of the prohibitions against unauthorized access to groundwater within the ICB;
- Will communicate annually with representatives of the pertinent regulatory agencies to review the status, apparent deficiencies and appropriate modification of the ICP. Representatives of the stakeholder groups will meet to modify and document the process modifications if it is determined that the procedures need to be modified; and,
- Will prepare a written report that summarizes the results of the annual review of the ICP procedures and provides recommendations regarding proposed modifications with distribution to the following:
  - Director of ADEM;
  - Chief of the City of Montgomery Plumbing, Mechanical and Gas Inspector Department;
  - State Geologist (GSA); and,
  - Director of ALDOT.

#### **3.1.2.3.4 Existing Agency / Personnel Contacts**

The current contacts for the above agencies are provided in Appendix B.

#### ***3.1.2.4 CONTROL EXCAVATIONS THROUGH ALABAMA ONE-CALL***

ALDOT will subscribe to Alabama One-Call Service to obtain timely notification of every ticket or notice to excavate (“dig”, “drill”, “trench”) at any location within the ICB. Through this procedure, an appropriate representative of ALDOT will be notified of requests to trench, work on utilities, install/repair Underground Storage Tanks (USTS), and similar activities within the ICB. A flow chart of these



## SECTION 3

### INSTITUTIONAL CONTROL PROGRAM ADMINISTRATIVE AND OUTREACH COMPONENTS INSTITUTIONAL CONTROLS

actions is provided in Figure 6 of this report. To facilitate this feature of the ICP, ALDOT will:

- Maintain membership in Alabama One Call. Current contacts for Alabama One Call are in Appendix B.
- Create and provide ArcView shape files of the ICB to the local One Call provider;
- Establish an e-mail account with One Call to establish prompt communications from One Call that a request has been received for excavation within the ICB, and the name and contact information for the party giving notice of a proposed excavation;
- Upon notice from One Call that an excavation notice within the ICB has been received, ALDOT will contact the party giving notice of a proposed excavation and ascertain the identify of the party and the nature, schedule, proposed depth and purpose of the excavation.

ALDOT will notify the party that the excavation may expose contaminants of concern and advise the party to take appropriate action to protect the health and safety of their employees and the public if ALDOT determines there is reasonable likelihood that the excavation may access groundwater. ALDOT will work with the party proposing the excavation to evaluate other alternatives if ALDOT determines that the proposed activity poses a risk of exposure to the groundwater.

Post-review actions:

- Complete Form 6 for each Alabama One-Call ticket; and
- Annually summarize all requested tickets, actual digging activities, and ALDOT oversight and provide recommendations regarding modifications, if any, to the review process.



## SECTION 3

### INSTITUTIONAL CONTROL PROGRAM ADMINISTRATIVE AND OUTREACH COMPONENTS INSTITUTIONAL CONTROLS

#### *3.1.2.5 INSPECTIONS TO SUSTAIN INSTITUTIONAL CONTROL*

The following inspections and other activities listed below (see also Figure 7) will be conducted to evaluate the effectiveness of the ICP:

- Quarterly ICB-wide Drive-by
  - Drive through the ICB area
    - At least once each quarter, perform a thorough drive-through inspection of entire ICB area to verify that conditions within the ICB are consistent with model assumptions and look for conditions that might affect the effectiveness of the ICP, including:
      - Changes in land cover;
      - Changes in land use;
      - Changes in storm water conveyances;
      - Construction;
      - Demolition;
      - Major modifications of land;
      - New subdivisions; and,
      - New commercial/industrial developments.
    - Examine wells identified during the well inventory that have not been abandoned to verify that the wells are not being used.

Post-inspection actions:

- Document the quarterly inspection by letter report to the ICPM;
- Document the quarterly inspection on Form 7;
- Within 5 business days, notify ALDOT if measures are needed to prevent trespass and/or exposure to water in Kilby Ditch and the Low-Lying Area; and,
- Summarize the results of the inspections and provide recommendations for modifications to the inspection procedures.



## SECTION 3

### INSTITUTIONAL CONTROL PROGRAM ADMINISTRATIVE AND OUTREACH COMPONENTS INSTITUTIONAL CONTROLS

#### 3.1.2.6 STAKEHOLDERS

The individuals and entities listed below have been identified by ALDOT as stakeholders in the ICP. The interactions of the primary stakeholders are shown in Figure 8. The list will be amended annually. There will be periodic written and/or verbal communications with these stakeholders to provide updates on pertinent matters. Appropriate verbal and/or written communications will be made to advise stakeholders of pertinent developments. A list of current stakeholders include:

- ADEM
- ADPH
- Alabama Housing Finance Authority
- Appraisers
- Montgomery Water Works and Sanitary Sewer Board
  - Residential Water/Sewer Taps
- City of Montgomery:
  - Mayor
  - City Council
  - Legal
  - Planning and Zoning
  - Engineering
  - Plumbing
  - Building Permits
  - Montgomery Zoo
  - Montgomery Parks and Recreation
  - Traffic
- Montgomery County
  - Planning and Zoning
  - County Commissions
  - Board of Education
  - Chisholm Elementary School
  - Industrial Development Board
  - Engineering
  - Legal



## SECTION 3

### INSTITUTIONAL CONTROL PROGRAM ADMINISTRATIVE AND OUTREACH COMPONENTS INSTITUTIONAL CONTROLS

- Title Companies
- Mortgage Companies
- Public Works, Utilities
- Executive Director, Montgomery Area Board of Realtors
- Executive Vice President, Montgomery Area Association of Realtors
- Executive Director, Alabama Real Estate Appraisers Board
- Executive Director, Alabama Banks, Lenders, Mortgage Companies
- CSX Railroad
- Parcel Owners with Restrictive Covenants\*\*
- Tenants of real property in the ICB

\*\* NOTE: A list of all parcel owners within the ICB is maintained in a database by ALDOT.

#### *3.1.2.7 STAKEHOLDER OUTREACH AND COMMUNICATIONS*

Since the discovery of TCE in the groundwater in 1999, ALDOT has implemented and sustained community outreach strategies regarding the CBP. ALDOT has informed parcel owners/tenants, regulatory agencies, the general public, and stakeholders/interested parties about the progress of investigations, findings, and plans. Public meetings were advertised through printed and electronic media, neighborhood signage, and door hangers. ALDOT subsequently provided permanent video transcripts of these public meetings to the CBP Public Repository (Coliseum Boulevard Branch of the Montgomery Public Library). A list of CBP outreach activities is provided in Appendix C. The list of outreach activities will be updated as additional outreach activities are completed to document actions and to provide continuity in subsequent years. These community outreach strategies will continue as part of the ICP.

The outreach and communications program is designed to be flexible to accommodate the dynamic nature of issues that can arise from transactions involving residential and commercial parcels.



## SECTION 3

### INSTITUTIONAL CONTROL PROGRAM ADMINISTRATIVE AND OUTREACH COMPONENTS INSTITUTIONAL CONTROLS

There will be continued Community Outreach Group (COG) involvement, and neighborhood, general public and stakeholder-specific meetings whenever necessary to inform the groups of ICP activities and developments. ALDOT will modify the various program components based on feedback from the stakeholders.

#### **3.1.2.7.1 Communications**

##### *3.1.2.7.1.1 Meet with Stakeholders*

The ICP document will be distributed to stakeholders and ALDOT will meet with the stakeholders, as necessary. The agenda for the meeting will include an overview of the history of the CBP, the status of the project, plans for future investigations and remedial actions, and the specific elements of the ICP.

Communication of pertinent information about the CBP and the ICP is important to the long-term success of the ICP. The following procedures will be implemented to sustain the effectiveness of ICP communications:

- A project-specific Public Information Officer (PIO) will be designated to manage the communications between the project team and the ICPM. The PIO will include:
  - Updates to stakeholders and other interested parties;
  - Media contacts;
    - Media briefings and news releases to inform the participants and provide contacts for further information.
  - Governmental affairs;
    - Briefings of governmental leaders.
  - Planning and coordination of targeted outreach events;
  - Outreach activities with mortgage companies, closing attorneys, appraisers, and property managers;
  - Organize annual meetings and presentations to the Montgomery Area Association of Realtors to update current members and to inform new members; and,



## SECTION 3

### INSTITUTIONAL CONTROL PROGRAM ADMINISTRATIVE AND OUTREACH COMPONENTS INSTITUTIONAL CONTROLS

- Continued interactions with the Montgomery Area Association of Realtors to maintain an accurate posting of the ICB properties on the Association's website.

#### 3.1.2.7.1.2 CBP Community Outreach Group (COG)

The COG, 9 volunteers nominated by the parcel owners within the CBP and selected by an independent panel, will continue as the cornerstone of community involvement. The COG will:

- Receive regular and issue-specific updates about the status of the project;
- Receive regular and issue-specific updates on the functioning of the ICP; and,
- Serve as a link between the community and ALDOT through
  - Neighborhood communications;
  - Feedback on project initiatives;
  - Availability at public meetings; and,
  - Availability for personal contact by providing business cards and contact information

#### 3.1.2.7.1.3 Public Meetings

ALDOT will continue public meetings, as necessary, with owners and tenants of real property within the ICB to advise the owners of ICP activities and will:

- Hold COG meetings;
- Place pertinent video and printed information for public access at the Coliseum Boulevard Branch of the Montgomery Public Library; and,
- Maintain an up-to-date map and list of ICP properties.

#### 3.1.2.7.1.4 CBP 24-Hour Information Line

The ALDOT 24-hour information telephone (334-353-6635) will provide information about the CBP. The telephone service will



## SECTION 3

### INSTITUTIONAL CONTROL PROGRAM ADMINISTRATIVE AND OUTREACH COMPONENTS INSTITUTIONAL CONTROLS

provide a summary of current CBP activities and a voicemail feature for questions. ALDOT will:

- Monitor telephone lines regularly; and,
- Log and return all calls.

#### *3.1.2.7.1.5 CBP Web Page*

ALDOT will continue to maintain the existing project website ([www.dot.state.al.us/docs/Coliseum%20Plume/Background%20Information](http://www.dot.state.al.us/docs/Coliseum%20Plume/Background%20Information)) to provide:

- Project updates;
- Pictures of the project; and,
- Names and contact information of the COG members.

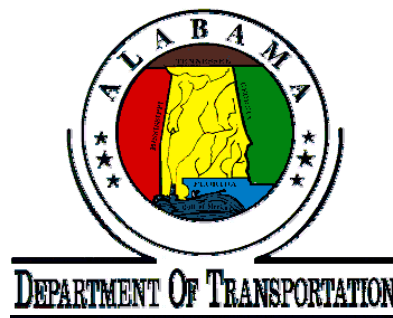
#### *3.1.2.8 ANNUAL COMPLIANCE REPORT*

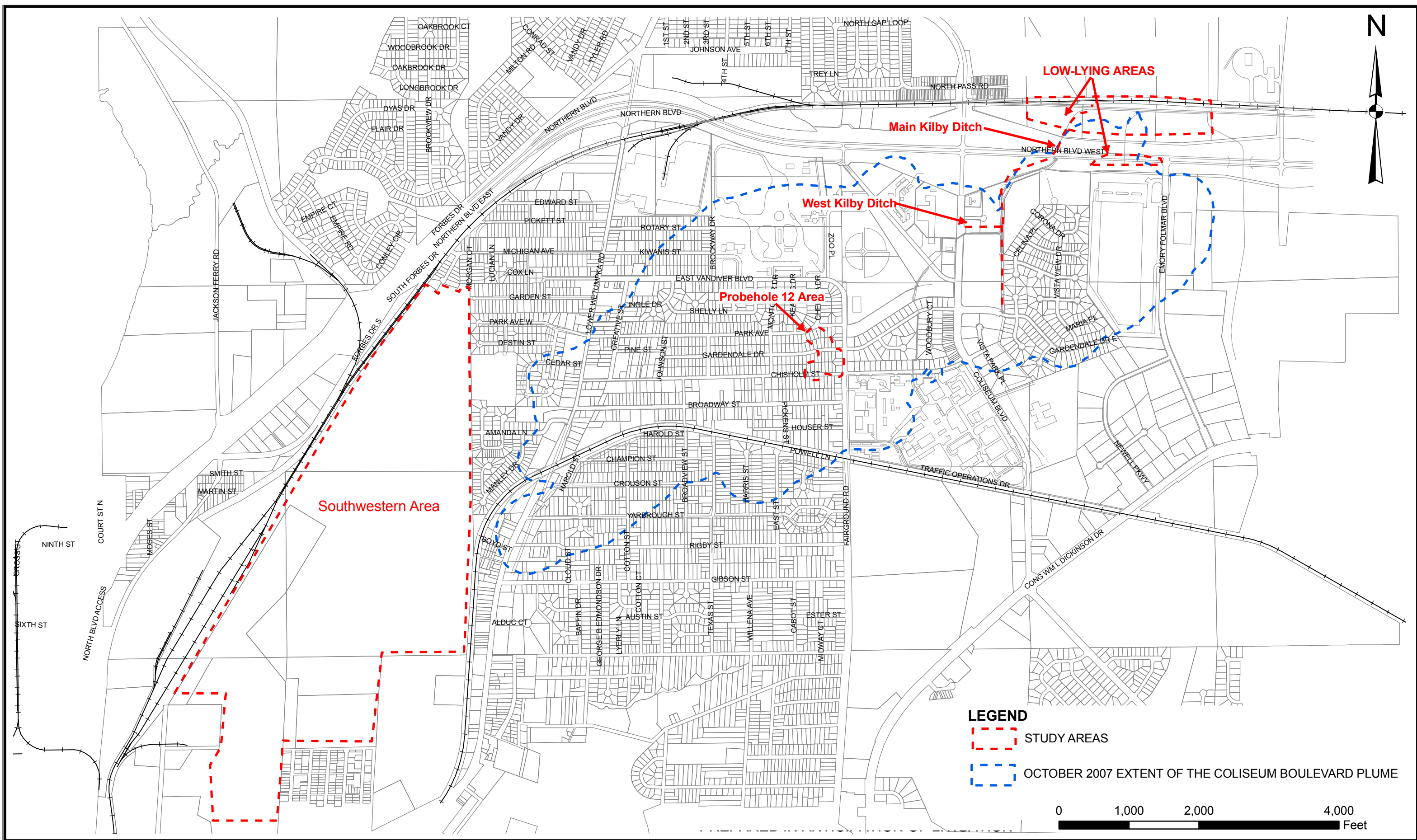
ALDOT will prepare a compliance report at the end of each calendar year to document the active implementation of the ICP. Specific items that will be included within the annual report are provided below.

