

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management  
Rule No. 335-6-15-.09  
Rule Title: Operation and Maintenance of Spill and Overfill Control, and Containment 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.

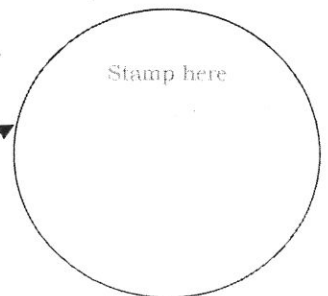
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Certification of Authorized Official

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 Mandy Elliott

Date 11-7-13

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-.09 Operation and Maintenance of Spill and Overfill Control, and Containment Systems (Amend)

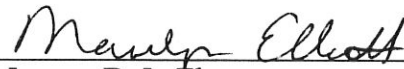
**INTENDED ACTION:** The Alabama Department of Environmental Management proposes to amend Administrative Code Rule 335-6-15-.09.

**SUBSTANCE OR PROPOSED ACTION:** Revisions are being proposed to this rule to only allow spill catchment basin testing in accordance with a code of practice written by a nationally recognized organization. Also, revisions are being proposed to this rule to expand the under dispenser and submersible pump containment sump requirements to other types of containment sumps beginning the effective date of this revision.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** Comments may be submitted in writing or orally at a public hearing to be held at 1:00 p.m., January 9, 2014, in the ADEM Main Hearing Room, 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:** January 9, 2014

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



Lance R. LeFleur  
Director

**335-6-15-.09 Operation and Maintenance of Spill and Overfill Control, and Containment Systems.**

(1) Owners and operators must comply with the following requirements to ensure that releases due to spilling or overfilling do not occur:

(a) The owner and operator must ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling.

(b) Spill catchment basins shall be checked for leakage at least once every 3 years, or upon repair or replacement, in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory, unless a UST system is temporarily closed in accordance with rule 335-6-15-.33.

~~(bc)~~ If a spill catchment basin is used, ensure that it is emptied before the transfer of regulated substance to the tank so that all the catchment basin volume is available to contain a spill. If a breach in the spill catchment basin is visible or if a spill catchment basin leak test fails, it must be repaired or replaced within a time period acceptable to the Department.

~~(c) Spill catchment basins shall be checked for leakage at least once every 3 years, or upon repair or replacement, by cleaning the basin and adding enough liquid to completely fill the basin. If the liquid level in the basin drops by one quarter inch or more after at least one hour, the spill catchment basin must be repaired, or replaced within a time period acceptable to the Department.~~

(d) When a regulated substance is being released or is suspected to have been released from the catchment basin to the surrounding surface or subsurface, notify the Department of a suspected release in accordance with rule 335-6-15-.20.

(2) Beginning on August 6, 2007 and thereafter, owners or operators of UST systems with under dispenser and/or submersible pump containment sumps which are not used to meet leak detection requirements and beginning on (insert the effective date of this rule) and thereafter, owners and operators of UST systems with any other type of containment sumps which are not used to meet leak detection requirements, must comply with the following requirements:

(a) ~~Inspect under dispenser and/or submersible pump containment sumps annually and keep a log of the results of the annual inspection, unless a UST system is temporarily closed in accordance with rule 335-6-15-.33.~~

(b) When a regulated substance is discovered in ~~under dispenser and/or submersible pump containment sumps:~~

1. Remove the regulated substance within 24 hours; any regulated substance which is removed must be disposed of in accordance with all state and federal requirements;

2. Repair any necessary equipment to prevent further leakage of regulated substance into the ~~under dispenser and/or submersible pump~~ containment sumps.

(c) When a regulated substance is being released or is suspected to have been released from ~~under dispenser and/or submersible pump~~ containment sumps to the surrounding surface or subsurface:

1. Shut off the submersible pump;

2. Notify the Department of a suspected release in accordance with rule 335-6-15-.20.

(3) Beginning on August 6, 2007 and thereafter, owners or operators of UST systems with under dispenser and/or submersible pump containment sumps which are used to meet leak detection requirements and beginning on (insert the effective date of this rule) and thereafter, owners and operators of UST systems with any other type of containment sumps which are used to meet leak detection requirements, must comply with the following requirements:

(a) Inspect ~~under dispenser and/or submersible pump~~ containment sumps annually and keep a log of the results of the annual inspection, unless a UST system is temporarily closed in accordance with rule 335-6-15-.33.

(b) ~~Under dispenser and/or submersible pump~~ eContainment sumps must remain free of water, regulated substance and debris.

(c) When a regulated substance is discovered in ~~under dispenser and/or submersible pump~~ containment sumps:

1. Remove the regulated substance within 24 hours; any regulated substance which is removed must be disposed of in accordance with all state and federal requirements;

2. Repair any necessary equipment to prevent further leakage of regulated substance into ~~under dispenser and/or submersible pump~~ containment sumps.

(d) When a regulated substance is being released or is suspected to have been released from ~~under dispenser and/or submersible pump~~ containment sumps to the surrounding surface or subsurface:

1. Shut off the submersible pump;

2. Notify the Department of a suspected release in accordance with rule 335-6-15-.20.

(e) The operation of any ~~under dispenser and/or submersible pump~~ containment sumps sensors must be checked annually to ensure that they are working properly.

(f) Breaches in a ~~under dispenser and/or submersible pump~~ containment sumps which may result in a release of a regulated substance must be repaired immediately.

(4) The owner and operator must report, investigate, and clean up any leaks, spills and overfills in accordance with rule 335-6-15-.23.

**Author:** Sonja Massey.

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

**History:** April 5, 1989.

**Amended:** August 6, 2007; January 16, 2012; XXXXXX, 2014.