

TO BE RESCINDED

1301:7-9-14

Inspections, reporting, and recordkeeping.

(A) Purpose and scope.

For the purpose of prescribing rules pursuant to division (A)(2) of section 3737.88 of the Revised Code, the fire marshal hereby adopts this rule to prescribe inspection, reporting, and recordkeeping requirements for UST systems and related activities. 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 exempted from this rule:

- (1) Any UST system holding hazardous wastes listed or identified under Chapter 3745-51 of the Administrative Code, or a mixture of such hazardous waste and other regulated substances;
- (2) Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under section 402 or 307(B) of the Federal Water Pollution Control Act (33 U.S.C.A. 1251 and following);
- (3) Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks;
- (4) Any UST system whose capacity is one hundred ten gallons or less;
- (5) Any UST system that contains a de minimus concentration of regulated substances;
- (6) Any emergency spill or overflow containment UST system that is expeditiously emptied after use;
- (7) Wastewater treatment tank systems;
- (8) Any UST systems containing radioactive material that are regulated under the Atomic Energy Act of 1954 (42 U.S.C.A. 2014 and following);
- (9) Any UST system that is part of an emergency generator system at nuclear power generation facilities regulated by the United States nuclear regulatory commission;
- (10) Airport hydrant fuel distribution systems; and

(11) UST systems with field-constructed tanks.

(B) Inspections of UST systems.

Owners and operators of UST systems shall cooperate fully with inspections, monitoring, and testing conducted by the fire marshal. This cooperation includes, but is not limited to, the following activities by the fire marshal, as applicable:

- (1) Inspections of current and valid registration applications pursuant to paragraph (H) of rule 1301:7-9-04 of the Administrative Code;
- (2) Inspections of records maintained off-site pursuant to paragraphs (Z)(1) to (Z)(2)(k) of rule 1301:7-9-05 of the Administrative Code;
- (3) Inspections of monitoring wells pursuant to paragraph (E)(5)(g) of rule 1301:7-9-07 of the Administrative Code;
- (4) Inspections of monitoring wells pursuant to paragraph (E)(6)(h) of rule 1301:7-9-07 of the Administrative Code;
- (5) Inspections of monitoring wells pursuant to paragraph (E)(7)(b)(vi) of rule 1301:7-9-07 of the Administrative Code; and
- (6) Activities authorized by section 3737.882 of the Revised Code.

(C) Reporting for UST systems.

Owners and operators of UST systems shall submit required information and make required reports to the fire marshal.

- (1) Owners and operators of UST systems shall submit the following information, without limitation, to the fire marshal, as applicable:
 - (a) Annual registration application(s) pursuant to paragraphs (B)(1) to (B)(3) of rule 1301:7-9-04 of the Administrative Code;
 - (b) New facility registration application(s) and modified registration application(s) pursuant to paragraphs (C)(1) to (C)(4) of rule 1301:7-9-04 of the Administrative Code;

- (c) Transfer of UST registration application(s) pursuant to paragraphs (D)(1) to (D)(2) of rule 1301:7-9-04 of the Administrative Code;
- (d) Financial condition reports pursuant to paragraph (L)(8) of rule 1301:7-9-05 of the Administrative Code;
- (e) Financial condition reports pursuant to paragraph (S)(7) of rule 1301:7-9-05 of the Administrative Code;
- (f) Financial condition reports pursuant to paragraph (T)(5) of rule 1301:7-9-05 of the Administrative Code;
- (g) Information pursuant to paragraphs (X)(2)(a) to (X)(2)(c) of rule 1301:7-9-05 of the Administrative Code;
- (h) Forms documenting current evidence of financial responsibility pursuant to paragraphs (Y)(1) to (Y)(3) of rule 1301:7-9-05 of the Administrative Code;
- (i) Forms documenting current evidence of financial responsibility pursuant to paragraphs (CC)(1) or (CC)(3) of rule 1301:7-9-05 of the Administrative Code;
- (j) Installation or upgrading permit application pursuant to paragraphs (D)(1) to (D)(4) of rule 1301:7-9-06 of the Administrative Code;
- (k) Release detection upgrade permit application pursuant to paragraphs (H)(1) to (H)(2) of rule 1301:7-9-07 of the Administrative Code;
- (l) Repair permit application pursuant to paragraphs (F)(1) to (F)(4) of rule 1301:7-9-08 of the Administrative Code;
- (m) Installation or upgrading permit application pursuant to paragraphs (I)(1) to (I)(4) of rule 1301:7-9-10 of the Administrative Code;
- (n) Written intent to permanently abandon, permanently remove, replace, or initiate a change in service pursuant to paragraph (D)(1) of rule 1301:7-9-12 of the Administrative Code.
- (o) Permit application for permanent abandonment, permanent removal,

