

Out-of-service, closure-in-place, permanent removal, change-in-service, and closure assessment of 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 requirements for underground storage tank (UST) systems containing regulated substances that are changed-in-service, out-of-service, closed-in-place, or permanently removed. 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." The following UST systems are exempt from this rule:

- (1) Wastewater treatment tank systems;
- (2) Any UST systems containing radioactive material that are regulated under the Atomic Energy Act of 1954 (42 U.S.C.A. 2014 and following);
- (3) Any UST system that is part of an emergency generator system at nuclear power generation facilities regulated by the United States nuclear regulatory commission;
- (4) Airport hydrant fuel distribution systems; and
- (5) UST systems with field-constructed tanks.

(B) Applicability.

- (1) Any person who holds a legal, possessory, or equitable interest in a parcel of real property on which an underground storage tank system is located, regardless of that person's status as an "owner" or "operator" as those terms are defined in section 3737.87 of the Revised Code, shall comply with paragraphs (A) through (H) of this rule. The owner and operator shall comply with the entire rule.
- (2) Nothing in this rule shall be construed as prohibiting any fire official from enforcing any provisions of the "Ohio Fire Code" relating to UST systems out-of-service for more than twelve months without approval.
- (3) In carrying out any activity under this rule, owners and operators shall comply with the provisions of rule 1301:7-9-13 and 1301:7-9-16 of the Administrative Code.

(C) Handling of regulated materials associated with an UST site.

The handling, transportation, and disposal of any regulated substance removed from an UST system, regulated soil, backfill materials, ground water, wash water, or other similar materials removed from the system or facility shall be managed in accordance with all applicable federal, state, and local regulations in effect for the type, volume, constituent concentration, and classification of the material.

(D) General performance standards, permits, certified UST installers, and inspectors.

- (1) Any person performing work pursuant to paragraphs (E)(2) through (H) of this rule shall obtain a permit pursuant to paragraph (C) of rule 1301:7-9-10 of the Administrative Code, prior to performing work, from the local fire agency that has been given delegated authority pursuant to rule 1301:7-9-15 of the Administrative Code and has jurisdiction over the area where the UST system is located, or, if the local fire agency does not have such authority, the fire marshal.
- (2) All work performed pursuant to paragraph (E)(2) through (H) of this rule shall be supervised by a certified UST installer and inspected by a certified UST inspector as required in paragraph (D) of rule 1301:7-9-10 of the Administrative Code.

(E) Out-of-service requirements of UST systems.

- (1) UST systems that have been taken temporarily out-of-service for ninety days or less shall have the fill line, gauge opening, and dispensing unit secured against tampering. Vent lines shall remain open and functioning.
 - (a) The applicable requirements of this chapter shall continue to apply, except for the release detection requirements of rule 1301:7-9-07 of the Administrative Code provided the UST system remains empty.
 - (b) An UST system shall be considered empty when all regulated substances have been removed so that no more than 1 inch of residue, or 0.3 percent by volume of the total capacity of the UST system, remains in the UST system.
- (2) If an UST system is out-of-service for more than ninety days, the UST system shall be maintained in the following manner:
 - (a) The vent lines shall be left open and functioning;
 - (b) All other lines, pumps, manways, and ancillary equipment shall be capped and secured;
 - (c) The UST system shall be emptied. The UST system shall be considered empty when all regulated substances have been removed so that no more than 1 inch of residue, or 0.3 percent by volume of the total capacity of the UST system, remains in the UST system; and
 - (d) An out-of-service permit shall be obtained in accordance with paragraph (C)(1) of rule 1301:7-9-10 of the Administrative Code.
- (3) An UST system that is out-of-service more than ninety days as part of a scheduled seasonal discontinuation of use is not required to obtain the out-of-service permit required in paragraph (E)(2)(d) of this rule if all of the following conditions are met:
 - (a) Written approval is obtained from the fire marshal or the certified fire safety inspector with delegated authority pursuant to rule 1301:7-9-15 of the Administrative Code for the jurisdiction where the UST system is located;
 - (b) The UST system is located at a marina, golf course, amusement park, or other seasonal facility as approved by the fire marshal or the certified fire safety inspector with delegated authority pursuant to rule 1301:7-9-15 of the Administrative Code for the jurisdiction where the UST system is located;

