

APA-1
07/04

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 335 Department or Agency Environmental Management
Rule No. 335-6-15-.02
Rule Title: Definitions

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Marilyn Elliott

Date July 20, 2017



ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Environmental Management

RULE NO. & TITLE: 335-6-15-.02 Definitions
335-6-15-.03 Applicability
335-6-15-.04 Installation Requirements for Partially Excluded Systems
335-6-15-.05 Notification Requirements
335-6-15-.06 Performance Standards for New UST Systems and Dispensers
335-6-15-.07 Upgrading of Existing UST Systems
335-6-15-.08 Plans and Specifications
335-6-15-.09 Operation, Maintenance, and Testing or Inspection of Spill and Overflow Prevention Equipment and Containment Systems; and Walkthrough Inspections
335-6-15-.10 Operation and Maintenance of Corrosion Protection
335-6-15-.11 Compatibility
335-6-15-.12 Repairs Allowed
335-6-15-.13 Reporting and Recordkeeping
335-6-15-.14 General Release Detection Requirements for All UST Systems
335-6-15-.15 Release Detection Requirements for Petroleum UST Systems
335-6-15-.16 Release Detection Requirements for Hazardous Substance UST Systems
335-6-15-.17 Methods of Release Detection for Underground Storage Tanks
335-6-15-.18 Methods of Release Detection for Underground Piping
335-6-15-.19 Release Detection Recordkeeping
335-6-15-.20 Reporting of Suspected Releases
335-6-15-.22 Release Investigation and Confirmation Steps
335-6-15-.24 Initial Release Response
335-6-15-.25 Initial Abatement Measures and Preliminary Investigation
335-6-15-.26 Preliminary Investigation Requirements
335-6-15-.27 Free Product Removal
335-6-15-.28 Secondary Investigation Requirements
335-6-15-.29 Corrective Action Plan
335-6-15-.30 Corrective Action Requirements
335-6-15-.31 Public Participation
335-6-15-.32 Analytical Requirements
335-6-15-.33 Temporary Closure
335-6-15-.35 Site Closure or Change-In-Service Assessment
335-6-15-.37 Closure Records
335*6-15-.39 Availability to Public of Records, Reports or Information
335-6-15-.42 Underground Storage Tank Regulation Fee
335-6-15-.43 Financial Responsibility for Petroleum UST Owners and Operators
335-6-15-.45 Delivery Prohibition
335-6-15-.46 Operator Training

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION

NOTICE OF INTENDED ACTION

RULE NO. & TITLE:

335-6-15-.47 Certification Requirements for Individuals Who Supervise Installation,
Closure, and Repair of UST Systems
335-6-15-.48 UST Systems with Field-Constructed Tanks and Airport Hydrant Fuel
Distribution Systems
335-6-15-.49 Severability

INTENDED ACTION: Amend Chapter 335-6-15 of the ADEM Administrative Code

SUBSTANCE OF PROPOSED ACTION:

The Department of Environmental Management proposes to amend portions of the Division 6 Underground Storage Tanks Program Regulations to make typographical and grammatical corrections, to make clarifications necessary to maintain consistency with analogous federal rules, and to adopt new amendments required by the USEPA which are necessary to maintain the programs fully authorized status.

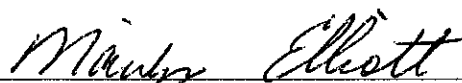
TIME, PLACE, MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held Wednesday, August 9, 2017 at 10:00 a.m. in the Main Hearing Room at the ADEM Central Office located at 1400 Coliseum Blvd, Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

September 6, 2017

CONTACT PERSON AT AGENCY: Sonja Massey, Chief of the Groundwater Branch, ADEM Land Division, (334) 271-7832.



Lance R. LePleur
Director

335-6-15-.02 Definitions. The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

(a) "Aboveground release" means any release to the surface of the land or to surface water. This includes, but is not limited to, releases from the aboveground portion of an UST system and aboveground releases associated with overfills and transfer operations as the regulated substance moves to or from an UST system.

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

(c) "Airport hydrant fuel distribution system" means an UST system which fuels aircraft and operates under high pressure with large diameter underground piping that typically terminates into one or more hydrants (fill stands). The airport hydrant fuel distribution system begins where fuel enters one or more tanks from an external source such as a pipeline, barge, rail car, or other motor fuel carrier.

