

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management
Rule No. 335-6-15-.07
Rule Title: Upgrading of Existing UST Systems

 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 Nancy 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.

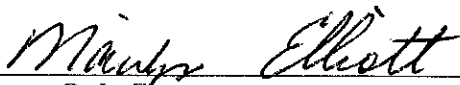
TIME, PLACE, MANNER OF PRESENTING VIEWS:

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.



Lance R. LePleur
Director

335-6-15-.07 Upgrading of Existing UST Systems. Owners and operators must permanently close (in accordance with rules 335-6-15-.34 through 335-6-15-.39) any UST system that does not meet the new UST system performance standards in rule 335-6-15-.06 or has not been upgraded in accordance with subparagraphs (b) through (d) of this rule. This does not apply to previously deferred UST systems described in rule 335-6-15-.48 and where an upgrade is determined to be appropriate by the Department.

(1a) Alternatives Allowed. ~~Not later than December 22, 1998,~~ All existing UST systems must comply with one of the following requirements:

(a)1. New UST system performance standards under rule 335-6-15-.06;

(b)2. The upgrading requirements in subparagraphs (2b) through (4d) below of this rule; or

(e)3. Closure requirements under rules 335-6-15-.334 through 335-6-15-.39, including applicable requirements for corrective action under rules 335-6-15-.25 through 335-6-15-.31.

(2b) Underground Storage Tanks Upgrading Requirements. ~~SteelMetal underground storage tanks must have been upgraded to meet one of the following requirements—cathodically protected in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory that:~~

~~(a) Interior Lining. A tank may be upgraded by internal lining if:~~

~~1. The lining is installed in accordance with the requirements of rule 335-6-15-.12, and~~

~~2. Within 10 years after lining, and every 5 years thereafter, except as indicated in subparagraph 3. below, the lined tank is internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications.~~

~~3. Tanks that had internal lining installed to comply with the December 22, 1998 upgrade deadline must meet the requirements of paragraph (c) below or be permanently closed in accordance with rules 335-6-15-.34 and 335-6-15-.35 within one year of the first required interior lining inspection after January 16, 2012.~~

~~(b) Cathodic Protection. A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements of rule 335-6-15-.06(a)2.(ii), (iii); and (iv), and have the integrity of the underground storage tank is ensured using one of the following methods:~~

1. The underground storage tank iswas internally inspected and assessed to ensure that the tank iswas structurally sound and free of corrosion holes prior to installing the cathodic protection system; or

2. The underground storage tank has ~~had~~ been installed for less than 10 years and is monitored ~~monthly~~ for releases at least every 30 days in accordance with rule 335-6-15-.17(d) through (h); or

3. The underground storage tank has ~~had~~ been installed for less than 10 years and ~~is~~ was assessed for corrosion holes by conducting two ~~(2)~~ tightness tests that meet the requirements of rule 335-6-15-.17(c). The first tightness test must have been conducted prior to installing the cathodic protection system. The second tightness test must have been conducted between three ~~(3)~~ and six ~~(6)~~ months following the first operation of the cathodic protection system; or

4. The underground storage tank ~~is~~ was assessed for corrosion holes by a method that is determined by the Department to prevent releases in a manner that is no less protective of human health and the environment than the requirements of subparagraphs ~~(2)(b)1.~~ through 3. of this rule.

~~(c) Internal Lining Combined With Cathodic Protection. A tank may be upgraded by both internal lining and cathodic protection if:~~

~~1. The lining is installed in accordance with the requirements of rule 335-6-15-.12; and~~

~~2. The cathodic protection system meets the requirements of rule 335-6-15-.06(a)2.(ii), (iii), and (iv).~~

(3c) Piping Upgrading Requirements. 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 cathodically protected in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory, and must meet the requirements of rule 335-6-15-.06(b)2.(ii), (iii), and (iv).

(4d) Spill and Overfill Prevention Equipment. To prevent spilling and overfilling associated with product transfer to the UST system, all existing UST systems must comply with new UST system spill and overfill prevention equipment requirements specified in rule 335-6-15-.06(c).

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; January 16, 2012; XXXXXX, 2017.