- (c) The UST system is maintained in accordance with paragraph (E)(2)(a) through (E)(2)(c) of this rule; and
 - (d) The UST system has not been out-of-service for a period exceeding twelve months.
- (4) If an UST system is out-of-service for more than twelve months, owners and operators and any person who holds a legal, possessory, or equitable interest in a parcel of real property on which an UST system is located, regardless of that person's status as an "owner" or "operator" as those terms are defined in section 3737.87 of the Revised Code shall conduct one of the following:
- (a) Immediately place the UST system back into service pursuant to (E)(6) of this rule;
 - (b) Permanently remove, close-in-place, or perform a change-in-service of the UST system in accordance with this rule; or
 - (c) Request an extension of the twelve month out-of-service period. Any request for an extension of the out-of-service period shall be submitted in writing prior to the end of the twelve month out-of-service period, or extension thereof, to the fire marshal or the certified fire safety inspector with delegated authority pursuant to rule 1301:7-9-15 of the Administrative Code for the jurisdiction where the UST system is located. The extension request shall include all of the following:
 - (i) The name and address of the owner(s) of the property where the UST is located and the names and addresses of the UST owners and operators, if available;
 - (ii) The address of the site where the UST is located;
 - (iii) The date of the last use of the UST and the amount of additional time being requested; and
 - (iv) Documentation that the underground metallic components of the UST system that routinely contain regulated substances comply with cathodic protection requirements pursuant to paragraph (B)(1)(b) and paragraph (B)(2)(b)(ii) of rule 1301:7-9-06 of the Administrative Code and that the UST system complies with operational cathodic protection requirements pursuant to paragraph (C) of rule 1301:7-9-08 of the Administrative Code.
- (5) The twelve month out-of-service period shall be extended until the fire marshal or the certified fire safety inspector with delegated authority pursuant to rule 1301:7-9-15 of the Administrative Code for the jurisdiction where the UST system is located acts upon the extension request.
- (a) The extension request shall be approved at the discretion of the fire marshal or the certified fire safety inspector with delegated authority pursuant to rule 1301:7-9-15 of the Administrative Code for the jurisdiction where the UST system is located provided that, at a minimum, adequate documentation has been provided demonstrating that the UST system meets cathodic protection requirements pursuant to paragraph (E)(4)(c)(iv) of this rule.
 - (b) If the extension request is denied, the twelve month out-of-service period shall be extended for sixty days from the date of the denial of the extension request, at which time the twelve

month out-of-service period shall end and the UST system shall be removed, closed-in-place, or undergo a change-in-service in accordance with this rule.

- (c) Prior to the end of any extension of the twelve month out-of-service period, the UST system shall be placed back into service, removed, closed-in-place, or undergo a change-in-service in accordance with this rule unless an additional extension of the twelve month out-of-service period is requested in accordance with paragraph (E)(4)(c) of this rule and granted pursuant to paragraph (E)(5)(a) of this rule.
 - (d) A variance from the timely submittal of a request for an extension of the twelve month out-of-service period may be granted provided that the person making the request demonstrates good cause as determined by the fire marshal or the certified fire safety inspector with delegated authority pursuant to rule 1301:7-9-15 of the Administrative Code for the jurisdiction where the UST system is located.
- (6) Notwithstanding paragraph (E)(4) through (E)(5)(d) of this rule, an UST system that has been out-of-service for more than twelve months may be placed back into service at any time provided that the UST system meets the following requirements:
- (a) The UST system complies with cathodic protection requirements pursuant to paragraph (B)(1)(b) and paragraph (B)(2)(b)(ii) of rule 1301:7-9-06 of the Administrative Code and the UST system complies with operational cathodic protection requirements pursuant to paragraph (C) of rule 1301:7-9-08 of the Administrative Code;
 - (b) The UST system passes a tightness test in accordance with paragraph (F) of rule 1301:7-9-07 of the Administrative Code within seven days of going back into service;
 - (c) The UST system is in compliance with registration and financial responsibility requirements defined in rules 1301:7-9-04 and 1301:7-9-05 of the Administrative Code; and
 - (d) The fire marshal has not issued an order prohibiting the UST system from going back into service.

(F) Closure-in-place requirements for UST systems.

