

APA-1  
07/04

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control No. 335 Department or Agency Environmental Management  
Rule No. 335-6-15-.06  
Rule Title: Performance Standards for New UST Systems and Dispensers

         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 Maelyn 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. LePieur  
Director

**335-6-15-.06 Performance Standards for New USTs, Piping, UST Systems, and/or Dispensers.** In order to prevent releases due to structural failure, corrosion, leakage from submersible pumps and dispensers or spills and overfills for as long as the UST system is used to store regulated substances, all owners and operators of new USTs, underground piping, UST systems and/or dispensers must install this equipment in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and meet the following requirements:

(a) USTs. USTs installed on August 6, 2007 and thereafter must be manufactured so that any portion of the underground storage tank that is underground and routinely contains product has an inner and outer wall, and interstitial space. The USTs must be designed to allow monitoring of the integrity of both the inner and outer wall, contain a leak into the interstitial space until it is detected and removed, and prevent a release to the environment at any time during its operational life. Each UST must be properly designed and constructed, and any portion in contact with the ground that routinely contains product, as well as the metal outer wall of double wall underground storage tank which is in contact with the ground, must be protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified below:

1. The UST is constructed of fiberglass-reinforced plastic; or
2. The UST is constructed of steel and cathodically protected in the following manner:
  - (i) The UST is coated with a suitable dielectric material;
  - (ii) Field-installed cathodic protection systems are designed by a corrosion expert;
  - (iii) Cathodic protection systems are designed to allow determination of current operating status according to the requirements of rule 335-6-15-.10; and
  - (iv) Cathodic protection systems are operated and maintained in accordance with rule 335-6-15-.10.
3. The UST is constructed of ~~a steel-fiberglass-reinforced plastic composite~~ and clad or jacketed with a nonmetallic material; or
4. The UST construction and corrosion protection are determined by the Department to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than the requirements of subparagraphs (a) 1. through 3. of this rule.

(b) Underground Piping. All underground piping, other than suction underground piping that meets the requirements specified in rule 335-6-15-.15(b)2.(i), (ii), (iii), (iv), and (v), installed under the ground on August 6, 2007 and

thereafter must be manufactured so that underground piping has an inner and outer wall and interstitial space. Such underground piping must be designed to allow monitoring of the integrity of both the inner and outer wall, contain a leak into the interstitial space until it is detected and removed, and prevent a release to the environment at any time during its operational life. All metal underground piping that routinely contains regulated substances and is in contact with the ground, as well as the metal outer wall of double wall underground piping which is in contact with the ground, must be properly designed, constructed, and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory, as specified below:

1. The underground piping is ~~nonmetallic and is constructed of either a nonmetallic material such as fiberglass-reinforced plastic (rigid) or thermoplastic (flexible)~~. Nonmetallic underground piping installed on January 10, 2006, and thereafter, must meet the requirements of the most current edition of Underwriters Laboratories Inc. "Standard for Safety for Nonmetallic Underground Piping for Flammable Liquids", "UL 971". Performance claims must be demonstrated by an evaluation properly conducted in accordance with "UL 971"; or

2. The underground piping is constructed of steel and cathodically protected in the following manner:

(i) The underground piping is coated with a suitable dielectric material;

(ii) Field-installed cathodic protection systems are designed by a corrosion expert;

(iii) Cathodic protection systems are designed to allow determination of current operating status according to the requirements of rule 335-6-15-.10; and

(iv) Cathodic protection systems are operated and maintained in accordance with rule 335-6-15-.10.

3. The underground piping construction and corrosion protection are determined by the Department to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than the requirements in subparagraphs (b)1. and 2. of this rule.

(c) Spill and Overfill Prevention Equipment. Except as provided for in sub-paragraphs (c)3. and 4. ~~Below of this rule~~, to prevent spilling and overfilling associated with product transfer to the UST, owners and operators must use the following spill and overfill prevention equipment or preventive measures in subparagraphs (c)1. and 2. Below of this rule:

1. Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (for

example, a spill catchment basin) operated and maintained in accordance with rule 335-6-15-.09; and

2. Overfill prevention equipment that will:

(i) Automatically shut off flow into the underground storage tank when the underground storage tank is no more than 95 percent full; or

(ii) Alert the transfer operator when the underground storage tank is no more than 90 percent full by restricting the flow into the underground storage tank or triggering a high-level alarm.

3. Owner and operators are not required to use the spill and overfill prevention equipment specified in subparagraphs (c)1. and 2. ~~above of this rule~~ if:

(i) ~~a~~ Alternative equipment is used that is determined by the Department to be no less protective of human health and the environment than the equipment specified in subparagraph (c)1. or 2. of this rule; or

(ii) ~~t~~ The UST system is filled by transfers of no more than 25 gallons at one time.

4. Flow restrictors used in vent lines may not be used to comply with subparagraph (c)2. of this rule when overfill prevention is installed or replaced on or after [the effective date of rule].

5. Spill and overfill prevention equipment must be periodically tested or inspected in accordance with rule 335-6-15-.09(1)(a)1. and (b)1.

(d) Submersible Pump, and Under Dispenser, and Piping Transition Containment. USTs installed with submersible pumps on August 6, 2007 and thereafter, must have submersible pump containment sumps; ~~N~~new dispenser systems installed on August 6, 2007 and thereafter, must have under dispenser containment sumps; and piping transitions installed on or after [the effective date of rule] must have containment sumps as follows.

1. The sumps must be operated and maintained in accordance with rule 335-6-15-.09(21), (3c), ~~and (4)~~. Containment sumps must be designed, constructed, installed, and maintained to:

(i) Be liquid-tight on all sides, bottom and all penetrations to contain leakage and prevent release of regulated substances from equipment related to dispensers and submersible pumps until the regulated substance is detected and removed; and

(ii) Be compatible with the substance conveyed by the underground piping to prevent the release of regulated substances to the environment at any time during the operational life of the UST system; and

(iii) Be able to allow access to the components in the containment sumps, and be periodically visually inspected for evidence of a leakage into the sumps.

(e) Installation. All tanks and piping UST systems must be properly installed:

1. Under the supervisory control of an individual or individuals certified in accordance with the requirements in rule 335-6-15-.47;

2. In accordance with codes of practice developed by nationally recognized associations or independent testing laboratories;

3. In accordance with the manufacturer's instructions; and

4. In accordance with plans and specifications required under rule 335-6-15-.08 and reviewed by the Department to include any modifications required to be made by the Department.

(f) The Department reserves the right to inspect an UST system within 30 days of submission of plans or notification of installation prior to the UST system being fully backfilled and placed into operation. The Department may authorize a representative to make this inspection.

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

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

**History:** April 5, 1989.

**Amended:** January 10, 2006; August 6, 2007; April 25, 2008; January 16, 2012; April 1, 2014; XXXXXX, 2017.