

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 335 Department or Agency Environmental Management
Rule No. 335-6-15-.10
Rule Title: Operation and Maintenance of Corrosion Protection

 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.

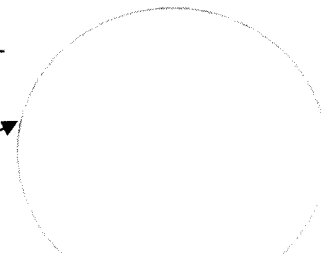
Certification of Authorized Official

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.

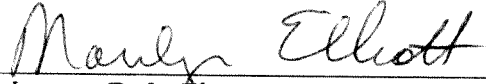
SUBSTANCE OR PROPOSED ACTION: Revisions to the Division 6 Code are being proposed to provide updated regulations to add the requirement for individuals who supervise underground storage tank system installation, closure and repair to be trained, certified and recertified, as well as addressing other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

Lance R. LeBlanc
Director

335-6-15-.10 Operation and Maintenance of Corrosion Protection. All owners and operators of steel UST systems with corrosion protection must comply with the following requirements to ensure that releases due to corrosion are prevented until the UST system is permanently closed in accordance with rule 335-6-15-.34 ~~for as long as the UST system is used to store regulated substances:~~

(a) All corrosion protection systems must be operated, ~~and maintained,~~ inspected and tested to continuously provide and demonstrate corrosion protection ~~of the metal components of that portion of the tank and piping that routinely contain regulated substances and are in contact with the ground, as well as the metal outer wall of double wall tanks and piping which are in contact with the ground.~~ Operating UST systems for which impressed current cathodic protection has not been adequately operated and maintained to provide corrosion protection for a continuous period of 12 months must be either:-

1. Internally inspected and found to be structurally sound in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory, or

2. Permanently closed within 90 days from the end of this 12-month period in accordance with rules 335-6-15-.34 and 335-6-15-.35.

(b) All UST systems equipped with cathodic protection systems must be inspected and tested for proper operation by a qualified cathodic protection tester who maintains current certification in accordance with the requirements in rule 335-6-15-.02(g), in accordance with the following requirements:

1. Frequency. All cathodic protection systems must be tested within 61 ~~6~~ months of installation and at least every 3 years thereafter; and

2. Inspection and Testing Criteria. The criteria that are used to determine that cathodic protection is adequate as required by subparagraphs (a) and (b) of this rule must be in accordance with the code of practice established by the NACE International.

(c) UST systems with impressed current cathodic protection systems must also be inspected every 60 days to ensure the equipment is operating properly.

(d) For UST systems using cathodic protection, records of the operation of the cathodic protection must be maintained in accordance with rule 335-6-15-.13 to demonstrate compliance with the performance standards in this section. These records must provide the following:

1. The results of the last three inspections required in subparagraph (c) of this rule; and

2. The results of testing from the last two tests required in subparagraph (b) of this rule.

Author: Sonja Massey.

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

History: April 5, 1989.

Amended: November 24, 2009; XXXXX, 2012.