(ed) "Ancillary equipment" means any devices including, but not limited to, such devices as underground piping, fittings, flanges, valves, and pumps used to distribute, meter, or control the flow of regulated substances to and from an UST.

(ee) "Belowground release" means any release to the subsurface of the land, including releases to groundwater. This includes, but is not limited to, releases from the belowground portions of an underground storage tank system and belowground releases associated with overfills and transfer operations as the regulated substance moves to or from an underground storage tank.

(ef) "Beneath the surface of the ground" means beneath the ground surface or otherwise covered with earthen materials.

(fg) "Cathodic protection" is a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, an underground storage tank system can be cathodically protected through the application of either galvanic anodes or impressed current.

(gh) "Cathodic protection tester" means a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and underground storage tank systems. At a minimum, such persons must have education and experience in soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements of buried metal piping and underground storage tank systems. Such persons must also be certified, and then recertified every 3 years, as successfully completing in-class and field training from a corrosion expert. Certification may no longer be recognized by the Department and/or the certifying organization if a certified individual is not recertified within 90 days or another time period approved by

the Department after expiration of their certification, there is evidence of fraud, or the tester is determined by the Department to not be capable of properly performing cathodic protection testing. At a minimum, certification training shall encompass all of the following and recertification training shall include the training outlined in items subparagraphs (h)3. Through 5. of this rule, or be in accordance with NACE International certification and recertification requirements:

1. Basics of corrosion which include the following discussions:
 - (i) What corrosion is;
 - (ii) Significance and costs of corrosion;
 - (iii) Conditions for corrosion to occur;
 - (iv) Electrochemical aspects of corrosion;
 - (v) Environmental effects on UST systems such as oxygen, temperature, corrosivity of the environment, concentration of corrosive element, and galvanic coupling;
 - (vi) Types of corrosion;
 - (vii) Galvanic series and Electromotive Force series; and
 - (viii) Corrosion properties of different metals and nonmetals.
2. Underground corrosion discussion which includes the following:
 - (i) Chemical and physical properties of soils;
 - (ii) Factors affecting underground corrosion such as:
 - (I) Soil particle size and composition; and
 - (II) Electrolyte moisture content, resistivity, and acidity/alkalinity;
 - (iii) Factors in underground corrosion of ferrous metals such as burial depth, area effects, and time buried; and
 - (iv) Behavior of coatings in soils.
3. Corrosion prevention discussion which includes the following:
 - (i) Impressed current cathodic protection system mechanism, economics, continuity and structure-to-soil testing, anode selection, life of anode, anode environment, design and installation of anodes;

(ii) Sacrificial anode (galvanic) cathodic protection system mechanism, economics, continuity and structure-to-soil testing, anode selection, life of anode, anode environment, design and installation of anodes;

(iii) Sources of power for cathodic protection;

(iv) When to use an impressed current cathodic protection system versus a sacrificial anode cathodic protection system;

(v) Misconceptions about cathodic protection;

(vi) Purpose of cathodic protection monitoring and testing, criterion used for monitoring steel, and criterion for monitoring other metals;

(vii) Reference cell purpose, practical test locations, test stations, and maintenance;

(viii) Stray current sources, detection, testing, and prevention;

(ix) Use of coatings in underground applications to prevent corrosion;
and

(x) UST internal corrosion problems and prevention.

4. Discussion of regulatory requirements for corrosion protection as follows:

(i) Federal and state of Alabama corrosion protection requirements;

(ii) Qualifications required to perform corrosion protection work as a corrosion expert and cathodic protection tester;

(iii) Integrity assessment prior to addition of cathodic protection such as internal inspection and acceptable alternatives;

(iv) Corrosion protection upgrading options; and

(v) Monitoring and recordkeeping requirements.

5. Discussion of standards and recommended practices such as NACE International, American Petroleum Institute, Petroleum Equipment Institute, National Fire Prevention Association, American Society for Testing and Materials, and Steel Tank Institute.

6. Hands-on field inspection and testing session featuring galvanic versus impressed current systems, reference electrodes, rectifiers, instrumentation, test stations, structure-to-soil and continuity testing, what to look for to determine compliance with cathodic requirements, cathodic protection system problems, and what to do if cathodic protection system does not meet minimum criteria.

(hi) "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended.

(ii) "Compatible" means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another for the design life of the underground storage tank system under conditions likely to be encountered in the UST.

