

1301:7-9-02

Definitions.

(A) Purpose.

For the purpose of prescribing rules pursuant to sections 3737.88 to 3737.882 of the Revised Code, the state fire marshal hereby adopts this rule to establish definitions of words and phrases related to underground storage tanks. This rule is adopted by the state 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.

When used in this chapter of the Administrative Code, the following terms shall have the meanings given below:

- (1) ~~"Abandonment" means permanently taking an UST system out of service for more than twelve months but not out of the ground.~~ "Accredited laboratory" means a laboratory accredited to perform laboratory analyses as outlined in this chapter of the Administrative Code using prescribed USEPA test methods through one of the following programs:
 - (a) Ohio Environmental Protection Agency Division of Drinking and Ground Waters;
 - (b) Ohio Environmental Protection Agency Voluntary Action Program;
 - (c) National Environmental Laboratory Accreditation Program;
 - (d) American Association of Laboratory Accreditation; or,
 - (e) another state environmental protection agency program approved by the state fire marshal.
- (2) "Ancillary equipment" means any devices including, without limitation, such devices as piping, fittings, flanges, valves, and pumps used to distribute, meter, or control the flow of regulated substances to and from an UST.
- (3) "Beneath the surface of the ground" means beneath the ground surface or otherwise covered with earthen materials.
- (4) "Bureau chief" means the chief of the bureau of underground storage tank regulations within the division of the state fire marshal.
- (5) "Cathodic protection" is a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. An UST system

can be cathodically protected, without limitation, through the application of either galvanic anodes or impressed current.

- (6) "Cathodic protection tester" means a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and UST systems. At a minimum, such persons shall have education and experience in soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements of buried metal piping and UST systems.
- (7) "Certified installer" or "installer" means an individual certified by the fire marshal under the requirements of rule 1301:7-9-11 of the Administrative Code to supervise the installation of, performance of major repairs on site to, closure-in-place of, removal of, performance of modifications of, placing out of service for more than ninety days of, or the change in service of UST systems.
- (8) "Certified UST inspector" means an individual certified by the fire marshal under the requirements of rule 1301:7-9-15 of the Administrative Code to inspect the installation of, performance of major repairs on site to, closure-in-place of, removal of, performance of modifications of, placing out of service for more than ninety days of, or the change in service of UST systems.
- (9) "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.
- (10) "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.
- (11) "Compatible" means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another for the design life of the UST system under conditions likely to be encountered in the UST.
- (12) "Connected piping" means all underground piping including valves, elbows, joints, flanges, and flexible connectors attached to an UST system through which regulated substances flow. For the purpose of determining how much piping is connected to any individual UST system, the piping that joins two UST systems should be allocated equally between them.

- (13) "Consumptive use" with respect to heating fuel means consumed on the premises.
- (14) "Corrective action" means any action necessary to protect human health and the environment in the event of a release of petroleum into the environment, including, without limitation, any action necessary to monitor, assess, and evaluate the release. In the instance of a suspected release, the term includes, without limitation, an investigation to confirm or disprove the occurrence of the release. In the instance of a confirmed release, the term includes, without limitation, the initial corrective action taken under section 3737.88 or 3737.882 of the Revised Code, or orders issued under those sections, and any initial corrective action taken under this chapter of the Administrative Code and any action taken consistent with a remedial action to clean up contaminated ground water, surface water, soils, and subsurface material and to address the residual effects of a release after the initial corrective action is taken.
- (15) "Corrosion expert" means a person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person shall be accredited or certified as being qualified by the national association of corrosion engineers or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks.
- (16) "Dielectric material" means a material that does not conduct direct electrical current. Dielectric coatings are used to electrically isolate UST systems from the surrounding soils. Dielectric bushings are used to electrically isolate portions of the UST system.
- (17) "Electrical equipment" means underground equipment that contains dielectric fluid that is necessary for the operation of equipment such as transformers and buried electrical cable.
- (18) "Excavation zone" means the volume containing the UST system and backfill material bounded by the ground surface, walls, and floor of the pit and trenches into which the UST system is placed at the time of installation.
- (19) "Existing UST system" means an UST system used to contain an accumulation of regulated substances or for which installation has commenced on or before

the effective date of this rule. Installation is considered to have commenced if:

(a) The owner or operator has obtained all federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the UST system; and if,

(b) One of the following has occurred:

(i) Either a continuous on-site physical construction or installation program has begun; or,

(ii) The owner or operator has entered into contractual obligations, which cannot be cancelled or modified without substantial loss, for physical construction at the site or installation of the UST system to be completed within a reasonable time.

(20) "Farm tank" is a tank located on a tract of land devoted to the production of crops or raising animals, including fish, and associated residences and improvements. A farm tank shall be located on the farm property. "Farm" includes fish hatcheries, rangeland and nurseries with growing operations.

(21) "Flow-through process tank" is a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction into the production process or for the storage of finished products or by-products from the production process.

(22) "Free product" means a separate liquid hydrocarbon phase that has a measured thickness of greater than one one-hundredth of a foot.

(23) "Gathering lines" means any pipeline, equipment, facility, or building used in the transportation of oil or gas during oil or gas production or gathering operations.

