

APA-1  
07/04

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management  
Rule No. 335-6-15-.16  
Rule Title: Release Detection Requirements for Hazardous Substance 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

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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 *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.

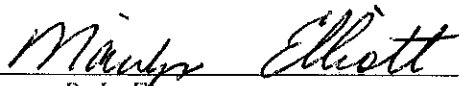
TIME, PLACE, MANNER OF PRESENTING VIEWS:

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.

  
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Lance R. LePleur  
Director

**335-6-15-.16 Release Detection Requirements Ffor Hazardous Substance UST Systems.** Owners and operators of hazardous substance UST systems must provide containment that meets the following requirements and monitor these UST systems using rule 335-6-15-.17(g) at least every 30 days:

~~——(a)—— Hazardous substance UST systems installed beginning August 6, 2007 and thereafter must meet the release detection requirements for petroleum UST systems in rule 335-6-15-.15.~~

~~——(b)—— By December 22, 1998, all existing hazardous substance UST systems must have secondary containment and meet the following release detection requirements:~~

1-(a) Secondary containment UST systems must be designed, constructed and installed to:

(i)1. Contain regulated substances ~~released~~leaked from the tank system primary containment until they are detected and removed;

(ii)2. Prevent the release of regulated substances to the environment at any time during the operational life of the UST system; and

(iii)3. Be checked for evidence of a ~~release~~leak at least every 30 days.

2-(b) Double-walled underground storage tanks must be designed, constructed, and installed to:

(i)1. Contain a ~~release~~leak from any portion of the inner underground storage tank within the outer wall; and

(ii)2. Detect the failure of the inner wall.

3-(c) External underground storage tank liners (including vaults) must be designed, constructed, and installed to:

(i)1. Contain 100 percent of the capacity of the largest underground storage tank within its boundary;

(ii)2. Prevent the interference of precipitation ofr groundwater intrusion with the ability to contain or detect a release of regulated substances; and

(iii)3. Surround the underground storage tank completely (i.e., it is capable of preventing lateral as well as vertical migration of regulated substances).

4-(d) Underground piping must be equipped with secondary containment that satisfies the requirements of ~~subparagraph (b)1. above~~this rule (e.g., trench liners, ~~jaeketing of double-walled pipe~~). In addition, underground piping that conveys regulated substances under pressure must be equipped with an automatic line leak detector in accordance with rule 335-6-15-.18(a).

5-(c) For hazardous substance UST systems installed before August 6, 2007, Other methods of release detection may be used if owners and operators:

(i) 1. Demonstrate to the Department that an alternate method can detect a release of the stored substance as effectively as any of the methods allowed in rule 335-6-15-.17(d) through (h) can detect a release of petroleum;

(ii) 2. Provide information to the Department on effective corrective action technologies, health risks, and chemical and physical properties of the stored substance, and the characteristics of the UST site; and,

(iii) 3. Obtain approval from the Department to use the alternate release detection method before the installation and operation of the new UST system.

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

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

**History:** April 5, 1989.

**Amended:** August 6, 2007; XXXXXX, 2017.