APA-1
11/96

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control **335** Department or Agency **Environmental Management**
Rule No. 335-6-15-.06
Rule Title: Performance Standard for New USTs, Piping, UST Systems, and/or Dispensers

____ 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 Marilyn Elliott

Date September 20, 2011

Date Filed

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11/96

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULE NO. & TITLE:	335-6-15-.02	Definitions (Amend)
	335-6-15-.04	Interim Prohibition for Deferred UST Systems (Amend)
	335-6-15-.05	Notification Requirements (Amend)
	335-6-15-.06	Performance Standard for New USTs, Piping, UST Systems, and/or Dispensers (Amend)
	335-6-15-.07	Upgrading of Existing UST Systems (Amend)
	335-6-15-.09	Operation and Maintenance of Spill and Overfill Control, and Containment Systems (Amend)
	335-6-15-.10	Operation and Maintenance of Corrosion Protection (Amend)
	335-6-15-.12	Repairs Allowed (Amend)
	335-6-15-.13	Reporting and Recordkeeping (Amend)
	335-6-15-.15	Release Detection Requirements for Petroleum UST Systems (Amend)
	335-6-15-.17	Method of Release Detection for Tanks (Amend)
	335-6-15-.20	Reporting of Suspected Releases (Amend)
	335-6-15-.34	Permanent Closure and Changes-in-Service (Amend)
	335-6-15-.45	Delivery Prohibition (Amend)
	335-6-15-.46	Operator Training (Amend)
	335-6-15-.47	Certification Requirements for Individuals Who Supervise Installation, Closure, and Repair of UST Systems (New)
	335-6-15-.48	Severability (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.

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

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

Marty Elliott

Lance R. LeFleur
Director

335-6-15-.06 Performance Standard for New USTs, Piping, UST Systems, and/or Dispensers. In order to prevent releases due to structural failure, corrosion, leakage from submersible pumps and dispensers or spills and overfills for as long as the UST system is used to store regulated substances, all owners and operators of new USTs, piping, UST systems and/or dispensers must meet the following requirements:

(a) USTs. USTs installed on August 6, 2007 and thereafter must be manufactured so that any portion of the tank that is underground and routinely contains product has an inner and outer wall, and interstitial space. The USTs must be designed to allow monitoring of the integrity of both the inner and outer wall, contain a leak into the interstitial space until it is detected and removed, and prevent a release to the environment at any time during its operational life. Each UST must be properly designed and constructed, and any portion in contact with the ~~under~~ground that routinely contains product, as well as the metal outer wall of double wall tank which is in contact with the ground, must be protected from corrosion~~,~~ in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified below:

1. The UST is constructed of fiberglass-reinforced plastic; or

2. The UST is constructed of steel and cathodically protected in the following manner:

(i) The UST is coated with a suitable dielectric material;

(ii) Field-installed cathodic protection systems are designed by a corrosion expert;

(iii) Cathodic protection systems are designed to allow determination of current operating status according to the requirements of rule 335-6-15-.10; and

(iv) Cathodic protection systems are operated and maintained in accordance with rule 335-6-15-.10.

3. The UST is constructed of a steel-fiberglass-reinforced-plastic composite; or

4. The UST construction and corrosion protection are determined by the Department to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than the requirements of subparagraphs (a)1. through 3. of this rule.

(b) Piping. All piping, other than suction piping that meets the requirements specified in rule 335-6-15-.15(b)2.(i), (ii), (iii), (iv), and (v), installed under the ground on August 6, 2007 and thereafter must be

manufactured so that piping ~~in contact with the ground~~ has an inner and outer wall and interstitial space. Such piping must be designed to allow monitoring of the integrity of both the inner and outer wall, contain a leak into the interstitial space until it is detected and removed, and prevent a release to the environment at any time during its operational life. All metal piping that routinely contains regulated substances and is in contact with the ground, as well as the metal outer wall of double wall piping which is in contact with the ground, must be properly designed, constructed, and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory, as specified below:

1. The piping is nonmetallic and is constructed of either fiberglass-reinforced plastic (rigid) or thermoplastic (flexible). Nonmetallic piping installed on January 10, 2006, and thereafter, must meet the requirements of 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"; or

2. The piping is constructed of steel and cathodically protected in the following manner:

(i) The piping is coated with a suitable dielectric material;

(ii) Field-installed cathodic protection systems are designed by a corrosion expert;

(iii) Cathodic protection systems are designed to allow determination of current operating status according to the requirements of rule 335-6-15-.10; and

(iv) Cathodic protection systems are operated and maintained in accordance with rule 335-6-15-.10.