(jk) "Connected piping" means all underground piping including valves, elbows, joints, flanges and flexible connectors attached to an underground storage tank system through which regulated substances flow. For the purpose of determining how much underground piping is connected to any individual UST system, the underground piping that joins two UST systems should be allocated equally between them.

(kl) "Consumptive use" with respect to heating oil means consumed on the premises.

(m) "Containment sump" means a liquid-tight container that protects the environment by containing leaks and spills of regulated substances from underground piping, dispensers, pumps and related components in the containment area. Containment sumps may be single walled or secondarily contained and located at the top of the UST (UST top or submersible turbine pump sump), underneath the dispenser (under-dispenser containment sump), or at other points in the underground piping run (transition or intermediate sump).

(ln) "Contaminant" means a regulated substance which has been released into the environment.

(mo) "Continuous interstitial monitoring" means performing interstitial monitoring on an uninterrupted basis.

(np) "Corrective action limits (CAL)" means those contaminant concentrations which must be achieved in order for corrective action to be deemed complete by the Department.

(oq) "Corrosion expert" means a person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal underground storage tanks. Such a person must be accredited or certified as being qualified by NACE International or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal underground storage tanks. Such person is qualified to test cathodic protection systems without becoming certified and recertified as defined in subparagraph (gh) above of this rule.

(pr) "Critical Jjunctures" means the steps taken to install, close, and repair UST systems which, if done improperly, could result in the greatest risk of a release.

~~(q) "De minimis concentration" means that amount of a substance mixed with another substance that is so little, small, minuscule, or tiny that it does not alter the properties of the substance with which it is mixed.~~

(rs) "Department" means the Alabama Department of Environmental Management.

(st) "Dielectric material" means a material that does not conduct direct electrical current. Dielectric coatings are used to electrically isolate UST systems from the surrounding soils. Dielectric bushings are used to electrically isolate portions of the UST system (e.g., underground storage tank from underground piping).

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

~~(uv) "Dispenser" is a device designed to dispense motor fuels and kerosene~~means equipment located aboveground that dispenses regulated substances from the UST system.

~~(w) "Dispenser system" means the dispenser as defined in paragraph (v) of this rule and the equipment necessary to connect the dispenser to the underground storage tank system.~~

(vx) "Electrical equipment" means underground equipment that contains dielectric fluid that is necessary for the operation of equipment such as transformers and buried electrical cable.

(wy) "Excavation zone" means the volume containing the underground storage tank system and backfill material bounded by the ground surface, walls, and floor of the pit and trenches into which the UST system is placed at the time of installation.

(xz) "Existing tank system" means an underground storage tank system used to contain an accumulation of regulated substances or for which installation has commenced ~~on or~~ before April 5, 1989. Installation is considered to have commenced if:

1. ~~t~~The owner or operator has obtained all federal, state of Alabama, and local approvals or permits necessary to begin physical construction of the site or installation of the underground storage tank system; and if,

2. ~~e~~Either a continuous on-site physical construction or installation program has begun; or,

3. ~~t~~The owner or operator has entered into contractual obligations--which cannot be cancelled or modified without substantial loss--for physical

construction at the site or installation of the underground storage tank system to be completed within a reasonable time.

(yaa) "Farm tank" is an underground storage tank located on a tract of land devoted to the production of crops or raising animals, including fish, and associated residences and improvements. A farm tank must be located on the farm property. "Farm" includes fish hatcheries, rangeland and nurseries with growing operations.

(bb) "Field-constructed tank" means a tank constructed in the field. For example, a tank constructed of concrete that is poured in the field, or a steel or fiberglass tank primarily fabricated in the field is considered field-constructed.

(zcc) "Flow-through process tank" is an underground storage tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow-through process underground storage tanks do not include underground storage tanks used for the storage of materials prior to their introduction into the production process or for the storage of finished products or by-products from the production process.

(aad) "Free product" refers to a regulated substance that is present as a non-aqueous phase liquid (e.g., liquid not dissolved in water).

(bbe) "Gathering lines" means any pipeline, equipment, facility, or building used in the transportation of oil or gas during oil or gas production or gathering operations.

(eff) "Groundwater" means water below the land surface in a zone of saturation.

(gg) "Hazard quotient" means a ratio of the level of exposure of a chemical over a specified time period to a "reference dose", as defined in subparagraph (jj) of this rule, for that chemical of concern derived for a similar exposure period.

