

(No changes made as a results of comments)

1301:7-9-11 **Underground storage tank installer certification and training.**

(A) Purpose and scope.

For the purpose of prescribing rules pursuant to section 3737.881 of the Revised Code, the state fire marshal hereby adopts this rule to establish underground storage tank installer certification and training requirements. This rule is adopted by the state fire marshal in accordance with Chapter 119 of the Revised Code and shall not be considered part of the "Ohio Fire Code".

(B) Supervising the following activities while being physically on site shall constitute supervision over the installation ~~or replacement~~ 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) Any time during the installation of containment system components;
- (5) All pressure testing of any component of the UST system;
- (6) Completion of the backfilling and filling of the excavation; and
- (7) The final precision test and the test of any release detection systems required by rule 1301:7-9-07 of the Administrative Code.

(C) Supervising the following activities while being physically on site shall constitute supervision over the performance of major repairs on site to UST systems where a release has occurred:

- (1) The actual ~~purging and~~ excavation, purging and removal of existing UST systems or individual components, if applicable;
- (2) The actual performance of major repairs to the UST system;
- (3) Any time during the major repair project in which components of the piping are connected;
- (4) Any time during the major repair project in which the UST or its associated piping is pressure tested;
- (5) The major repair of piping valves, fill pipes, vents, leak detection devices, containment systems, cathodic protection systems or spill and overfill protection devices; and

- (6) The final precision test and the test of any release detection systems required by rule 1301:7-9-07 of the Administrative Code, if applicable.
- (D) Supervising the following activities while being physically on site shall constitute supervision over the closure-in-place of UST systems:
- (1) The ~~cleaning and excavation~~, purging, opening and cleaning 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; ~~and~~
 - (3) The filling with an inert solid material of the UST system; and
 - (4) Any time during the closure-in-place in which components of the UST system are disconnected or capped.
- (E) 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;~~
 - (1)(2) The actual excavation, purging, and removal and cleaning of the UST system or any of its components;
 - (2)(3) All testing associated with the cleaning and purging processes;
 - (3)(4) Any time during the removal in which components of the UST system are disconnected or capped; and
 - (4)(5) The final disposition of the UST system before the UST system leaves the site.
- (F) Supervising the following activities while being physically on site shall constitute supervision over the performance of modifications on site to UST system components:
- (1) The actual ~~purging and~~ excavation, purging removal and cleaning of ~~the existing UST systems~~ system or any of its components, if applicable;
 - (2) The actual performance of modifications of any components;
 - (3) Any time during the modification project in which components of the piping are connected;
 - (4) Any time during the modification project in which the UST or its associated piping is pressure tested; and
 - (5) The final precision test and the test of any release detection systems required by rule 1301:7-9-07 of the Administrative Code, if applicable.
- (G) Supervising the following activities while being physically on site shall constitute supervision over the placing of an UST system out of service for more than ninety days or the performance of a

change in service of an UST system:

- (1) The emptying, capping and securing of an UST, piping and ancillary equipment as part of placing an UST system out of service for more than ninety days pursuant to paragraph (E)(3) of rule 1301:7-9-12 of the Administrative Code; or
- (2) The purging and cleaning of an UST system and the removal or closure-in-place of piping and ancillary equipment, if applicable, as part of a change in service pursuant to paragraph (H) of rule 1301:7-9-12 of the Administrative Code.

(H) General installer requirements.

- (1) Certified installers shall supervise work in a manner that minimizes the release of regulated substances from UST systems and minimizes the build-up hazardous vapors in association with work performed on UST systems. Certified installers shall not assign work activities to unqualified persons.
- (2) Certified installers shall have a copy of their current certificate issued by the state 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.
- (3) Any person performing work in accordance with this chapter shall obtain a permit as required in paragraph (C) of rule 1301:7-9-10 of the Administrative Code prior to performing the work. All work performed pursuant to this chapter shall be overseen by certified UST installer and a certified UST inspector as required in paragraph (D) of rule 1301:7-9-10 of the Administrative Code. No certified UST installer shall interfere with or obstruct an employee of the state fire marshal or a certified UST inspector performing an inspection required by rule 1301:7-9-15 of the Administrative Code.
- (4) Regardless of the circumstances, certified installers shall immediately secure an UST system in a safe manner and cease all UST related work if directed to do so by an inspector certified pursuant to rule 1301:7-9-15 of the Administrative Code or an employee of the state fire marshal. UST related work shall not resume until approval is given by the state fire marshal.

