

APA-1  
11/96

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management  
Rule No. 335-6-15-.13  
Rule Title: Reporting and Recordkeeping

         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

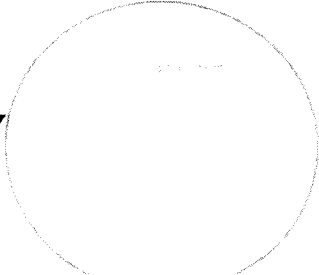
If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of section 41-22-23, Code of Alabama 1975.

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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 September 20, 2011

Date Filed 

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
WATER DIVISION

NOTICE OF INTENDED ACTION

**AGENCY NAME:** DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

<b>RULE NO. &amp; TITLE:</b>	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.

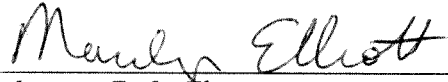
**SUBSTANCE OR PROPOSED ACTION:** Revisions to the Division 6 Code are being proposed to provide updated regulations to add the requirement for individuals who supervise underground storage tank system installation, closure and repair to be trained, certified and recertified, as well as addressing other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



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Lance R. LeBlanc  
Director

**335-6-15-.13 Reporting and Recordkeeping.** Owners and operators of UST systems must cooperate fully with inspections, monitoring and testing conducted by the Department as well as requests for document submission, submission of engineering or technical data, operator training, and testing and monitoring performed by the owner or operator at the request of the Department.

(a) Reporting. Owners and operators must submit the following information to the ADEM:

1. Notification for all UST systems in accordance with rule 335-6-15-.05, which includes certification of installation for new UST systems, rule 335-6-15-.06(f);

2. Reports of all releases including suspected releases (rule 335-6-15-.20), spills and overfills (rule 335-6-15-.23), and confirmed releases (rule 335-6-15-.24);

3. Corrective actions planned or taken including initial abatement measures (rule 335-6-15-.25), conducting a preliminary investigation (rule 335-6-15-.26), free product removal (rule 335-6-15-.27), conducting a secondary investigation (rule 335-6-15-.28) and corrective action plan (rule 335-6-15-.29); and

4. A notification before permanent closure or change-in-service (rule 335-6-15-.34) and upon completion of final closure or change-in-service.

5. Results of all tightness, cathodic protection, spill catchment basin, and leak detector testing of a UST system.

6. Annual summary of test results no later than January 31<sup>st</sup> of each year for any approved method of leak detection under rule 335-6-15-.17(h) as required by the Department.

(b) Recordkeeping. Owners and operators must maintain the following information:

1. Documentation of operation of corrosion protection equipment (rule 335-6-15-.10);

2. Documentation of UST system repairs [rule 335-6-15-.12(g)];

3. Compliance with release detection requirements (rule 335-6-15-.19);

4. Documentation of all tightness, cathodic protection, and spill catchment basin testing performed for an UST system.

5. Results of the site investigation conducted at permanent closure (rule 335-6-15-.37).

6. Documentation of release detection equipment maintenance and calibrations where applicable as required by equipment manufacturer or by the Department.

7. Documentation of compliance with notification requirements (rule 335-6-15-.05).

8. Documentation of operator training.

(c) Availability and Maintenance of Records. Owners and operators must keep the records required either:

1. At the UST site and immediately available for inspection by the Department; or

2. At a readily available alternative site and be provided for inspection to the Department upon request.

3. In the case of permanent closure, records required under rule 335-6-15-.37 may be mailed to the Department if they cannot be kept at the site or an alternative site.

(d) Current proof of tank registration shall be displayed at active retail petroleum facilities.

**Author:** Sonja Massey.

**Statutory Authority:** Code of Alabama 1975, §§ 22-36-3, 22-36-4.

**History:** April 5, 1989.

**Amended:** October 2, 2003; August 6, 2007; April 25, 2008; November 24, 2009; XXXXX, 2012.