

APA-1  
11/96

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control 335 Department or Agency Environmental Management  
Rule No. 335-6-15-.05  
Rule Title: Notification 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.

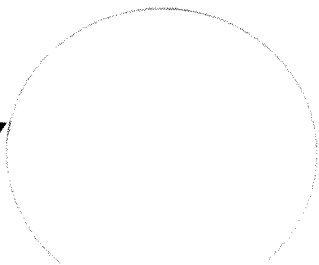
\*\*\*\*\*  
Certification of Authorized Official

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 Maulya Elliott

Date September 20, 2011

Date Filed



APA-2  
11/96

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
WATER DIVISION**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

<b>RULE NO. &amp; TITLE:</b>	335-6-15-.02	<u>Definitions</u> (Amend)
	335-6-15-.04	<u>Interim Prohibition for Deferred UST Systems</u> (Amend)
	335-6-15-.05	<u>Notification Requirements</u> (Amend)
	335-6-15-.06	<u>Performance Standard for New USTs, Piping, UST Systems, and/or Dispensers</u> (Amend)
	335-6-15-.07	<u>Upgrading of Existing UST Systems</u> (Amend)
	335-6-15-.09	<u>Operation and Maintenance of Spill and Overflow Control, and Containment Systems</u> (Amend)
	335-6-15-.10	<u>Operation and Maintenance of Corrosion Protection</u> (Amend)
	335-6-15-.12	<u>Repairs Allowed</u> (Amend)
	335-6-15-.13	<u>Reporting and Recordkeeping</u> (Amend)
	335-6-15-.15	<u>Release Detection Requirements for Petroleum UST Systems</u> (Amend)
	335-6-15-.17	<u>Method of Release Detection for Tanks</u> (Amend)
	335-6-15-.20	<u>Reporting of Suspected Releases</u> (Amend)
	335-6-15-.34	<u>Permanent Closure and Changes-in-Service</u> (Amend)
	335-6-15-.45	<u>Delivery Prohibition</u> (Amend)
	335-6-15-.46	<u>Operator Training</u> (Amend)
	335-6-15-.47	<u>Certification Requirements for Individuals Who Supervise Installation, Closure, and Repair of UST Systems</u> (New)
	335-6-15-.48	<u>Severability</u> (Amend)

**INTENDED ACTION:** The Alabama Department of Environmental Management proposes to amend Chapter 335-6-15.

**SUBSTANCE OR PROPOSED ACTION:** Revisions to the Division 6 Code are being proposed to provide updated regulations to add the requirement for individuals who supervise underground storage tank system installation, closure and repair to be trained, certified and recertified, as well as addressing other necessary revisions and updates.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:**

Comments may be submitted in writing or orally at a public hearing to be held at 10:00 a.m., November 4, 2011, in the ADEM Main Hearing Room, 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:** November 4, 2011

**CONTACT PERSON AT AGENCY:** Sonja Massey (334) 271-7832

A handwritten signature in cursive script, appearing to read "Lance R. LeFleur".

---

Lance R. LeFleur  
Director

**335-6-15-.05 Notification Requirements.**

(1) Any owner or operator of an underground storage tank system for which a notification has not been provided to the Department as of April 5, 1989, must within 30 days of that date, submit, in a form approved by the Department, a notice of the existence of such tank system to the ADEM. Notification shall include the information identified in paragraph (2) below.

(2) Any owner who brings an underground storage tank system into use after April 5, 1989, must within 30 days of bringing such tank into use, submit, in a form approved by the Department, a notice of the existence of such tank system to the ADEM. Notification shall include the following information:

- (a) Owner and operator name, address and telephone number.
- (b) Type of owner (e.g., sole proprietor, partnership, corporation).
- (c) Location of tank.
  - 1. Description of facility location;
  - 2. Mailing address of facility at which tank is located (where applicable);
- (d) Telephone number at the underground storage tank facility where the tank is located (where applicable).
- (e) Operational status of tank.
- (f) Estimated age of tank.
- (g) Estimated total capacity in gallons.
- (h) Material of construction of tank and piping.
- (i) Type of tank internal protection.
- (j) Type of tank external protection.
- (k) Type of release detection method or methods.
- (l) Substance currently stored.
- (m) Type of product dispensing system; pressure or suction.
- (n) Location of check valve and slope of piping for suction systems.

(o) Regulated substance deliverer name, address and telephone number.

(p) Other such information determined to be necessary by the Department.

(3) An owner of an UST system which has had a modification which has changed any of the information reported originally under paragraph (1) or (2) of this rule must submit an amended notification to the department within 30 days of the completion of that modification.

(4) Owners required to submit notices under paragraphs (1) and (2) of this rule must provide notices to the Department for each tank they own. Owners may provide notice for several tanks using one notification form, but owners who own tanks located at more than one place of operation, must file a separate notification form for each separate place of operation.

(5) ~~Notices for tanks installed after April 5, 1989 must also provide all of the information required in rule 335-6-15-.06(f) for each tank for which notice must be given~~A notification of installation or modification, containing information determined to be necessary by the Department, shall be submitted 30 days prior to the anticipated date of installation or modification for each tank or tank system in a form which is acceptable to the Department.

(6) All owners and operators of new UST systems must certify in the notification, that they are in compliance with the following requirements:

(a) Installation of tanks and piping under rule 335-6-15-.06(e) and 335-6-15-.47;

(b) Cathodic protection of steel tanks and piping under rule 335-6-15-.06(a) and (b);

(c) Financial responsibility under rules 335-6-15-.44 and 335-6-15-.45;

(d) Release detection under rules 335-6-15-.15 and 335-6-15-.16.

(7) All owners and operators of new UST systems must ensure that the installer certifies in the notification form that the installation was installed in accordance ~~methods used to install the tanks and piping complies with the requirements in rule 335-6-15-.06(e).~~

(8) Any person who sells a tank intended to be used as an underground storage tank must notify the purchaser of such tank of the owner's notification obligations under paragraph (2) of this rule.

(9) Any person who sells an UST system that is already in service must: notify the Department of such sale, provide proof of transfer of ownership of the UST system and provide the name and address of the new UST system owner to the Department.

(10) A person receiving ownership of an UST system under the conditions of paragraph (9) of this rule must comply with the notification requirements of paragraphs (1) and (3) of this rule.

**Author:** Sonja Massey.

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

**History:** April 5, 1989.

**Amended:** October 2, 2003; August 6, 2007; April 25, 2008; XXXXXX, 2012.