- Correspondence with stakeholders;
- Forms and letters completed during the previous year;
- Photographs during CBP inspections;
- Notification and related correspondence;
- List of addressees of recipients of notification and related correspondence;
- Notifications/trainings to real estate and related professionals;
- Annual notification to drillers;
- Summary of inspection and enforcement activities;
- Conclusions; and,
- Recommendations, if any, for modifications to the ICP.

## Institutional Control Program

**COLISEUM BOULEVARD PLUME SITE  
MONTGOMERY, ALABAMA**





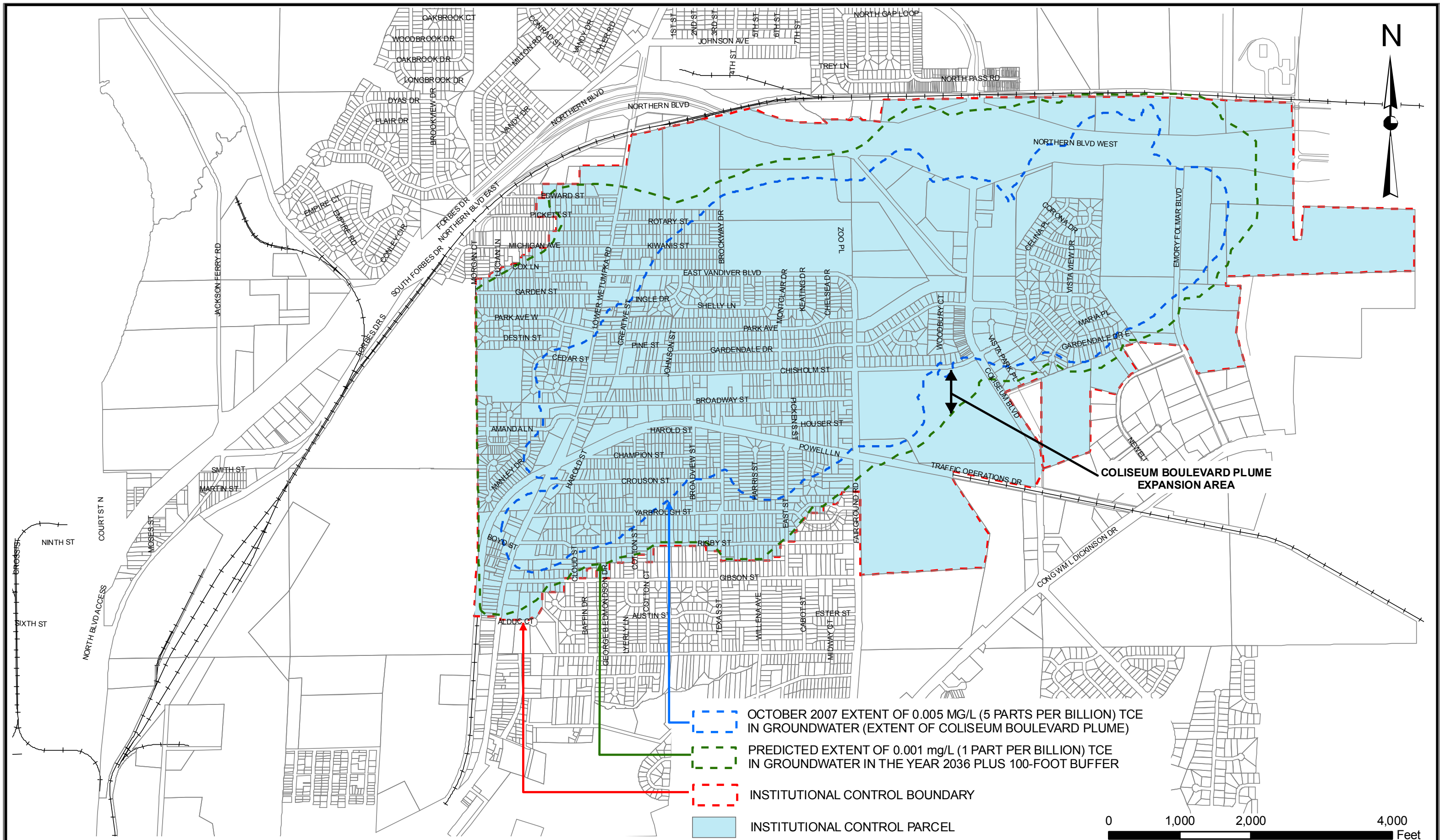
ALABAMA DEPARTMENT OF TRANSPORTATION  
COLISEUM BOULEVARD PLUME

FEBRUARY 2008

EXTENT OF THE COLISEUM BOULEVARD PLUME AND THE ASSOCIATED FOUR MAJOR STUDY AREAS

FIGURE 1





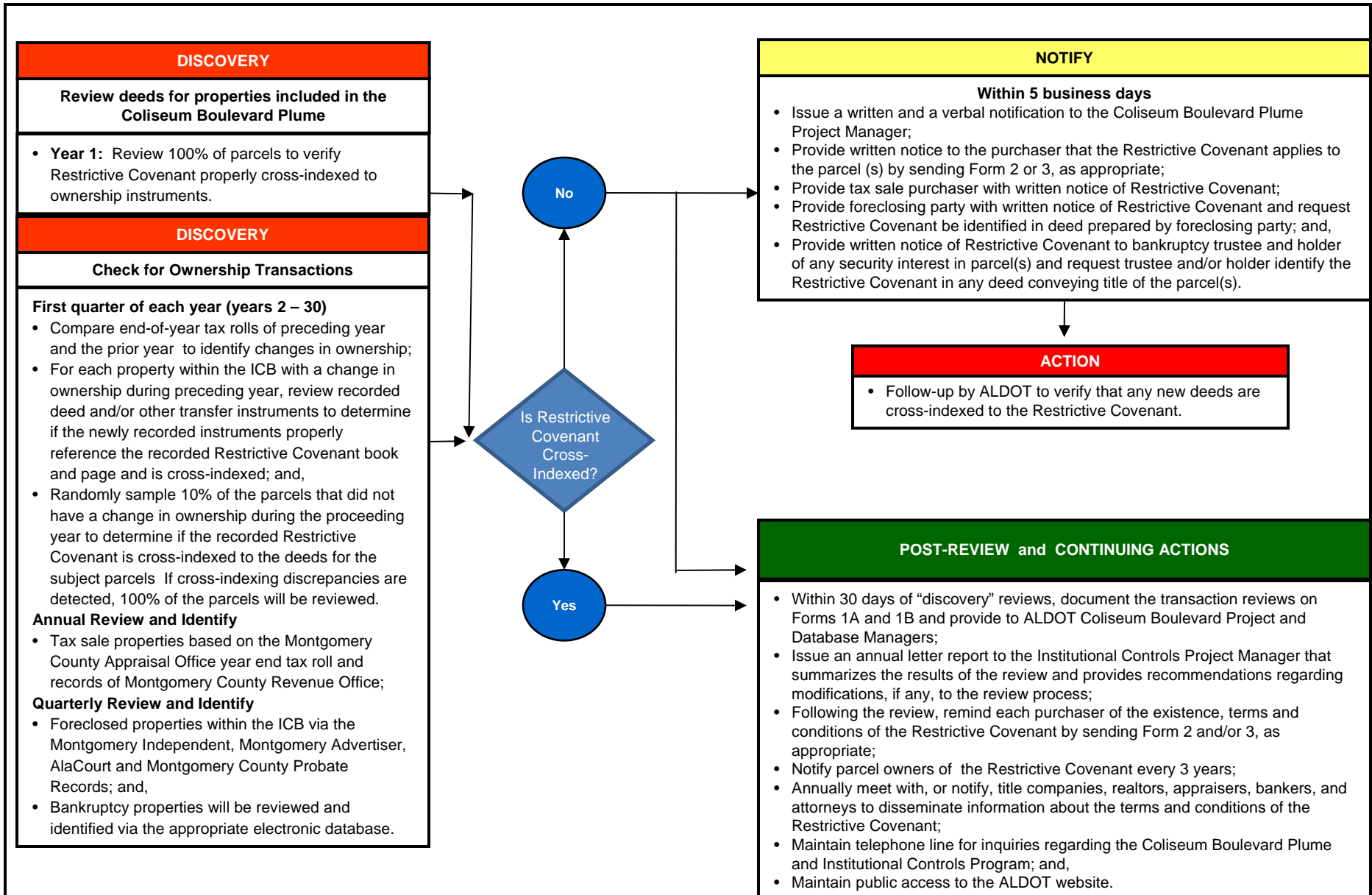
ALABAMA DEPARTMENT OF TRANSPORTATION  
COLISEUM BOULEVARD PLUME

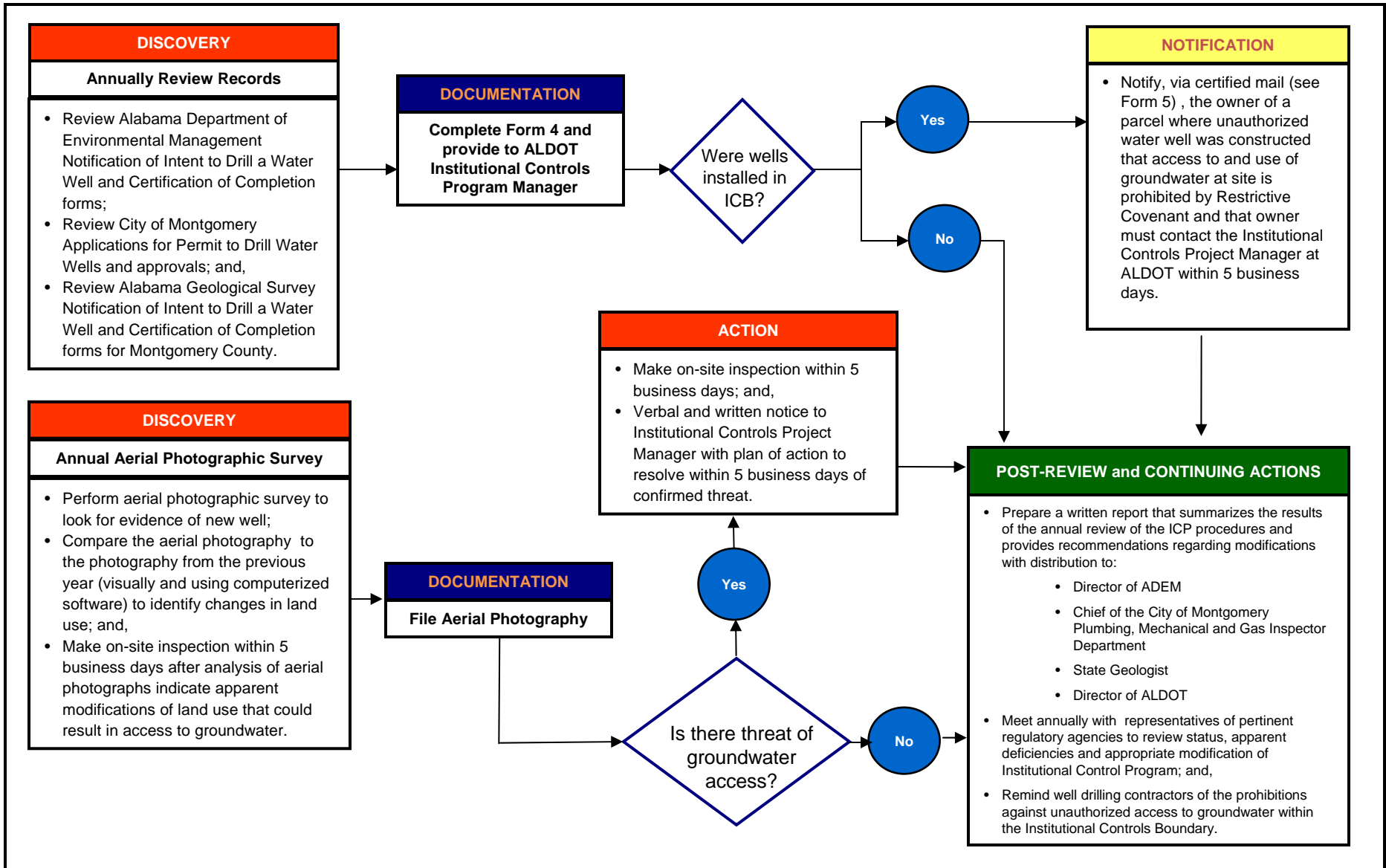
**INSTITUTIONAL CONTROL PARCELS AND INSTITUTIONAL CONTROL BOUNDARY**

MARCH 2008

FIGURE 2





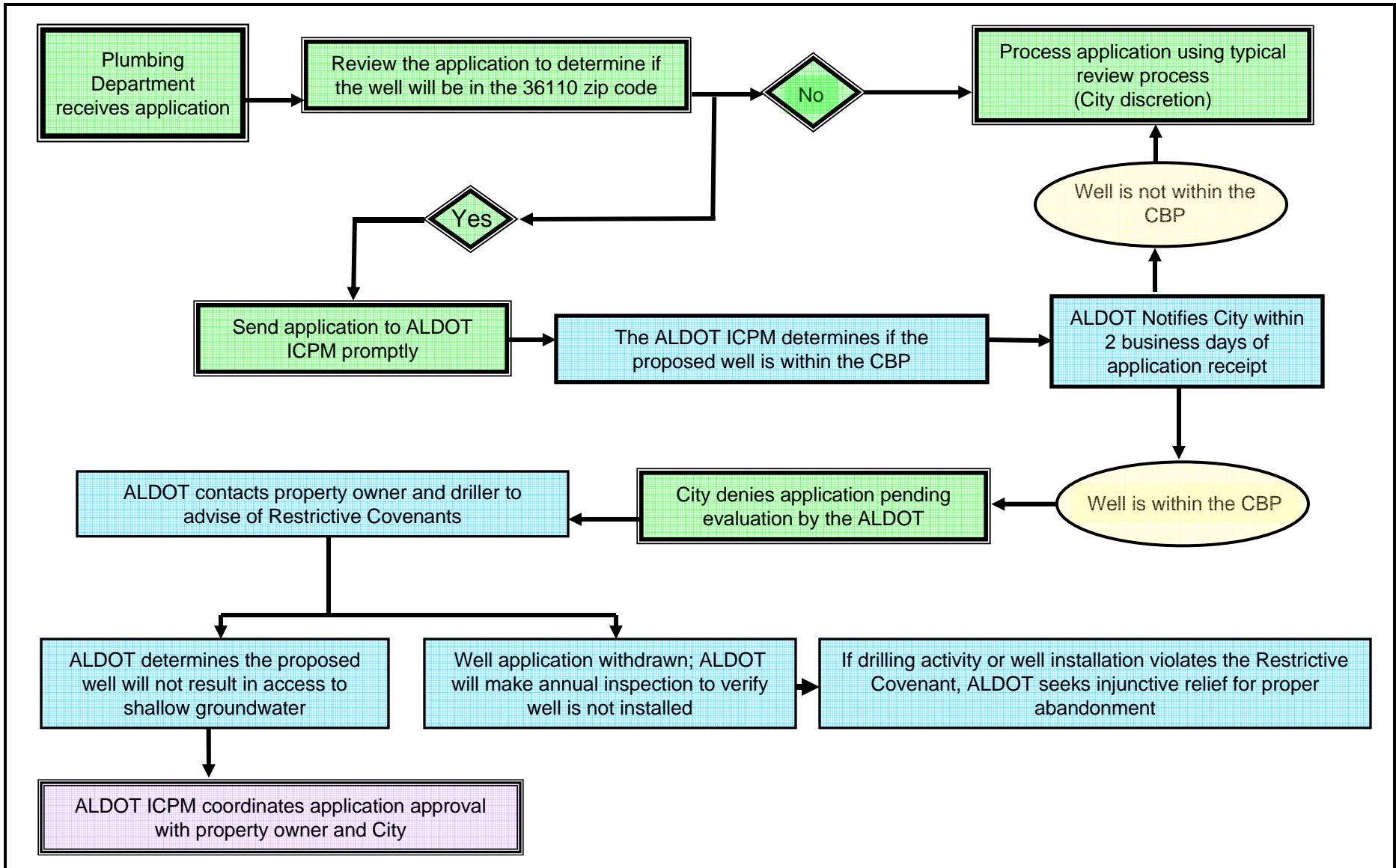


ALABAMA DEPARTMENT OF TRANSPORTATION  
COLISEUM BOULEVARD PLUME

FEBRUARY 2008

FLOWCHART OF PROCEDURES TO PREVENT ACCESS TO AND USE OF GROUNDWATER

FIGURE 4

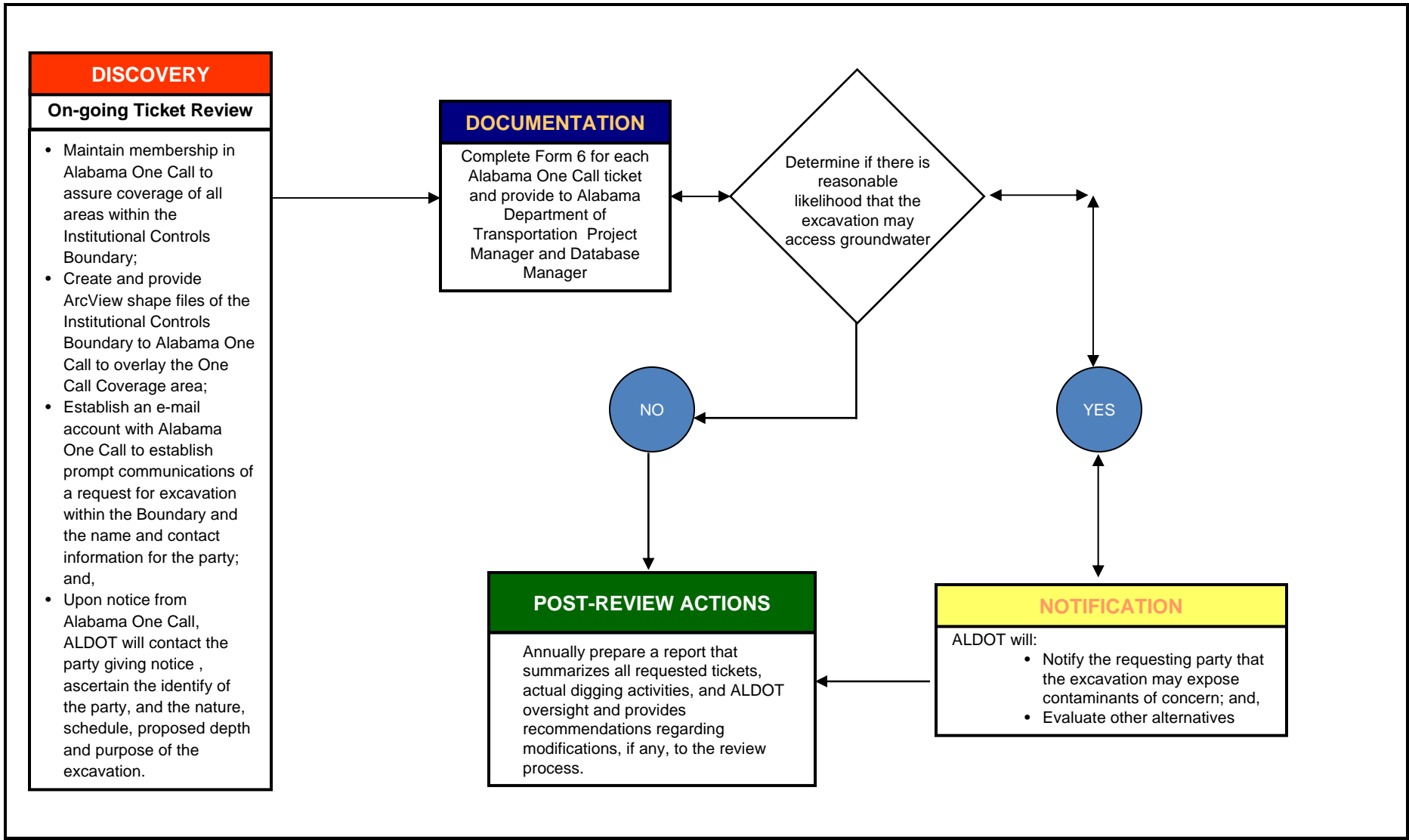


ALABAMA DEPARTMENT OF TRANSPORTATION  
COLISEUM BOULEVARD PLUME

City of Montgomery Well Application Process

FEBRUARY 2008

FIGURE 5



ALABAMA DEPARTMENT OF TRANSPORTATION  
COLISEUM BOULEVARD PLUME

FEBRUARY 2008

**FLOWCHART OF ACTIONS TO CONTROL EXCAVATIONS THROUGH ALABAMA ONE CALL**

FIGURE 6

