TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control	335	Department or Agency	Environmental Management
Rule No.	335-6-1522		
Rule Title:	Release Investiga	ation and Confirmation St	eps
AND THE RESIDENCE AND THE PROPERTY OF THE PROP	New X	Amend Re	Adopt by Reference
		posed rule or the public health,	YES
state's police	asonable relations e power and the p h, safety, or welfar	rotection of the	YES
	ther, less restrictive vailable that could	ve method of d adequately protect	NO
indirectly in	oposed rule have t creasing the costs olved and, if so, to		NO
public than		more harmful to the ght result from the	NO
solely for the		ng process designed so they have, as their of the public?	YES
*****	*******	*********	**********
Does the pro	oposed rule have a	an economic impact?	NO
accompanie	sed rule has an ec d by a fiscal note p ode of Alabama 19	onomic impact, the propos prepared in accordance wi <u>975</u> .	sed rule is required to be th subsection (f) of section
*****	*******	*********	*********
Certification	of Authorized Off		
requirement all applicabl Legislative R Signature of	s of Chapter 22, T	Title 41, <u>Code of Alabama</u> 1 nts of the Administrative P	sed in full compliance with the 1975, and that it conforms to Procedure Division of the
Date	11-1-15		
		Date	Filed

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT WATER DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME:

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULE NO. &

335-6-15-.22

Release Investigation and Confirmation Steps

TITLE:

(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

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

Many Ellott 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) <u>System test</u>. 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) <u>Preliminary investigation</u>. 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.