- (1) An UST system shall not be closed-in-place unless approved in writing by a certified fire safety inspector with delegated authority pursuant to rule 1301:7-9-15 of the Administrative Code for the jurisdiction where the UST system is located or the fire marshal for jurisdictions where such authority has not been delegated. An UST system may be closed-in-place for any of the following reasons:
 - (a) The UST system is located adjacent to or under equipment or structures that will likely be damaged or weakened if the UST system is removed;
 - (b) The UST system is situated in a location where the removal is physically impossible; or
 - (c) Removal of the UST system may expose people or the environment to unreasonable hazards.
- (2) Cost shall not be used as the sole reason to justify closure-in-place of an UST system.

- (3) An UST system shall be closed-in-place in accordance with "American Petroleum Institute standard 1604-96; Closure of Underground Petroleum Storage Tanks". The solid inert material used to fill an UST shall have a density that is greater than the density of water.

(G) Permanent removal requirements for UST systems.

- (1) Permanent removal of an UST system shall be conducted in accordance with the following:

- (a) All UST systems or any part of an UST system permanently removed shall be removed from the ground unless certified fire safety inspector with delegated authority pursuant to rule 1301:7-9-15 of the Administrative Code or the fire marshal for jurisdictions where such authority has not been delegated authorizes the closure-in-place of the UST system or any part of the UST system pursuant to paragraph (F)(1) of this rule;
- (b) All UST systems being permanently removed shall comply with the cleaning, removal, and safety requirements of "American Petroleum Institute Recommended Practice 1604-96; Removal and Disposal of Used Underground Petroleum Storage Tanks", "American Petroleum Institute Publication 2015-2001; Safe Entry and Cleaning Petroleum Storage Tanks," and "The National Institute for Occupational Safety and Health; Criteria for a Recommended Standard: Working In Confined Space";
- (c) The UST shall be maintained in a safe condition by regularly monitoring the UST to ensure that an accumulation of explosive vapors does not occur;
- (d) All liquid and residue shall be removed from the UST before the UST leaves the site and handled in accordance with paragraph (C) of this rule;
- (e) The UST shall be rendered unusable and free of explosive vapors before the UST leaves the site by cutting up or crushing the UST or by perforating the UST with numerous holes using explosion-proof non-sparking tools. No UST shall be reused for any purpose unless written approval is obtained from the fire marshal prior to the removal activity;
- (f) All backfill from the tank cavity excavation, piping trenches, dispensing unit areas, and remote fill pipe trenches shall be removed;
- (g) No more than twelve inches of native soils shall be removed from the side walls and bottom of the tank cavity excavation, piping trenches, dispensing unit areas, and remote fill pipe trenches. Where bedrock is encountered within the first twelve inches, remove native soils to bedrock. Further removal of soils from the tank cavity, piping trenches, dispensing unit areas, and remote fill pipe trenches for purposes of corrective action shall not be conducted without prior approval of the fire marshal; and
- (h) Backfill and native soils removed from the tank cavity excavation, piping trenches, dispensing unit areas, and remote fill pipe trenches may be stored on site in a stockpile for a period not to exceed one hundred and twenty days, provided that it has been placed on a concrete pad, asphalt pad, or impermeable synthetic liner, covered to prevent infiltration of rain water, and has been surrounded with a berm to minimize the run off water. Storage on site beyond one hundred and twenty days shall only occur if prior approval has been granted by the fire marshal. Backfill and native soils shall be handled in accordance with paragraph (C) of this rule.

(H) Change-in-service requirements for UST systems.

(1) Change-in-service of an UST system shall be conducted in accordance with the following:

- (a) The UST shall be completely emptied and cleaned; and
- (b) All piping and ancillary equipment that is not part of the change-in-service shall be closed-in-place or removed pursuant to paragraphs (F) and (G) of this rule.

(I) Closure assessment.

(1) Activities subject to closure assessment.

- (a) Owners and operators of UST systems shall conduct a closure assessment when the UST system, or any portion of the UST system:
 - (i) Is permanently removed, including removals resulting from modifications;
 - (ii) Is closed-in-place;
 - (iii) Undergoes a change-in-service; or
 - (iv) Is out-of-service for more than twelve months.
- (b) For UST systems being assessed in a corrective action program under rule 1301:7-9-13 of the Administrative Code, a closure assessment need not be performed for that portion of the UST system in corrective actions.