(24) "Hazardous substance" means any substance listed in rule 1301:7-9-03 of the Administrative Code, but not including any substance regulated as a hazardous waste under Chapters 3745-50 to 3745-69 of the Administrative Code, or any mixture of such substance and petroleum which is not contained in a petroleum UST system.

- (25) "Hazardous substance UST system" means an underground storage tank system that contains a hazardous substance.
- (26) "Heating fuel" means petroleum that is No. 1, No 2, No. 4-light, No. 4-heavy, No. 5-light, No. 5-heavy, and No. 6 technical grades of fuel oil; other residual fuel oils including, without limitation, Navy Special Fuel Oil and Bunker C; and other fuels when used as substitutes for one of these fuel oils. Heating fuel is typically used in the operation of heating equipment, boilers, or furnaces.
- (27) "Hydraulic lift tank" means a tank holding hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, and other similar devices.
- (28) "Liquid trap" means sumps, well cellars, and other traps used in association with oil and gas production, gathering, and extraction operations including gas production plants, for the purpose of collecting oil, water, and other liquids. These liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream, or may collect and separate liquids from a gas stream.
- (29) "Maintenance" means the normal operational upkeep to prevent an underground storage tank system from releasing product.
- (30) "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 modifications, upgrades, or routine maintenance ~~or~~ for normal operational upkeep to prevent an underground storage tank system from releasing a product.
- (31) "Modification" means work performed on UST system components that have not leaked such as adding, altering, replacing, 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 dispenser;~~
 - (d) Underground vent lines excluding stage two vapor recovery components;
 - (e) Flexible connector lines located outside of accessible containments;
 - (f) UST lining components; and
 - (g) Release detection systems.
- (32) "Motor fuel" means petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, or any grade of gasohol, and is typically used in the operation of a motor engine.
- (33) "Native soils" means any soil or other materials outside of the backfill material used at the time of the original installation of the UST system.
- (34) "New UST system" means an UST system that will be used to contain an accumulation of regulated substances and for which installation has commenced after the effective date of this rule.
- (35) "Noncommercial purposes" with respect to motor fuel means not for resale.
- (36) "On the premises where stored" with respect to heating oil means UST systems located on the same property where the stored heating oil is used.
- (37) "Operational life" refers to the period beginning when installation of the UST system has commenced until the time the UST system is properly closed under this chapter.
- (38) "Operator" means the person in daily control of, or having responsibility for the daily operation of, the UST system.
- (39) "Out of service" means the normal operation and use of the UST system or any portion of the UST system is discontinued ~~and no longer fulfilling its designed function.~~
- (40) "Overfill" is a release that occurs when a tank is filled beyond its capacity, resulting in a discharge of the regulated substance to the environment.

(41) "Owner" means:

- (a) In the instance of an underground storage tank system in use on November 8, 1984, or brought into use after that date, the person who owns the underground storage tank system;
- (b) In the instance of an underground storage tank system in use before November 8, 1984, but no longer in use on that date, the person who owned the underground storage tank system immediately before the discontinuation of its use.

The term includes any person who holds, or, in the instance of an underground storage tank in use before November 8, 1984, but no longer in use on that date, any person who held immediately before the discontinuation of its use, a legal, equitable, or possessory interest of any kind in an underground storage tank system or in the property on which the underground storage tank system is located, including, without limitation, a trust, vendor, vendee, lessor, or lessee. The term does not include any person who, without participating in the management of an underground storage tank system and without otherwise being engaged in petroleum production, refining, or marketing, holds indicia of ownership in an underground storage tank system primarily to protect the person's security interest in it.

- (42) "Permanent 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.
- (43) "Person", in addition to the meaning in section 3737.01 of the Revised Code, means the United States and any department, agency, or instrumentality thereof.
- (44) "Petroleum" means petroleum, including crude oil or any fraction thereof, that is a liquid at the temperature of sixty degrees Fahrenheit and the pressure of fourteen and seven-tenths pounds per square inch absolute. The term includes, without limitation, motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.
- (45) "Petroleum UST system" means an underground storage tank system that contains petroleum or a mixture of petroleum with de ~~minimum~~ minimis quantities of other regulated substances.

- (46) "Pipe" or "piping" means a hollow cylinder or tubular conduit that is constructed of man-made materials.
- (47) "Pipeline facilities" are new and existing pipe rights-of-way and any associated equipment, including, without limitation, gathering lines; facilities; or buildings.
- (48) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state.
- (49) "Regulated substance" means:
- (a) Any hazardous substance; and
 - (b) Petroleum.
- (50) "Release" means: any spilling, leaking, emitting, discharging, escaping, leaching or disposing of a petroleum product from an UST system into ground water, a surface water body, subsurface soil or otherwise into the environment.
- ~~(a) Any spilling, leaking, emitting, discharging, escaping, leaching or disposing of a petroleum product from an UST system into ground water, a surface water body, subsurface soils or otherwise into the environment;~~
 - ~~(b) Any spilling, leaking, emitting, discharging, escaping or disposal of a petroleum product into ground water, a surface water body, subsurface soils or otherwise into the environment while transferring or attempting to transfer petroleum products into an UST system; or~~
 - ~~(c) Chemical(s) of concern in subsurface soils or ground water on an UST site found in concentrations above the action levels specified in paragraph (J) of this rule and confirmed through laboratory analysis of samples from an UST site.~~
- (51) "Release detection" means determining whether a release of a regulated substance has occurred from the UST system into the environment or into the interstitial space between the UST system and its secondary barrier or secondary containment around it.