## DISCOVERY

### Quarterly Drive-by

- Drive-by inspection of Institutional Controls Boundary area to verify that conditions within the area are consistent with model assumptions and look for conditions that might affect the effectiveness of the Institutional Controls Program, including:
  - Changes in land cover;
  - Changes in land use;
  - Changes in storm water conveyances;
  - Construction;
  - Demolition;
  - Major modifications of land;
  - New Subdivisions; and,
  - New commercial/industrial developments
- Examine wells identified during the well inventory that have not been abandoned to assure that the wells are not being used.

## POST-INSPECTION ACTIONS

- Document the quarterly inspection on Form 7 and submit letter report to the ALDOT ICPM within 5 business days;
- Summarize the results of the inspections and provide recommendations for modification to the inspection procedures.

## ACTION

Within 5 business days, notify ALDOT ICPM if measures are needed to prevent trespass and/or exposure to water in Kilby Ditch and the Low-Lying Area.

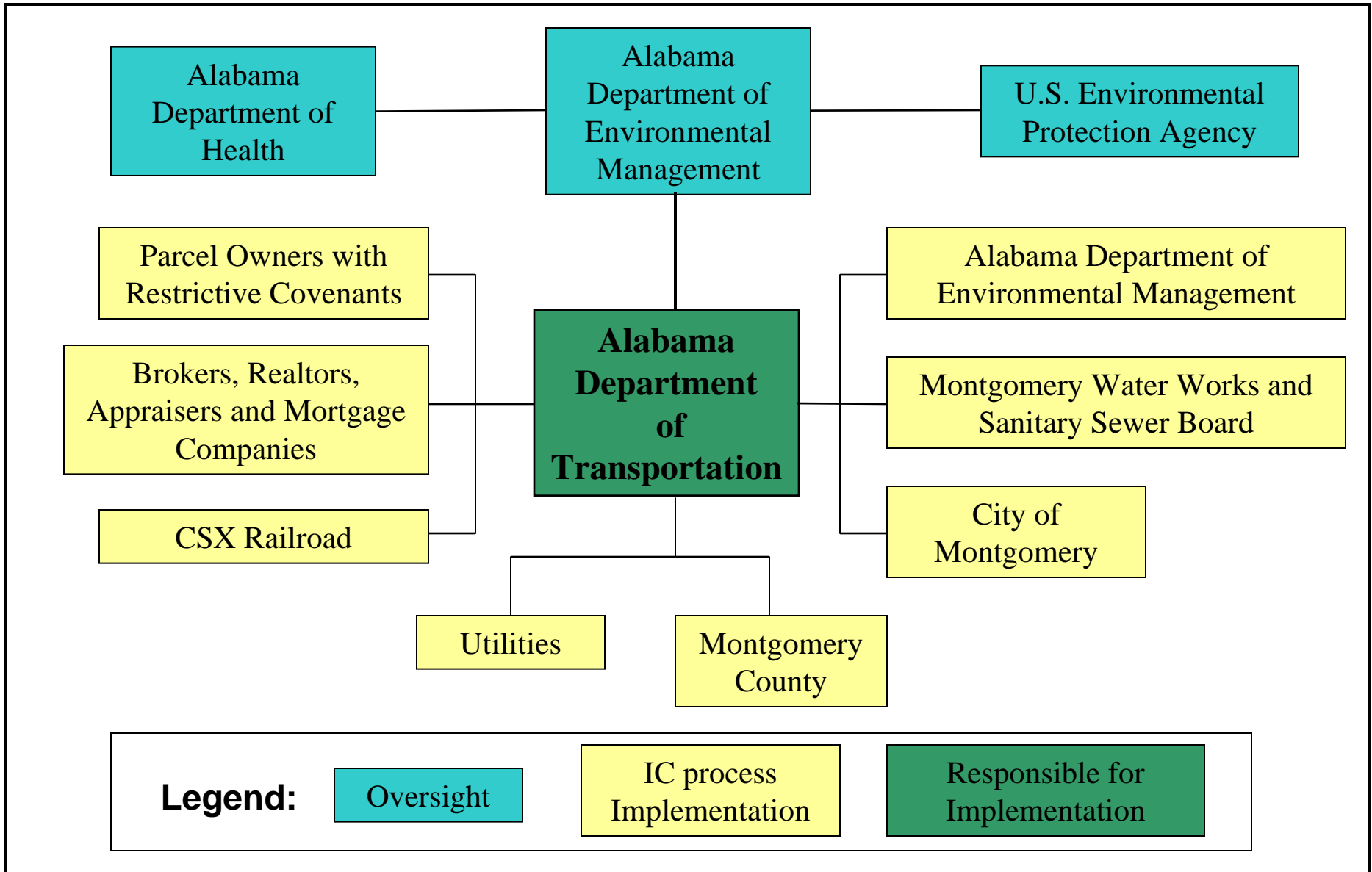


ALABAMA DEPARTMENT OF TRANSPORTATION  
COLISEUM BOULEVARD PLUME

## FLOWCHART OF QUARTERLY INSPECTIONS

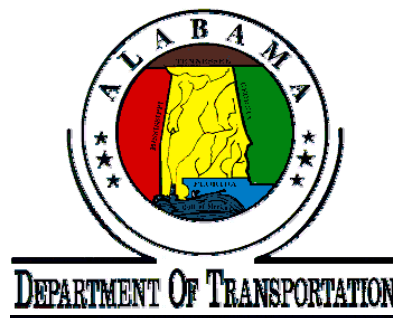
FEBRUARY 2008

FIGURE 7



# Institutional Control Program

**COLISEUM BOULEVARD PLUME SITE  
MONTGOMERY, ALABAMA**



# FORM 1A- TAX ROLL REVIEW

PURPOSE: Summary Review of Tax Roll

ACTION UPON COMPLETION: Transmit to ALDOT Project Manager and Database Manager within 30 days