(2) The closure assessment shall consist of the following:

- (a) Owners and operators shall perform a visual site evaluation of the UST site to identify all evidence of past or present operational problems, including but not limited to, surface soil staining, concrete staining, concrete patchwork, areas where piping and pump islands existed, and all potential sources of contamination.
- (b) Soil samples for permanent removal of UST systems or modification of piping and dispensers shall be biased towards the area of greatest suspected contamination and collected from all of the following locations:
 - (i) Under both ends of each UST. If an UST is longer than thirty-five feet an additional sample shall be collected from under the middle of the UST;
 - (ii) Each side wall of the UST cavity excavation on a ten foot by ten foot grid system;
 - (iii) Every ten feet along piping runs that routinely contain regulated substances and under joints, elbows, and flex connectors. If the piping run is less than ten feet in length, no sample is required to be collected;
 - (iv) Underneath each dispensing unit. If the dispensing unit is located directly above the UST, no sample is required to be collected; and

- (v) From below any remote fill pipe area located more than ten feet from the UST cavity excavation.
- (c) Water samples for permanent removal shall be collected in the following manner:
- (i) Water in the UST cavity excavation shall be completely evacuated and disposed of in accordance with all federal, state, and local laws and regulations. If water cannot be completely evacuated from the UST cavity excavation or if upon recharge of water from surrounding soil into the UST cavity excavation to a level sufficient for sample collection, a water sample shall be collected within a period not to exceed twenty-four hours following the evacuation.
 - (ii) Soil samples required under paragraph (I)(2)(b)(i) of this rule need not be collected if a water sample is obtained in accordance with paragraph (I)(2)(c)(i) of this rule.
- (d) The following samples collected for permanent removal of UST systems or modification of piping and dispensers shall be sent to the laboratory for analysis:
- (i) The two soil samples with the highest field screening readings from each UST cavity excavation including side wall samples. If the UST cavity excavation contained more than three USTs, an additional soil sample for each multiple or fraction of three USTs. If no field screening readings are exhibited, the samples submitted shall be biased toward the area(s) of greatest suspected contamination;
 - (ii) The soil sample with the highest field screening reading from each piping run excavation. If no field screening readings are exhibited, the sample submitted shall be biased toward the area(s) of greatest suspected contamination;
 - (iii) The soil sample with the highest field screening reading from each remote fill pipe area. If no field screening readings are exhibited, the sample submitted shall be biased toward the area(s) of greatest suspected contamination;
 - (iv) The soil sample with the highest field screening reading from each dispenser island. If more than three dispensing units are present at the island, an additional sample shall be submitted for each multiple or fraction of three dispensing units. If no field screening readings are exhibited, the sample submitted shall be biased toward the area(s) of greatest suspected contamination; and
- (v) Any water samples that were collected.
- (e) Soil and water samples for closure-in-place, change-in-service, and UST systems out-of-service for more than twelve months shall be collected by installing a minimum of three soil boring and monitoring wells in the area most likely to contain chemical(s) of concern above action levels. The soil boring and monitoring wells shall be installed and sampled in accordance with paragraphs (H)(1)(d)(ii) of rule 1301:7-9-13 of the Administrative Code. Soil boring and monitoring well locations shall be selected to ensure the evaluation of soil and ground water surrounding the UST system and be biased towards areas most likely to contain chemical(s) of concern.

