

**1301:7-9-11 UNDERGROUND STORAGE TANK INSTALLER AND INSPECTOR CERTIFICATION AND TRAINING.**

**(A) Purpose and scope.**

For the purpose of prescribing rules pursuant to section 3737.881 of the Revised Code, the fire marshal hereby adopts this rule to establish underground storage tank installer certification, training, and inspection requirements. This rule is adopted by the fire marshal in accordance with Chapter 119 of the Revised Code and shall not be considered part of the "Ohio Fire Code". This rule shall apply to all persons involved in the installation of, performance of major repairs on site to, abandonment of, or removal of underground storage tank systems.

**(B) Definitions.** When used in this rule the following terms shall have the meanings given below:

(1) "Abandonment" means permanently taking an UST system out of service but not out of the ground in compliance with this chapter and rule 1301:7-7-28 of the Administrative Code.

(2) "Certified installer" means an individual certified by the fire marshal under the requirements of this rule to supervise the installation of, performance of major repairs on site to, abandonment of, or removal of UST systems.

(3) "Certified UST inspector" means an individual certified by the fire marshal under the requirements of this rule to inspect the installation of, performance of major repairs on site to, abandonment of, or removal of UST systems.

(4) "Installer" means a person who supervises the installation of, performance of major repairs on site to, abandonment of, or removal of underground storage tank systems.

(5) "Major repair" means the restoration of a tank or an underground storage tank system component that has caused a release of a product from the underground storage tank system, the upgrading of a tank or an underground storage tank system component, or the modification of a tank or an underground storage tank system component. "Major repair" does not include routine maintenance or normal operational upkeep to prevent an underground storage tank system from releasing a product.

(6) "Removal" means permanently taking an UST system or any of its components out of service by taking it out of the ground in compliance with this chapter and rule 1301:7-7-28 of the Administrative Code.

(7) "Supervise" means being physically on site and having the authority to direct other persons engaged in carrying out the installation of, making major repairs on site to, abandonment of, or removal of UST systems as well as having the authority to exercise independent judgement regarding the recommendation of activities to such other persons.

**(C) Supervising the following activities while being physically on site shall constitute supervision over the installation of UST systems:**

(1) Preparation of the excavation immediately prior to receiving backfill and any component of the UST system;

(2) Setting of the UST system, including placement of any anchoring devices, backfilling to the level of the UST system, and strapping, if any;

(3) Any time during the installation in which components of the piping are connected, field coated, or cathodically protected;

(4) All pressure testing of any component of the UST system; and

(5) Completion of the backfilling and filling of the excavation;

(D) Supervising the following activities while being physically on site shall constitute supervision over the performance of major repairs on site to UST systems:

(1) The actual excavation of existing UST systems;

(2) The actual performance of major repairs to the UST system;

(3) Any time during the repair project in which components of the piping are connected;

(4) Any time during the repair project in which the UST or its associated piping is pressure tested;

(5) The replacement of piping valves, fill pipes, vents, leak detection devices, or spill and overfill protection devices; and

(6) The addition of cathodic protection systems, leak detection devices, or spill and overfill devices.

(E) Supervising the following activities while being physically on site shall constitute supervision over the abandonment of UST systems:

(1) The cleaning and purging of the UST system;

(2) The filling with an inert solid material of the UST system;

(3) All testing associated with the cleaning and purging processes;

(4) Any time during the abandonment in which components of the UST system are disconnected or capped;

(F) Supervising the following activities while being physically on site shall constitute supervision over the removal of UST systems:

(1) The cleaning and purging of the UST system;

(2) The actual excavation and removal of the UST system or any of its components;

(3) All testing associated with the cleaning and purging processes;

(4) Any time during the removal in which components of the UST system are disconnected or capped;

(G) Certificate availability.

Certified installers shall have a copy of their current certificate issued by the fire marshal at the location where they are supervising work. Upon request of a fire official, certified installers shall make their current certificate available for inspection by the fire official.

(H) Application requirements.

Any person who wishes to apply for installer certification shall meet all of the following application requirements:

(1) The applicant shall submit an application to the fire marshal, on a form furnished by the fire marshal, accompanied by a non-refundable fee of one hundred fifty dollars;

(2) The applicant shall be an individual and shall be at least eighteen years of age;

(3) The applicant need not be a resident of Ohio. If the applicant is not a resident of Ohio, the applicant shall provide an irrevocable consent to legal service from Ohio.