Date of Review: (MM/DD/YYYY)	
Date of Tax Roll: (MM/DD/YYYY)	
Reviewer Name: (Signature / Print)	

	Residential	Non-Residential	Total Residential and Non-Residential Past Year	Residential	Non-Residential	Total Residential and Non-Residential Preceding Year	Difference
Changes in ownership							
- Deed							
- Bond for Title							
- Foreclosure							
- Bankruptcy							
- Tax Sale							
Total Changes in ownership:							
Parcels with no changes in ownership:							
Total CBP Parcels:							

**Attachments:**

1. Copy of past year tax roll.
2. Copy of preceding year tax roll.
3. Worksheet detailing any differences in total number of parcels, including: parcel identification number, street address, owner name, and owner mailing address.
4. Worksheet detailing any deed transactions, including: seller name, buyer name and mailing address, parcel identification number, parcel address, date of sale, closing attorney, and copy of the deed.
5. Worksheet detailing any BFT transactions, including: party in the first and mailing address, party in the second and mailing address, parcel identification number, parcel address, date of sale, closing attorney, and copy of BFT documents

# FORM 1B- RESTRICTIVE COVENANTS REVIEW

PURPOSE: Review of Restrictive Covenants

ACTION UPON COMPLETION: Transmit to ALDOT Project Manager and Database Manager within 30 days

Date of Review: (MM/DD/YYYY)	
Calendar Year Reviewed:	
Reviewer Name: (Signature / Print)	

	Correctly Cross- Indexed Deeds	Incorrectly Cross- Indexed Deeds	Total
Changes in ownership			
- Deed			
- Bond-for-Title			
- Foreclosure			
- Bankruptcy			
- Tax sale			
Total changes in ownership:			
Parcels with no changes in ownership:			
- Number of parcels sampled (10% of parcels with no change in ownership):			
Total CBP parcels:			

**Attachments:**

1. Worksheet detailing 10% of randomly sampled deeds, including: parcel identification number, street address, owner, book and page of deed, book and page of Restrictive Covenant, whether current owner deed is cross-indexed to the Restrictive Covenant.
2. Worksheet detailing deed transactions, including: parcel identification number, street address, new owner and mailing address, prior owner, book and page of deed, book and page of Restrictive Covenant, date of sale, closing attorney, copy of deed, whether current owner deed is cross-indexed to the Restrictive Covenant.
3. Worksheet detailing BFT transactions, including: parcel identification number, street address, party in the first and mailing address, party in the second and mailing address, book and page of BFT document, book and page of Restrictive Covenant, date of sale, closing attorney, copy of BFT documents, whether BFT document is cross-indexed to the Restrictive Covenant

## Form 2- LETTER TO PROPERTY OWNER TO APPEND PROPERTY DEED

[Date]

[Name of Property Owner]

[Street Address of Owner]

[City, State, and Zip Code of Owner]

Re: Notice to Append Property Deed

Dear [Name of Property Owner]:

The property at [Address of Property] is within the boundaries of the Coliseum Boulevard Plume. The Alabama Department of Transportation (“ALDOT”) has oversight authority regarding access to groundwater within the Coliseum Boulevard Plume.

A Restrictive Covenant was recorded for your property prior to your purchase. This document restricts the use of groundwater and allows ALDOT or its contractors to come onto your property, if necessary, to conduct testing or other necessary activities related to the plume. The deed recorded for your purchase of this property should have specifically included the book and page of this Restrictive Covenant and the deed should have been cross-indexed to this Restrictive Covenant. The seller, closing real estate attorney, and the Montgomery County Judge of Probate have been alerted to this issue.

An ALDOT representative will contact you to discuss these matters. Feel free to contact ALDOT by telephoning the Project Manager for the Coliseum Boulevard Plume at --- -- ---- if you have any questions.

Very truly yours,

XXXXXXXXXX

Project Manager,

Coliseum Boulevard Plume

Alabama Department of Transportation

Cc: [seller]

[closing real estate attorney]

[Montgomery County Judge of Probate]

# Form 3- LETTER TO PROPERTY OWNER OF THE RESTRICTIVE COVENANT

[Date]

[Name of Property Owner], Owner of Real Property at [Address]

[Street Address of Owner]

[City, State, and Zip Code of Owner]

Re: Restrictive Covenant

Dear [Name of Property Owner]:

According to the most recent Montgomery County tax roll, you are the current owner of the property at [Address of Property]. The Alabama Department of Transportation (“ALDOT”) is issuing this letter to make certain you are aware that there is a Restrictive Covenant on this property because the property is within the Coliseum Boulevard Plume, which is an area where the use of groundwater is restricted.

The Restrictive Covenant prohibits the access and use of groundwater from beneath the property without the express approval of ALDOT, which has oversight authority regarding the use of the groundwater within the Coliseum Boulevard Plume.

Feel free to contact ALDOT by telephoning the Project Manager for the Coliseum Boulevard Plume at --- -- ---- if you have any questions. You also can telephone the Alabama Department of Environmental Management at 334-271-7700 for further information.

Very truly yours,

XXXXXXXXXX

Project Manager,

Coliseum Boulevard Plume

Alabama Department of Transportation

# FORM 4- WELL INSTALLATION / COMPLETION FILE REVIEW

**PURPOSE:** Review groundwater files at Alabama Department of Environmental Management, Geological Survey of Alabama, and City of Montgomery

**Action upon completion of form:** Transmit to ALDOT project manager and database manager within 30 days.

<b>Department Visited (Circle One):</b>	City of Montgomery Plumbing, Gas, and Mechanical Department	ADEM Groundwater Team	GSA Water Information
<b>Date Visited (MM/DD/YYYY):</b>			
<b>Reviewer Name (Signature / Print):</b>			
<b>Department Contact:</b>			
<b>Files Viewed (Circle One Or More):</b>	Physical; Database	Physical; Database	Physical; Database
<b>Findings (Circle One):</b>	Well found; No well found	Well found; No well found	Well found; No well found

<b>Well Address:</b>			
<b>Owner Name:</b>			
<b>Owner Address:</b>			
<b>State Plane Coordinate; Easting/X</b>			
<b>State Plane Coordinate; Northing/Y</b>			
<b>Driller Name:</b>			
<b>Date Installed:</b>			
<b>Well Depth:</b>			
<b>Screen Interval:</b>			

**Form 5-** LETTER TO PROPERTY OWNER TO DISCONTINUE ACCESS OR USE OF WELL

[Date]

[Name of Property Owner/Tenant]

[Street Address of Property/Well Owner]

[City, State, and Zip Code of Owner or Tenant]

Re: Water Well

Dear [Name of Well Owner/Tenant]:

The well at [Address of Well] is within the Alabama Department of Transportation Coliseum Boulevard Plume, which is an area where the access and use of groundwater is restricted. The well is on property with a Restrictive Covenant that prohibits access to groundwater.

The Alabama Department of Transportation (“ALDOT”) has oversight authority regarding wells within the Coliseum Boulevard Plume. Groundwater within the Coliseum Boulevard Plume cannot be accessed without the express approval of ALDOT. **Use of your well must be discontinued immediately.**

An ALDOT representative needs to discuss the characteristics of the well with you. Please contact ALDOT by telephoning the Project Manager for the Coliseum Boulevard Plume at --- -- ----.

Very truly yours,

XXXXXXXXXX

Project Manager,

Coliseum Boulevard Plume

Alabama Department of Transportation

# FORM 6- ALABAMA ONE CALL TICKET REVIEW

**PURPOSE:** Alabama 1 CALL Ticket Review      Ticket Date: \_\_\_\_\_

**Action upon completion:** Notify ALDOT project manager immediately and transmit completed checklist to ALDOT project manager and database manager within 24 hours

TICKET INFORMATION	
Alabama 1 Call Ticket Number:	
Date Ticket Received (MM/DD/YYYY):	
Reviewer Name (Signature / Print):	
LOCATION INFORMATION	
Location (Address):	
Location (Driving Directions):	
CONTACT INFORMATION	
Company Name:	
Contact Name:	
Contact Email:	
Contact Phone Number:	
Contact Address:	
Contact Alternate Phone:	
DIGGING/EXCAVATION INFORMATION (FROM TICKET OR ABOVE CONTACT)	
Person Or Company Requesting?	
Type Of Excavating (e.g., trenching, hand augering, drilling)?	
Purpose Of Excavation?	
Maximum Depth Of Excavation?	
Notes	
TICKET REVIEW (TO BE DETERMINED BY ALDOT)	
Distance From The Bottom Of The Activity (e.g., trench) To Water Table?	
Is Excavation On Right-Of-Way?	
Excavation Reviewed By ALDOT (Y/N)?	
ALDOT Reviewer (Signature / Print)	
Excavator Advised Of Potential Exposure?	
Name Of Person Advised Of Potential Exposure	
DATE AND TYPE OF CORRESPONDENCE/ACTIONS BY ALDOT	
Excavator Advised Of Potential Exposure/Alternatives?	
Notes	
OVERSIGHT OF DIGGING BY ALDOT	
Date Of Oversight/Site Visit:	
Activities Observed During Site Visit:	
Do Activities Comply With ALDOT Recommendations?	
Is Follow-Up Needed?	

# FORM 7 Quarterly Institutional Controls Inspection

**PURPOSE:** Quarterly institutional-control inspection

**Action upon completion of checklist:** Transmit completed form to ALDOT project manager and database manager within 5 days

DATE OF INSPECTION (MM/DD/YYYY):

PERSON(S) PERFORMING INSPECTION:  
(signature / print)

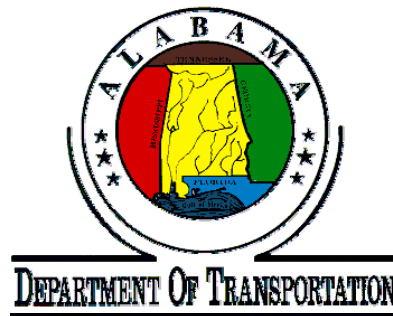
INSPECTION ITEM	AREA / LOCATION	OBSERVATIONS
Changes in land cover		
Changes in land use		
Changes in storm water conveyances		
Construction		
Demolation		
Major modification of land		
New Subdivisions		
New commercial/industrial developments		



## **Agency Regulations, Statutes and Forms; City of Montgomery Ordinances And Forms**

### **Institutional Control Program**

**COLISEUM BOULEVARD PLUME SITE  
MONTGOMERY, ALABAMA**

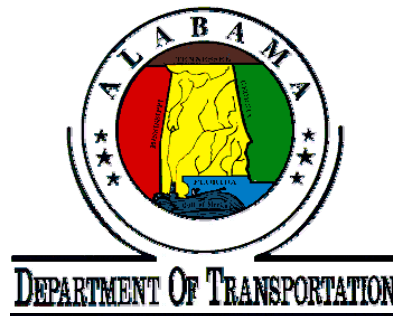


# APPENDIX A.1

## Alabama Department of Environmental Management Land Division – Brownfield Redevelopment and Voluntary Cleanup Program

### Institutional Control Program

COLISEUM BOULEVARD PLUME SITE  
MONTGOMERY, ALABAMA



**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
LAND DIVISION - BROWNFIELD REDEVELOPMENT AND VOLUNTARY  
CLEANUP PROGRAM**

**CHAPTER 335-15-1  
GENERAL**

**TABLE OF CONTENTS**

**335-15-1-.01 Purpose**  
**335-15-1-.02 Definitions**

**335-15-1-.01 Purpose.** These regulations are promulgated pursuant to the Alabama Land Recycling and Redevelopment Act, Code of Alabama 1975, § 22-30E-4. The Brownfield Redevelopment and Voluntary Cleanup Program provides a mechanism for the implementation of a cleanup program that encourages applicants to voluntarily assess, remediate, and reuse rural and urban areas of actual or perceived contamination. The program is designed to expedite the voluntary cleanup process and has been designed for entry at any stage of the cleanup process as long as all applicable criteria have been achieved up to the point of entry.

**Authors:** Fred A. Barnes; Keith N. West; Lawrence A. Norris; Stephen A. Cobb.

**Statutory Authority:** Code of Alabama 1975, §§ 22-30E-1, 22-30E-2, and 22-30E-4.

**History:** May 16, 2002.

**Amended:** November 25, 2004.

**335-15-1-.02 Definitions.** Unless otherwise defined in ADEM Admin. Code R. 335-15-1 through 335-15-6, the following words and terms shall have the meanings given below:

(a) "Alabama Land Recycling and Economic Redevelopment Commission" is the commission as established in the Code of Alabama 1975 § 22-30E-12.