replacement, change in service, or temporary closure pursuant to paragraphs (D)(5)(a) to (D)(5)(b) of rule 1301:7-9-12 of the Administrative Code;

- (p) Any extension request pursuant to paragraph (G)(5)(b) of rule 1301:7-9-12 of the Administrative Code;
- (q) Closure report pursuant to paragraph (L)(1) of rule 1301:7-9-12 of the Administrative Code;
- (r) Tightness test results pursuant to paragraph (E)(1) of rule 1301:7-9-13 of the Administrative Code;
- (s) Drinking water well test results pursuant to paragraph (E)(2) of rule 1301:7-9-13 of the Administrative Code;
- (t) Site check letter report pursuant to paragraph (E)(3) of rule 1301:7-9-13 of the Administrative Code;
- (u) Initial written free product recovery report pursuant to paragraph (G)(2) of rule 1301:7-9-13 of the Administrative Code;
- (v) Monthly written free product recovery report pursuant to paragraph (G)(2) of rule 1301:7-9-13 of the Administrative Code;
- (w) Written tier 1 evaluation notification pursuant to paragraph (K) of rule 1301:7-9-13 of the Administrative Code;
- (x) Written notice of efforts to obtain off-site access pursuant to paragraph (H)(2)(d) of rule 1301:7-9-13 of the Administrative Code.
- (y) Remedial action plan pursuant to paragraph (P) of rule 1301:7-9-13 of the Administrative Code;
- (z) Written reports required under a monitoring plan pursuant to paragraph (R) of rule 1301:7-9-13 of the Administrative Code;
- (aa) Written completion report pursuant to paragraph (T) of rule 1301:7-9-13 of the Administrative Code;
- (bb) Written extension request pursuant to paragraphs (U)(1) to (U)(2) of rule

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- (cc) Written tier evaluation report pursuant to paragraph (N) of rule 1301:7-9-13 of the Administrative Code; and
 - (dd) Written immediate response action report pursuant to paragraph (G)(4)(c) of the Administrative Code.
- (2) Owners and operators of UST systems shall make the following notifications, without limitation, to the fire marshal, as applicable:
- (a) Failure to obtain alternate financial responsibility coverage pursuant to paragraph (T)(6) of rule 1301:7-9-05 of the Administrative Code;
 - (b) Failure to obtain alternate financial responsibility coverage pursuant to paragraphs (X)(2) to (X)(2)(c) of rule 1301:7-9-05 of the Administrative Code;
 - (c) Commencement of voluntary or involuntary bankruptcy proceedings pursuant to paragraph (CC)(1) or (CC)(3) of rule 1301:7-9-05 of the Administrative Code;
 - (d) Failure to obtain alternate financial responsibility coverage pursuant to paragraph (CC)(5) of rule 1301:7-9-05 of the Administrative Code;
 - (e) Occurrence of a release pursuant to paragraph (C)(5) of rule 1301:7-9-10 of the Administrative Code;
 - (f) Occurrence of a release pursuant to paragraph (D)(3) of rule 1301:7-9-10 of the Administrative Code;
 - (g) Occurrence of a release pursuant to paragraph (E)(3) of rule 1301:7-9-10 of the Administrative Code;
 - (h) Occurrence of a release or suspected release pursuant to paragraph (D)(1) of rule 1301:7-9-13 of the Administrative Code;
 - (i) Tightness test results pursuant to paragraph (E)(1) of rule 1301:7-9-13 of the Administrative Code;
 - (j) Drinking water well test results pursuant to paragraph (E)(2) of rule

