

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 fire marshal hereby adopts this rule to establish definitions of words and phrases related to underground storage tanks. 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.

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

(1) "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.

(2) "Beneath the surface of the ground" means beneath the ground surface or otherwise covered with earthen materials.

(3) "Bureau chief" means the chief of the bureau of underground storage tank regulations within the division of the state fire marshal.

(4) "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.

(5) "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.

(6) "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.

(7) "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.

(8) "Consumptive use" with respect to heating fuel means consumed on the premises.

(9) "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.

(10) "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.

(11) "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.

(12) **"Electrical equipment"** means underground equipment that contains dielectric fluid that is necessary for the operation of equipment such as transformers and buried electrical cable.

(13) **"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.

(14) **"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) (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.

(15) **"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.

(16) **"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.

(17) **"Free product"** refers to a regulated substance that is present as a nonaqueous phase liquid.

(18) **"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.

(19) **"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.

(20) **"Hazardous substance UST system"** means an underground storage tank system that contains a hazardous substance.

(21) **"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.

(22) **"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.

(23) **"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.

(24) "Maintenance" means the normal operational upkeep to prevent an underground storage tank system from releasing product.

(25) "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.

(26) "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.

(27) "Noncommercial purposes" with respect to motor fuel means not for resale.

(28) "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.

(29) "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.

(30) "Operator" means the person in daily control of, or having responsibility for the daily operation of, the UST system.

(31) "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.

(32) "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.

(33) "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.

(34) "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.

(35) "Petroleum UST system" means an underground storage tank system that contains petroleum or a mixture of petroleum with *de minimus* quantities of other regulated substances.

(36) "Pipe" or "piping" means a hollow cylinder or tubular conduit that is constructed of man-made materials.

(37) "Pipeline facilities" are new and existing pipe rights-of-way and any associated equipment, including, without limitation, gathering lines; facilities; or buildings.

(38) "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.

(39) **"Regulated substance"** means:

- (a) Any hazardous substance; and
- (b) Petroleum.

(40) **"Release"** means any spilling, leaking, emitting, discharging, escaping, leaching or disposing from an UST system into ground water, surface water or subsurface soils or otherwise into the environment.

(41) **"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.

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

(43) **"Residential tank"** is a tank located on property used primarily for dwelling purposes.

(44) **"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.

(45) **"Spill"** means a release resulting from improper dispensing 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.

(46) **"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.

(47) **"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.

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

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

(50) **"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.

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

(52) **"Underground storage tank"** 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.

(53) "Underground storage tank system" means an underground storage tank and the connected underground piping, underground ancillary equipment, and containment system, if any.

(54) "UST" or "UST system" means an underground storage tank or an underground storage tank system.

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

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