(b) "ADEM" is the Alabama Department of Environmental Management.

(c) "Applicant" the owner, operator or prospective purchaser seeking to participate in the voluntary cleanup program by submission of an application, assessment, and/or cleanup plan under 335-15-2-.02.

(d) "Application fee" means the nonrefundable review fee submitted with the Voluntary Cleanup Program application.

(e) "Aquifer" means a geologic formation, group of formations or a part of a formation capable of yielding a significant amount of groundwater to wells or springs.

(f) "Brownfield" means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant.

(g) "Carcinogen" means a chemical classification for the purpose of risk assessment as an agent that is known or suspected to cause cancer in humans, including but not limited to a known or likely human carcinogen or a probable or possible human carcinogen under an EPA weight-of-evidence classification system.

(h) "Certification of compliance" means a statement prepared by a professional engineer or geologist licensed to practice in the State of Alabama which certifies compliance with a voluntary cleanup plan required by 335-15-4-.06.

(i) "Cleanup" means, for purposes of 335-15, the remediation, mitigation, control, or removal of contaminants from the environment in accordance with an approved "Voluntary Cleanup Plan".

(j) "Cleanup Properties Inventory" means the Cleanup Properties Inventory compiled and updated as necessary by the Department pursuant to 335-15-6-.03(1) for all qualifying properties for which a property assessment plan or cleanup plan has been approved.

(k) "Commission" means the Alabama Environmental Management Commission as defined in Code of Alabama 1975 § 22-22A-3(4).

(l) "Completion" means fulfillment of the commitment agreed to by the participant as part of this program.

(m) "Contaminant" means any man-made or man-induced alteration of the chemical, physical or biological integrity of soils, sediments, air and surface water or groundwater including:

1. Solid waste (as defined in ADEM Admin. Code 335-13); or
2. Petroleum product.

(n) "Department" means the Alabama Department of Environmental Management or its successor agency.

(o) "Director" means the Director of the Alabama Department of Environmental Management or such other person to whom the director has delegated authority.

(p) "EPA" means the United States Environmental Protection Agency.

(q) "Engineer" means a person registered as a professional engineer with the State of Alabama Board of Registration for Professional Engineers and Land Surveyors and practicing under the Rules of Professional Conduct, specifically Canon II.

(r) "Environment" is defined by the federal Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C., Section 9601, et seq.

(s) "Facility" is a term synonymous with "property".

(t) "Fiduciary" means a person who acts for the benefit of another party as a bona fide trustee, executor, and administrator.

(u) "Geologist" means a person registered as a professional geologist with the State of Alabama pursuant to the Alabama Professional Geologist Licensing Act.

(v) "Hazardous constituent" as defined in ADEM Admin. Code 335-14-2-Appendix VIII and/or ADEM Admin. Code 335-14-5-Appendix IX.

(w) "Hazardous substance" means any substance included on the List of Hazardous Substances and Reportable Quantities, codified as 40 CFR Part 302, Table 302.4, in force and effect on the effective date of 335-15-1 and subsequent revisions thereof, or any substance listed on the List of Extremely Hazardous Substances and Their Threshold Planning Quantities, codified as 40 CFR Part 355, Appendix A, in force and effect on the effective date of 335-15 and subsequent revisions thereof.

(x) "Hazardous waste" means any solid waste as defined in ADEM Admin. Code 335-14.

(y) "Hazardous Waste Treatment, Storage or Disposal Facility" means any property or facility which is intended or used for the treatment, storage or disposal of hazardous waste subject to the permit requirements of ADEM Admin. Code 335-14-8.

(z) "Land Use Controls" means any restriction or control, which serves to protect human health and/or the environment, by limiting the use of and/or exposure to, any portion of a property, including water resources. These controls include but are not limited to:

1. Engineering controls remedial actions directed toward containing or controlling the migration of contaminants through the environment. These include, but are not limited to, stormwater conveyance systems, slurry walls, liner systems, caps, leachate collection systems, pump and treat systems, and groundwater recovery systems.

2. Institutional controls which are legal or contractual restrictions on property use that remain effective after remediation is completed and are used

to meet remediation levels. The term may include, but is not limited to, deed notations, deed restrictions and/or, water use restrictions, restrictive covenants, conservation easements, and limited development rights.

3. Water use restrictions which can be placed on the use of a particular water supply source that has been identified as being contaminated with hazardous substances or other contaminants in order to protect human health and the environment.

(aa) "Major Modification" means any modification that is not a minor modification.

(bb) "Minor Modification" means any administrative and or general information changes, correction of typographical errors, changes in ownership and or operational control, and changes in the frequency of, or procedures for, monitoring, reporting or sampling by the applicant to provide for more frequent monitoring, reporting or sampling.

(cc) "Mitigation" means reducing to the extent possible, or rectifying the adverse impact by repairing, rehabilitating, restoring, or limiting exposure to the affected environment.

(dd) "Noncarcinogen" is a chemical classification for the purposes of risk assessment as an agent for which there is either inadequate toxicological data or is not likely to be a carcinogen based on an EPA weight-of-evidence classification system.

(ee) "Owner or Operator"

1. The definition includes the following:

(i) In the case of a facility, any person owning or operating such facility.

(ii) Any person who owned, operated, or otherwise controlled activities at a facility immediately prior to conveyance of title to a unit of state or local government or control of the facility due to bankruptcy, foreclosure, tax delinquency, abandonment.

2. The definition does not include the following:

(i) A person who can show evidence of ownership and acting solely in a fiduciary capacity and who did not actively participate in the management, disposal, or release of hazardous wastes, hazardous constituents, or hazardous substances from the facility.

(ii) A unit of a state or local government which acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government involuntarily acquire title by virtue of its function as sovereign. This exclusion shall not apply to any state or

local government which has caused or contributed to the release of hazardous wastes, hazardous constituents, or hazardous substances from the facility.

(ff) "Parent" has the same meaning as in 17 CFR 240.12b-2 (1 April 1996 Edition).

(gg) "Participant" means a person who has received confirmation of eligibility and has remitted payment of application fee.

(hh) "Person" means an individual, corporation, partnership, association, a governmental body, a municipal corporation or any other legal entity.

(ii) "Petroleum" means oil or petroleum of any kind and in any form, including, without limitation, crude oil or any fraction thereof, petroleum, gasoline, kerosene, fuel oil, oil sludge, used oil, substances or additives utilized in the refining or blending of crude petroleum or petroleum stock, natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, and mixtures of natural gas and synthetic gas.

(jj) "Pollutant" includes but is not limited to dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste. [Note: Some materials that meet the definition of "pollutant" may not meet the criteria to be considered a solid waste, hazardous or nonhazardous.]

(kk) "Preexisting release" means a release, as that term is defined in 335-15-1-.02, which occurred prior to an applicant's application for a limitation of liability pursuant to 335-15-4-.02.

(ll) "Property" is synonymous with "facility" and includes any or all of the following:

1. Any land, building, structure, installation, equipment, pipe or pipeline, sewer or publicly owned treatment works, pipe into a sewer or publicly owned treatment works, well, pit, pond, lagoon, impoundment, ditch, landfill, or storage container.

2. Any site or area where a hazardous waste, hazardous constituent, hazardous substance or petroleum product has been deposited, discharged, stored, disposed of, placed, or has otherwise come to be located.

3. A parcel of land defined by the boundaries in the applicable deed.

(mm) "Prospective developer" means any person who desires to buy or sell a brownfield property for the purpose of developing or redeveloping that brownfield property and who did not cause or contribute to the contamination at the brownfield property.

(nn) "Prospective purchaser" means a person who intends to purchase a qualifying property.

(oo) "Qualifying property" means a property which meets the criteria of 335-15-2-.01(1).

(pp) "Relatives" means persons who are, or formerly were, related by marriage or by consanguinity.

(qq) "Release" means any intentional or unintentional act or omission resulting in the spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including without limitation, the abandonment or discarding of barrels, containers, and other closed receptacles, of any solid waste, hazardous waste, hazardous constituent, petroleum products, or hazardous substance.

(rr) "Remediation waste" means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediment) and debris that contain hazardous substances which are managed for implementation of the cleanup.

(ss) "Remediation level" means the concentration of a contaminant, and applicable control, that is protective of human health and the environment.

(tt) "Residential" means single family residences of one or more dwelling units, including accessory land, buildings or improvements incidental to such dwellings.

(uu) "Response Action" means those actions taken in the event of a release or threatened release of a hazardous waste, hazardous constituent, petroleum product, or hazardous substance into the environment to remove, or to prevent or minimize the release of hazardous waste, hazardous constituents, petroleum products, or hazardous substances so that they do not pose a threat to public health or the environment.

(vv) "Responsible person" means any person who has contributed or is contributing to a release of any hazardous waste, hazardous constituent, or hazardous substance at a property. This term specifically includes those persons described in §§107(a)(1) through 107(a)(4) of the federal Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C., Section 9601, et seq. This term specifically excludes those persons described in § 107(b) of the federal Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C., Section 9601, et seq.

(ww) "Restricted use" means any use other than unrestricted residential use.

(xx) "Risk assessment" means the process used to determine the risk posed by contaminants that have been released into the environment at a site. The process includes a written site specific evaluation, encompassing, but not

limited to, the identification of the contaminants present in the environmental media, the assessment of exposure and exposure pathways, the assessment of the toxicity of the contaminants present, the characterization of risks to humans, and the characterization of the impacts or risks to the environment.

(yy) "Site" means any property or portion thereof, as agreed to and defined by the participant and the Department, which contains or may contain contaminants being addressed under this program.

(zz) "Source" means the point of origin of a suspected contaminant.

(aaa) "Subsidiary" has the same meaning as in the 17 CFR 240.12b-2 (1 April 1996 Edition).

(bbb) "Third party" means one not a party to an agreement or to a transaction but who may have rights therein.

(ccc) "Unrestricted residential use" means the designation of acceptable future use at a site for any and all activities associated with residential use at which the remediation levels, based on either background or standard residential exposure factors, shall have been attained throughout the site in all media.

(ddd) "Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use, is contaminated by physical or chemical impurities.

(eee) "Upper-bound lifetime cancer risk level" means a conservative estimate of the probability of one excess cancer occurrence in a given number of exposed individuals. For example, a risk level of  $1 \times 10^{-6}$  equates to the possibility of one additional cancer occurrence beyond the number of occurrences that would otherwise occur in one million exposed individuals, beyond the number of occurrences that would otherwise occur. Upper-bound lifetime cancer risk level is based on an assumption of continuous, lifetime exposure and is likely to overestimate true risk.

(fff) "Voluntary cleanup plan" means any plan approved under 335-15-4-.04 that describes in sufficient detail those actions planned to satisfy the cleanup requirements for the qualifying property.

(ggg) "Voluntary Property Assessment Plan" means a plan that has been approved by the Department under 335-15-4-.03 and describes in sufficient detail those actions planned to perform a risk assessment or identify applicable cleanup requirements for the property.

(hhh) "Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

335-15-1-.02

**Authors:** Fred A. Barnes; Keith N. West; Lawrence A. Norris; Stephen A. Cobb.

**Statutory Authority:** Code of Alabama 1975, § 22-30E-3.

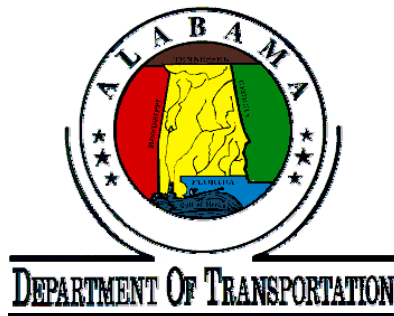
**History:** May 16, 2002.

**Amended:** November 25, 2004.

## Alabama Department of Environmental Management Water Division – Water Well Standards Program

### Institutional Control Program

COLISEUM BOULEVARD PLUME SITE  
MONTGOMERY, ALABAMA



**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**WATER DIVISION – WATER WELL STANDARDS PROGRAM**

**DIVISION 335-9**

**1400 Coliseum Boulevard  
Montgomery, Alabama 36110  
(334) 271-7700**

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**CITE AS**

**ADEM Admin. Code R. 335-9-x-xx**

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**REVISED EFFECTIVE: MAY 1988**

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
WATER DIVISION – WATER WELL STANDARDS PROGRAM**

**DIVISION 335-9**

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**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
WATER DIVISION – WATER WELL STANDARDS PROGRAM**

**LICENSING AND CERTIFICATION OF WATER AND WATER WELL  
CONSTRUCTION STANDARDS**

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<b>335-9-1-.04</b>	<b>Location Standards</b>
<b>335-9-1-.05</b>	<b>Materials</b>
<b>335-9-1-.06</b>	<b>Construction Standards</b>

**335-9-1-.01 Purpose.** In order to protect the public health and general welfare of the people of the State of Alabama, the Alabama Department of Environmental Management hereby promulgates the following rules and regulations in order to ensure that a pure, sanitary and healthful water supply is provided to the people of the State of Alabama.

**Statutory Authority:** Code of Alabama 1975, §§ 22-22A-5, (1984) 22-22A-8, (1984) 22-24-3(d) (1984).

**Effective:** September 20, 1971.

**335-9-1-.02 Definitions.**

(a) "Board" means the Director of the Alabama Department of Environmental Management.

