

1301:7-9-01 **Applicability.**

- (A) For the purpose of prescribing rules pursuant to section 3737.02 and section 3737.882 of the Revised Code, the fire marshal hereby adapts this chapter in accordance with Chapter 119. of the Revised Code to implement the underground storage tank program and corrective action program for releases from underground petroleum storage tanks. This rule is adopted by the fire marshal in accordance with Chapter 119. of the Revised Code and shall not be considered a part of the "Ohio Fire Code."
- (B) Nothing in this chapter shall exempt owners and operators of underground storage tank systems from complying with any other applicable federal, state or local laws and regulations, including but not limited to the "Ohio Fire Code" as the term is defined paragraph (A)(1) of rule 1301:7-7-01 of the Administrative Code or the "Ohio Building Code" as the term is defined in paragraph 101.1 of rule 4101:1-1-01 of the Administrative Code. If the provisions of the "Ohio Fire Code" address similar requirements or are in conflict with the requirements of this chapter, then the provisions of this chapter shall apply.
- (C) The following underground storage tank systems are exempt from the requirements of this chapter:
 - (1) Any UST system holding hazardous wastes listed or identified under chapter 3745-51 of the Administrative Code, or a mixture of such hazardous wastes and other regulated substances;
 - (2) Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under section 402 or 307(b) of the federal Water Pollution Control Act (33 U.S.C.A. 1251 and following);
 - (3) Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks;
 - (4) Any UST system whose capacity is one hundred ten gallons or less;
 - (5) Any UST system containing a de minimus concentration of regulated substances;
and
 - (6) Any emergency spill or overflow containment UST system that is expeditiously emptied after use.
- (D) Notwithstanding paragraphs (A)(1) to (A)(5) of rule 1301:7-9-06 of the Administrative Code and paragraphs (A)(1) to (A)(5) of rule 1301:7-9-08 of the Administrative Code, no owner or operator shall install an UST system listed in paragraphs (A)(1) to (A)(5) of rule 1301:7-9-06 of the Administrative Code for the

purpose of storing a regulated substance unless the UST system complies with all of the following:

- (1) The UST system is installed and constructed in such a manner so as to prevent releases of the regulated substance due to corrosion or structural failure for the operational life of the UST system;
- (2) The UST system is cathodically protected against corrosion, constructed of noncorrodible material, steel clad with a noncorrodible material, or designed in a manner to prevent a release or threatened release of any stored substance; and
- (3) Is constructed or lined with material that is compatible with the stored substance.

HISTORY: Eff 11-5-90; 1-22-93; 3-1-05

Rule promulgated under: RC [119.03](#)

Rule authorized by: RC [3737.88](#)

Rule amplifies: RC [3737.88](#)

R.C. [119.032](#) review dates: 11/24/2004 and 03/01/2010