

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency Environmental Management
Rule No. 335-6-15-.43
Rule Title: Financial Responsibility for Petroleum UST Owners and Operators

 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

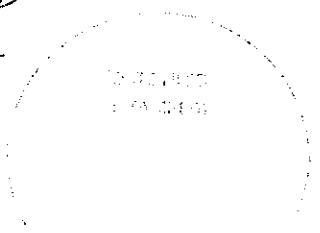
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of section 41-22-23, Code of Alabama 1975.

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.

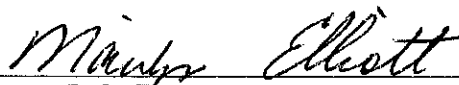
TIME, PLACE, MANNER OF PRESENTING VIEWS:

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-.43 Financial Responsibility for Petroleum UST Owners and Operators. 40 CFR Part 280 §§ 280.90 through 280.1125 is hereby adopted by reference. This rule sets forth the amounts of financial responsibility required of petroleum UST owners and operators and the mechanisms allowed for satisfying these requirements. Copies of this rule are available from ADEM. Charges for reproduction apply.

Author: Sonja Massey, Curt Johnson, Lee Davis.

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

History: April 5, 1989.

Amended: October 2, 2003; XXXXXX, 2017.