

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-.22 Release Investigation and Confirmation Steps
(Amend)

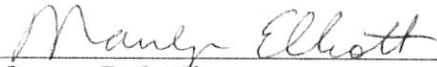
INTENDED ACTION: The Alabama Department of Environmental Management proposes to amend Administrative Code Rule 335-6-15-.22.

SUBSTANCE OR PROPOSED ACTION: A revision is being proposed to this rule to clarify that the implementing agency is the Department.

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

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Lance R. LeFleur
Director

335-6-15-.22 Release Investigation and Confirmation Steps. Unless corrective action is initiated in accordance with rules 335-6-15-.24 through 335-6-15-.31, owners and operators must immediately investigate and confirm all suspected releases of regulated substances requiring reporting under rule 335-6-15-.20 within 7 days, or another reasonable time period specified by the implementing agency Department, using either the following steps or another procedure approved by the Department:

(a) System test. Owners and operators must conduct tests (according to the requirements for tightness testing in rules 335-6-15-.17(c) and 335-6-15-.18(b) that determine whether a leak exists in the tank, or the attached delivery piping, or both.

1. Owners and operators must repair, replace or upgrade the UST system, and begin corrective action if the test results for the system, tank, or delivery piping indicate that a leak exists.

2. The Department may release an owner or operator from any further investigation requirements if the tank tests tight after minor repairs to that portion of the tank that does not routinely contain product.

3. Further investigation is not required if the test results for the system, tank, and delivery piping do not indicate that a leak exists and if environmental contamination is not the basis for suspecting a release.

4. Owners and operators must conduct a preliminary investigation as described in subparagraph (b) of this rule if the test results for the system, tank, and delivery piping do not indicate that a leak exists but environmental contamination is the basis for suspecting a release.

(b) Preliminary investigation. Owners and operators must measure for the presence of a release where contamination is most likely to be present at the UST site. In selecting sample types, sample locations, and measurement methods, owners and operators must consider the nature of the stored substance, the type of initial alarm or cause for suspicion, the type of backfill, the depth of groundwater, and other factors appropriate for identifying the presence and source of the release. Specific requirements for a preliminary investigation are included in rule 335-6-15-.26.

1. If in the determination of the Department the results of the preliminary investigation indicate that a release has occurred, owners and operators must and initiate corrective action in accordance with rules 335-6-15-.24 through 335-6-15-.31. The Department may require a secondary investigation to be performed.

2. If in the determination of the Department the results of the preliminary investigation do not indicate that a release has occurred, further investigation is not required.

Author: Sonja Massey.

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

History: April 5, 1989.

Amended: October 2, 2003; XXXXXX, 2014.