(dhh) "~~Hazardous substance-UST system~~" means ~~an underground storage tank system that contains a hazardous substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (but not including any substance regulated as a hazardous waste under division 14 of the ADEM Administrative Code) or any mixture of such substances and petroleum, and which is not a petroleum UST system.~~

(ii) "Hazardous substance UST system" means an underground storage tank system that contains any substance defined as a hazardous substance in subparagraph (hh) of this rule.

(jj) "Health Advisory Level" or "(HAL)-A" means a level established by the United States Environmental Protection Agency which provides the level of a

contaminant in drinking water at which adverse non-carcinogenic health effects would not be anticipated with a margin of safety.

(eekk) "Heating oil" means petroleum that is No. 1, No. 2, No. 4--light, No. 4--heavy, No. 5--light, No. 5--heavy, and No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C); and other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers, or furnaces.

(ffll) "Hydraulic lift tank" means an underground storage tank holding hydraulic fluid for a closed-loop mechanical system that used compressed air or hydraulic fluid to operate lifts, elevators, and other similar devices.

(mm) "Individual Excess Lifetime Cancer Risk" or "IELCR" means the increase over background in an individual's probability of getting cancer over a lifetime due to exposure to a chemical.

(ggnn) "Interstitial monitoring" is a method of routinely checking at regular intervals for leaks into the space area between the primary wall of an UST or underground piping and an outer secondary barrier.

(hhoo) "Liquid trap" means sumps, well cellars, and other traps used in association with oil and gas production, gathering, and extraction operations (including gas production plants), for the purpose of collecting oil, water, and other liquids. These liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream, or may collect and separate liquids from a gas stream.

(iipp) "Maintenance" means the normal operational upkeep to prevent an underground storage tank system from releasing product.

(qq) "Maximum Contaminant Level" or "MCL" means a level established by the United States Environmental Protection Agency which is the maximum permissible level of a contaminant in drinking water that is delivered to any user of a public water system.

(jjrr) "~~Motor fuel~~" means ~~petroleum, petroleum-based substance or petroleum blend with more than a de minimis concentration of petroleum that~~ is a complex blend of hydrocarbons typically used for combustion in the operation of a motor or engine such as motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, any grade of gasohol, biodiesel, eteor any blend containing one or more of these substances (for example: motor gasoline blended with alcohol).

(kkss) "New dispenser system" is either a newly manufactured or operational dispenser and the equipment necessary to connect the dispenser to the underground storage tank system, which includes check valves, shear valves, unburied risers, flex connectors, or other transitional components which connect the dispenser to the underground piping, which is installed for the first time or at a new location on August 6, 2007 and thereafter.

(H11) "New tank~~UST~~ system" means an underground storage tank system that will be used to contain an accumulation of regulated substances and for which installation has commenced on or after April 5, 1989. {See also "Existing tank system" in subparagraph (z) of this rule.}

(~~HH11~~) "Noncommercial purposes" with respect to motor fuel means not for resale.

(~~HHV1~~) "On the premises where stored" with respect to heating oil means UST systems located on the same property where the stored heating oil is used.

(~~oeww~~) "Operational life" refers to the period beginning when installation of the underground storage tank system has commenced until the time the underground storage tank system is properly closed under rules 335-6-15-.33~~4~~ through 335-6-15-.37.

(~~ppxx~~) "Operator" means any person in control of, or having responsibility for, the daily operation of the UST system.

(~~eqyy~~) "Operator, Class A" means any person who is, or is employed by, the underground storage tank owner, underground storage tank facility owner, or lessee, who has primary responsibility to operate and maintain underground storage tank systems. The Class A operator's responsibilities include managing resources and personnel, such as establishing work assignments to achieve and maintain compliance with Department underground storage tank regulatory requirements. In general, this person focuses on the broader aspects of the regulations and standards necessary to operate and maintain underground storage tank systems in accordance with this chapter. For example, this person typically ensures that responsible person(s):

1. Are trained to operate and maintain underground storage tank systems and keep records in accordance with the requirements in this chapter;
2. Operate and maintain underground storage tank systems in accordance with the requirements in this chapter;
3. Maintain records in accordance with the requirements of this chapter;
4. Respond to emergencies caused by releases or spills from underground storage tank systems in accordance with the requirements of this chapter; and
5. Make financial responsibility documents available to the Department as required by rules 335-6-15-.13 and 335-6-15-.43.