(4) The applicant shall demonstrate that he is in good standing with all licensing authorities by whom licensing is required, given the

nature and scope of the applicant's work, and that he has not had a business or occupational license or certificate suspended or revoked in this or any other state. The fire marshal may issue a certificate to an applicant who has had a business or occupational license or certificate suspended or revoked where the suspension or revocation, by reason of its date or nature, is not directly related to the applicant's competence to install, perform major repairs on site to, abandon, or remove UST systems. The fire marshal may check with other certification or licensing boards with which the applicant is registered to confirm the absence of violations of federal, state, or local laws and regulations relating to the applicant's ability to supervise the installation of, performance of major repairs on site to, abandonment of, or removal of UST systems in a competent manner.

(5) The applicant shall supply the fire marshal with three business references who can verify the applicant's experience in the installation of, performance of major repairs on site to, abandonment of, or removal of UST systems.

(6) The applicant shall demonstrate that he meets one of the following:

(a) Has obtained a certificate of completion from an installer training program pursuant to paragraphs (L)(3) to (L)(3)(c) or (L)(9) of this rule and has, within two years immediately prior to making application, participated in the installation of, performance of major repairs on site to, abandonment of, or removal of three UST systems or, with approval of the fire marshal, similar experience in closely related UST system work;

(b) Is a registered professional engineer and has, within two years immediately prior to making application, participated in the installation of, performance of major repairs on site to, abandonment of, or

removal of six UST systems or, with approval of the fire marshal, similar experience in closely related UST system work;

(c) Within two years immediately prior to making application, participated in the installation of, performance of major repairs on site to, abandonment of, or removal of twelve UST systems or, with approval of the fire marshal, similar experience in closely related UST system work. Of the participations, six shall have involved the installation of UST systems.

(7) The applicant shall complete the examination requirements of paragraph (I)(1) of this rule.

(I) Examination requirements.

(1) The applicant shall submit payment of a twenty-five dollar non-refundable fee at the time of application.

(2) The examination shall be a written multiple-choice examination covering all aspects of the installation, repair, abandonment, and removal of underground storage tank systems. The examination shall consist of two parts, the first testing the applicant's knowledge of provisions of the sections 3737.88 to 3737.882 of the Revised Code and this chapter of the Administrative Code, and the second testing the applicant's knowledge of current technological and industry recommended practices with respect to the proper installation, repair, abandonment, and removal of UST systems. An applicant may request permission to take the examination in oral form, good cause shown.

(3) To satisfactorily pass the examination, the applicant shall obtain a minimum score of seventy-five per cent on each of the two parts of the exam. (a) Any applicant who fails the examination may request re-examination upon

payment of a non-refundable twenty-five dollar fee. An application will remain pending for that purpose for a period of one year after the date the application was submitted. If the applicant has not requested re-examination within the one year period, the applicant must file a new application for certification with the fire marshal.

(4) The examination shall be offered by the fire marshal at least six times a year at such places as the fire marshal determines. The fire marshal shall announce the time and location of an examination at least twenty days in advance of the exam and shall, at least seven days in advance of the exam, provide notice of the exam to all persons who have completed applications for certification since the date of the previous examination. Only persons who have filed applications in advance of an examination and submitted the fee pursuant to paragraph (I)(1) of this rule or who have complied with paragraph (I)(4) of this rule are eligible to take the examination.

(5) All examinations will be graded and the applicants notified of the results within twenty days of the date of the examination. Examination papers will not be returned to the applicant, but may be reviewed by the applicant at the office of the bureau of underground storage tank regulations.

(6) At the time the application is filed, the fire marshal shall furnish the applicant with a set of instructions to assist the applicant in preparing for the examination. Instruction sheets will refer the applicant to appropriate laws and regulations and industry publications, including, but not limited to, the references listed in this chapter of the Administrative Code.

(J) New certification procedures.

(1) The fire marshal shall issue an installer certificate to each applicant who meets the requirements of paragraphs (H) to (I)(3) of this

rule. The certificate shall be valid for one year following the date of issuance by the fire marshal.

(2) The application for an installer certification shall be denied by the fire marshal when any of the following occur:

(a) The applicant failed to provide the information required by the application form prescribed by the fire marshal;

(b) The applicant failed to provide the fee required for application and examination;

(c) The applicant failed to comply with paragraphs (H)(6) to (H)(6)(c) of this rule;

(d) The applicant failed to obtain a minimum score of seventy-five per cent on each of the two parts of the exam administered pursuant to paragraph (I)(2) of this rule;

(e) The applicant is not in good standing with all licensing authorities as provided in paragraph (H)(4) of this rule; or

(f) The applicant made a misrepresentation or submitted false statements with the application.