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(k) A spill or overfill of no more than twenty-five gallons which is not cleaned up within twenty-four hours pursuant to paragraph (D)(2) of rule 1301:7-9-13 of the Administrative Code;

(l) Initiation of free product removal activities pursuant to paragraph (G)(2) of rule 1301:7-9-13 of the Administrative Code; and

(m) Any notification required by an approved monitoring plan pursuant to paragraph (R) of rule 1301:7-9-13 of the Administrative Code.

(D) Record keeping for UST systems.

Owners and operators of UST systems shall maintain the following information, as applicable:

(1) Written permission from the bureau chief to install an UST system without corrosion protection pursuant to paragraph (D) of rule 1301:7-9-01 of the Administrative Code;

(2) A corrosion expert's analysis of site corrosion potential for any UST system installed without corrosion protection pursuant to paragraph (D) of rule 1301:7-9-01 of the Administrative Code;

(3) Current and valid registration application(s) pursuant to paragraph (H) of rule 1301:7-9-04 of the Administrative Code;

(4) Self-insurance letter signed by the chief financial officer pursuant to paragraph (L)(3) of rule 1301:7-9-05 of the Administrative Code;

(5) Certified public accountant's special report pursuant to paragraphs (L)(4)(c) to (L)(4)(c)(ii) of rule 1301:7-9-05 of the Administrative Code;

(6) Original of a guarantee pursuant to paragraph (M)(5) of rule 1301:7-9-05 of the Administrative Code;

(7) Copy of either the endorsement or certification of insurance pursuant to paragraph (N)(5) of rule 1301:7-9-05 of the Administrative Code;

(8) Original of the surety bond pursuant to paragraph (O)(5) of rule 1301:7-9-05 of

the Administrative Code;

- (9) Original of the letter of credit pursuant to paragraph (P)(5) of rule 1301:7-9-05 of the Administrative Code;
- (10) Original of the trust fund agreement pursuant to paragraph (Q)(7) of rule 1301:7-9-05 of the Administrative Code;
- (11) Original of the standby trust agreement and certification pursuant to paragraph (R)(5) of rule 1301:7-9-05 of the Administrative Code;
- (12) A copy of its bond rating published within the last twelve months by Moody's or Standard & Poor's pursuant to paragraph (S)(4) of rule 1301:7-9-05 of the Administrative Code;
- (13) Original of the state or political subdivision bond rating test letter signed by the chief financial officer pursuant to paragraph (S)(5) of rule 1301:7-9-05 of the Administrative Code;
- (14) Original of the state or political subdivision bond rating test letter signed by the chief financial officer pursuant to paragraph (S)(6) of rule 1301:7-9-05 of the Administrative Code;
- (15) The information and year-end financial statement pursuant to paragraphs (T)(2)(a) to (T)(2)(a)(vi) of rule 1301:7-9-05 of the Administrative Code;
- (16) Original of the state or political subdivision financial test letter signed by the chief financial officer pursuant to paragraphs (T)(2)(c) to (T)(3) of rule 1301:7-9-05 of the Administrative Code;
- (17) Original of the political subdivision guarantee with standby trust pursuant to paragraph (U)(4)(a) of rule 1301:7-9-05 of the Administrative Code;
- (18) Original of the political subdivision guarantee with standby trust pursuant to paragraph (U)(4)(b) of rule 1301:7-9-05 of the Administrative code;
- (19) Original of the political subdivision guarantee without standby trust pursuant to paragraph (U)(5)(a) of rule 1301:7-9-05 of the Administrative Code;
- (20) Original of the political subdivision guarantee without standby trust pursuant to paragraph (U)(5)(b) of rule 1301:7-9-05 of the Administrative Code;

