

APA-1
07/04

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 335 Department or Agency Environmental Management
Rule No. 335-6-15-.29
Rule Title: Corrective Action Plan

 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.

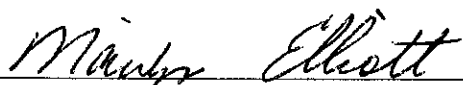
TIME, PLACE, MANNER OF PRESENTING VIEWS:

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. LePleur
Director

335-6-15-.29 Corrective Action Plan.

(1) At any point after reviewing the information submitted in compliance with rules 335-6-15-.24 through 335-6-15-.28, the Department may require owners and operators to submit additional information or to develop and submit a corrective action plan for responding to contaminated soils and groundwater. If a plan is required, owners and operators must submit the plan according to a schedule and format established by the Department. Alternatively, owners and operators may, after fulfilling the requirements of rules 335-6-15-.24 through 335-6-15-.28, choose to submit a corrective action plan for responding to contaminated soil and groundwater. In either case, owners and operators are responsible for submitting a plan that provides for adequate protection of human health and the environment as determined by the Department, and must modify their plan as necessary to meet the requirements of the Department for achieving this standard.

(2) The corrective action plan must:

(a) Address the full lateral and vertical extent of soil and groundwater contamination;

(b) Address mitigation of soil contamination either through soil removal, or treatment in place, or another method which is determined by the Department to be no less protective of health and the environment, to standards identified in rule 335-6-15-.30;

(c) Provide for removal of free product in an effective and timely manner;

(d) Provide for treatment of dissolved groundwater contamination in an effective and timely manner to standards identified in rule 335-6-15-.30;

(e) Provide a rationale for selection of the proposed corrective actions and design criteria which address such items as equipment selection, flow rates and pumping rates;

(f) Address measures necessary to meet local, state of Alabama or federal requirements for control of surface or air discharges or disposal of soil; and

(g) Include a proposed schedule of implementation and monitoring plan.

(3) The Department will approve the corrective action plan only when satisfied that implementation of the plan provides for measures considered adequate to protect human health, safety, and the environment. In making this determination, the Department should consider the following factors as appropriate:

(a) The physical and chemical characteristics of the regulated substance, including its toxicity, persistence, and potential for migration;

(b) The hydrogeologic characteristics of the site and the surrounding area;

(c) The findings of the preliminary and secondary investigations;

(d) The proximity, quality, and current and future uses of nearby surface water and groundwater;

(e) The potential effects of residual contamination on nearby surface water and groundwater;

(f) An exposure assessment conducted in accordance with rule 335-6-15-.30; and

(g) Any information assembled in compliance with this subpart.

(4) Upon approval of the corrective action plan or as directed by the Department, owners and operators must implement the plan, including modification to the plan made by or required to be made by the Department. They must monitor, evaluate, and report the results of implementing the plan in accordance with a schedule and in a format established by the Department.

(5) If at any time, the Department determines that the implementation of corrective actions are not achieving adequate protection of human health and the environment, the Department may require additional measures to be taken.

(6) Owners and operators shall continue implementation of the corrective action plan until released in writing from this responsibility by the Department.

(7) Owners and operators may, in the interest of minimizing environmental contamination and promoting more effective cleanup, begin cleanup of soil and groundwater before the corrective action plan is approved provided that they:

(a) Notify the Department of their intention to begin cleanup;

(b) Comply with any conditions imposed by the Department, including halting cleanup or mitigating adverse consequences from cleanup activities; and

(c) Incorporate these self-initiated cleanup measures in the corrective action plan that is submitted to the Department for approval.

(8) Upon conclusion of investigative monitoring, or corrective actions at a site, the Department may require any or all monitoring wells to be properly closed.

Author: Sonja Massey, Curt Johnson, Lee Davis.

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

History: April 5, 1989.

Amended: October 2, 2003; April 25, 2008; XXXXXX, 2017.