

APA-1
11/96

**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

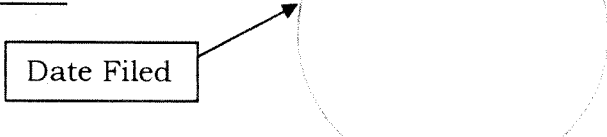
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of section 41-22-23, Code of Alabama 1975.

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 

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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

INTENDED ACTION: The Alabama Department of Environmental Management proposes to amend Chapter 335-6-15.

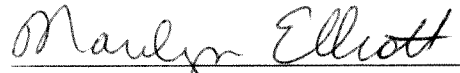
SUBSTANCE OR PROPOSED ACTION: Revisions to the Division 6 Code are being proposed to provide updated regulations to add the requirement for individuals who supervise underground storage tank system installation, closure and repair to be trained, certified and recertified, as well as addressing other 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



Lance R. LeFleur
Director

335-6-15-.09 Operation and Maintenance of Spill and Overflow 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) If a spill catchment basin is used, ensure that it is emptied/cleaned out 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, it must be repaired or replaced within a time period acceptable to the Department.

(c) Spill catchment basins shall be checked for leakage annually 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. ~~A log of the results of annual tests shall be maintained in accordance with rule 335-6-15-.13.~~

(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 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.

(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.

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

(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 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.

(b) Under dispenser and/or submersible pump containment 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; XXXX, 2012.