- (21) Evidence of available bonding authority, approved through voter referendum (if such approval is necessary prior to the issuance of bonds), pursuant to paragraph (V)(1)(c)(i) of rule 1301:7-9-05 of the Administrative Code;
- (22) Original of the letter signed by the Ohio attorney general pursuant to paragraph (V)(1)(c)(ii) of rule 1301:7-9-05 of the Administrative Code;
- (23) Original of the state or political subdivision fund letter signed by the chief financial officer pursuant to paragraph (V)(1)(d) of rule 1301:7-9-05 of the Administrative Code;
- (24) All financial assurance mechanisms and related documents pursuant to paragraphs (Z)(1) to (Z)(2)(k) of rule 1301:7-9-05 of the Administrative Code;
- (25) Accurate logs of all drillings and borings in compliance with this chapter pursuant to paragraphs (E)(5)(g), (E)(6)(h), and (E)(7)(b)(vi) of rule 1301:7-9-07 of the Administrative Code;
- (26) Records demonstrating compliance with all applicable requirements of rule 1301:7-9-07 of the Administrative Code pursuant to paragraphs (G) to (G)(3) of rule 1301:7-9-07 of the Administrative Code;
- (27) Records of the operation of and inspections of the cathodic protection system pursuant to paragraph (C)(4) of rule 1301:7-9-08 of the Administrative Code;
- (28) Records of UST system repairs demonstrating compliance with the requirements of rule 1301:7-9-08 of the Administrative Code pursuant to paragraph (E)(6) of rule 1301:7-9-08 of the Administrative Code; and
- (29) A copy of the closure report pursuant to paragraphs (L)(2) to (L)(2)(f)(vii) of rule 1301:7-9-12 of the Administrative Code.

(E) Availability and maintenance of records for UST systems.

Owners and operators of UST systems shall keep records required by paragraph (D) of this rule at either of the following places:

- (1) At the UST site and immediately available for inspection by the fire marshal; or
- (2) At a readily available alternative site and be provided to the fire marshal for

inspection within twenty-four hours of a request by the fire marshal.

- (F) Failure to list any inspection, reporting, or record keeping requirement of this chapter in this rule does not exempt owners and operators of UST systems from complying with same.
- (G) Reporting by certified installers and individuals desiring to become a certified installer.

Installers certified pursuant to rule 1301:7-9-11 of the Administrative Code or individuals desiring to become certified pursuant to rule 1301:7-9-11 of the Administrative Code shall submit required information to the fire marshal.

- (1) Individuals desiring to become certified pursuant to rule 1301:7-9-11 of the Administrative Code shall submit the following information, without limitation, to the fire marshal, as applicable:
- (a) An application pursuant to paragraph (I)(1) of rule 1301:7-9-11 of the Administrative Code;
 - (b) Business references pursuant to paragraph (I)(5) of rule 1301:7-9-11 of the Administrative Code; and
 - (c) Application for a fire marshal sponsored installer training program pursuant to paragraph (M)(2) of rule 1301:7-9-11 of the Administrative Code.
- (2) Installers certified pursuant to rule 1301:7-9-11 of the Administrative Code shall submit the following information, without limitation, to the fire marshal, as applicable:
- (a) Renewal application pursuant to paragraph (L)(1)(a) of rule 1301:7-9-11 of the Administrative Code; and
 - (b) Application for a fire marshal sponsored continuing education training program pursuant to paragraph (N)(2) of rule 1301:7-9-11 of the Administrative Code.

- (H) Inspections of and recordkeeping by certified installers.

