

1301:7-9-04 REGISTRATION OF UST SYSTEMS.

(A) Purpose and scope.

For the purpose of prescribing rules pursuant to sections 3737.02 and 3737.88 of the Revised Code, the fire marshal hereby adopts this rule to establish registration 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." 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 minimis* concentration of regulated substances;
- (6) Any emergency spill or overflow containment UST system that is expeditiously emptied after use;
- (7) Wastewater treatment tank systems containing hazardous substances;
- (8) Any hazardous substance 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 hazardous substance UST system that is part of an emergency generator system at nuclear power generation facilities regulated by the United States nuclear regulatory commission;
- (10) Hazardous substance UST systems with

field-constructed tanks.

(B) Annual registration.

(1) On or before August 1, 1991, and not later than the first day of July of each subsequent year, owners of the following UST systems shall submit an annual registration application to the fire marshal:

- (a) UST systems currently in use; and
- (b) UST systems which were taken out of service after January 1, 1974 in a manner not in compliance with either the "Ohio Fire Code" or this chapter of the Administrative Code, as those requirements were in effect at the time the UST systems were taken out of service.

Owners shall submit an annual registration application to the fire marshal for each location containing such UST systems.

(2) The fire marshal shall prescribe the annual registration application form to be used and shall, sixty days prior to the registration deadline of each year, provide an annual registration application to each owner that submitted any UST registration application to the fire marshal during the previous year.

(3) A fee in the amount of twenty-five dollars for each tank comprising an UST system listed on the application shall be submitted by the owner with the annual registration application to the fire marshal.

(C) Registration for new UST system installations.

(1) Any owner who installs an UST system shall, within thirty days of bringing such UST system into service, submit the applicable new UST system installation application described in either paragraph (C)(2) or (C)(3) of this rule to the fire marshal for each location where such UST system is installed.

(2) If an UST system is installed at a location for which there is no current registration, the owner of the UST system shall submit a new facility registration application to the fire marshal on the application form prescribed by the fire marshal.

(3) If an UST system is installed at a location for which there is a current registration, the

owner of the UST system shall submit a modified registration application to the fire marshal on the form prescribed by the fire marshal.

(4) A fee in the amount of twenty-five dollars for each newly installed tank brought into service which is listed on either application described in paragraph (C)(2) or (C)(3) of this rule shall be submitted by the owner with the new UST system application to the fire marshal.

(D) Transfer of UST ownership.

(1) Any person to whom ownership of any UST is transferred shall, within thirty days of the transfer, submit a transfer of UST registration application to the fire marshal for each location where an UST subject to the transfer is located. The fire marshal shall prescribe a form for this application. The transferor shall notify the transferee of this requirement at the time of transfer.

(2) A fee in the amount of twenty-five dollars for each tank comprising an UST system listed on the application shall be submitted by the new owner of the UST with the transfer of UST registration application to the fire marshal.

(E) Fee exemptions.

The United States, the state of Ohio, and political subdivisions are exempted from paying the fees described in paragraphs (B)(3), (C)(4), and (D)(2) of this rule. This paragraph does not exempt the United States, the state of Ohio, and political subdivisions from compliance with all other provisions of this rule.

(F) The fire marshal shall review each application and reject the application if the application does not provide all of the information required by the prescribed form or if the application was not accompanied by the applicable fee payment.

(G) No person shall falsify any information on any application form required by this rule.

(H) Owners of UST systems shall retain a copy of all current and valid registration applications required by this rule, and shall make such copy available for inspection within twenty-four hours of a request by the fire marshal or local fire official.

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