(I) 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 state fire marshal, on a form furnished by the state 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 on a form prescribed and furnished by the state fire marshal.
- (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 state 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, close-in-place, or remove UST systems. The state 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, closure-in-place of, or removal of UST systems in a competent manner.

(5) The applicant shall supply the state fire marshal with three business references who can verify the applicant's experience in the installation of, performance of major repairs on site to, closure-in-place 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 paragraph (M)(3) or (M)(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, closure-in-place of, or removal of three UST systems or, with approval of the state 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, closure-in-place of, or removal of six UST systems or, with approval of the state 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, closure-in-place of, or removal of twelve UST systems or, with approval of the state fire marshal, similar experience in closely related UST system work. Of the participation, six shall have involved the installation of UST systems.

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

(J) 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, major repair, closure-in-place, removal, modification, placing out of service, performing a change in service, and performing evaluations of leak detection equipment 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, major repair, closure-in-place, removal, modification, placing out of service, performing a change in service, and performing evaluations of leak

detection equipment 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. 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 state fire marshal.
 - (4) The examination shall be offered by the state fire marshal at least six times a year at such places as the state fire marshal determines. The state 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 accordance with paragraph (I)(1) of this rule and submitted the fee pursuant to paragraph (J)(1) 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 state fire marshal or alternate locations as approved by the state fire marshal.
 - (6) At the time the application is filed, the state 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.
- (K) New certification procedures.
- (1) The state fire marshal shall issue an installer certificate to each applicant who meets the requirements of paragraphs (I) to (J)(3) of this rule. The certificate shall be valid from the time of issuance by the state fire marshal to the renewal date.
 - (2) The application for an installer certification shall be denied by the state fire marshal pursuant to Chapter 119 of the Revised Code when any of the following occur:
 - (a) The applicant failed to provide the information required by the application form prescribed by the state fire marshal;
 - (b) The applicant failed to provide the fee required for application and examination;
 - (c) The applicant failed to comply with paragraph (I)(6) 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 (J)(2) of this rule;
 - (e) The applicant is not in good standing with all licensing authorities as provided in paragraph (I)(4) of this rule; or

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

(L) Renewal of certification.

(1) Certificates issued by the state fire marshal pursuant to paragraph (K)(1) of this rule shall be renewed annually by the installer. No less than 90 days prior to expiration of a certification, the state fire marshal shall send a renewal application to the certification holder at the latest address indicated on file. Any installer who wishes to apply for installer certification renewal shall meet all of the following renewal requirements:

(a) Prior to the expiration date of their installer certification, submit an installer certification renewal application to the state fire marshal, on a form prescribed by the state fire marshal, accompanied by a non-refundable fee of one hundred fifty dollars;

(b) Demonstrate in a manner prescribed by the state fire marshal attendance at a minimum of eight hours of state 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 state 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, close-in-place, remove, modify, place out of service, perform a change in service, or perform evaluations of leak detection equipment of UST systems. The state 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, closure-in-place of, removal of, modification of, placing out of service of, performing a change in service of, or performing evaluations of leak detection equipment of UST systems in a competent manner.

(2) Upon a determination by the state 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 state fire marshal may require applicants for installer certification renewal to satisfactorily pass a written multiple-choice examination in addition to meeting the requirements in paragraph (L)(1) 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 state 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 state fire marshal.

(3) The state fire marshal shall issue an installer certificate renewal to each applicant who meets

the requirements of applicable paragraphs (L)(1) and (L)(2) of this rule. The renewal certificate shall be valid for one year following the date of issuance by the state fire marshal.