Installers certified pursuant to rule 1301:7-9-11 of the Administrative Code shall cooperate fully, without limitation, with inspections by the fire marshal and

maintain the following information, without limitation:

- (1) Copy of current certificate issued by the fire marshal and inspections of same by the fire marshal pursuant to paragraph (G) of rule 1301:7-9-11 of the Administrative Code.
- (I) Failure to list any inspection, reporting, or record keeping requirement of this chapter in this rule does not exempt installers certified pursuant to rule 1301:7-9-11 of the Administrative Code or individuals desiring to become certified pursuant to rule 1301:7-9-11 of the Administrative Code from complying with same.
- (J) Reporting by persons desiring to sponsor an installer training program or sponsor an installer continuing education training program.

Persons desiring to sponsor an installer training program or sponsor an installer continuing education training program shall submit the following information, without limitation, to the fire marshal, as applicable:

- (1) Application to sponsor an installer training program pursuant to paragraphs (M)(5) to (M)(5)(f) of rule 1301:7-9-11 of the Administrative Code; and
- (2) Application to sponsor an installer continuing education training program pursuant to paragraphs (N)(4) to (N)(4)(e) of rule 1301:7-9-11 of the Administrative Code.
- (K) Reporting by sponsors of installer training programs or sponsors of installer continuing education training programs.

Persons who sponsor an installer training program or sponsor an installer continuing education training program shall submit the following information, without limitation, to the fire marshal, as applicable:

- (1) A list of all persons receiving a certificate of successful completion of an installer training program and the results of examinations conducted during such program pursuant to paragraph (M)(1) of rule 1301:7-9-11 of the Administrative Code;
- (2) Renewal application to sponsor an installer training program pursuant to paragraph (M)(11) of rule 1301:7-9-11 of the Administrative Code;
- (3) A list of all persons receiving a certificate of attendance which indicates the number of hours of fire marshal approved continuing education credit earned

by each person who received a certificate pursuant to paragraph (N)(8) of rule 1301:7-9-11 of the Administrative Code; and

- (4) Renewal application to sponsor an installer continuing education training program pursuant to paragraph (N)(10) of rule 1301:7-9-11 of the Administrative Code.

(L) Failure to list any reporting requirement of this chapter in this rule does not exempt sponsors of or persons desiring to sponsor an installer training program or an installer continuing education training program from complying with same.

(M) Reporting by local fire agencies desiring to become a delegated authority.

Local fire agencies desiring to have the fire marshal delegate authority to them pursuant to 1301:7-9-15 of the Administrative Code shall submit the following information, without limitation, to the fire marshal, as applicable:

- (1) Application to become a delegated authority pursuant to paragraphs (B) to (B)(4) of rule 1301:7-9-15 of the Administrative Code.

(N) Reporting by local fire agencies which have been delegated authority by the fire marshal pursuant to rule 1301:7-9-15 of the Administrative Code.

Local fire agencies which have been delegated authority by the fire marshal pursuant to rule 1301:7-9-15 of the Administrative Code shall submit the following information, without limitation, to the fire marshal, as applicable:

- (1) All delegated UST permits issued by the local fire agency pursuant to paragraph (J) of rule 1301:7-9-15 of the Administrative Code; and
- (2) Upon request of the fire marshal the number and type of permits issued by the local fire agency pursuant to paragraph (J) of rule 1301:7-9-15 of the Administrative Code.

(O) Inspections of and recordkeeping by local fire agencies which have been delegated authority by the fire marshal pursuant to rule 1301:7-9-15 of the Administrative Code.

Local fire agencies which have been delegated authority by the fire marshal pursuant to rule 1301:7-9-15 of the Administrative Code shall cooperate fully, without limitation, with inspections by the fire marshal and maintain the following information, without limitation and as applicable:

- (1) Copy of all permits issued by the local fire agency and inspections of same by the fire marshal pursuant to paragraph (J) of rule 1301:7-9-15 of the Administrative Code.
- (P) Failure to list any inspection, reporting, or recordkeeping requirement of this chapter in this rule does not exempt local fire agencies desiring to become a delegated authority or local fire agencies which have been delegated authority by the fire marshal from complying with same.

Effective:

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Certification

Date

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