~~(52)~~ "Repair" means to restore a tank or UST system component that has caused a release of product from the UST system.

~~(53)~~(52) "Residential tank" is a tank located on property used primarily for dwelling purposes.

~~(54)~~(53) "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 components shall constitute routine maintenance or normal operational upkeep on existing 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 leak detection monitoring units, probes, sensors or line leak detectors that are maintained with like components;
- (i) Flexible connector lines located inside of accessible containments; and
- (j) Shear valves.

~~(55)~~(54) "Septic tank" is a water-tight covered receptacle designed to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer. The effluent from such receptacle is distributed for disposal through the soil and settled solids and scum from the tank are pumped out periodically and hauled to a treatment facility.

~~(56)~~(55) "Spill" means; a

(a) a release resulting from improper ~~dispensing~~ transfer practices to an UST system including, without limitation, the disconnecting of a delivery hose from a tank's fill pipe before the hose has drained completely, or:

(b) any spilling, leaking, emitting, discharging, escaping, or disposal of a petroleum product into ground water, a surface water body, subsurface soil or otherwise into the environment while transferring or attempting to transfer petroleum products into an UST system.

~~(57)~~(56) "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.

~~(58)~~(57) "State" means the state of Ohio, including, without limitation, the general assembly, the supreme court, the offices of all elected state officers, and all departments, boards, offices, commissions, agencies, colleges, universities, institutions, and other instrumentalities of the state of Ohio. "State" does not include political subdivisions.

~~(59)~~(58) "~~Storm water~~Storm water or wastewater collection system" means piping, pumps, conduits, and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation, or domestic, commercial, or industrial wastewater to and from retention areas or any areas where treatment is designated to occur. The collection of storm water and wastewater does not include treatment except where incidental to conveyance.

~~(60)~~(59) "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, closure-in-place of, removal of, performance of modifications of, placing out of service for more than ninety days of, or the change in service of UST systems as well as having the authority to exercise independent judgment regarding the recommendation of activities to such other persons.

~~(61)~~(60) "Surface impoundment" is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials, although it may be lined with man-made materials, that is not an injection well.

~~(62)~~(61) "Tank" is a stationary device designed to contain an accumulation of regulated substances that is constructed of man-made materials.

~~(63)~~(62) "Temporarily out of service" means the normal operation and use of the UST system is deliberately, but temporarily, discontinued for ninety days or less.

~~(64)~~(63) "Underground area" means an underground room, such as a basement, cellar, shaft, or vault, providing enough space for physical inspection of the exterior of the tank situated on or above the surface of the floor.

~~(65)~~ "Upgrade" means the addition or retrofit of some systems such as cathodic protection, lining, or spill and overfill controls to improve the ability of an underground storage tank system to prevent the release of product.

~~(66)~~(64) "Underground storage tank" or "UST" means one or any combination of tanks, including the underground pipes connected thereto, that are used to contain an accumulation of regulated substances the volume of which, including the volume of the underground pipes connected thereto, is ten per cent or more beneath the surface of the ground.

The term does not include any of the following:

- (a) Pipeline facilities, including gathering lines, regulated under the "Natural Gas Pipeline Safety Act of 1968," 82 Stat. 720, 49 U.S.C.A. 2001, as amended;
- (b) Farm or residential tanks of one thousand one hundred gallons or less capacity used for storing motor fuel for noncommercial purposes;
- (c) Tanks used for storing heating fuel for consumptive use on the premises where stored;
- (d) Surface impoundments, pits, ponds, or lagoons;
- (e) Storm or waste water collection systems;
- (f) Flow-through process tanks;
- (g) Storage tanks located in underground areas, including without limitation, basements, cellars, mine workings, drifts, shafts, or tunnels, when the tanks are located on or above the surface of the floor;
- (h) Septic tanks;

(i) Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations.

~~(67)~~(65) "Underground storage tank system" or "UST system" means an underground storage tank and the connected underground piping, underground ancillary equipment, and containment system, if any.

~~(68)~~(66) "~~UST~~ or "~~UST system~~" means an underground storage tank or an underground storage tank system."UST site" means the parcel of property where an UST system is or was formerly located.

~~(69)~~(67) "Wastewater treatment tank" means a tank that is designed to receive and treat an influent wastewater through physical, chemical, or biological methods.

Effective: 07/01/2012

R.C. 119.032 review dates: 12/23/2011 and 03/15/2017

CERTIFIED ELECTRONICALLY

Certification

03/15/2012

Date

Promulgated Under: 119.03
Statutory Authority: 3737.88
Rule Amplifies: 3737.88
Prior Effective Dates: 5/9/88, 10/2/90, 3/1/05, 12/31/05