(b) "Director" means the Director of the Alabama Department of Environmental Management.

(c) "Drill" means to drill or redrill, bore, auger, dig or otherwise construct a water well.

(d) "Log" means a record of the type of materials or rock penetrated in the drilling of a water well.

(e) "Person" means any individual, organization, group, association, partnership, corporation, or any combination of them operating a business to drill water wells.

(f) "Sample" means cutting or other fragments or rock or soil materials removed from the well.

(g) "Well" means a hole drilled for the production of water.

(h) "Shall" means a mandatory requirement.

(i) "Capping a completed well" means the installing of a secure temporary cover sufficient to prevent contamination.

**Statutory Authority:** Code of Alabama 1975, §§ 22-22A-5 (1984), 22-22A-8 (1984), 22-24-3(d) (1984).

**Effective:** September 20, 1971.

**335-9-1-.03 Rules.**

(a) Application For A License To Drill A Water Well.

(1) Every person who proposes to drill a water well in the State of Alabama shall file, on or before September 30 of each year, an application for a water well driller's license, along with a payment of the annual fee of \$200.00.

(b) Filing Of Pertinent Data Relating To A Water Well.

(1) Every person desiring to drill a water well shall file with the Board, on a form furnished by the Board, a Notification of Intent to drill a well. This form shall be filed prior to the commencement of work.

(2) Every person who drills a well shall file a Certification of Completion on the form furnished by the Board within 30 days after completion of work. The board shall notify the local Health authorities within 7 days of the receipt thereof.

(3) When requested by the Geological Survey of Alabama, the driller shall collect samples in compliance with Code of Alabama 1975, §§ 22-24-8 (5) (84).

(c) Examinations.

(1) Any driller applying for a license shall furnish the Board acceptable proof that he has at least two years of water well construction experience and shall make a minimum score of 70 percent on a Board authorized examination prior to being licensed.

(2) Reciprocity to drillers from out of state will be considered on an individual basis.

**Statutory Authority:** Code of Alabama 1975, §§ 22-22A-5 (1984), 22-22A-8 (1984), 22-24-3(d) (1984).

**Effective:** September 20, 1971.

**335-9-1-.04 Location Standards.** Every well shall be located so that it is easily accessible, free from flooding from any known source of pollution. The location of the well shall comply with local regulations. The following table is recommended:

Projections or roofs of adjacent building	2 Feet
Secondary electrical services	10 Feet
Primary electrical services	75 Feet
Cess pool or sewage lagoon	150 Feet
Septic tank or field lines	100 Feet
Barnyard	150 Feet

**Statutory Authority:** Code of Alabama 1975, §§ 22-22A-5 (1984), 22-22A-8 (1984), 22-24-3(d) (1984).

**Effective:** September 20, 1971.

**335-9-1-.05 Materials.** All materials used in the construction of a water well shall have the structural strength to accomplish the purpose for which they are installed.

(a) Casing and liners shall be new steel of a minimum wall thickness of Schedule 30 or thermoplastic water well casing produced in accordance with ASTM Standard F 480-76, and approved for potable water by the Nation Sanitation Foundation (NSF). Nonporous concrete pipe shall be acceptable when grouted to a depth of 20 feet below land surface, and the grout shall be introduced at the bottom until it overflows at the top or by gravity flow. The grout shall consist of 50% cement and 50% aggregate. The upper 20 feet of the hole diameter shall be at least 4-inch larger than the O.D. of the concrete casing. All steel casing is to be welded, or threaded and coupled; thermoplastic casing shall be joined in accordance with ASTM Standard F 480-76.

(b) Screen, where required, shall provide adequate open area to transmit the desired amount of water from the formation and shall be sized to retain the sand or other extraneous material that would make the completed well undesirable. It shall be constructed of a material that will not be subjected to serious attack by the chemical action of the water in the formation in which it is placed. Thermoplastic screens shall be approved by NSF for potable water uses.

(c) When required, grout shall consist of a ratio of one sack of Portland cement to a maximum of six gallons of clean water.

(d) Capping of the well shall be such that no contamination can enter the well.

(e) Disinfection of every well shall be accomplished by adding a strong chlorine solution such as HTH, Prechlorine, or Chlorox, so as to subject the entire well to a 50 ppm solution for at least 12 hours. It is strongly recommended that all drilling fluids be chlorinated with at least 50 ppm chlorine.

Gallons <u>Water</u>	5.25 % <u>Chlorox</u>	10% Sodium <u>Hypochlorite</u>	30% Chlorine <u>Lime</u>	<u>70% HTH</u>
50	6.5 oz	3.5 oz	1 oz	0.5 oz
100	13 oz	7 oz	2 oz	1 oz
500	63.5 oz	33 oz	11 oz	5 oz
1,000	127 oz	67 oz	22 oz	10 oz

REMEMBER - There are 16 oz/lb and 32 fl oz/qt.

(f) No materials may be used in the construction of a well that will result in the delivery of water that is toxic or has an objectionable odor or taste.

(g) Any person desiring to use materials that are not approved herein shall submit the specifications for the materials to the Board for approval before they are used in any well.

**Statutory Authority:** Code of Alabama 1975, §§ 22-22A-5 (1984), 22-22A-8 (1984), 22-24-3 (d) (1984).

**Effective Date:** September 20, 1971.

**335-9-1-.06 Construction Standards.**

(a) Casing.

(1) In every well, the casing shall extend from 1 foot above ground level to a suitable impervious layer where it shall be properly sealed to prevent the entrance of seep water and other extraneous material. In no case shall the length of casing be less than 20 feet. Where an impervious layer is not encountered above the water-bearing zone, the seal shall be affected by sealing 50 feet of the annulus, the upper 20 feet of which must be grouted. All well with casing greater than 8 inches in I.D. (inside diameter) shall be grouted to a depth of 20 feet or more. Wells that are to be constructed with less than 20 feet of casing must be approved by the County Environmentalist.

(2) The minimum casing size in mud rotary wells shall be 4 1/2 inches O.D. If a person desires to drill a well with casing of a size smaller than herein specified, permission shall be obtained from the County Environmentalist prior to commencement of work, and when approved the County Environmentalist service a single-string completion well with cemented casing and chlorination. This type well shall not be pulled or re-screened except in Choctaw County, Act 81-185, and Sumter County, Act 81-186; it shall be sealed or plugged according to Rule .06 (g).

(3) Air rotary drilling equipment used in the developing of ground water shall be equipped with a pump for the injection of a minimum of 3 gallons per minute of water. This injection equipment shall be used during the course of drilling for water.

(4) Casing may be driven, lowered, or installed in any manner which will affect a continuous watertight installation. In those wells where there is an annulus, it shall be filled with puddled clay and/or cement grout in the manner prescribed in Rule .06 (a) (1).

(b) Screens. An adequate screen shall be provided where necessary and installed in such a manner that removal and replacement can be accomplished without affecting the watertight seal around the casing.

(c) Development. The well shall be developed to its maximum practical yield of the best quality of water at the site.

(d) Testing. The contractor shall make an adequate test for yield and report the results on the Well Completion Certificate.

(e) Capping. Every well shall be left with a secure cap which will not permit the well to become contaminated during construction.

(f) Special Cases. Any person desiring to construct a well in a manner not covered above, shall submit this information to the Board for approval before the work is started on the well.

(g) Abandonment. Any well to be abandoned shall be permanently sealed in the following manner: The well will be filled with a puddled clay material containing 50 ppm of chlorine to within 20 feet of the top of the well. The top 20 feet shall be filled with cement grout or concrete.

(h) Holes. Any holes remaining after construction or testing attempts shall be properly backfilled.

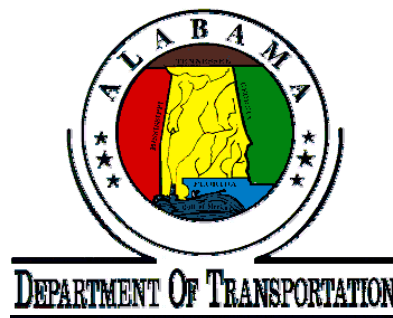
**Statutory Authority:** Code of Alabama 1975, §§ 22-22A-5 (1984), 22-22A-8 (1984), 22-24-3 (d) (1984).

**Effective Date:** September 20, 1971.

## City of Montgomery Application For Permit to Drill Water Wells and Ordance

### Institutional Control Program

COLISEUM BOULEVARD PLUME SITE  
MONTGOMERY, ALABAMA



**CITY OF MONTGOMERY**  
**APPLICATION FOR PERMIT TO DRILL WATER WELLS**  
(An Original and Copy of this Application shall be submitted.)

City

Police Jurisdiction

House number \_\_\_\_\_ Street \_\_\_\_\_

Lot \_\_\_\_\_ Block \_\_\_\_\_ Plat \_\_\_\_\_

Property Owner \_\_\_\_\_ Address \_\_\_\_\_

Well Driller \_\_\_\_\_ Address \_\_\_\_\_

New Well \_\_\_\_\_ Repair old well \_\_\_\_\_

Size of Well \_\_\_\_\_ Depth \_\_\_\_\_

Estimate of well capacity \_\_\_\_\_ G.P.H.

Provide exact G.P.S. coordinates for well location on lot \_\_\_\_\_

Purpose for which well is to be used \_\_\_\_\_

Surplus of overflow is to be discharged \_\_\_\_\_

It is hereby agreed if this request is approved, that the well will be constructed in accordance with the Montgomery City Ordinance number 71-67 and 72-67

Construction shall begin within \_\_\_\_\_ days after this application is submitted and completed within reasonable time

This application hereby becomes legal and binding between the well driller and the well owner, with reference to regulations and requirements of Montgomery City Ordinances 71-67 and 72-67.

Driller \_\_\_\_\_ Signature \_\_\_\_\_ Owner \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

This application is hereby  Approved  Disapproved By the Chief Plumbing Inspector, City of Montgomery

\_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_

This application is hereby  Approved  Disapproved By the Montgomery County Health Officer

\_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_

(It shall be unlawful for any person to make any false or misleading statement in this application)

## **DIVISION 2. PERMIT**

### **Sec. 5-501. Required.**

It shall be unlawful for any person to dig, construct or repair any well for the withdrawal of water in the city until a permit therefor has been obtained as provided in this article.

(Ord. No. 71-67, § 2; Code 1980, § 48-2)

### **Sec. 5-502. Application.**

Any person desiring to dig, construct or repair any well for the withdrawal of water in the city shall, before commencing such work, make application for the permit required by section 5-501 to the chief plumbing inspector. The application shall be made in writing and subscribed and sworn to by the person owning the premises on which the well is located, or proposed to be located, and by the person having charge of the actual work of digging, constructing or repairing any such well. It shall be made on such form as may be prescribed and furnished by the chief plumbing inspector and shall contain complete and accurate information with respect to the size, depth, location, approximate capacity, ownership and use of such well and any other pertinent information, including a statement of the purpose for which the supply from such well is to be used and where the surplus or overflow water is to be discharged. It shall be unlawful for any person to make any false or misleading statement in any such application. Such permits shall be approved by the chief plumbing inspector and the county health officer.

(Ord. No. 71-67, § 3; Code 1980, § 48-3)

### **Sec. 5-503. To specify work to be done; failure to comply with terms.**

Each permit issued under this article shall specify clearly the work which is authorized to be done, and it shall be unlawful for any person to dig, construct or repair any well for the withdrawal of water contrary to or not authorized by the terms of the permit issued for the work.

(Ord. No. 71-67, § 1; Code 1980, § 48-4)

### **Sec. 5-504. Fee; expiration.**

A fee of \$50.00 shall be collected by the chief plumbing inspector for issuing each permit under the provisions of this article. All permits issued under this article will automatically expire unless work is completed within 90 days from the date of the permit.

(Ord. No. 71-67, § 5; Code 1980, § 48-5)

### **Sec. 5-505. Maximum depth allowable.**

No permit shall be issued to dig, construct, enlarge or extend any well for the withdrawal of water other than under the following criteria:

- (1) Wells with 100 gallons per minute or less capacity are acceptable in all areas with depth unlimited.

(2) Wells with 100 gallons per minute or greater capacity must be individually approved as to size and location.

In computing the depth of any well, such depth shall be measured from the ground line adjoining such well.

(Ord. No. 71-67, § 6; Code 1980, § 48-6)

Secs. 5-506--5-540. Reserved.

## ARTICLE VII. BACKFLOW PREVENTION

### Sec. 5-441. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Agency* means the department of the municipal government invested with the authority and responsibility for the enactment and enforcement of this article.

*Air gap* means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle.

*Approved* means accepted by the agency as meeting an applicable specification stated or cited in this article, or as suitable for the proposed use.

*Auxiliary supply* means any water source or system other than the city water supply which may be available in the building or premises.

*Backflow* means the flow of water or other liquids, mixtures or substances into the distributing pipes of a potable supply of water from any source other than its intended source. Backsiphonage is one type of backflow.

*Backflow preventer* means a device or means to prevent backflow.

*Backsiphonage* means the flowing back of used, contaminated or polluted water from a plumbing fixture or vessel or other sources into a water supply pipe due to a negative pressure in such pipe.

*Barometric loop* means a loop of pipe rising approximately 35 feet, at its topmost point, above the highest fixture it supplies.

*Check valve* means an automatically operated device which is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.