(K) Renewal of certification.

(1) Certificates issued by the fire marshal pursuant to paragraph (J)(1) of this rule shall be renewed annually by the installer. Any installer who wishes to apply for installer certification renewal shall meet all of the following renewal requirements:

(a) Within thirty days prior to the expiration date of their installer certification, submit an installer certification renewal application to the fire marshal, on a form prescribed by the fire

marshal, accompanied by a non-refundable fee of one hundred fifty dollars;

(b) Demonstrate in a manner prescribed by the fire marshal attendance at a minimum of eight hours of fire marshal-approved continuing installer education within the previous twelve months; and

(c) Demonstrate that he is in good standing with all licensing authorities by whom licensing is required, given the nature and scope of the installer's work, and that he has not had a business or occupational license or certificate suspended or revoked in this or any other state. The fire marshal may renew a certificate for an installer who has had a business or occupational license or certificate suspended or revoked where the suspension or revocation, by reason of its date or nature, is not directly related to the installer's competence to install, perform major repairs on site to, abandon, or remove UST systems. The fire marshal may check with other certification or licensing boards with which the installer is registered to confirm the absence of violations of federal, state, or local laws and regulations relating to the installer's ability to supervise the installation of, performance of major repairs on site to, abandonment of, or removal of UST systems in a competent manner.

(2) Installers whose installer certificates were issued prior to the effective date of this rule shall, in addition to fulfilling the requirements in paragraphs (K)(1) to (K)(1)(c) of this rule, satisfactorily pass a written multiple-choice examination administered by the fire marshal covering the provisions of sections 3737.87 to 3737.882 of the Revised Code and this chapter of the Administrative Code prior to having their installer certificates renewed during the calendar year of 1991. An applicant may request permission to take the examination in

oral form, good cause shown. To satisfactorily pass the examination, the installer shall obtain a minimum score of seventy-five per cent on the examination.

(3) Upon a determination by the fire marshal that during the calendar year substantial changes have been made to sections 3737.87 to 3737.882 of the Revised Code, this chapter of the Administrative Code, or UST technology, the fire marshal may require applicants for installer certification renewal to satisfactorily pass a written multiple-choice examination in addition to meeting the requirements in paragraphs (K)(1) to (K)(1)(c) of this rule prior to issuance of the certification renewal for the subsequent calendar year. Applicants for installer certification renewal may request permission to take the examination in oral form, good cause shown. To satisfactorily pass the examination, the applicant for installer certification renewal shall obtain a minimum score of seventy-five per cent on the examination. The fire marshal shall announce the time and location of the examination at least forty-five days in advance of the exam and shall, at least thirty days in advance of the exam, provide notice of the exam to all certified installers. An applicant for certification renewal who fails the examination may request re-examination from the fire marshal.

(4) The fire marshal shall issue an installer certificate renewal to each applicant who meets the requirements of applicable paragraphs (K)(1) to (K)(3) of this rule. The renewal certificate shall be valid for one year following the date of issuance by the fire marshal.

(5) The application for an installer certification renewal shall be denied by the fire marshal when any of the following occur:

(a) The applicant failed to provide the information required by the application form prescribed by the fire marshal;

