

1301:7-9-10      **Permits for UST systems.**

(A) Purpose and scope.

For the purpose of prescribing rules pursuant to section 3737.88 of the Revised Code, the fire marshal hereby adopts this rule to establish permit requirements for underground storage tanks containing petroleum or other regulated substances. 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) Definitions.

For the purpose of this rule:

- (1) "Change in service" means a change in the substances managed in the UST system from regulated substances to non-regulated substances, without closure-in-place or permanent removal of the UST system.
- (2) "Closure-in-place" or "close in place" means the abandonment of an UST system by permanently taking an UST system out of service but not out of the ground in compliance with this chapter of the Administrative Code.
- (3) "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. "Major repair" also means 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.
- (4) "Modification" means work performed on UST system components that have not leaked such as adding, altering or retrofitting the following:
  - (a) USTs and any components fixed to UST openings;
  - (b) Containments located over USTs, under dispensers or at intermediate points excluding spill prevention equipment;
  - (c) Piping components that routinely contain regulated substances up to and including shear valves at dispensers;
  - (d) Underground vent lines excluding stage two vapor recovery components;
  - (e) Flexible connector lines;
  - (f) UST lining components; and
  - (g) Release detection systems.
- (5) "Out of service" means the normal operation and use of the UST or piping is discontinued and no longer fulfilling its designed function.

- (6) "Routine maintenance or normal operational upkeep" means work performed to maintain or to prevent an underground storage tank system from releasing a regulated substance. Work on the following UST system components shall constitute routine maintenance or normal operational upkeep on UST systems provided that the component has not caused a release:
- (a) Drop tubes;
  - (b) Overfill containment devices;
  - (c) Spill prevention equipment;
  - (d) Fill caps and adapters;
  - (e) Cathodic protection components;
  - (f) Stage one vapor recovery components;
  - (g) Submersible pump components provided that no product lines are disconnected; and
  - (h) Individual release detection monitoring units, probes, sensors or line leak detectors that are maintained with like components.
- (7) "Spill prevention equipment" means a spill containment manhole or spill bucket installed at a fill pipe that catches and holds drips and spills of regulated substance that can occur when a delivery hose is removed from the fill pipe after delivery of a regulated substance to an UST.

(C) Permits.

- (1) A permit is required to perform all of the following activities on an UST system:
- (a) Install;
  - (b) Remove;
  - (c) Close-in-place;
  - (d) Take out of service more than 90 days;
  - (e) Perform a change in service;
  - (f) Perform a major repair of an UST system that has caused a release; or
  - (g) Perform a modification of an UST system or component.
- (2) A permit is not required to operate an UST system or perform routine maintenance or normal operational upkeep of an UST system.
- (3) A permit must be obtained prior to any permit related activity taking place. The fire marshal or the local fire agency that has been given delegated authority pursuant to rule 1301:7-9-15 of the Administrative Code having jurisdiction over the location where the activity is to take place

may give verbal approval to allow permit related activity to be performed prior to the issuance of a permit on a case by case basis.

(4) Any person engaged in an activity requiring a permit shall submit a permit application form prescribed by the fire marshal accompanied by any drawings or additional information required on the prescribed application form. A permit shall be obtained for any of the activities described in paragraphs (C)(1) of this rule from the local fire agency that has been given delegated authority pursuant to rule 1301:7-9-15 of the Administrative Code having jurisdiction over the location where the activity is to take place. Otherwise, the permit shall be obtained from the fire marshal.

(a) The authority issuing the permit shall review the permit application and, if the authority determines that the proposed activity is in compliance with this rule and that the appropriate fee has been paid, the authority shall issue the permit. The authority may place upon the permit such terms and conditions as the authority determines to be necessary to bring the proposed activity into compliance with this chapter.

(b) Any permit issued under this paragraph shall not be construed as authority to violate any provision of this chapter.

(c) The fire marshal may revoke any permit pursuant to chapter 119. of the Revised Code if upon inspection any violation of this chapter exists, if conditions of a permit have been violated, or if there has been any false statement or misrepresentation as to a material fact on the permit application or supporting documentation.

(5) For permits obtained from the fire marshal, the permit fee shall be thirty-five dollars for each location described in the permit application. Inspections conducted by a fire marshal employee shall be billed at a rate of sixty dollars per hour for each hour or fraction thereof at the inspection location. The fire marshal may bill the owner of the underground storage tank or the owner of the property where the underground storage tank is located. Permit and inspection fees for permits obtained from a local fire agency that has been delegated authority pursuant to rule 1301:7-9-15 of the Administrative Code shall be established by the local fire agency.

(6) No person shall operate any UST system or portion thereof upon which there are past due permit fees or inspection fees owed to the fire marshal. Inspection fees will be considered past due if they are not actually received by the fire marshal within thirty days of the date of the invoice. Nothing in this paragraph shall be construed to establish inspection fees charged by an UST inspector certified pursuant to rule 1301:7-9-15 of the Administrative Code.

(7) Obtaining a permit pursuant to this rule does not relieve a person engaged in underground storage tank activity from the obligation of obtaining any other applicable federal, state, or local permits. Nor does it relieve a person engaged in underground storage tank activity from the obligation of complying with any other applicable federal, state, or local laws and regulations.

(D) Certified UST installers and UST inspectors.

(1) All activity requiring a permit shall be supervised by an installer certified pursuant to rule 1301:7-9-11 of the Administrative Code. All activity requiring a permit shall be inspected by an employee of the fire marshal or a certified UST inspector who has been certified by the fire marshal to conduct such inspections pursuant to rule 1301:7-9-15 of the Administrative Code.

No person shall operate any UST system or portion thereof until the activity requiring a permit has been inspected.

**HISTORY: Eff 9-1-92; 1-1-97; 3-31-99; Replaces: 1301:7-9-10, eff. 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: 03/01/2010