3. The piping construction and corrosion protection are determined by the Department to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than the requirements in subparagraphs (b)1. and 2. of this rule.

(c) Spill and Overfill Prevention Equipment. Except as provided for in sub-paragraph (c)3. below, to prevent spilling and overfilling associated with product transfer to the UST, owners and operators must use the following spill and overfill prevention equipment or preventive measures in 1. and 2. below:

1. Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin) operated and maintained in accordance with rule 335-6-15-.09; and

2. Overfill prevention equipment that will:

(i) Automatically shut off flow into the tank when the tank is no more than 95 percent full; or

(ii) Alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high-level alarm.

3. Owner and operators are not required to use the spill and overfill prevention equipment specified in subparagraphs (c)1. and 2. above if alternative equipment is used that is determined by the Department to be no less protective of human health and the environment than the equipment specified in subparagraph (c)1. or 2. of this rule; or the UST system is filled by transfers of no more than 25 gallons at one time.

(d) Submersible Pump and Under Dispenser Containment. USTs installed with submersible pumps on August 6, 2007 and thereafter, must have submersible pump containment sumps. New dispenser systems installed on August 6, 2007 and thereafter, must have under dispenser containment sumps as follows.

1. The sumps must be operated and maintained in accordance with rule 335-6-15-.09(2), (3), and (4). Containment sumps must be designed, constructed, installed, and maintained to:

~~1.~~(i) Be liquid-tight on all sides, bottom and all penetrations to contain leakage and prevent release of regulated substances from equipment related to dispensers and submersible pumps until the regulated substance is detected and removed; and

~~2.~~(ii) Be compatible with the substance conveyed by the piping to prevent the release of regulated substances to the environment at any time during the operational life of the UST system; and

~~3.~~(iii) Be able to be visually inspected for evidence of a leakage into the sumps.

(e) Installation. All tanks and piping must be properly installed:

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

2. ~~1~~In accordance with ~~a~~ codes of practice developed by ~~a~~ nationally recognized associations or independent testing laboratory~~y~~ies;

3. ~~1~~In accordance with the manufacturer's instructions~~,~~; and

4. ~~1~~In accordance with plans and specifications required under rule 335-6-15-.08 and reviewed by the Department~~, where required,~~ to include any modifications required to be made by the Department.

~~(f) Certification of Installation. All owners and operators must ensure that one or more of the following methods of certification, testing, or~~

~~inspection is used to demonstrate compliance with subparagraph (e) of this rule by providing a certification of compliance on the UST notification form in accordance with rule 335-6-15-.05.~~

~~1. The installer has been certified by the tank and piping manufacturers; or~~

~~2. The installation has been inspected and certified by a registered professional engineer, possessing education and experience in UST system installation and that the UST system has been installed in accordance with plans and specifications which have been reviewed by the Department where required; or~~

~~3. The installation has been inspected and approved by the Department; or~~

~~4. All work listed in the manufacturer's installation checklists has been completed, and the installation is in accordance with plans and specifications reviewed by the Department, where required; or~~

~~5. The owner and operator have complied with another method for ensuring compliance with subparagraph (e) of this rule that is determined by the Department to be no less protective of human health and the environment.~~

(gf) The Department reserves the right to inspect an UST system within 30 days of submission of plans or notification of installation prior to the UST system being fully backfilled and placed into operation. The Department may authorize a representative to make this inspection.

Author: Sonja Massey.
Statutory Authority: Code of Alabama 1975, § 22-36-3.
History: April 5, 1989.
Amended: January 10, 2006; August 6, 2007; April 25, 2008; XXXXX, 2012.