- (b) The applicant failed to provide the fee required for application;
  - (c) The applicant failed to comply with paragraphs (K)(1)(b) and (K)(1)(c) of this rule;
  - (d) The applicant failed to obtain a minimum score of seventy-five per cent on the exam administered pursuant to paragraphs (K)(2) and (K)(3) of this rule;
  - (e) The applicant is not in good standing with all licensing authorities as provided in paragraph (K)(1)(c) of this rule;
  - (f) The applicant failed to attend a minimum of eight hours of fire marshal-approved containing installer education; or
  - (g) The applicant made a misrepresentation or submitted false statements with the application.
- (L) Installer training programs.
- (1) The fire marshal may conduct installer training programs. Any such program shall be at least thirty-six hours in length and shall include appropriate instructional methods, four hours of hands-on training, and written pre-test and post-test examinations. The following topics will be included in the program:
    - (a) Sections 3737.87 to 3737.882 of the Revised Code;
    - (b) This chapter of the Administrative Code;
    - (c) Occupational health and safety;
    - (d) Installation of USTs including tanks and piping, cathodic protection, ancillary equipment, backfilling, and UST system testing;
    - (e) Release detection systems;
    - (f) General operation and maintenance of usts;
    - (g) Majors repairs;
    - (h) Closure including both removal and abandonment;
    - (i) Recordkeeping;
    - (j) Supervisory techniques;
    - (k) Public health and safety; and
    - (l) Environmental considerations.
  - (2) Any person who wishes to attend a training program sponsored by the fire marshal pursuant to paragraph (L)(1) of this rule shall submit an application to the fire marshal, on a form prescribed by the fire marshal, accompanied by a non-refundable fee of seventy-five dollars. The application and fee shall be provided to the fire marshal at least fourteen days prior to the first scheduled day of the training program.
  - (3) Upon conclusion of any installer training program, the fire marshal shall issue a certificate of completion to all persons who meet all of the following requirements:
    - (a) Attended all of the program's sessions or has complied with paragraph (L)(4) of this rule;
    - (b) Submitted an application and fee to the fire marshal pursuant to paragraph (L)(2) of this rule; and
    - (c) Completed the programs pre-test and post-test examinations.
  - (4) Attendance shall be required at all classroom and hands-on sessions except for valid reasons. The faculty is authorized to

determine the validity of absences. Any absentee from any scheduled classroom or hands-on session shall make up such attendance as required by the faculty.

(5) Any person wishing to sponsor an installer training program shall submit an application to the fire marshal, on a form prescribed by the fire marshal, accompanied by a non-refundable fee of two hundred dollars. All applications shall include, without limitation, all of the following:

- (a) A program description and syllabus;
- (b) Lesson plans for each classroom and hands-on session;
- (c) Study materials and hand-outs;
- (d) Names, addresses, and qualifications of all faculty;
- (e) Pre-test and post-test examinations; and
- (f) The method of attendance verification;

(6) The fire marshal may amend or require the applicant to modify any aspect of a program prior to certifying the program sponsor.

(7) The fire marshal may certify a person to sponsor an installer training program if both of the following requirements are met:

- (a) The person has complied with paragraphs (L)(5) to (L)(5)(f) of this rule; and
- (b) The program, as amended by the fire marshal or modified by the applicant pursuant to paragraph (L)(6) of this rule, complies with the requirements of paragraphs (L)(1) to (L)(1)(j) of this rule.

(8) Fire marshal personnel shall be allowed access to all installer training program sessions certified under paragraph (L)(7) of this rule.

(9) Upon conclusion of any installer training program for which a person has been certified to sponsor, the sponsor shall issue a certificate of successful completion to all persons who meet the requirements of paragraphs (L)(3)(a) and (L)(3)(c) of this rule. The certified sponsor shall submit to the fire marshal a list of all persons receiving a certificate of successful completion and the results of all examinations conducted during the program.

(10) Certifications issued by the fire marshal pursuant to paragraphs (L)(7) to (L)(7)(b) of this rule and renewals issued by the fire marshal pursuant to paragraph (L)(11) of this rule shall be valid for one year.

(11) Persons seeking to renew a certificate to sponsor an installer training program shall submit an application to the fire marshal, on a form prescribed by the fire marshal, accompanied by a non-refundable fee of one hundred fifty dollars. The application shall include, without limitation, a description of any changes in the certified program proposed by the sponsor. The fire marshal may amend or require the sponsor to modify any aspect of a program prior to issuing an installer training program certificate renewal to the sponsor. All programs for which a sponsor obtains an installer training program certificate renewal shall comply with paragraphs (L)(1) to (L)(1)(l) of this rule.

(M) Continuing education programs

(1) The fire marshal may conduct continuing education training programs for installers. Such programs may include, without limitation, those topics listed in paragraphs (L)(1)(a) to (L)(1)(l) of this rule.

(2) Any person who wishes to attend a continuing education training program sponsored by the fire marshal pursuant to paragraph (M)(1) of this rule shall submit an application to the fire marshal, on a form prescribed by the fire marshal, accompanied by a non-refundable fee established by the fire marshal. The application and fee shall be provided to the fire marshal at least fourteen days prior to the first scheduled day of the training program.