(~~ffzz~~) "Operator, Class B" means any person who is, or is employed by, the underground storage tank owner, underground storage tank facility owner, or lessee, who implements underground storage tank regulatory requirements and standards in the field in accordance with this chapter. This person

implements day-to-day aspects of operating, maintaining, and recordkeeping for underground storage tank systems at one or more facilities. For example, this person typically monitors, maintains, and ensures:

1. Compliance with release detection, recordkeeping, and reporting requirements;
2. Compliance with release prevention, recordkeeping, and reporting requirements;
3. Compliance with performance standards for all relevant equipment; and
4. Training of responsible persons to respond to emergencies caused by releases or spills in accordance with the requirements of this chapter.

(ssaaa) "Operator, Class C" means any person who is, or is employed by, the underground storage tank owner, underground storage tank facility owner, or lessee, who is generally the first line of response to events indicating emergency conditions. This person is responsible for responding to alarms or other indications of emergencies caused by spills or releases from underground storage tank systems, and for notifying the Class B or Class A operator and appropriate emergency responders when necessary. Not all employees of the facility are necessarily Class C operators. This person typically:

1. Controls or monitors the dispensing or sale of regulated substances; or
2. Is responsible for initial response to alarms or releases.

(ttbbb) "Overfill release" is a release that occurs when an underground storage tank is filled beyond its capacity, resulting in a discharge of the regulated substance to the environment.

(uuccc) "Owner" means: in the case of an UST system in use on November 8, 1984, or brought into use after that date, any person who owns an UST system used for storage, use, or dispensing of regulated substances; and in the case of any UST system in use before November 8, 1984, but no longer in use on that date, the present owner of the underground storage tank and any person who owned such underground storage tank immediately before the discontinuation of its use.

(vwdddd) "Person" means an individual, trust, firm, joint stock company, federal agency, corporation, state, municipality, commission, political subdivision of a state, or any interstate body. "Person" also includes a consortium, a joint venture, a commercial entity, and the United States Government.

(wweeee) "~~Petroleum-UST system~~" means an underground storage tank system that contains petroleum crude oil or any fraction thereof that is

liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute), petroleum-based substances comprised of a complex blend of hydrocarbons or a mixture of petroleum with de minimis concentrations of other regulated substances. Such systems include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.

(fff) "Petroleum UST system" means an underground storage tank system that contains "petroleum" as defined in subparagraph (eee) of this rule.

(xxxggg) "Pipe" or "Piping" means a hollow cylinder or tubular conduit that is constructed of non-earthen materials that routinely contains and conveys regulated substances from the underground storage tank(s) to the dispenser(s) or other end-use equipment. Such "pipe" or "piping" includes any elbows, couplings, unions, valves, or other in-line fixtures that contain and convey regulated substances from the underground storage tank(s) to the dispenser(s). This definition excludes vent, vapor recovery, or fill lines that do not routinely contain regulated substances.

(yyhhh) "Pipeline facilities (including gathering lines)" are new and existing pipe rights-of-way and any associated equipment, facilities, or buildings.

(zziii) "Red tag" means a tamper resistant device or mechanism which can be placed on an underground storage tank's fill pipe that clearly identifies the underground storage tank as being prohibited from accepting regulated substance delivery. The device or mechanism is easily visible to the regulated substance deliverer and clearly conveys that it is unlawful to deliver to, or accept product into the underground storage tank.

(jjj) "Reference dose" means an estimate of a daily exposure to the general human population that is likely to be without an appreciable risk of deleterious effects during a lifetime of exposure.

(aaa~~kkk~~) "Regulated substance" means any substance defined as a hazardous substance in subparagraph (hh) of this rule or any substance defined as petroleum in subparagraph (eee) of this rule, in section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 (but not including any substance regulated as a hazardous waste under division 14 of the ADEM Administrative Code); and petroleum, including crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute). The term "regulated substance" includes but is not limited to petroleum and petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading, and finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.

(bbb~~lll~~) "Regulated substance deliverer" means any person who delivers a regulated substance to an underground storage tank.

(eeemmm) "Release" means any spilling, leaking, emitting, discharging, escaping, leaching or disposing from an UST into groundwater, surface water or subsurface soils.

