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07/04

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control No. 335 Department or Agency **Environmental Management**
Rule No. **335-6-15-.48**
Rule Title: **UST Systems with Field-Constructed Tanks and Airport Hydrant Fuel Distribution 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 Marilyn Elliott

Date July 20, 2017

APA-2
07/04

ALABAMA DEPARTMENT OF ENVIRONMENATAL 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

APA-2
07/04

ALABAMA DEPARTMENT OF ENVIRONMENATAL 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.

Marilyn Elliott

Lance R. LeFleur
Director

335-6-15-.48 UST Systems with Field-Constructed Tanks and UST Systems with Airport Hydrant Fuel Distribution Systems

(1) Except as provided in paragraph (2) of this rule, owners and operators of UST systems with field-constructed tanks and UST systems with airport hydrant fuel distribution systems must comply with the requirements of this chapter.

(a) For UST systems with field-constructed tanks and UST systems with airport hydrant fuel distribution systems installed before *[the effective date of rule]*, the requirements are effective according to the following schedule:

Requirement	Effective Date
Notification (rule 335-6-15-.05)	*[one year after the effective date of rule]*
Upgrading (rule 335-6-15-.07 and this rule)	October 13, 2018
General Operating Requirements (rules 335-6-15-.09 through 335-6-15-.13 and this rule)	October 13, 2018
Release Detection (rules 335-6-15-.14 through 335-6-15-.19 and this rule)	October 13, 2018
Release Reporting, Response, and Investigation (rules 335-6-15-.20 through 335-6-15-.32)	*[the effective date of rule]*
Closure (rules 335-6-15-.34 through 335-6-15-.37)	*[the effective date of rule]*
Financial Responsibility (rules 335-6-15-.43 through 335-6-15-.44 and this rule)	October 13, 2018
Operator Training (rule 335-6-15-.46)	October 13, 2018

(b) For UST systems with field-constructed tanks and UST systems with airport hydrant fuel distribution systems installed on or after *[the effective date of rule]*, all the requirements of this chapter apply *[the effective date of rule]*.

(c) In addition to codes of practice developed by nationally recognized associations or independent testing laboratories allowed in rule 335-6-15-.06, owners and operators of UST systems with field-constructed tanks and UST systems with airport hydrant fuel distribution systems may also use military construction criteria when designing, constructing, and installing UST systems with field-constructed tanks and UST systems with airport hydrant fuel distribution systems.

(2) Owners and operators of UST systems with field-constructed tanks and UST systems with airport hydrant fuel distribution systems must comply with the following additions, exceptions, and alternatives.

(a) Exception to piping secondary containment requirements. Owners and operators may use single walled underground piping when installing underground piping associated with UST systems with field-constructed tanks with a nominal capacity greater than 50,000 gallons, and underground piping associated with UST systems with airport hydrant fuel distribution systems. Underground piping associated with UST systems with field-constructed tanks less than or equal to a nominal capacity of 50,000 gallons and not part of an UST system with airport hydrant fuel distribution system must meet the secondary containment requirements in rule 335-6-15-.06(b) at installation.

(b) Upgrade requirements for UST systems with field-constructed tanks and UST systems with airport hydrant fuel distribution systems where installation commenced before *[the effective date of rule]*. These UST systems must meet the following upgrade requirements no later than October 13, 2018, or be permanently closed in accordance with rules 335-6-15-.34 through 335-6-15-.37 of this chapter:

1. Corrosion protection. UST system components in contact with the ground that routinely contain regulated substances must meet one of the following:

(i) Except as provided in subparagraph (2)(a) of this rule, the UST system performance standards for new underground storage tanks in rule 335-6-15-.06(a) and for new underground piping in rule 335-6-15-.06(b); or

(ii) Be constructed of metal and cathodically protected according to a code of practice developed by a nationally recognized association or independent testing laboratory and meet the following:

(I) The cathodic protection requirements in rule 335-6-15-.06(a)2.(ii), (iii), and (iv) for underground storage tanks, and rule 335-6-15-.06(b)2.(ii), (iii), and (iv) for underground piping.