(3) Upon conclusion of any continuing education training program, the fire marshal shall issue a certificate of attendance to all persons attending the program who have complied with paragraph (M)(2) of this rule. The certificate shall indicate the number of hours of fire marshal-approved continuing education credit earned by the person at the program.

(4) Any person wishing to sponsor an installer continuing education training program shall submit an application to the fire marshal, on a form prescribed by the fire marshal, accompanied by a non-refundable fee of fifty dollars. All applications shall include, without limitation, all of the following:

- (a) A program description and syllabus;
- (b) Lesson plans for each classroom and hands-on session;
- (c) Study materials and hand-outs;
- (d) Names, addresses, and qualifications of all faculty; and
- (e) The method of attendance verification.

(5) The fire marshal may amend or require the applicant to modify any aspect of a program prior to certifying the program sponsor.

(6) The fire marshal may certify a person to sponsor an installer continuing education training program if all of the following requirements are met:

(a) The person has complied with paragraphs (M)(4) to (M)(4)(e) of this rule;

(b) The program, as amended by the fire marshal or modified by the applicant pursuant to paragraph (M)(5) of this rule, is closely related to those topics listed in paragraphs (L)(1)(a) to (L)(1)(l) of this rule; and

(c) The person is a certified installer and possesses a valid installer certificate issued by the fire marshal pursuant to paragraph (J)(1) or (K)(4) of this rule.

(7) The fire marshal shall determine the number of hours of continuing education credit for which the program qualifies.

(8) Upon conclusion of any installer continuing education training program for which a person has been certified to sponsor, the sponsor shall issue a certificate of successful completion to all persons attending the program. The certificate shall indicate the number of hours of fire marshal-approved continuing education credit earned by the person attending the program. The certified person shall submit to the fire marshal a list of all persons receiving a certificate of attendance which indicates the number of hours of fire marshal-approved continuing education credit earned by each person who received a certificate.

(9) Certifications issued by the fire marshal pursuant to paragraphs (M)(6) to (M)(6)(c) of this rule and renewals issued by the fire marshal pursuant to paragraph (M)(10) of this rule shall be valid for one year.

(10) Persons seeking to renew a certificate to sponsor an installer continuing education training program shall submit an application to the fire marshal, on a form prescribed by the fire marshal, accompanied by a non-refundable fee of fifty dollars. The application shall include, without limitation, a description of any changes in the certified program proposed by the sponsor. The fire marshal may amend or require the sponsor to modify any aspect of a program prior to issuing an installer continuing education training program certificate renewal to the sponsor. All programs for which a sponsor obtains an installer training program certificate renewal shall be closely related to those topics listed in paragraphs (L)(1)(a) to (L)(1)(l) of this rule.

(N) Revocation or suspension of certification.

A certificate or renewal issued pursuant to this rule may be suspended or revoked by the fire marshal pursuant to Chapter 119. of the Revised Code for any of the following reasons:

- (1) The person obtained his certification through fraud or misrepresentation.
- (2) The installer recklessly violated a provision of this chapter;
- (3) The installer recklessly caused or permitted a person under his supervision to install, perform a major repair on site to, abandon, or remove an UST system in violation of this chapter;
- (4) The installer was not physically on site during the performance of any of the activities described in paragraphs (C) to (F)(4) of this rule.
- (5) The training program offered by the sponsor is determined by the fire marshal to not comply with a provision of paragraphs (L) to (L)(10) or (M) to (M)(10) of this rule.

(O) Application requirements for a certified UST inspector.

Any individual who wishes to apply to become a certified UST inspector shall meet all of the following application requirements:

- (1) The applicant shall submit an application to the fire marshal, on a form prescribed and furnished by the fire marshal, accompanied by a non-refundable fee of twenty-five dollars;
- (2) The applicant shall be an individual and shall be at least eighteen years of age;
- (3) The applicant need not be a resident of Ohio. If the applicant is not a resident of Ohio, the applicant shall provide an irrevocable consent to legal service from Ohio on a form prescribed and furnished by the fire marshal;
- (4) The applicant shall demonstrate compliance with one of the following:
  - (a) Has obtained a certificate of completion from an installer training program pursuant to paragraphs (L)(3) to (L)(3)(c) or (L)(9) of this rule;
  - (b) Is a certified installer.
- (5) The applicant shall demonstrate compliance with one of the following:
  - (a) Has successfully completed an entire UST inspector training program developed by the fire marshal and offered at the state fire academy or by an accredited college or university;
  - (b) Is a certified fire safety inspector that has successfully completed the inspection portion of an UST inspector training program developed by the fire marshal and offered at the state fire academy or by an accredited college or university;

(c) Holds a two year fire science degree from an accredited college or university and has successfully completed the inspection portion of an UST inspector training program developed by the fire marshal and offered at the state fire academy or by an accredited college or university.

