

APA-1  
07/04

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management  
Rule No. 335-6-15-.12  
Rule Title: Repairs Allowed

         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         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 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.

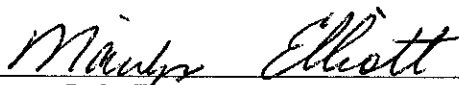
TIME, PLACE, MANNER OF PRESENTING VIEWS:

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-.12 Repairs Allowed.** Owners and operators of UST systems must ensure the repairs will prevent releases due to structural failure or corrosion as long as the UST system is used to store regulated substances. The repairs must meet the following requirements:

(a) Repairs to UST systems must be properly conducted in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory and in accordance with the requirements in rule 335-6-15-.47.

(b) Repairs to fiberglass-reinforced plastic underground storage tanks must be made by the manufacturer's authorized representatives or in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory.

(c) Metal underground pipe sections and fittings that have released product as a result of corrosion or other damage must be replaced with permanently closed in accordance with rules 335-6-15-.34 through 335-6-15-.37 and new underground piping installed in accordance with rule 335-6-15-.06(b). Repairs to nonmetallic fiberglass-reinforced plastic (rigid) or nonmetallic thermoplastic (flexible) underground piping and fittings must be made in accordance with the manufacturer's specifications. ~~Beginning on January 10, 2006, and thereafter, materials used to repair the underground piping must be in accordance with rule 335-6-15-.06(b)1, or replace nonmetallic piping must conform to 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".~~

(d) Repairs may be made to existing underground piping only if one repair of less than 5 ft can be made to one run of underground piping within a 30 day period. Otherwise, for a given underground piping run, underground piping must be installed in accordance with rule 335-6-15-.06(b).

(e) Repaired underground storage tanks and underground piping must be tightness tested in accordance with rules 335-6-15-.17(c) and rule 335-6-15-.18(b) prior to returning the underground storage tanks or underground piping to service or within 30 days following the date of the completion of the repair, whichever comes first, except as provided in paragraphs 1. through 3., below:

~~1. The repaired tank is internally inspected in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory, and certification of this inspection provided to the Department by the owner or operator and the party performing the internal inspection; or~~

~~2. The repaired portion of the UST system is monitored monthly for releases in accordance with a method specified in rule 335-6-15-.17(d) through (h); or~~

~~3. Another test method is used that is determined by the Department to be no less protective of human health and the environment than those listed above.~~

(f) Repairs to secondary containment areas of underground storage tanks and underground piping used for interstitial monitoring and to containment sumps used for interstitial monitoring of underground piping must have the secondary containment tested for tightness in accordance with the manufacturer's instructions or a code of practice developed by a nationally recognized association or independent testing laboratory within 30 days following the date of completion of the repair.

~~(fg) Within 1-month~~30 days following the repair of any cathodically protected UST system, the cathodic protection system must be tested in accordance with rule 335-6-15-.10(b) and (c) to ensure that it is operating properly.

(h) Within 30 days following any repair to spill or overfill prevention equipment, the repaired spill or overfill prevention equipment must be tested or inspected, as appropriate, in accordance with rule 335-6-15-.13(b)2, to ensure it is operating properly.

~~(gi) UST system owners and operators must maintain records in accordance with rule 335-6-15-.13(b)2, of for each repair for the remaining operating life of until the UST system that demonstrate compliance with the requirements of this rule is permanently closed or undergoes a change-in-service in accordance with rules 335-6-15-.34 through 335-6-15-.37.~~

**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; January 16, 2012; XXXXXX, 2017.