- (f) All soil samples collected shall be split into two components. One packaged for field screening, the other packaged for potential laboratory analysis. The sampling and packaging shall be in accordance with procedures established by the fire marshal.
 - (i) Soil samples collected for field screening shall be screened on the UST site using equipment calibrated in accordance with manufacturer's instructions and procedures approved by the fire marshal.
 - (ii) All samples shall be collected within twenty-four hours of completing the excavation.
 - (g) With prior approval from the fire marshal, owners and operators may use the sampling procedures described in paragraph (I)(2)(e) of this rule in place of the sampling procedures described in paragraphs (I)(2)(b) through (I)(2)(d) of this rule to meet the sampling requirements for the removal of an UST system.
 - (h) If site conditions interfere with the collection of any samples required by paragraph (I)(2)(b) to (I)(2)(e) of this rule, owners and operators shall obtain approval in writing from the fire marshal for an alternative sampling protocol.
- (3) Samples sent to the laboratory for analysis pursuant to paragraphs (I)(2)(d) or (I)(2)(e) of this rule shall be analyzed for the appropriate chemical(s) of concern listed in Table 1 of paragraph (H)(1)(c) of rule 1301:7-9-13 of the Administrative Code and appropriate action levels for those chemical(s) of concern shall be determined as follows:
- (a) For UST systems that contained petroleum products classified as analytical group 1, 2, 3, or 4 in paragraph (H)(1)(c) of rule 1301:7-9-13 of the Administrative Code, action levels shall be determined by applying the following information to the action level tables found in paragraph (J)(3) of rule 1301:7-9-13 of the Administrative Code. The most conservative action level values for each chemical of concern shall be used from all applicable tables.
 - (i) Assume the soil to be soil class 1 as defined in paragraph (H)(2) of rule 1301:7-9-13 of the Administrative Code or submit laboratory analysis of the soil class that best represents the soil under the UST site in accordance with ASTM D2488-00 "Standard Practice for Description and Identification of Soils (Visual-Manual Procedures)" or the Unified Soil Classification System. Bedrock shall be assumed to be soil class 1 for the purposes of this rule.
 - (ii) Assume ground water exists, ground water is drinking water, and the depth to ground water is less than fifteen feet or submit site-specific data of actual depth to ground water on the UST site.
 - (iii) If a water sample is required from the UST cavity excavation pursuant to paragraph (I)(2)(c) of this rule, the analytical results from the water sample shall be compared to the action level table found in paragraph (J)(3)(a) of rule 1301:7-9-13 of the Administrative Code to determine if action is required pursuant to paragraph (I)(4) of this rule.
 - (b) For UST systems that contained petroleum products classified as analytical group 5 in paragraph (H)(1)(c) of rule 1301:7-9-13 of the Administrative Code, chemical(s) of concern and analytical methods must be selected, as appropriate, based on reasonably available information related to typical additives, impurities and/or degradation products of

the petroleum product stored or handled at the UST site. Chemical(s) of concern shall also be selected based on their toxicity, mobility, and persistence in the environment. The owner and operator shall consult with and obtain the fire marshal's approval of all chemical(s) of concern selected for analysis, the analytical methods to be used to measure the presence of those chemical(s) of concern, and the action levels established for all chemical(s) of concern. The fire marshal shall use the same methodologies and assumptions to determine action levels for chemical(s) of concern as are used to determine the action levels set forth in the tables found in paragraph (J)(3) of rule 1301:7-9-13 of the Administrative Code.

- (c) For UST systems that contained a hazardous substance(s) as described in paragraph (D) of rule 1301:7-9-03 of the Administrative Code, additional chemical(s) of concern must be selected, as appropriate, based on substance(s) stored in the UST system and reasonably available information related to typical additives, impurities, and/or degradation products. In addition, chemical(s) of concern shall be selected based on their toxicity, mobility, and persistence in the environment. The owners and operators shall consult with and obtain permission from the fire marshal for the appropriate chemical(s) of concern.
- (4) If laboratory analytical results obtained for purposes of paragraphs (I)(3)(a) and (I)(3)(b) of this rule exceed the action levels established for the petroleum UST site, owners and operators shall proceed to conduct corrective action in accordance with paragraph (H) of rule 1301:7-9-13 of the Administrative Code. If laboratory analytical results are below all applicable action levels, then no further action is required.
- (5) If laboratory analytical results obtained for the purpose of paragraph (I)(3)(c) of this rule indicate the presence of chemical(s) of concern in subsurface soil or ground water on the UST site by a hazardous substance, owners and operators shall proceed to conduct corrective action in accordance with requirements of sections 9003 and 9005 of the "Resource Conservation and Recovery Act of 1976", 42 U.S.C.A. 6991b and 6991e, as amended. If laboratory analytical results indicate no chemical(s) of concern in subsurface soil or ground water, then no further action is required.

(J) Closure assessment report.