(6) Apply to the fire marshal to become a certified UST inspector within two years of the completion of the first of any training program required by paragraphs (O)(4) to (O)(5)(c) of this rule.

(7) The applicant shall not have had any authorization to act as a certified UST inspector pursuant to this rule previously revoked by the fire marshal.

(8) Any applicant who has completed an UST inspector course developed by the fire marshal and offered at the state fire academy or by an accredited college or university and has passed the test associated with said UST inspector course prior to January 1, 1997, shall demonstrate or comply with all of the following in lieu of complying with paragraphs (O)(4) to (O)(6) of this rule:

(a) Prior to applying to become a certified UST inspector demonstrate in a manner prescribed by the fire marshal attendance at a minimum of eight hours of fire marshal recognized continuing education within the previous twelve months;

(b) Apply to the fire marshal to become a certified UST inspector on or before December 31, 1998; and

(c) Any applicant that does not apply by December 31, 1998, may still become a certified UST inspector by complying with the applicable provisions of paragraphs (O) to (O)(7) of this rule.

(P) New certification procedures for certified UST inspectors.

The fire marshal shall issue a certification to inspect to each applicant who meets the applicable requirements of paragraphs (O) to (O)(8)(b) of this rule. The certification to inspect shall be valid for two years following the date of issuance by the fire marshal.

(Q) Renewal of certification to inspect.

(1) Certifications to inspect issued by the fire marshal pursuant to paragraph (P) Of this rule may be renewed every two years by the certified UST inspector. Any certified UST inspector who wishes to apply for renewal of certification to inspect shall meet all of the following renewal requirements:

(a) Within thirty days prior to the expiration date of the certification to inspect, submit a certification to inspect renewal form to the fire marshal, on a form prescribed by and available from the fire marshal, accompanied by a non-refundable fee of twenty-five dollars;

(b) Demonstrate in a manner prescribed by the fire marshal attendance at a minimum of eight hours of fire marshal recognized continuing education within the previous twenty-four months; and

(c) Demonstrate in a manner prescribed by the fire marshal that the certified UST inspector conducted a minimum of six inspections on separate permits pursuant to the certification to inspect that is sought to be renewed.

(2) Upon a determination by the fire marshal that during the interim since the last renewal of a certification to inspect substantial changes have been made to sections 3737.87 to 3737.882 of the Revised Code, this chapter of the Administrative Code, or UST technology, the fire marshal may require applicants for

renewal of certifications to inspect to take a particular course to meet all or part of the continuing education requirement set forth in paragraph (Q)(1)(b) of this rule.

(R) Renewal procedures for certified UST inspectors.

The fire marshal shall renew a certification to inspect for each applicant who meets the applicable requirements of paragraphs (Q)(1) to (Q)(2) of this rule. The renewal of a certification to inspect shall be valid for two years following issuance by the fire marshal.

(S) scope of inspection authority.

A certified UST inspector may inspect the installation of, making major repairs on site to, abandonment of, or removal of UST systems in areas of Ohio where the fire marshal has not delegated these inspections pursuant to rule 1301:7-9-15 of the Administrative Code and in areas of Ohio where the fire marshal has delegated these inspections pursuant to rule 1301:7-9-15 of the Administrative Code and the local ordinance required by paragraph (B)(2) of rule 1301:7-9-15 of the Administrative Code specifically allows for inspections by certified UST inspectors within the local fire agency's jurisdictional area.

(T) Limitations on authorization to inspect.

(1) A certified UST inspector shall not inspect the installation of, making major repairs on site to, abandonment of, or removal of UST systems where the certified UST inspector performed work on the UST system itself, supervised the work on the UST system itself, or is employed by or associated with the certified installer whose work is being inspected.

(2) A certified UST inspector shall not inspect the installation of, making major repairs on site to, abandonment of, or removal of UST systems for any owner or operator where the

certified UST inspector is employed by the owner or operator or any of the owner's or operator's companies, partnerships, subsidiaries, related companies, or the like. This prohibition does not prevent a certified UST inspector from conducting the necessary inspection when the only relationship between the certified UST inspector and the owner or operator is that associated with the inspection itself.