(II) Underground storage tanks greater than 10 years old without cathodic protection must be assessed to ensure the underground storage tank is structurally sound and free of corrosion holes prior to adding cathodic protection in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory. The assessment must be by internal inspection or another method determined by the Department to adequately assess the underground storage tank for structural soundness and corrosion holes.

2. Spill and overfill prevention. To prevent spilling and overfilling associated with product transfer to the UST system, all UST systems with field-constructed tanks and all UST systems with airport hydrant fuel

distribution systems must comply with the spill and overfill prevention equipment requirements specified in rule 335-6-15-.06(c).

(c) Walkthrough inspections. In addition to the walkthrough inspection requirements in rule 335-6-15-.09(2), owners and operators must inspect the following additional areas for UST systems with airport hydrant fuel distribution systems at least once every 30 days if confined space entry according to the Occupational Safety and Health Administration (see 29 CFR part 1910) is not required or at least annually if confined space entry is required, and keep documentation of the walkthrough inspection in accordance with rule 335-6-15-.13(b)11:

1. Hydrant pits – visually check for any damage; remove any liquid or debris; and check for any leaks, and

2. Hydrant piping vaults – check for any hydrant piping leaks.

(d) Methods of release detection for UST systems with field-constructed tanks. Owners and operators of UST systems with field-constructed tanks with a capacity less than or equal to 50,000 gallons must meet the release detection requirements in rules 335-6-15-.14 through 335-6-15-.19. Owners and operators of UST systems with field-constructed tanks with a capacity greater than 50,000 gallons must meet either the requirements in rules 335-6-15-.14 through 335-6-15-.19 (except rule 335-6-15-.17(e) and (f) must be combined with inventory control as stated in subparagraph (2)(d)5. of this rule) or use one or a combination of the following alternative methods of release detection:

1. Conduct an annual tank tightness test in accordance with rule 335-6-15-.17(c) except that the test equipment must be able to detect a 0.5 gallon per hour leak rate;

2. Use an automatic tank gauging system to perform release detection performed at least every 30 days in accordance with rule 335-6-15-.17(d) except that the test equipment must be able to detect a leak rate less than or equal to one gallon per hour. This method must be combined with a tank tightness test performed at least every three years in accordance with rule 335-6-15-.17(c) except that the test equipment must be able to detect a 0.2 gallon per hour leak rate;

3. Use an automatic tank gauging system to perform release detection performed at least every 30 days in accordance with rule 335-6-15-.17(d) except that the test equipment must be able to detect a leak rate less than or equal to two gallons per hour. This method must be combined with a tank tightness test performed at least every two years in accordance with rule 335-6-15-.17(c) except that the test equipment must be able to detect a 0.2 gallon per hour leak rate;

4. Perform vapor monitoring at least every two years in accordance with rule 335-6-15-.17(e) for a tracer compound placed in the underground storage tank system capable of detecting a 0.1 gallon per hour leak rate;

5. Perform inventory control at least every 30 days conducted in accordance with Department of Defense Directive 4140.25; ATA Airport Fuel Facility Operations and Maintenance Guidance Manual; or equivalent procedures that can detect a leak equal to or less than 0.5 percent of flow-through; and

(i) Perform a tank tightness test at least every two years in accordance with rule 335-6-15-.17(c) except that the test equipment must be able to detect a 0.5 gallon per hour leak rate; or

(ii) Perform vapor monitoring or groundwater monitoring at least every 30 days conducted in accordance with rule 335-6-15-.17(e) or (f), respectively, for the stored regulated substance.

6. Use another method approved by the Department if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in subparagraphs (2)(d)1. through 5. of this rule. In comparing methods, the Department shall consider the size of release that the method can detect and the frequency and reliability of detection.