- (1) Owners and operators shall submit one copy of the written closure report to the fire marshal, which shall be received by the fire marshal within ninety days from the date of collecting the samples required by this rule.
- (2) Owners and operators shall prepare the information collected in accordance with paragraph (I) of this rule on a form prescribed by the fire marshal. The closure report shall include a table of contents listing the item and the page in the closure report where said item is located and the following information:
 - (a) UST system owner, operator, and facility data.
 - (i) The facility name, address, zip code, telephone number, and county.
 - (ii) The facility owners' name, address, zip code, telephone number, and county.
 - (iii) The UST system owners' name, address, zip code, telephone number, and county.

- (iv) The UST system operators' name, address, zip code, telephone number, and county.
- (b) UST system data.
- (i) The age, capacity, use, and construction material of the UST system that has been closed-in-place, permanently removed, was out-of-service for more than twelve months, or has undergone a change-in-service.
 - (ii) The substance stored in the UST system.
 - (iii) Substances, other than petroleum, known to have been formerly stored in the UST system.
 - (iv) The status of any UST system that is currently-in-use, permanently removed, closed-in-place, undergoes a change-in-service, or has been taken out-of-service.
 - (v) The disposition of the UST system.
 - (vi) Date of last use, if known.
- (c) Waste disposal data.
- (i) A description of the amount in cubic yards, the date generated, and the final disposition of any excavated soils or backfill materials. This information shall be included on a form prescribed by the fire marshal.
 - (ii) A written description of the amount and disposition of any liquids generated from activities conducted in accordance with paragraph (I) of this rule.
 - (iii) Laboratory data sheets, including the chain-of-custody form(s), for any analysis performed on any liquids and excavated soils or backfill materials generated in accordance with paragraph (I) of this rule.
- (d) Sampling data.
- (i) Description of the sample collection procedures, sample preservation techniques, sample containers, and decontamination procedures associated with the closure assessment conducted in accordance with paragraph (I) of this rule.
 - (ii) Details of any field screening conducted, including the instrument readings, location and depth of sampling points, sampling methodology, instrument used, and instrument calibration associated with the closure assessment conducted in accordance with paragraph (I) of this rule.
 - (iii) A copy of the chain-of-custody form(s) documentation.
 - (iv) Date of sample collection.
 - (v) Name and affiliation of the person(s) collecting the samples.
 - (vi) Identify all samples locations and depths submitted for laboratory analysis.

(e) Laboratory data.

- (i) Laboratory analytical sample analysis results required as part of the closure assessment conducted in accordance with paragraph (I) of this rule, presented in tabular form, with laboratory data sheets attached.
- (ii) Name, address, and telephone number of the laboratory.
- (iii) Name(s) of the sample analyst(s).
- (iv) Instrument calibration information.
- (v) Sample analysis method used.
- (vi) Laboratory detection and quantitation limits used.
- (vii) Description of whether the sample analyzed is soil or water.
- (viii) Date the samples were received by the laboratory.
- (ix) Date the samples were analyzed by the laboratory.

(f) Miscellaneous data.

- (i) A site map which accurately depicts the sample locations, property boundaries, street locations, above ground structure(s), the UST system(s) including the number of UST's, adjacent properties and their use, any known water wells located on the site, any known monitoring wells located on the site, any utilities uncovered as part of the excavation process, and the location(s) of any other known UST system(s) or portions thereof known to have been closed-in-place or permanently removed.
- (ii) A description of the native soils encountered.
- (iii) A description of the visual site evaluation required by paragraph (I)(2)(a) of this rule.
- (iv) Name, address, telephone number of the UST inspector certified pursuant to rule 1301:7-9-15 of the Administrative Code who was present during the closure-in-place, permanent removal, or change-in-service.
- (v) Name of the local fire department with jurisdiction over the UST site.
- (vi) Date that the UST system(s) was closed-in-place, permanently removed, underwent a change-in-service, or was out-of-service for more than twelve months.
- (vii) Copy of any permit required to be obtained in accordance with paragraph (D)(1) of this rule.
- (viii) A completed copy of the closure form as provided by the fire marshal.
- (ix) A copy of the inspection field report signed by the certified installer and inspector.

(K) Previously closed UST systems.

When directed by the fire marshal, the owner and operator of an UST system that was permanently removed, closed-in-place, or underwent a change-in-service before December 22, 1988, shall assess the excavation zone and close the UST system in accordance with this rule if releases from the UST system, in the judgment of the fire marshal, pose a current or potential threat to human health and the environment.

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