

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management
Rule No. 335-6-15-.09
Rule Title: Operation, Maintenance, and Testing or Inspection of Spill and
Overfill Prevention Equipment and Containment Systems; and
Walkthrough Inspections

 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 Mandy 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.

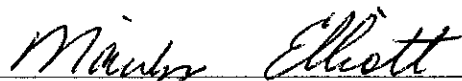
TIME, PLACE, MANNER OF PRESENTING VIEWS:

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-.09 Operation, and Maintenance, and Testing or Inspection of Spill and Overfill-Control, Prevention Equipment and Containment Systems; and Walkthrough Inspections.

(1) Owners and operators of UST systems must comply with the following operation, maintenance, and testing or inspection requirements for spill prevention equipment, overfill prevention equipment, and containment sumps and sensors to ensure that releases due to leaking, spilling or overfilling do not occur; submit testing and inspection results in accordance with rule 335-6-15-.13(a)5.; and keep testing and inspection records in accordance with rule 335-6-15-.13(b)5.; unless a UST system is temporarily closed in accordance with rule 335-6-15-.33.:

~~_____ (a) _____ The owner and operator must ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling.~~

~~(b)(a) Spill Prevention Equipment. Spill prevention equipment must be periodically checked in accordance with the walkthrough inspection requirements in paragraph (2) of this rule and meet the following requirements:~~

~~1. Spill catchment basinsSingle walled spill prevention equipment shall be checked tested for leakage to ensure the equipment is liquid tight by using vacuum, pressure, or liquid testing at least once every 3three years, or upon repair or replacement, in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory, unless a UST system is temporarily closed in accordance with rule 335-6-15-.33 using one of the following options:~~

~~(i) Testing requirements developed by the manufacturer (Note: Owners and operators may use this option only if the manufacturer has developed requirements);~~

~~(ii) Test methods from a code of practice developed by a nationally recognized association or independent testing laboratory; or~~

~~(iii) Testing requirements determined by the Department to be no less protective of human health and the environment than the testing requirements listed in subparagraphs (1)(a)1.(i) and (ii) of this rule.~~

~~2. Double walled spill prevention equipment with an interstitial space shall have the integrity of both walls periodically checked in accordance with the walkthrough inspection requirements in paragraph (2) of this rule. If this periodic checking is discontinued, owners and operators must begin using one of the testing options provided for single walled spill catchment basins in subparagraph (1)(a)1. of this rule and conduct a test within 30 days.~~

~~(e)3. If a spill catchment-basin prevention equipment is used, ensure that it is must be emptied before the transfer of regulated substance to the underground storage tank so that all the catchment-basin volume is available to contain a spill. If a breach in the spill catchment-basin prevention equipment is visible or if a spill catchment-basin prevention equipment leak test fails, it must be repaired or replaced prior to receiving any further deliveries of a regulated substance within a time period acceptable to the Department.~~

~~(e)4. When a regulated substance is being released or is suspected to have been released from the catchment-basin spill prevention equipment to the surrounding surface or subsurface, notify the Department of a suspected release in accordance with rule 335-6-15-.20.~~

(b) Overfill Prevention Equipment. Overfill prevention equipment in use before [the effective date of rule], shall be inspected not later than October 13, 2018 and at least once every three years thereafter; when brought into use on or after [the effective date of rule], shall be inspected upon installation and at least once every three years thereafter; and must meet the following inspection requirements:

1. At a minimum, the inspection must ensure that overfill prevention equipment is set to activate at the correct level specified in rule 335-6-15-.06(c)2, and will activate when regulated substance reaches that level. Inspections must be conducted using one of the following options:

(i) Inspection requirements developed by the manufacturer (Note: Owners and operators may use this option only if the manufacturer has developed requirements);

(ii) Inspection methods from a code of practice developed by a nationally recognized association or independent testing laboratory; or

(iii) Inspection requirements determined by the Department to be no less protective of human health and the environment than the inspection requirements listed in subparagraphs (1)(b)1.(i) and (ii) of this rule.

2. Owners and operators must ensure that the volume available in the underground storage tank is greater than the volume of product to be transferred to the underground storage tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling.

(c) Under Dispenser, Submersible Pump, and Other UST System Containment Sumps. These containment sumps must be periodically checked in accordance with the walkthrough inspection requirements in paragraph (2) of

~~this rule and meet the following requirements: (2) Beginning on August 6, 2007 and thereafter, owners or operators of UST systems with under dispenser and/or submersible pump containment sumps which are not used to meet leak detection requirements and beginning on (insert the effective date of this rule) and thereafter, owners and operators of UST systems with any other type of containment sumps which are not used to meet leak detection requirements, must comply with the following requirements:~~

~~(a) Inspect containment sumps annually and keep a log of the results of the annual inspection, unless a UST system is temporarily closed in accordance with rule 335-6-15-.33.~~

~~1. When a regulated substance is discovered in a containment sumps:~~

~~1.(i) Remove the regulated substance within 24 hours; any regulated substance which is removed must be disposed of in accordance with all state of Alabama and federal requirements; and~~

