

APA-1  
07/04

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management  
Rule No. 335-6-15-.05  
Rule Title: Notification Requirements

         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

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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.

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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 Mary 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 Overfill  
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.

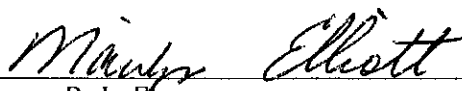
TIME, PLACE, MANNER OF PRESENTING VIEWS:

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.

  
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Lance R. LePleur  
Director

**335-6-15-.05 Notification Requirements.**

(1) ~~Any~~After April 5, 1989, an owner or operator of an underground storage tank system for which a notification has not been provided to the Department ~~as of April 5, 1989~~, must ~~within 30 days of that date~~, submit, in a form approved by the Department, a notice of the existence of such underground storage tank system to the ADEM ~~department~~ within 30 days of bringing the underground storage tank system into use. ~~Notification shall include the information identified in paragraph (2) below.~~

(2) ~~Any owner who brings an underground storage tank system into use after April 5, 1989~~, must ~~within 30 days of bringing such tank into use~~, submit, in a form approved by the Department, a notice of the existence of such tank system to the ADEM. Notification required in paragraph (1) of this rule shall include the following information:

(a) Owner and operator name, address, and telephone number, and e-mail address.

(b) Type of owner (e.g., sole proprietor, partnership, corporation).

(c) Location of underground storage tank.

1. Description of facility location;

2. Mailing address of facility at which underground storage tank is located (where applicable);

(d) Telephone number at the underground storage tank facility where the underground storage tank is located (where applicable).

(e) Operational status of underground storage tank.

(f) Estimated age of date the underground storage tank and underground piping were installed.

(g) Estimated total capacity in gallons.

(h) Material of construction of underground storage tank and underground piping.

(i) ~~Type of~~ Whether or not the underground storage tank is internally lined-protection.

(j) Type of underground storage tank system external corrosion protection, if applicable.

(k) Whether spill prevention is installed.

(l) Method of overfill prevention.

- (km) Type of release detection method or methods.
- (ln) Substance currently stored.
- (mo) Type of product dispensing system; pressure or suction.
- (mp) Location of check valve and slope of underground piping for suction systems.
- (oq) Regulated substance deliverer name, address, ~~and~~ telephone number and e-mail address.
- (pr) Other such information determined to be necessary by the Department.

(3) An owner of an UST system which has had a modification which has changed any of the information reported originally under paragraph (1) or (2) of this rule must submit an amended notification to the ~~D~~Department within 30 days of the completion of that modification.

(4) Owners required to submit notices under paragraphs (1) and (2) of this rule must provide notices to the Department for each underground storage tank they own. Owners may provide notice for several underground storage tanks using one notification form, but owners who own underground storage tanks located at more than one place of operation must file a separate notification form for each separate place of operation.

(5) A notification of installation or modification, containing information determined to be necessary by the Department, shall be submitted to the Department, in a form acceptable to the Department, 30 days prior to the anticipated date of installation or modification for each underground storage tank or underground storage tank system ~~in a form which is acceptable to the Department~~.

(6) All owners and operators of new UST systems must certify in the notification, that they are in compliance with the following requirements:

(a) Installation of underground storage tanks and underground piping under rules 335-6-15-.06(e) and 335-6-15-.47;

(b) Cathodic protection of steel underground storage tanks and underground piping under rule 335-6-15-.06(a) and (b);

(c) Financial responsibility under rules 335-6-15-.443 and 335-6-15-.454;

(d) Release detection under rules 335-6-15-.15 and 335-6-15-.16.

(7) All owners and operators of new UST systems must ensure that the installer certifies in the notification form that the installation was installed in

accordance with the requirements in rules 335-6-15-.06(e) and 335-6-15-.47, and submit the notification form in accordance with paragraph (1) of this rule.

(8) ~~Any person who sellstransfers ownership of an underground storage tank intended to be used as an underground storage tank must notify the purchaser of such tank person assuming ownership within 30 days of the new owner's notification obligations under paragraphs (1) and (2) of this rule.~~

(9) Any person who sellstransfers ownership of an UST system that is already in service must provide the Department the following within 30 days:

(a) ~~notify the Department Notification of such sale transfer;~~

(b) ~~provide p~~Proof of transfer of ownership of the UST system; and

(c) ~~provide t~~The name, and address, telephone number, and e-mail address of the new UST system owner to the Department.

(10) ~~A~~Within 30 days of acquisition, any person receiving who assumes ownership of an regulated UST system under the conditions of paragraph (9) of this rule must comply with the notification requirements of paragraphs (1), (2) and (3) of this rule.

(11) Owners and operators must notify the Department at least 30 days prior to switching to a regulated substance containing greater than 10 percent ethanol, greater than 20 percent biodiesel, or any other regulated substance identified by the Department.

**Author:** Sonja Massey, Curt Johnson, Lee Davis.

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

**History:** April 5, 1989.

**Amended:** October 2, 2003; August 6, 2007; April 25, 2008; January 16, 2012; XXXXXX, 2017.