(e) Methods of release detection for underground piping. Owners and operators of underground piping associated with UST systems with field-constructed tanks less than or equal to 50,000 gallons must meet the release detection requirements in rules 335-6-15-.14 through 335-6-15-.19. Owners and operators of underground piping associated with UST systems with field-constructed tanks and UST systems with airport hydrant fuel distribution systems greater than 50,000 gallons must follow either the requirements in rules 335-6-15-.14 through 335-6-15-.19 (except rule 335-6-15-.17(e) and (f) must be combined with inventory control as stated in subparagraph (2)(e)3. of this rule) or use one or a combination of the following alternative methods of release detection:

1. Perform a semiannual or annual line tightness test in accordance with rule 335-6-15-.18(b) except that the test equipment must be able to perform a test at or above the underground piping operating pressure in accordance with the table below:

Maximum Leak Detection Rate Per Test Section Volume		
Test Section Volume (Gallons)	Semiannual Test - Leak Detection Rate Not To Exceed (Gallons Per Hour)	Annual Test - Leak Detection Rate Not To Exceed (Gallons Per Hour)
< 50,000	1.0	0.5
≥ 50,000 to < 75,000	1.5	0.75
≥ 75,000 to < 100,000	2.0	1.0
≥ 100,000	3.0	1.5

And underground piping segment volumes greater than or equal to 100,000 gallons not capable of meeting the maximum 3.0 gallon per hour leak rate for the semiannual test may be tested at a leak rate up to 6.0 gallons per hour according to the following schedule:

Phase In For Underground Piping Segments ≥ 100,000 Gallons In Volume	
First test	Not later than October 12, 2018 (may use up to 6.0 gph leak rate)
Second test	Between October 12, 2018 and October 12, 2021 (may use up to 6.0 gph leak rate)
Third test	Between October 12, 2021 and October 12, 2022 (must use 3.0 gph for leak rate)
Subsequent tests	After October 12, 2022 (begin using semiannual or annual line testing according to the *Maximum Leak Detection Rate Per Test Section Volume* table above)

2. Perform vapor monitoring at least every two years in accordance with rule 335-6-15-.17(e) for a tracer compound placed in the underground storage tank system capable of detecting a 0.1 gallon per hour leak rate;

3. Perform inventory control at least every 30 days conducted in accordance with Department of Defense Directive 4140.25; ATA Airport Fuel Facility Operations and Maintenance Guidance Manual; or equivalent procedures that can detect a leak equal to or less than 0.5 percent of flow-through; and

(i) Perform a line tightness test at least every two years conducted in accordance with rule 335-6-15-.18(b) and subparagraph (2)(e)1. of this rule using the leak rates for the semiannual test; or

(ii) Perform vapor monitoring or groundwater monitoring at least every 30 days conducted in accordance with rule 335-6-15-.17(e) and (f), respectively, for the stored regulated substance;

4. Use another method approved by the Department if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in subparagraphs (2)(e)1. through 3. of this rule. In comparing methods, the Department shall consider the size of release that the method can detect and the frequency and reliability of detection.

(f) Recordkeeping for release detection. Owners and operators of UST systems with field-constructed tanks and UST systems with airport hydrant fuel distribution systems must maintain release detection records according to the recordkeeping requirements in rule 335-6-15-.19(b)3.

(g) Applicability of closure requirements to previously closed UST systems. When directed by the Department, the owner and operator of an UST system with field-constructed tanks or UST systems with airport hydrant fuel distribution system permanently closed before *[effective date of rule]* must assess the excavation zone and permanently close the UST system in accordance with rules 335-6-15-.34 through 335-6-15-.37 if releases from the UST system may, in the judgment of the Department, pose a current or potential threat to human health and the environment.

Author: Curt Johnson, Lee Davis.
Statutory Authority: Code of Alabama 1975, § 22-36-3.
History: XXXXXX, 2017.