

APA-1  
11/96

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management  
Rule No. 335-6-15-.34  
Rule Title: Permanent Closure and Changes-in-Service

       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

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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.

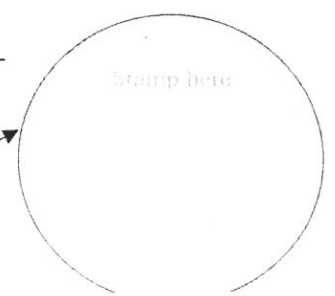
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Certification of Authorized Official

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-.34 Permanent Closure and Changes-in-Service  
(Amend)

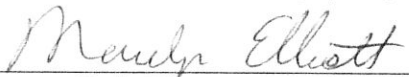
**INTENDED ACTION:** The Alabama Department of Environmental Management proposes to amend Administrative Code Rule 335-6-15-.34.

**SUBSTANCE OR PROPOSED ACTION:** Revisions are being proposed to this rule to correct typographical errors. Also, a revision is being proposed to this rule to require an individual to be certified under ADEM Administrative Code Rule 335-6-15-.47 before performing a permanent closure and requiring the permanent closure to be in accordance with a code of practice written by a nationally recognized organization.

**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

  
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Lance R. LeFleur  
Director

**335-6-15-.34 Permanent Closure and Changes-In-Service.**

(1) At least 30 days before beginning either permanent closure or a change-in-service of an UST system under paragraphs (2) and (3) below, or within another reasonable time period determined by the Department, owners and operators must notify the Department of their intent to permanently close or make the change-in-service, and the method of proposed closure, unless such action is in response to corrective action. The required assessment of the excavation zone under rule 335-6-15-.35 must be performed after notifying the Department but before completion of the permanent closure or change-in-service. Upon completion, a notice of final closure or change-in-service must be submitted to the Department.

(2) To permanently close an UST system, owners and operators must:

(a) Empty and clean underground storage tanks by removing all liquids and accumulated sludges and either remove from the ground or leave in place and fill with an inert solid material.

(b) Empty underground piping by removing all liquids and either remove from the ground or cap and leave in place.

(c) Cap or remove all lines, manways, and/or other connections.

(d) Conduct a site assessment when an underground storage tank and/or piping is permanently closed in accordance with paragraph (1) above, and

(e) Properly close all UST systems:~~Use individuals who meet the certification requirements for performing permanent closure of UST systems in rule 335-6-15-.47~~

1. Under the supervisory control of an individual or individuals certified in accordance with the requirements in rule 335-6-15-.47;

2. In accordance with codes of practice developed by nationally recognized associations or independent testing laboratories.

(3) Continued use of an UST system to store a non-regulated substance is considered a change-in-service. Before a change-in-service, owners and operators must empty and clean the UST system by removing all liquid and accumulated sludge and conduct a site assessment in accordance with paragraph (1) above.

**Author:** Sonja Massey.

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

**History:** April 5, 1989.

**Amended:** October 2, 2003; August 6, 2007; January 16, 2012; XXXXXX,  
2014.