

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management
Rule No. 335-6-15-.26
Rule Title: Preliminary Investigation Requirements

 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 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.

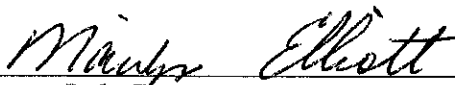
TIME, PLACE, MANNER OF PRESENTING VIEWS:

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.



Lance R. LePieur
Director

335-6-15-.26 Preliminary Investigation Requirements.

(1) Unless directed to do otherwise by the Department, or under the conditions identified in paragraph (2) of this rule, owners and operators required to perform a preliminary investigation must obtain and provide information about the site and the nature of the release, including information gained while confirming the release or completing the initial abatement measures in rule 335-6-15-.25. This information must include, but is not necessarily limited to the following:

- (a) Type of surrounding population, e.g., urban, rural, residential;
- (b) Results of a well inventory within 1000 feet of the site which includes the location, and where available, information on the depth and elevation and ownership of each well;
- (c) Location of any public water supply wells which are within one mile of the site;
- (d) A description of the hydrogeologic environment, including type and nature of geologic materials, location of surface waters, surrounding land and water users, and the location of all underground utilities, water lines, sewers or other conduits;
- (e) A determination of the uppermost aquifer and an initial evaluation of the potential for hydraulic interconnection with lower aquifers. This evaluation at this stage may be made based upon the results of site soil sampling and borings and available literature data;
- (f) Results of soil sampling collected from the area which is most likely to have been affected by a release of a regulated substance;
 - 1. A sufficient number of soil samples shall be collected to accurately represent the area and depths affected by a release;
 - 2. Soil sampling shall be performed to a depth which adequately represents the zone most likely to have been contaminated by a release; and
 - 3. Soil sampling shall be sufficient to determine if free product is present on the water table.
- (g) Where soils are encountered which have a total petroleum hydrocarbon concentration of greater than 100 ppm and such soils extend to within 5 feet of the seasonal high water table, groundwater samples shall be collected and analyzed at a minimum of one up-gradient and three down-gradient locations unless directed to do otherwise by the Department.

(2) Upon approval by the Department, the following procedures may be used in satisfying the requirement for a preliminary investigation or closure assessment when the underground storage tank excavation pit is completely open and available for representative sample collection. If the conditions

identified in subparagraph (2)(d)1. and 2. Below of this rule cannot be met; however, the preliminary investigation requirements of paragraph (1) of this rule must be complied with, unless directed to do otherwise by the Department.

(a) Soil samples shall be collected from the sides and base of the underground storage tank pit. At least one sample shall be collected from each side of the pit and at least one sample from the pit bottom for every underground storage tank that was present in the excavation. Side samples shall be collected from the lowest one-third of the underground storage tank wall. One sample per 10 lineal feet shall be collected from the base of underground piping trenches. Samples from the underground storage tank pit sides, base, and underground piping trenches shall be representative of the area being sampled.

(b) Analyze soil samples for the presence of total petroleum hydrocarbons.

(c) Determine the elevation of the groundwater table. Information on the elevation of the water table may be obtained from a boring located adjacent to the underground storage tank pit or from a nearby location. Water table elevation data may also be obtained when topographical features provide surface indications of the water table, and this data is substantiated by literature values.

(d) If the conditions identified in 1. and 2. in the table below are met, the Department may consider the investigation to be complete and no further action will be required. If the conditions identified in 1. and 2. in the table below cannot be met, the Department may require additional investigative actions or a preliminary investigation, in accordance with paragraph (1) of this rule, to be conducted.

Total Petroleum Hydrocarbon Concentration	Depth to Groundwater
1. 100 ppm or less for each sample	5 feet or more below base of <u>underground storage tank</u> excavation
2. 10 ppm or less for every sample	No restrictions

(3) Monitoring wells must be constructed in a manner acceptable to the Department or the Department may require them to be properly closed. Except where cross-contamination of aquifers is of concern, general construction details for monitoring wells should conform to the requirements of rules 335-6-15-.17(f)6. through 8., and 10. through 14. and 20., and where cross-contamination is of concern, monitoring well construction details must be reviewed in advance by the Department. The Department may require modification of proposed construction details.

(4) All samples shall be analyzed for parameters which are appropriate to the nature of the stored substance and according to the methods specified in rule 335-6-15-.32.

(5) Within 60 days of release confirmation, or notification by the Department that a Preliminary Investigation is required, under the conditions of paragraph (1) of this rule, the owners and operators must submit the information collected in compliance with this rule to the Department in a manner that demonstrates its applicability and technical adequacy, or in a format and according to a schedule required by the Department. If the procedures under paragraph (2) of this rule apply, the results of the investigation must be submitted within 45 days of release confirmation or notification by the Department that an investigation is required.

(6) Preliminary investigation and closure site assessments must be performed in accordance with accepted geologic practices by a licensed professional geologist or registered professional engineer experienced in hydrogeologic investigations.

(7) Upon review of the results of the Preliminary Investigation, the Department may require a Secondary investigation to be completed in accordance with rule 335-6-15-.28.

(8) The Department may require additional sampling and analyses to be performed if it is determined that the number or location of samples, or methods used in the analysis of such samples are not sufficient to characterize the area and soil depths most likely to have been contaminated by a release.

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; XXXXXX, 2017.