*Contamination.* See *Pollution.*

*Cross connection* means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other water of unknown or questionable safety, steam, gases or chemicals whereby there may be a flow from one system to the other. See *Backflow* and *Backsiphonage.*

*Drain* means any pipe which carries wastewater or waterborne wastes in a building drainage system.

*Fixture, plumbing,* means installed receptacles, devices or appliances supplied with water or which receive or discharge liquids or liquid borne wastes.

*Flood level rim* means the edge of the receptacle from which water overflows.

*Hazard, health,* means any conditions, devices or practices in the water supply system and its operation which create or, in the judgment of the chief plumbing inspector, may create a danger to the health and well-being of the water consumer. An example of a health hazard is a structural defect in the water supply system, whether of location, design or construction, which may regularly or occasionally prevent satisfactory purification of the water supply or cause it to be polluted from extraneous sources.

*Hazard, plumbing,* means any arrangement of plumbing including piping and fixtures whereby a cross connection is created.

*Hydropneumatic tank* means a pressure vessel in which air pressure acts upon the surface of the water contained within the vessel, pressurizing the water distribution piping connected to the vessel.

*Inlet* means the open end of the water supply pipe through which the water is discharged into the plumbing fixture.

*Plumbing system* means the water supply and distribution pipes, plumbing fixtures and traps; soil, waste and vent pipes; building drains and building sewers, including their respective connections, devices and appurtenances within the property lines of the premises, and water treating or water using equipment.

*Pollution* means the presence of any foreign substance (organic, inorganic, radiological or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

*Reduced pressure principle backflow preventer* means an assembly of differential valves and check valves, including an automatically opened spillage port to the atmosphere designed to prevent backflow.

*Surge tank* means the receiving, nonpressure vessel forming part of the air gap separation between a potable and an auxiliary supply.

*Vacuum* means any pressure less than that exerted by the atmosphere.

*Vacuum breaker, nonpressure type*, means a vacuum breaker which is designed so as not to be subjected to static line pressure.

*Vacuum breaker, pressure type*, means a vacuum breaker designed to operate under conditions of static line pressure.

*Water, nonpotable*, means water which is not safe for human consumption or which is of questionable potability.

*Water, potable*, means any water which, according to recognized standards, is safe for human consumption.

(Ord. No. 72-67, § 2; Code 1980, § 46-2)

**Cross references:** Definitions generally, § 1-2.

#### **Sec. 5-442. Authority to inspect and right of entry of plumbing inspector.**

(a) The chief plumbing inspector or designated agent shall inspect the plumbing in every building or premises in the city as frequently as in his judgment may be necessary to ensure that such plumbing has been installed in such a manner as to prevent the possibility of pollution of the water supply of the city by the plumbing. The chief plumbing inspector shall notify or cause to be notified in writing the owner or authorized agent of the owner of any such building or premises, to correct, within a reasonable time set by the chief plumbing inspector, any plumbing installed or existing contrary to or in violation of this article, and which in his judgment may therefore permit the pollution of the city water supply or otherwise adversely affect the public health.

(b) The chief plumbing inspector or designated agent shall have the right of entry into any building, during reasonable hours, for the purpose of making inspection of the plumbing systems installed in such building or premises; provided, however, that with respect to the inspection of any single-family dwelling, consent to such inspection shall first be obtained from a person of suitable age and discretion therein or in control thereof.

(Ord. No. 72-67, § 1; Code 1980, § 46-1)

**Sec. 5-443. Technical requirements generally.**

A potable water supply system shall be designed, installed and maintained in such manner as to prevent contamination from nonpotable liquids, solids or gases, from being introduced into the potable water supply through cross connections or any other piping connections to the system.

(Ord. No. 72-67, § 3; Code 1980, § 46-3)

**Sec. 5-444. Cross connections.**

Cross connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable safety are prohibited except when and where, as approved by the authority having jurisdiction, suitable protective devices such as the reduced pressure zone backflow preventer or equal are installed, tested and maintained to ensure proper operation of a continuing basis.

(Ord. No. 72-67, § 3; Code 1980, § 46-4)

**Sec. 5-445. Interconnections.**

Interconnection between two or more public water supplies shall be permitted only with the approval of the health authority having jurisdiction.

(Ord. No. 72-67, § 3; Code 1980, § 46-5)

**Sec. 5-446. Individual water supplies.**

Cross connections between an individual water supply and a potable public supply shall not be made unless specifically approved by the health authority having jurisdiction.

(Ord. No. 72-67, § 3; Code 1980, § 46-6)

**Sec. 5-447. Connections to boilers.**

Potable water connections to boiler feed water systems in which boiler water conditioning chemicals are introduced shall be made through an air gap or provided with an approved backflow preventer (reduced pressure principle or double-check double-gate valves) located in the potable waterline before the point where such chemicals are introduced.

(Ord. No. 72-67, § 3; Code 1980, § 46-7)

**Sec. 5-448. Prohibited connections to fixtures and equipment.**

Connection to the potable water supply system for the following is prohibited, unless protected against backflow in accordance with section 5-450 et seq., or as set out in this section:

- (1) Bidets.
- (2) Operating, dissection, embalming and mortuary tables or similar equipment; in such installation the hose used for water supply shall terminate at least 12 inches away from

every point of the table or attachments.

- (3) Pumps for nonpotable water, chemicals or other substances; priming connections may be made only through an air gap.
- (4) Building drainage, sewer or vent systems.
- (5) Any other fixture of similar hazard.

(Ord. No. 72-67, § 3; Code 1980, § 46-8)

**Sec. 5-449. Refrigerating unit condensers and cooling jackets.**

Except where potable water provided for a refrigerator condenser or cooling jacket is entirely outside the piping or tank containing a toxic refrigerant, with two separate thicknesses of metal separating the refrigerant from the potable water supply, inlet connection shall be provided with an approved check valve. Also, adjacent to and at the outlet side of the check valve, an approved pressure relief valve set to relieve at five psi above the maximum water pressure at the point of installation shall be provided if the refrigeration units contain more than 20 pounds of refrigerants.

(Ord. No. 72-67, § 3; Code 1980, § 46-9)

**Sec. 5-450. Protection against backflow and backsiphonage.**

(a) *Water outlets.* A potable water system shall be protected against backflow and backsiphonage by providing and maintaining at each outlet:

- (1) *Air gap.* An air gap as specified in subsection (b) of this section between the potable water outlet and the flood level rim of the fixture it supplies or between the outlet and any other source of contamination; or
- (2) *Backflow preventer.* An approved backflow preventer device or vacuum breaker to prevent the drawing of contamination into the potable water system.

(b) *Minimum required air gap.*

- (1) *How measured.* The minimum required air gap shall be measured vertically from the lowest end of a potable water outlet to the flood rim or line of the fixture or receptacle into which it discharges.
- (2) *Size.* The minimum required air gap shall be twice the effective opening of a potable water outlet unless the outlet is a distance less than three times the effective opening away from a wall or similar vertical surface, in which cases the minimum required air gap shall be three times the effective opening of the outlet. In no case shall the minimum required air gap be less than shown in the table which follows, "Minimum Air Gaps for Generally Used Plumbing Fixtures":

*Minimum Air Gaps for Generally Used Plumbing Fixtures*

TABLE INSET:

Fixture	Minimum Air Gap	
	When not affected by near wall 1 (inches)	When affected by near wall 2 (inches)

Lavatories and other fixtures with effective openings not greater than one-half-inch diameter	1.0	1.5
Sink, laundry trays, goose-neck bath faucets and other fixtures with effective openings not greater than three-fourths-inch diameter	1.5	2.25
Over rim bath fillers and other fixtures with effective openings not greater than one-inch diameter	2.0	3.0
Drinking water fountains--single orifice 7/16 (0.437) - inch diameter or multiple orifices having a total area of 0.15 square inch (area of circle 7/16-inch diameter)	1.0	1.5
Effective openings greater than 1 inch	2 times diameter of effective opening	3 times diameter effective opening

1 Side walls, ribs, or similar obstructions do not affect air gaps when spaced from inside edge of spout opening a distance greater than three times the diameter of the effective opening for a single wall, or a distance greater than four times the diameter of the effective opening for two intersecting walls.

2 Vertical walls, ribs, or similar obstructions extending from the water surface to or above the horizontal plane of the spout opening require a greater air gap when spaced closer to the nearest inside edge of spout opening than specified in note 1 above. The effect of three or more such vertical walls or ribs has not been determined. In such cases, the air gap shall be measured from the top of the wall.

(c) *Approval of devices.* Before any device for the prevention of backflow or backsiphonage is installed, it shall have first been certified by a recognized testing laboratory acceptable to the chief plumbing inspector. Devices installed in a building potable water supply distribution system for protection against backflow shall be maintained in good working condition by the person responsible for the maintenance of the system. The chief plumbing inspector or his designee shall inspect routinely such devices and, if found to be defective or inoperative, shall require the replacement thereof.

(d) *Installation of devices.*

(1) *Vacuum breakers.* Vacuum breakers shall be installed with the critical level at least six inches above the flood level rim of the fixture they serve and on the discharge side of the last control valve to the fixture. No shutoff valve or faucet shall be installed beyond the vacuum breaker. For closed equipment or vessels such as pressure sterilizers the top of the vessel shall be treated as the flood level rim, but a check valve shall be installed on the discharge side of the vacuum breaker.

(2) *Reduced pressure principle backflow preventer.* A reduced pressure principle type backflow preventer may be installed subject to full static pressure.

(3) *Devices of all types.* Backflow and backsiphonage preventing devices shall be accessibly located preferably in the same room with the fixture they serve. Installation in utility or service spaces, provided they are readily accessible, is also permitted.

(e) *Tanks and vats below rim supply.*

(1) Where a potable water outlet terminated below the rim of a tank or vat and the tank or vat has an overflow of diameter not less than given in the following table entitled, "Sizes of Overflow Pipes for Water Supply Tanks," the overflow pipe shall be provided with an air gap as close to the tank as possible.

*Sizes of Overflow Pipes for Water Supply Tanks*

TABLE INSET:

Maximum capacity of water supply line to tank	Diameter of overflow pipe (inches ID)
0--50 gpm	2
50--150 gpm	2 1/2
100--200 gpm	3
200--400 gpm	4
400--700 gpm	5
700--1,000 gpm	6
Over 1,000 gpm	8

(2) The potable water outlet to the tank or vat shall terminate at a distance not less than 1.5 times the height to which water can rise in the tank above the top of the overflow. This level shall be established at the maximum flow rate of the supply to the tank or vat and with all outlets except the air gap, overflow outlet closed.

(3) The distance from the outlet to the high water level shall be measured from the critical point of the potable water supply outlet.

(f) *Protective devices required.* Approved devices to protect against backflow and backsiphonage shall be installed at all fixtures and equipment where backflow or backsiphonage may occur and where a minimum air gap cannot be provided between the water outlet to the fixture or equipment and its flood level rim.

(1) *Connections not subject to back pressure.* Where a water connection is not subject to back pressure, a nonpressure type vacuum breaker shall be installed on the discharge side of the last valve on the line serving the fixture or equipment. A list of some conditions requiring protective devices of this kind is given in the following table entitled, "Cross Connections Where Protective Devices Are Required and Critical Level (C-L) Settings for Backflow Preventers":

Cross Connections Where Protective Devices Are Required and  
Critical Level (C-L) Settings for Backflow Preventers

TABLE INSET:

Fixture or Equipment	Method of Installation
Aspirators and ejectors	C-L at least 6 inches above flood level or receptacle served.
Dental units	On models without built-in vacuum breakers--C-L at least 6 inches above flood level rim of bowl.
Dishwashing machines	C-L at least 6 inches above flood level of machine. Install on both hot and cold water supply lines.
Flushometers (closet and urinal)	C-L at least 6 inches above top of fixture supplies.
Garbage can cleaning machine	C-L at least 6 inches above flood level of machine. Install on both hot and cold water supply lines.

Hose outlets	C-L at least 6 inches above highest point on hose line.
Laundry machines	C-L at least 6 inches above flood level of machine. Install on both hot and cold water supply lines.
Lawn sprinklers	C-L at least 12 inches above highest sprinkler or discharge outlet.
Steam tables	C-L at least 6 inches above flood level.
Tank and vats	C-L at least 6 inches above flood level in rim or line.
Trough urinals	C-L at least 30 inches above perforated flush pipe.
Flush tanks	Equip with approved ball cock. Where ball cocks touch tank water equip with vacuum breaker at least 1 inch above overflow outlets. Where ball cock does not touch tank water install ball cock outlet at least 1 inch above overflow outlet or provide vacuum breaker as specified above.
Hose bibbs (where aspirators or ejectors could be connected)	C-L at least 6 inches above flood level of receptacle served.

(2) *Connections subject to back pressure.* Where a potable water connection is made to a line, fixture, tank, vat, pump or other equipment with a hazard of backflow or backsiphonage where the water connection is subject to back pressure, and an air gap cannot be installed, the chief plumbing inspector may require the use of an approved reduced pressure principle backflow preventer. A partial list of such connection is shown in the following table entitled, "Partial List of Cross Connections Which May be Subject to Back Pressure":

Partial List of Cross Connections Which  
May Be Subject to Back Pressure

Chemical lines  
 Dock water outlets  
 Individual water supplies  
 Industrial process water lines  
 Pressure tanks  
 Pumps  
 Steam lines  
 Swimming pools  
 Tanks and vats--Bottom inlets  
 Hose bibbs

Critical level (C-L) is defined as the level to which the backflow preventer (vacuum breaker) may be submerged before backflow will occur. Where the C-L is not shown on the preventer, the bottom of the device shall be taken as the C-L.

