

APA-1
07/04

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 335 Department or Agency Environmental Management
Rule No. 335-6-15-.33
Rule Title: Temporary Closure

 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. LeMeur
Director

335-6-15-.33 Temporary Closure.

(1) When an UST system is temporarily closed, owners and operators must:

(a) Continue operation and maintenance of corrosion protection in accordance with rule 335-6-15-.10, and any release detection in accordance with rules 335-6-15-.14 through 335-6-15-.19 and 335-6-15-.48. However, release detection and release detection operation and maintenance testing and inspections in rules 335-6-15-.09, and 335-6-15-.12 through 335-6-15-.19 isare not required as long as the UST system is empty. The UST system is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue, or 0.3 percent by weight of the total capacity of the UST system, remain in the system;. In addition, spill and overfill operation and maintenance testing and inspections in rules 335-6-15-.09, 335-6-15-.12 and 335-6-15-.13 are not required;

(b) Comply with rules 335-6-15-.20 through 335-6-15-.25 if a release is suspected or confirmed; and

(c) Immediately empty and within 90 days either repair in accordance with rule 335-6-15-.12 or permanently close the UST system in accordance with rules 335-6-15-.34, 335-6-15-.35 and 335-6-15-.37 if the UST owner, operator, or Department is aware of the UST system being compromised in any way such that it may release regulated substance.

(2) When an UST system is temporarily closed for three months or more, owners and operators must also comply with the following requirements:

(a) Leave vent lines open and functioning; and

(b) Cap and secure all other lines, pumps, man-ways, and ancillary equipment.

(3) When an UST system is temporarily closed for more than 12 months, owners and operators must permanently close the UST system if it does not meet either performance standards in rule 335-6-15-.06 for new UST systems or the upgrading requirements in rule 335-6-15-.07, except that the spill and overfill equipment requirements do not have to be met. Owners and operators must permanently close the substandard UST systems within 90 days from the end of this 12-month period in accordance with rules 335-6-15-.34 through 335-6-15-.37, unless the Department provides an extension of the 12-month temporary closure period. Owners and operators must complete a site assessment in accordance with rule 335-6-15-.26 before such an extension can be applied for.

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 1, 2014; XXXXXX, 2017.