(3) A certified UST inspector shall not inspect the installation of, making major repairs on site to, abandonment of, or removal of UST systems for any owner or operator where the certified UST inspector is employed by the certified UST installer being inspected or any of the certified UST installer's, who is being inspected, companies, partnerships, subsidiaries, related companies, or the like.

(4) A certified UST inspector shall not inspect the installation of, making major repairs on site to, abandonment of, or removal of UST systems where the certified UST inspector is the owner or operator of said UST systems, is a partner in the partnership that is the owner or operator of said UST systems, or owns a substantial interest in any subsidiary of, related company to, or corporation that is the owner or operator of said UST systems being inspected. For purposes of this rule, "substantial interest" means the ability to directly influence the day-to-day operations of the subsidiary, related company, or corporation.

(5) A certified UST inspector shall not inspect the installation of, making major repairs on site to, abandonment of, or removal of UST systems where the certified UST inspector is the certified UST installer being inspected, is a partner in the partnership that is the certified UST installer being inspected, or owns a substantial interest in a subsidiary of, related company to, or corporation that is the certified UST installer being inspected. For purposes of this rule, "substantial interest" means the

ability to directly influence the day-to-day operations of the subsidiary, related company, or corporation.

(U) Activities requiring the certified UST inspector's presence.

The certified UST inspector shall be present for the performance of the following activities:

- (1) In the case of an UST installation, examination of the excavation prior to the physical placing of the UST system into the ground, the in-ground test of the piping prior to backfilling the piping, and the final tightness test prior to placing the UST system into service;
- (2) In the case of an UST upgrade for tanks, immediately before purging operations begin, immediately before the tank is cut open for entry, and the final tightness test prior to placing the UST system back into service;
- (3) In the case of an UST upgrade for piping, the in-ground test of the piping prior to backfilling the piping, and the final tightness test on the upgraded portion of the piping prior to placing the UST system back into service;
- (4) In the case of an UST upgrade for leak detection, the test of the leak detection system;
- (5) in the case of a repair of tanks, immediately before purging operations begin, immediately before the tank is cut open for entry, and the final tightness test prior to placing the UST system back into service;
- (6) In the case of a repair of piping, the in-ground test of the piping prior to backfilling the piping, and the final tightness test prior to placing the UST system back into service;

(7) In the case of an UST removal, immediately before purging operations begin, immediately before the tank is cut open for any purpose, and the actual removal of the UST system from the ground; and

(8) In the case of an abandonment in place of UST systems, immediately before purging operations begin, immediately before the opening of the tank top, and at the completion of the actual filling of the tank with the inert solid material before covering the UST.

(V) Operational and reporting requirements for certified UST inspectors.

(1) For each visit to a location by a certified UST inspector pursuant to a certification to inspect granted pursuant to this rule, the certified UST inspector shall accurately complete an inspection report on a form prescribed by the fire marshal prior to leaving the location.

(2) Within thirty days of a certified UST inspector conducting any inspection pursuant to a certification to inspect granted under this rule, the certified UST inspector shall cause the original of the completed inspection report form required by paragraph (V)(1) of this rule to be actually delivered to the fire marshal. This delivery requirement shall be fulfilled by actually delivering the required original document to the bureau of underground storage tank regulations.

(3) Prior to leaving the inspection location a certified UST inspector conducting any inspection pursuant to a certification to inspect granted pursuant to this rule, the certified UST inspector shall cause a copy of the completed inspection report form required by paragraph (V)(1) Of this rule to be actually delivered to the owner or operator of the UST system upon which the inspection was performed or its representative.

(4) A certified UST inspector shall inform the fire marshal of any change in the certified UST inspector's mailing address within thirty days of the change of address becoming effective. Notice of any change in a mailing address shall be in writing directed to and actually delivered to the bureau of underground storage tank regulations.

(5) The certified UST inspector shall conduct all inspections pursuant to and consistent with the inspection report form prescribed by the fire marshal.

(W) Grounds for denial to issue, refusal to renew, suspension, or revocation of a certification to inspect.