~~2.(ii) Repair or replace any necessary equipment to prevent further leakage of regulated substance into the containment sumps, within a time period acceptable to the Department, and immediately after repair or replacement, test the sump for leakage to ensure it is liquid tight in accordance with one of the vacuum, pressure, or liquid testing options provided in subparagraphs (1)(a) 1.(i), (ii), (iii) of this rule within a time period acceptable to the Department.~~

~~(e)2. When a regulated substance is being released or is suspected to have been released from a containment sumps to the surrounding surface or subsurface:~~

~~1.(i) Shut off the submersible pump; and~~

~~2.(ii) Notify the Department of a suspected release in accordance with rule 335-6-15-.20.~~

~~(b)3. Containment sumps used for interstitial monitoring of underground piping must be maintained so that they continuously remain free of water, regulated substance and debris.~~

~~(c) When a regulated substance is discovered in containment sumps:~~

~~1. Remove the regulated substance within 24 hours; any regulated substance which is removed must be disposed of in accordance with all state and federal requirements;~~

~~2. Repair any necessary equipment to prevent further leakage of regulated substance into containment sumps.~~

~~(d) When a regulated substance is being released or is suspected to have been released from containment sumps to the surrounding surface or subsurface:~~

~~1. Shut off the submersible pump;~~

~~2. Notify the Department of a suspected release in accordance with rule 335-6-15-20.~~

~~(e)4. The operation of any liquid sensors in a containment sumps sensors—used for interstitial monitoring of underground piping must be checked~~tested annually to ensure that they are working properly. Beginning [the effective date of rule], testing must be conducted in accordance with one of the testing options provided in subparagraphs (1)(a)1.(i),(ii), (iii) of this rule.

~~(f)5. Breaches discovered in a containment sumps used for interstitial monitoring of underground piping which may result in a release of a regulated substance must immediately be repaired immediately~~or the containment sump replaced. After repair or replacement, the containment sump must be tested using a vacuum, pressure or liquid method in accordance with one of the options provided in subparagraphs (1)(a)1.(i), (ii), or (iii) of this rule to ensure the sump is liquid tight.

26. Beginning October 13, 2018 for UST systems in use before [the effective date of rule] and beginning [the effective date of rule] for UST systems brought into use on or after [the effective date of rule], all containment sumps used for interstitial monitoring of underground piping must prevent releases to the environment by meeting one of the following:

(i) To ensure single walled containment sumps used for interstitial monitoring of underground piping are liquid tight, those installed prior to the [the effective date of rule] must have an initial test not later than October 13, 2018 and must be tested at least once every three years thereafter, and those brought into use on or after the [the effective date of rule] must be tested upon installation and be tested at least once every three years thereafter. Testing must be conducted using a vacuum, pressure, or liquid method in accordance with one of the options provided in subparagraphs (1)(a)1.(i), (ii), or (iii) of this rule; or

(ii) When containment sumps used for interstitial monitoring of underground piping are double walled, the integrity of both walls must be periodically checked in accordance with the walkthrough inspection requirements in subparagraph (2) of this rule. If this periodic checking is discontinued, owners and operators must begin using one of the testing options provided for single walled containment sumps in subparagraph (1)(c)6.(i) of this rule and conduct a test within 30 days.

(2) Walkthrough Inspections. To properly operate and maintain UST systems, owners and operators of UST systems must conduct walkthrough

inspections beginning not later than October 13, 2018 and thereafter. Conduct walkthrough inspections in accordance with either subparagraphs (2)(a), and (2)(b) or (c) of this rule and keep inspection records in accordance with rule 335-6-15-.13(b)11., unless a UST system is temporarily closed in accordance with rule 335-6-15-.33.

(a) Conduct a walkthrough inspection that, at a minimum, checks the following equipment as specified in subparagraphs (2)(a)1. and 2. of this rule:

1. Every 30 days (Exception: spill prevention equipment at UST systems receiving deliveries at intervals greater than every 30 days may be checked prior to each delivery):

(i) Visually check spill prevention equipment for damage; remove liquid or debris; check for and remove obstructions in the fill pipe; check the fill cap to make sure it is securely on the fill pipe; and for double walled spill prevention equipment with interstitial monitoring, also check the integrity of both walls by checking for leakage in the interstitial space, and

(ii) Check to make sure the release detection equipment is operating with no alarms or other unusual operating conditions present; and ensure records of release detection testing are reviewed, passing and current, and

2. Annually:

(i) Visually check all containment sumps for damage or leaks to the containment area, or releases to the environment, and remove liquid or debris; and for double walled sumps with interstitial monitoring, also check the integrity of both walls by checking for leakage in the interstitial space, and

(ii) Check hand held release detection equipment devices such as tank gauge sticks or groundwater bailers for operability and serviceability;

(b) Conduct operation and maintenance walkthrough inspections according to a standard code of practice developed by a nationally recognized association or independent testing laboratory that checks equipment comparable to that indicated in subparagraph (2)(a) of this rule; or

(c) Conduct operation and maintenance walkthrough inspections developed by the Department that checks equipment comparable to that indicated in subparagraph (2)(a) of this rule.

(43) The owner and operator must report, investigate, and clean up any leaks, spills and overfills in accordance with rule 335-6-15-.23.

Author: Sonja Massey, Curt Johnson, Lee Davis.

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

History: April 5, 1989.

Amended: August 6, 2007; January 16, 2012; April 1, 2014; XXXXXX, 2017.