

APA-1
11/96

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 335 Department or Agency Environmental Management
Rule No. 335-6-15-.07
Rule Title: Upgrading of Existing UST 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

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.

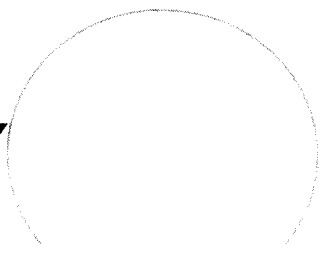
Certification of Authorized Official

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 Maury 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

RULE NO. & TITLE:	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 Overfill 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.

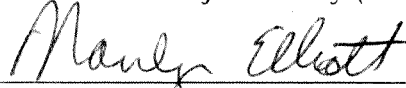
SUBSTANCE OR PROPOSED ACTION: Revisions to the Division 6 Code are being proposed to provide updated regulations to add the requirement for individuals who supervise underground storage tank system installation, closure and repair to be trained, certified and recertified, as well as addressing other 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", is written above a horizontal line.

Lance R. LeFleur
Director

335-6-15-.07 Upgrading of Existing UST Systems.

(1) Alternatives Allowed. Not later than December 22, 1998, all existing UST systems must comply with one of the following requirements:

- (a) New UST system performance standards under rule 335-6-15-.06;
- (b) The upgrading requirements in paragraphs (2) through (4) below;

or

(c) Closure requirements under rules 335-6-15-.33 through 335-6-15-.39, including applicable requirements for corrective action under rules 335-6-15-.25 through 335-6-15-.31.

(2) Tank Upgrading Requirements. Steel tanks must be upgraded to meet one of the following requirements in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory:

- (a) Interior Lining. A tank may be upgraded by internal lining if:

1. The lining is installed in accordance with the requirements of rule 335-6-15-.12, and

2. Within 10 years after lining, and every 5 years thereafter, except as indicated in subparagraph 3. below, the lined tank is internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications.

3. Tanks that had internal lining installed to comply with the December 22, 1998 upgrade deadline must meet the requirements of paragraph (c) below or be permanently closed in accordance with rules 335-6-15-.34 and 335-6-15-.35 within one year of the first required interior lining inspection after (insert the effective date of this rule).

(b) Cathodic Protection. A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements of rule 335-6-15-.06(a)2.(ii), (iii), and (iv) and the integrity of the tank is ensured using one of the following methods:

1. The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system; or

2. The tank has been installed for less than 10 years and is monitored monthly for releases in accordance with rule 335-6-15-.17(d) through (h); or

3. The tank has been installed for less than 10 years and is assessed for corrosion holes by conducting two (2) tightness tests that meet the requirements of rule 335-6-15-.17(c). The first tightness test must be conducted prior to installing the cathodic protection system. The second tightness test must be conducted between three (3) and six (6) months following the first operation of the cathodic protection system; or

4. The tank is assessed for corrosion holes by a method that is determined by the Department to prevent releases in a manner that is no less protective of human health and the environment than the requirements of subparagraphs (2)(b)1. through 3. of this rule.

(c) Internal Lining Combined With Cathodic Protection. A tank may be upgraded by both internal lining and cathodic protection if:

1. The lining is installed in accordance with the requirements of rule 335-6-15-.12; and

2. The cathodic protection system meets the requirements of rule 335-6-15-.06(a)2.(ii), (iii), and (iv).

(3) Piping Upgrading Requirements. Metal piping that routinely contains regulated substances and is in contact with the ground, as well as the metal outer wall of double wall piping which is in contact with the ground, must be cathodically protected in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory, and must meet the requirements of rule 335-6-15-.06(b)2.(ii), (iii), and (iv).

(4) Spill and Overfill Prevention Equipment. To prevent spilling and overfilling associated with product transfer to the UST system, all existing UST systems must comply with new UST system spill and overfill prevention equipment requirements specified in rule 335-6-15-.06(c).

Author: Sonja Massey.

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

History: April 5, 1989.

Amended: October 2, 2003; August 6, 2007; XXXX, 2012.