(1) The application for a certification to inspect shall be denied by the fire marshal when any of the following occur:

(a) The applicant failed to provide the information required by the initial application form prescribed by the fire marshal;

(b) The Applicant failed to provide the fee required for initial application;

(c) The Applicant is not an individual;

(d) The applicant is not at least eighteen years of age;

(e) The Applicant has been convicted of a felony;

(f) The applicant is not a resident of Ohio and has failed to submit an irrevocable consent to legal service from Ohio;

(g) The applicant failed to comply with paragraphs (O)(4) to (O)(4)(b) of this rule;

(h) The applicant failed to comply with paragraphs (H)(5) to (H)(5)(c) of this rule;

(i) The applicant failed to apply to the fire marshal for authorization to inspect within two years of the completion of the first of any training required by paragraphs (O)(4) to (O)(5)(c) of this rule;

(j) The applicant had previously had a certification to act as a certified UST inspector pursuant to this rule revoked by the fire marshal;

(k) If applicable, the applicant failed to comply with paragraphs (O)(8) to (O)(8)(c) of this rule; or

(l) The applicant made a misrepresentation or submitted false statements with the initial application.

(2) The application for renewal of a certification to inspect shall be denied by the fire marshal when any of the following occur;

(a) The applicant failed to provide the information required by the renewal application form prescribed by the fire marshal;

(b) The applicant failed to provide the fee required for renewal;

(c) The applicant failed to submit the completed renewal application form prescribed by the fire marshal to the fire marshal prior to the expiration date of the certification to inspect that is being sought to be renewed;

(d) The applicant failed to appropriately demonstrate attendance at a minimum of eight hours of fire marshal recognized continuing education within the previous twenty-four months;

(e) The applicant failed to appropriately demonstrate that a minimum of six inspections on separate permits pursuant to

the certification to inspect that is sought to be renewed were performed by the applicant prior to making application for renewal;

(f) The applicant failed to attend any continuing education training required by the fire marshal pursuant to paragraph (Q)(2) of this rule;

(g) The applicant made a misrepresentation or submitted false statements with the renewal application;

(h) The applicant obtained initial certification to inspect or any renewal of a certification to inspect through fraud or misrepresentation; or

(i) The applicant has been convicted of a felony.

(3) An initial certification to inspect or any renewal of same issued pursuant to this rule may be suspended or revoked by the fire marshal pursuant to Chapter 119. of the Revised Code for any of the following reasons:

(a) The certified UST inspector obtained initial certification to inspect or any renewal of same through fraud or misrepresentation;

(b) The certified UST inspector made a misrepresentation or submitted false statements with either the initial application for certification to inspect or any renewal application;

(c) The certified UST inspector was not present at the location during the performance of any activities described in paragraphs (U) to (U)(8) of this rule;

(d) The certified UST inspector failed to use or accurately complete the inspection report form prescribed by the fire marshal

pursuant to paragraph (V)(1) of this rule;

(e) The certified UST inspector failed to cause the original of any completed inspection report form required by paragraph (V)(1) Of this rule to be actually delivered to the fire marshal within thirty days of the certified UST inspector conducting any inspection pursuant to a certification to inspect granted under this rule;

(f) The certified UST inspector failed to cause a copy of any completed inspection report form required by paragraph (V)(1) of this rule to be actually delivered to the owner or operator of the UST system upon which the inspection was performed or its representative prior to the certified UST inspector leaving the inspection location where the certified UST inspector conducted any inspection pursuant to a certification to inspect granted under this rule;

(g) The certified UST inspector fails to attend any continuing education training required by the fire marshal pursuant to paragraph (Q)(2) of this rule within the time period prescribed by the fire marshal;

(h) The certified UST inspector failed to inform the fire marshal of any change in his mailing address in the manner set forth in paragraph (V)(4) of this rule;

(i) The certified UST inspector filed any false document with the fire marshal related to any inspection conducted pursuant to certification to inspect granted pursuant to this rule;

(j) The certified UST inspector violated a provision of this chapter;

(k) The certified UST inspector has been convicted of a felony;

(l) The certified UST inspector has conducted any inspection prohibited by paragraphs (T) to (T)(5) of this rule;

(m) The certified UST inspector failed to conduct any inspection pursuant to a certification to inspect granted pursuant to this rule in a manner consistent with the inspection report form required by paragraph (V)(1) of this rule; or

(n) The certified UST inspector has conducted any inspection pursuant to a certification to inspect granted pursuant to this rule in a manner that is less than reasonable and prudent for a similarly situated reasonable certified UST inspector in the community.

Effective: January 1, 1997

Promulgated under: 119.03

Rule authorized by: 3737.02, 3737.88, and 3737.881

Rule amplifies: 3737.02 and 3737.881

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