(g) *Barometric loops.* Water connections where an actual or potential backsiphonage hazard exists in lieu of devices specified in subsection (f) of this section be provided with a barometric loop. Barometric loops shall precede the point of connection.

(h) *Double check-double gate valves.* The chief plumbing inspector may authorize installation of approved, double check-double gate valve assemblies with test cocks as protective devices

against backflow in connections between a potable water system and other fluid systems which present no significant health hazard in the judgment of the chief plumbing inspector.

(i) *Low pressure cutoff required on booster pumps.* When a booster pump is used on a water pressure booster system and the possibility exists that a positive pressure of ten psi or less may occur on the suction side of the pump, there shall be installed a low pressure cutoff on the booster pump to prevent the creation of a vacuum or negative pressure on the suction side of the pump, thus cutting off water to other outlets.

(Ord. No. 72-67, § 3; Code 1980, §§ 46-10--46-18)

#### **Sec. 5-451. Maintenance requirements.**

(a) *Generally.* It shall be the responsibility of building and premises owners to maintain all backflow preventers and vacuum breakers within the building or on the premises in good working order and to make no piping or other arrangements for the purpose of bypassing backflow devices.

(b) *Reduced pressure preventers.* Periodic testing and inspection schedules shall be established by the chief plumbing inspector for all reduced pressure type preventers, and the interval between such testing and inspections and overhauls of each device shall be established in accordance with the age and condition of the device. Inspection intervals should not exceed one year, and overhaul intervals should not exceed five years. These devices should be inspected frequently after the initial installation to ensure that they have been installed properly and that debris resulting from the installation has not interfered with the functioning of the device. The testing procedures shall be in accordance with the manufacturer's instructions when approved by the chief plumbing inspector.

(Ord. No. 72-67, § 4; Code 1980, §§ 46-19, 46-20)

#### **Sec. 5-452. Violations of article.**

(a) *Notice; correction; termination of water service.* The chief plumbing inspector shall notify the owner, or authorized agent of the owner, of the building or premises in which there is found a violation of this article of such violation. The chief plumbing inspector shall set a reasonable time for the owner to have the violation removed or corrected. Upon failure of the owner to have the defect corrected by the end of the specified time interval, the chief plumbing inspector may, if in his judgment an imminent health hazard exists, cause the water service to the building or premises to be terminated, or recommend such additional fines or penalties to be invoked as hereby may be provided.

(b) *Penalty.* The owner or authorized agent of the owner responsible for the maintenance of the plumbing systems in the building who knowingly permits a violation to remain uncorrected after the expiration of time set by the chief plumbing inspector shall, upon conviction by the court, be punished as provided for in section 1-6 of this Code. Each day of failure to comply with the requirements of this article after the specified time provided under subsection (a) of this section shall constitute a separate violation.

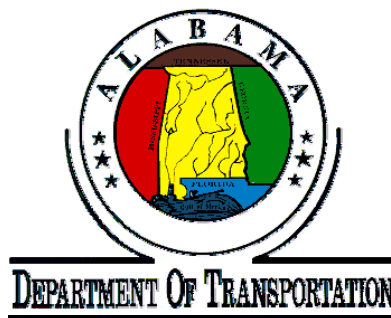
(Ord. No. 72-67, § 5; Ord. No. 135-77, § 1; Code 1980, §§ 46-21, 46-22)

Secs. 5-453--5-480 Reserved.

## Code of Alabama 1975 Drilling Requirements and Notification of Intent to Drill A Water Well and Certification of Completion

### Institutional Control Program

COLISEUM BOULEVARD PLUME SITE  
MONTGOMERY, ALABAMA



# Code of Alabama 1975

## Section 22-24-8

### **Drilling requirements.**

It shall be unlawful and a violation of this chapter to drill a water well within the State of Alabama unless the following provisions are complied with:

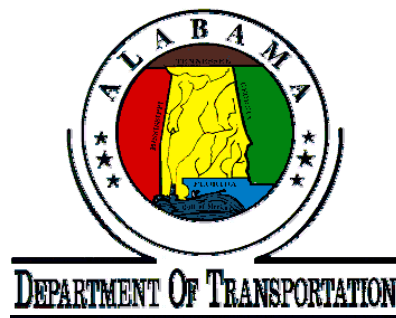
- (1) The driller of the water well shall be licensed as provided in Section 22-24-5.
- (2) The driller shall, at all times during the drilling of a water well, keep posted in a conspicuous location, at or near the well being drilled or on his person, the appropriate license certificate as furnished by the board.
- (3) Before the commencement of the drilling operation, the driller shall file an application of intent to drill a water well, as directed by the board.
- (4) The driller of the well, within 30 days after completion of the drilling of each water well, shall deliver to the board, upon forms to be supplied by the board, a "report of well drilled." The board shall notify the local health authorities within seven days of the receipt thereof.
- (5) The driller shall furnish a log and a set of samples to the State Geological Survey from wells specifically designated by the board or state geologist. The samples shall be collected during the drilling at intervals of not more than 10 feet.

*(Acts 1971, No. 1516, p. 2630, §5; Acts 1980, No. 80-138, p. 206, §4.)*

## Organization Contacts

### Institutional Control Program

**COLISEUM BOULEVARD PLUME SITE  
MONTGOMERY, ALABAMA**



## APPENDIX B

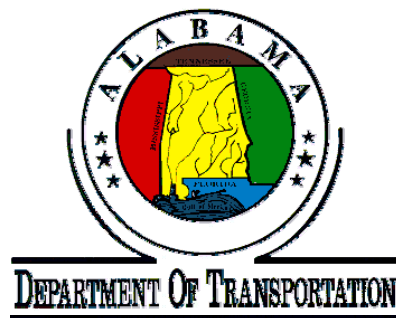
### Coliseum Boulevard Plume Institutional Control Program

Name	Organization	Department	Address	Telephone	Email
James Dailey	Alabama Department of Environmental Management	Well Driller Licensing	1400 Coliseum Blvd. Montgomery, AL 36110	334-394-4371 334-271-7700	<a href="mailto:jwd@adem.state.al.us">jwd@adem.state.al.us</a>
Cindy Thompson	City of Montgomery	Plumbing, Mechanical and Gas Permits	103 North Perry Street Montgomery, AL 36104	334-241-2088	<a href="mailto:cthompson@montgomeryal.gov">cthompson@montgomeryal.gov</a>
Brooke McCraney	City of Montgomery	Chief Plumbing, Mechanical and Gas Inspector	103 North Perry Street Montgomery, AL 36104	334 -241-3156	
Blakeney Gillett	Geological Survey of Alabama	Water Information	420 Hackberry Lane Tuscaloosa, Alabama 35486	205-247-3693	<a href="mailto:bgillett@gsa.state.al.us">bgillett@gsa.state.al.us</a>
Irene Burgess	Geological Survey of Alabama	Water Information	420 Hackberry Lane Tuscaloosa, Alabama 35486	205-247-3677	ithompson.gsa.state.al.us
To Be Proposed	Alabama Department of Transportation				
Tina Creel	Alabama One Call	Membership	P.O.Box 1476 Birmingham, AL 35201-1476	205-414-1840	tcreel@al1call.com
Operator	Alabama One Call	Locate Requests		800-292-8525	NA
Meg Sacks	CSX Railroad	Media Relations		904-366-2949	

## Community Outreach and Involvement

### Institutional Control Program

**COLISEUM BOULEVARD PLUME SITE  
MONTGOMERY, ALABAMA**



## APPENDIX C

### Coliseum Boulevard Plume Community Outreach and Involvement 2001- Present (Revised: 3-15-08)

#### I. Community Outreach Group (COG)

The COG was formed in November 2001 and is a 9-member panel of residents who live on properties within the ICB. The purpose of the panel is to facilitate open dialog among citizens within the ICB, ALDOT project representatives, and ADEM. The panel meets 4 to 9 times per year plus special meetings as needed. Members of the COG are listed on ALDOT's CBP web site at <http://www.dot.state.al.us>

- 2002 COG Meeting Dates:

- March 25
- April 4
- April 23
- May 2
- May 24
- August 1
- September 19
- November 7

2003 COG Meeting Dates:

- January 9
- March 6
- March 27
- April 29
- June 5
- June 17
- July 24
- August 7
- November 25

2004 COG Meeting Dates:

- February 24
- April 27
- May 18
- June 22
- September 14

2005 COG Meeting Dates:

- February 22
- May 5
- September 8

- September 20
  - November 10
- 2006 COG Meeting Dates:
- June 1
  - April 25
  - May 25
  - November 30
- 2007 COG Meeting Dates:
- February 22
  - June 19
  - July 17

## **II. Comprehensive Site-Wide Public Meetings**

ALDOT has conducted and will continue to conduct comprehensive public meetings at project milestones. Public meetings are video taped and copies of the tapes are available at the CBP Public Repository, which is described below. The dates and purpose of the public meetings that have been held, to date, are:

**November 6, 2001** – Announce the formation of the COG and forum for the public to pose questions to ALDOT, ADEM, ADPH and ALDOT consultants. Advertised via printed and TV media and neighborhood signage.

**May 23, 2002** – Introduction of the COG and comprehensive project overview with explanation of upcoming soil-vapor and ambient-air testing within the CBP. Attended by local elected officials and provided forum for representatives from ADEM and the Montgomery Water Works & Sanitary Sewer Board to respond to citizen concerns. Advertised via printed and TV media, neighborhood signage, and door hangers.

**August 1, 2002** – Presentation of interim findings of the soil-vapor and ambient-air monitoring. Provided forum for citizens to pose health-related questions or concerns to medical doctor and to a PhD toxicologist, ADEM, and a representative of the Montgomery Water and Sewer Board (also, a presenter). Advertised via printed and electronic media, neighborhood signage, and door hangers.

**June 19, 2003** – Presentation of and forum for public discussion of the final results of the year-long soil-vapor and ambient-air testing. Advertised via printed and electronic media, neighborhood signage, and door hangers.

**May 13, 2004** – Presentation of and forum for the discussion of the results of the comprehensive site-wide investigation. Advertised via printed and electronic media, neighborhood signage, and door hangers.

### III. Public Meetings and Outreach Activities

ALDOT has conducted and will continue to conduct public meetings to inform interested parties about CBP activities. A particularly pertinent aspect of such public involvement has been the completion of focus-group and public-information meetings to invite participation in the Institutional Control Program whereby property owners agree to a restrictive covenant to prevent use of and contact with groundwater. The property owners are compensated financially in exchange for signing the Restrictive Covenant.

Meetings have been held at local facilities so that property owners, realtors, appraisers, mortgage lenders, title insurers, and closing attorneys can be informed of CBP activities and get answers to CBP-related questions. The dates of those that have been held, to date, are as follows:

- Outreach to
  - Property Owners
    - December 12, 2006 – Focus Group; Restrictive Covenant; Residential/Commercial Property Owners
    - January 23, 2007 – Focus Group; restrictive Covenant; Residential/Commercial Property Owners
    - Public Forum; Restrictive Covenant
      - March 5, 2007
      - March 7, 2007
      - March 14, 2007
      - March 15, 2007
      - June 20, 2007
      - June 21, 2007
      - August 2, 2007
      - August 3, 2007
      - August 11, 2007
      - September 7, 2007
      - September 8, 2007
  - **Realtors/Appraisers/Mortgage Lenders/Title Insurers/Closing Attorneys**
    - June 22, 2005
    - July 14, 2005
    - July 15, 2005
    - May 21, 2007
    - June 19, 2007
    - July 17, 2007
    - August 22, 2007
    - August 23, 2007
    - August 24, 2007
    - September 6, 2007

#### IV. Public Outreach

ALDOT has and will continue to inform church leaders, elected officials, the news media, and other interested or affected parties about CBP activities.

- Church leaders - Involved through membership on the COG, presence of or presentations by an ALDOT representative(s) at local church activities and gatherings.
- Elected officials – Involved through project updates by ALDOT representatives through formal meetings and invitations to the officials to attend and be recognized at site-wide public meetings.
- News media - ALDOT sustains an open and proactive relationship with area news media through news conferences, interview/photo ops, briefings, invitations to public meetings, and scheduled meetings with members of the editorial board of The Montgomery Advertiser newspaper. ALDOT meets with the Public Information Officer of ADEM so that the Agency is aware of ALDOT's media activities.
- Individuals – Involved by being made aware of CBP activities, as necessary, through door-to-door or telephone contacts to obtain permission for property access, acquire Restrictive Covenants, or response to questions posed on the ALDOT 24-hour information line.

#### V. Public Information Platforms

- **Public Repository:** Coliseum Boulevard Branch of the Montgomery Public Library. Copies of project documents and videos of site-wide public meetings.
- **24-Hour Information Line:** Telephone Number 334-353-6635 that is monitored daily during the business week. Callers can hear update of weekly project activities and leaves questions or comments for follow up. ALDOT sends a copy of the Weekly Project Update that is posted on the Information Line to each COG member, ADEM, and the Mayor's office.
- **ALDOT/CBP Web Page:** Accessed at <http://www.dot.state.al.us/docs>. Provides postings of upcoming public meetings, names of COG members, a project overview, recent Weekly Project Updates, and relevant project documents.