- (4) The application for an installer certification renewal shall be denied by the state fire marshal pursuant to Chapter 119 of the Revised Code when any of the following occur:
- (a) The applicant failed to provide all the information required by the application form prescribed by the state fire marshal;
 - (b) The applicant failed to provide the fee required for application;
 - (c) The applicant failed to obtain a minimum score of seventy-five per cent on the exam administered pursuant to paragraph (L)(2) of this rule;
 - (d) The applicant is not in good standing with all licensing authorities as provided in paragraph (L)(1)(c) of this rule;
 - (e) The applicant failed to attend a minimum of eight hours of state fire marshal-approved continuing installer education;
 - (f) The applicant made a misrepresentation or submitted false statements with the application;
or
 - (g) The applicant failed to submit his application on or before the expiration date of their certification.
- (5) The state fire marshal may grant a variance from the timely submittal of renewal applications if the applicant provides good cause as determined by the state fire marshal.
- (6) ~~Sixty days after~~ **After** expiration of a certification, any application for renewal will be considered as a new application and the applicant shall be required to pass an examination as defined in paragraph (J) of this rule prior to certification.

(M) Installer training programs.

- (1) The state 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, 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~~ USTs and leak detection equipment;
 - (g) Majors repairs and modifications;
 - (h) Closure including removal, closure-in-place and change in service;
 - (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 state fire marshal pursuant to paragraph (M)(1) of this rule shall submit an application to the state fire marshal prior to the first scheduled day of the training program, on a form prescribed by the state fire marshal, accompanied by a non-refundable fee established by the state fire marshal.
- (3) Upon conclusion of any installer training program, the state 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 (M)(4) of this rule;
 - (b) Submitted an application and fee to the state fire marshal pursuant to paragraph (M)(2) of this rule; and
 - (c) Completed the programs pre-test and post-test examinations.
- (4) Attendance shall be required at all classroom sessions except for valid reasons. The faculty is authorized to determine the validity of absences. Any absentee from any scheduled classroom 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 state fire marshal, on a form prescribed by the state 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 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 state fire marshal may amend or require the applicant to modify any aspect of a program prior to certifying the program sponsor.
- (7) The state fire marshal may certify a person to sponsor an installer training program if all of the following requirements are met:
 - (a) The person has complied with paragraph (M)(5) of this rule;
 - (b) The program, as amended by the state fire marshal or modified by the applicant pursuant to paragraph (M)(6) of this rule, complies with the requirements of paragraph (M)(1) of this rule; and
 - (c) The instructor for the training program is a certified installer and possesses a valid installer certificate issued by the state fire marshal pursuant to paragraph (K)(1) or (L)(3) of this rule.
- (8) State fire marshal personnel shall be allowed access to all installer training program sessions certified under paragraph (M)(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 (M)(3)(a) and (M)(3)(c) of this rule. The certified sponsor shall submit to the state fire marshal a list of all persons receiving a certificate of successful completion and the results of all examinations conducted during the program within seven days of completion of the course.
- (10) Certifications issued by the state fire marshal pursuant to paragraph (M)(7) of this rule and renewals issued by the state fire marshal pursuant to paragraph (M)(11) of this rule shall be valid for one year, beginning on the first day of September of each year.
- (11) Persons seeking to renew a certificate to sponsor an installer training program shall submit an application no later than the first day of July of each year to the state fire marshal, on a form prescribed by the state 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 state 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 paragraph (M)(1) of this rule.
- (12) An application to sponsor an installer training program or renewal thereof shall be denied by the state fire marshal pursuant to Chapter 119 of the Revised Code when any of the following occur:
 - (a) The applicant failed to provide all the information required by the application form prescribed by the state fire marshal;
 - (b) The applicant failed to provide the fee required for application;
 - (c) The applicant made a misrepresentation or submitted false statements with the application;
 - (d) The training program submitted by the sponsor is determined by the state fire marshal to

not comply with a provision of paragraphs (M)(5) to (M)(11) of this rule; or

(e) The applicant failed to submit a renewal application on or before the expiration date of their certification.