(dddnnn) "Release detection" means determining whether a release of a regulated substance has occurred from the UST system into the environment or a leak has occurred into the interstitial space between the UST system and its secondary barrier or secondary containment around it.

(eeeeoo) "Repair" means to restore to proper operating condition an underground storage tank, underground pipe, spill prevention equipment, overfill prevention equipment, corrosion protection equipment, release detection equipment, or other ~~defective or damaged component of a~~ UST system component that has caused or could cause a release of product from the UST system or has failed to function properly, that is not "routine maintenance" as defined in subparagraph (gggqqq) of this rule.

(fffppp) "Residential tank" is an underground storage tank located on property used primarily for dwelling purposes.

(gggqqq) "Routine maintenance" means an ~~activity involving work~~ designed to maintain on an UST system that is completed without breaking concrete, asphalt, or other paved surface and/or ground, and that is not a "repair" as defined in subparagraph (eeeeoo) of this rule, replacement, installation, or closure. This includes ~~replaeing or repair of work on or replacing~~ spill catchment basins, automatic line leak detectors, automatic tank gauge probes, suction or submersible pumps, overfill prevention devices, drop tubes, check valves, underground storage tank fill adaptors, caps, lids, and manhole covers, fuses, dispenser components above shear valve, all without breaking concrete, asphalt or other paved surface, and/or ground.

(hhhrrr) "SARA" means the Superfund Amendments and Reauthorization Act of 1986.

(sss) "Secondary containment" or "Secondarily contained" means a release prevention and release detection system for an underground storage tank or underground piping. This system has an inner and outer barrier with an interstitial space that is monitored for leaks. This term includes containment sumps when used for interstitial monitoring of underground piping.

(iiittt) "Septic tank" is a water-tight covered underground receptacle designed to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer. The effluent from such receptacle is distributed for disposal through the soil and settled solids and scum from the underground tank are pumped out periodically and hauled to a treatment facility.

(jjjuuu) "Significant noncompliance requiring delivery prohibition" means a failure of an owner or operator to comply with any of the following requirements of this chapter that will result in the Department prohibiting delivery of regulated substances to an underground storage tank facility, after

being given notice: installation of spill prevention, overfill prevention, leak detection, or corrosion protection equipment on an underground storage tank system as required by rules 335-6-15-.03, ~~rule~~335-6-15-.04, ~~rule~~335-6-15-.06, 335-6-15-.07, ~~rules~~335-6-15-.09 through 335-6-15-.12, and ~~rules~~335-6-15-.14 through 335-6-15-.18.

(~~lele~~vvv) "Significant noncompliance subject to delivery prohibition" means a failure of an owner or operator to comply with any of the following requirements of this chapter that may result in the Department prohibiting delivery of regulated substances to an underground storage tank facility, after being given notice and appropriate time by the Department to comply:

1. Notification requirements for an underground storage tank system with the Department in accordance with rule 335-6-15-.05;

2. Operation and/or maintenance of spill prevention, overfill prevention, leak detection, or corrosion protection equipment on an underground storage tank system as required by rules 335-6-15-.03, ~~rule~~335-6-15-.04, ~~rule~~335-6-15-.06, ~~rule~~335-6-15-.07, ~~rule~~335-6-15-.09, ~~rule~~335-6-15-.10, and ~~rules~~335-6-15-.14 through 335-6-15-.18;

3. Installation, operation and/or maintenance of under dispenser containment or submersible pump containment on an underground storage tank system as required by rules 335-6-15-.03, ~~rule~~335-6-15-.06, and ~~rule~~335-6-15-.09;

4. Compatibility, and repair requirements on an underground storage tank system as required by rules 335-6-15-.11 and ~~rule~~335-6-15-.12;

5. Submittal of documentation or reports relating to spill prevention, overfill prevention, leak detection, corrosion protection, under dispenser containment, submersible pump containment, compatibility and repairs for an underground storage tank system within the time frame required by this chapter or within a reasonable time frame upon request by the Department;

6. Payment of the yearly underground storage tank regulation fee in accordance with rule 335-6-15-.42;

7. Taking appropriate action in response to a release or suspected release of product as outlined by rules 335-6-15-.20 through 335-6-15-.25; or

8. Investigation, and/or clean up a release from an underground storage tank system in a timely manner, in accordance with rules 335-6-15-.26 through 335-6-15-.30 and 335-6-15-.35.

