

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 335 Department or Agency Environmental Management
Rule No. 335-6-15-.12
Rule Title: Repairs Allowed

 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.

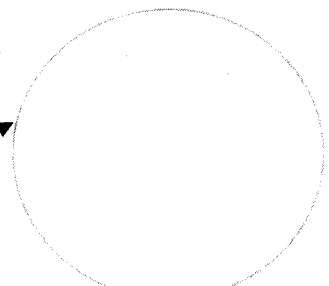
Certification of Authorized Official

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 September 20, 2011

Date Filed



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

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



Lance R. LeFleur
Director

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.

335-6-15-.12 Repairs Allowed. Owners and operators of UST systems must ensure the repairs will prevent releases due to structural failure or corrosion as long as the UST system is used to store regulated substances. The repairs must meet the following requirements:

(a) Repairs to UST systems must be properly conducted in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory and in accordance with the requirements in rule 335-6-15-.47.

(b) Repairs to fiberglass-reinforced plastic tanks must be made by the manufacturer's authorized representatives or in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory.

(c) Metal pipe sections and fittings that have released product as a result of corrosion or other damage must be replaced with piping in accordance with rule 335-6-15-.06(b). Repairs to nonmetallic fiberglass-reinforced plastic (rigid) or nonmetallic thermoplastic (flexible) piping and fittings must be made in accordance with the manufacturer's specifications. Beginning on January 10, 2006, and thereafter, materials used to repair or replace nonmetallic piping must conform to the most current edition of Underwriters Laboratories Inc. "Standard for Safety for Nonmetallic Underground Piping for Flammable Liquids", "UL 971". Performance claims must be demonstrated by an evaluation properly conducted in accordance with "UL 971".

(d) Repairs may be made to existing piping only if one repair of less than 5 ft can be made to one run of piping within a 30 day period. Otherwise, for a given piping run, piping must be installed in accordance with rule 335-6-15-.06(b).

(e) Repaired tanks and piping must be tightness tested in accordance with rule 335-6-15-.17(c) and rule 335-6-15-.18(b) within 30 days following the date of the completion of the repair except as provided in paragraphs 1. through 3., below:

1. The repaired tank is internally inspected in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory, and certification of this inspection provided to the Department by the owner or operator and the party performing the internal inspection; or

2. The repaired portion of the UST system is monitored monthly for releases in accordance with a method specified in rule 335-6-15-.17(d) through (h); or

3. Another test method is used that is determined by the Department to be no less protective of human health and the environment than those listed above.

(f) Within ~~6~~1 months following the repair of any cathodically protected UST system, the cathodic protection system must be tested in accordance with rule 335-6-15-.10(b) and (c) to ensure that it is operating properly.

(g) UST system owners and operators must maintain records of each repair for the remaining operating life of the UST system that demonstrate compliance with the requirements of this rule.

Author: Sonja Massey.

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

History: April 5, 1989.

Amended: January 10, 2006; August 6, 2007; XXXX, 2012.