(13) The state fire marshal may grant a variance from the timely submittal of a renewal application if the applicant provides good cause as determined by the state fire marshal.

(14) Sixty days after expiration of a certification, any application for renewal will be considered as a new application and the applicant shall be required submit all information required by paragraph (M) of this rule.

(N) Continuing education programs.

(1) The state fire marshal may conduct continuing education training programs for installers. Such programs shall be closely related to those topics listed in paragraph (M)(1) of this rule or related technical information.

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

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

(4) Any person wishing to sponsor a certified installer continuing education training program shall submit an application to the state fire marshal, on a form prescribed by the state 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 session;

(c) Study materials and hand-outs;

(d) Names, addresses, and qualifications of all faculty; and

(e) The method of attendance verification.

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

(6) The state 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 paragraph (N)(4) of this rule;
 - (b) The program, as amended by the state fire marshal or modified by the applicant pursuant to paragraph (N)(5) of this rule, is closely related to those topics listed in paragraph (M)(1) of this rule; and
 - (c) The person is a certified installer and possesses a valid installer certificate issued by the state fire marshal pursuant to paragraph (K)(1) or (L)(3) of this rule.
- (7) The state fire marshal shall determine the number of hours of continuing education credit for which the program qualifies. Certified UST installer and inspector continuing education training programs shall not be offered together unless prior approval is given by the state fire marshal.
- (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 who meet the following requirements:
- (a) Attended all of the program sessions or has complied with paragraph (M)(4) of this rule; and
 - (b) Successfully completed the program's pre-test and post-test examinations.

The certificate shall indicate the number of hours of state fire marshal-approved continuing education credit earned by the person attending the program. The certified person shall submit to the state fire marshal a list of all persons receiving a certificate of attendance which indicates the number of hours of state fire marshal-approved continuing education credit earned by each person who received a certificate.

- (9) Certifications issued by the state fire marshal pursuant to paragraph (N)(6) of this rule and renewals issued by the state fire marshal pursuant to paragraph (N)(10) of this rule shall be valid for one year, beginning on the first day of September of each year.
- (10) Persons seeking to renew a certificate to sponsor an installer continuing education training program shall submit an application no later than the first day of July of each year to the state fire marshal, on a form prescribed by the state 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 state 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 paragraph (M)(1) of this rule.
- (11) An application to sponsor an installer training program or renewal shall be denied by the state fire marshal pursuant to Chapter 119 of the Revised Code when any of the following occur:
- (a) The applicant failed to provide all the information required by the application form prescribed by the state fire marshal;
 - (b) The applicant failed to provide the fee required for application;

- (c) The applicant made a misrepresentation or submitted false statements with the application;
 - (d) The training program submitted by the sponsor is determined by the state fire marshal to not comply with a provision of paragraphs (N)(4) to (N)(10) of this rule; or
 - (e) The applicant failed to submit their application on or before the expiration date of their certification.
- (12) The state fire marshal may grant a variance from the timely submittal of renewal applications if the applicant provides good cause as determined by the state fire marshal.
- (13) Sixty days after expiration of a certification, any application for renewal will be considered as a new application and the applicant shall be required to submit all information required by paragraph (N) of this rule.
- (O) Revocation or suspension of certification.

A certificate or renewal issued pursuant to this rule may be suspended or revoked by the state fire marshal pursuant to Chapter 119 of the Revised Code. Such suspension or revocation may occur 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, close-in-place, remove, modify, place out of service, perform a change in service, or perform evaluations of leak detection equipment of 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 (B) to (G) of this rule;
- (5) The installer interfered with or obstructed a certified UST inspector or an employee of the state fire marshal from performing an inspection required by rule 1301:7-9-15 of the Administrative Code;
- (6) The installer failed to secure an UST system and cease work when directed by a certified UST inspector or an employee of the state fire marshal pursuant to paragraph (H)(4) of this rule; or
- (7) The training program offered by the sponsor is determined by the state fire marshal to not comply with a provision of paragraphs (M)(1) to (M)(11) or (N)(1) to (N)(10) of this rule.