9. Training of operators of UST systems in accordance with rule 335-6-15-.46.

10. Use of an individual or individuals certified by a Department approved certifying organization to exercise supervisory control over installation, closure, and repair of UST systems in accordance with rule 335-6-15-.47.

(llwww) "Storm-water or wastewater collection system" means piping, pumps, conduits, and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation, or domestic, commercial, or industrial wastewater to and from retention areas or any areas where treatment is designated to occur. The collection of storm water and wastewater does not include treatment except where incidental to conveyance.

(mmxxx) "Surface impoundment" is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials) that is not an injection well.

(nnyyy) "Tank" is a stationary device designed to contain an accumulation of regulated substances and constructed of non-earthen materials (e.g., concrete, steel, plastic) that provide structural support.

(zzz) "Training program" means any program that provides information to and evaluates the knowledge of a Class A, Class B, or Class C operator through testing, practical demonstration, or another approach acceptable to the Department regarding requirements for UST systems that meet the requirements of rule 335-6-15-.46.

(aaaa) "Under dispenser containment" means containment underneath a dispenser system designed to prevent leaks from the dispenser and underground piping within or above the under dispenser containment from reaching soil or groundwater.

(eeobbbb) "Underground area" means an underground room, such as a basement, cellar, shaft or vault, providing enough space for physical inspection of the exterior of the tank situated on or above the surface of the floor.

(ppcccc) "Underground release" means any belowground release.

(qqd) "Underground storage tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. This term does not include any:

1. Farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;
2. Tank used for storing heating oil for consumptive use on the premises where stored;
3. Septic tank;

4. Pipeline facility (including gathering lines)-regulated-under:

(i) ~~The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671, et seq.)~~ Which is regulated under chapter 601 of Title 49, or

(ii) ~~The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001, et seq.)~~ Which is an intrastate pipeline facility regulated under state laws as provided in chapter 601 of Title 49, and which is determined by the Secretary of Transportation to be connected to a pipeline, or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline, or

(iii) State of Alabama laws comparable to the provisions of law in subparagraph (d)4.(i) or (ii) above;

5. Surface impoundment, pit, pond, or lagoon;

6. Storm-water or wastewater collection system;

7. Flow-through process tank;

8. Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations; or

9. Storage tank situated in an underground area (such as a basement cellar, mine working, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.

10. Other tanks exempted by the administrator of the United States Environmental Protection Agency; and

11. Piping connected to any of the above exemptions.

(f) "Underground storage tank facility" is a single site or location containing one or more underground storage tank systems.

(g) "Upgrade" means the addition or retrofit of some systems such as cathodic protection, lining, or spill and overflow controls to improve the ability of an underground storage tank system to prevent the release of product.

(h) "UST system" or "Underground Storage Tank system" means an underground storage tank, connected to and including underground piping, underground ancillary equipment, and containment system, if any, as well as underground vent, vapor recovery, or fill lines.

(i) "Wastewater treatment tank" means an underground tank that is designated to receive and treat an influent wastewater through physical, chemical, or biological methods.

(j) "Waters" means all waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the state

of Alabama, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce.

~~(www) Individual Excess Lifetime Cancer Risk (IELCR) — The increase over background in an individual's probability of getting cancer over a lifetime due to exposure to a chemical.~~

~~(xxx) Hazard Quotient — a ratio of the level of exposure of a chemical over a specified time period to a reference dose for that chemical of concern derived for a similar exposure period.~~

~~(yyy) Reference Dose — An estimate of a daily exposure to the general human population that is likely to be without an appreciable risk of deleterious effects during a lifetime of exposure.~~

~~(zzz) Health Advisory Level (HAL) — A level established by EPA which provides the level of a contaminant in drinking water at which adverse non-carcinogenic health effects would not be anticipated with a margin of safety.~~

~~(aaaa) Maximum Contaminant Level (MCL) — A level established by EPA which is the maximum permissible level of a contaminant in drinking water, which is delivered to any user of a public water system.~~

Author: Sonja Massey, Curt Johnson, Lee Davis.

Statutory Authority: Code of Alabama 1975, §§ 22-36-2, 22-36-3.

History April 5, 1989.

Amended: October 2, 2003; August 6, 2007; April 25, 2008; November 24, 2009; January 16, 2012; April 1, 2014; XXXXXX, 2017.