

**1301:7-9-08 GENERAL OPERATING
REQUIREMENTS FOR 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 general operating 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;
- (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) Spill and overflow control.

- (1) Owners and operators of all UST systems shall ensure that releases due to spilling or overfilling do not occur. The owner and operator shall ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling.
- (2) The owner and operator of all UST systems shall report, investigate, and clean up any spills and overfills

in compliance with sections 3737.88 and 3737.882 of the Revised Code and this chapter of the Administrative Code.

(C) Operation and maintenance of corrosion protection.

All owners and operators of UST systems required to have corrosion protection pursuant to rule 1301:7-9-06 of the Administrative Code shall comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the UST system is used to store regulated substances:

- (1) All corrosion protection systems shall be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances and are in contact with the ground.
- (2) All UST systems equipped with cathodic protection systems shall be inspected for proper operation by a qualified cathodic protection tester in compliance with the following requirements:
 - (a) All cathodic protection systems shall be tested within six months of installation and at least every three years thereafter; and
 - (b) The criteria that are used to determine that cathodic protection is adequate shall be in compliance with "National Association of Corrosion Engineers Standard RP-0285-85; Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems".
- (3) UST systems with impressed current cathodic protection systems shall be inspected every sixty days by the owner or operator to ensure that equipment is operating properly.
- (4) For UST systems using cathodic protection, records of the inspections of the cathodic protection system shall be maintained in compliance with this chapter to demonstrate compliance with the performance standards in paragraphs (C)(1) to (C)(3) of this rule. These records shall provide the following:
 - (a) The results of the last three inspections required by paragraph (C)(3) of this rule; and
 - (b) The results of testing from the last two inspections required in paragraph (C)(2)(a) of this rule.

(D) Compatibility.

Owners and operators shall use an UST system made of or lined with materials that are compatible with the regulated substance stored in the UST system. If the UST system is used to store alcohol blends, the owner and operator shall ensure compatibility by complying with the following applicable standard:

- (1) "American Petroleum Institute Publication 1626-93; Storing and Handling Ethanol and Gasoline-ethanol Blends at Distribution Terminals and Service Stations"; and

- (2) "American Petroleum Institute Publication 1627-93; Storage and Handling of Gasoline-methanol/cosolvent Blends at Distribution Terminals and Service Stations."

(E) Repairs allowed.

Owners and operators of UST systems shall ensure that repairs will prevent releases due to structural failure or corrosion as long as the UST system is used to store regulated substances. The repairs shall meet the following requirements:

- (1) Repairs to metal tanks shall be conducted in compliance with "National Fire Protection Association Standard 30-96; Flammable and Combustible Liquids Code", "American Petroleum Institute Publication 1631-97; Recommended Practice for the Interior Lining of Existing Steel Underground Storage Tanks", or "National Leak Prevention Association Standard 631-98; Spill Prevention, Minimum Ten Year Life Extension of Existing Steel Underground Tanks by Lining without the Addition of Cathodic Protection.@"
- (2) Repairs to fiberglass-reinforced plastic tanks shall be made by the manufacturer's authorized representatives or be conducted in compliance with National Leak Prevention Association Standard 631-98; Spill Prevention, Minimum Ten Year Life Extension of Existing Steel Underground Tanks by Lining without the Addition of Cathodic Protection.@"
- (3) Metal pipe sections and fittings that have released product as a result of corrosion or other damage shall be replaced. Fiberglass pipes and fittings may be repaired in compliance with the manufacturer's specifications.
- (4) Except as provided in paragraphs (E)(4)(a) and (E)(4)(b) of this rule, repaired tanks and piping shall be tightness tested in compliance with paragraphs (E)(3) and (F)(2) of rule 1301:7-9-07 of the Administrative Code prior to bringing the UST system back into operation.
 - (a) The repaired portion of the UST system is monitored monthly in compliance with paragraphs (E)(7) to (E)(7)(c) of rule 1301:7-9-07 of the Administrative Code; or
 - (b) Prior to bring the UST system back into operation, the bureau chief determines that another release detection test method proposed by the owner or operator is no less protective of human health and the environment than those listed in paragraph (E)(4) or (E)(4)(a) of this rule.
- (5) Within six months following the repair of any cathodically protected component of an UST system, the cathodic protection system shall be tested in accordance with paragraphs (C)(2) to (C)(2)(b) and (C)(3) of this rule to ensure that it is operating properly.
- (6) UST system owners and operators shall maintain, in compliance with this chapter, records of each repair for the remaining operating life of the UST system that demonstrate compliance with the requirements of this rule.

(F) Repair permits.

- (1) Except where the owner or operator obtains a repair permit from a certified fire safety inspector authorized by the fire marshal to conduct inspections of UST systems pursuant to section 3737.88 of the Revised Code and in compliance with this chapter of the Administrative Code, the owner and operator shall prior to beginning a repair of a tank or piping comprising an UST system submit a repair application to the fire marshal for each location where such repair is to occur.
- (2) The permit application shall be submitted on a form prescribed by the fire marshal and shall be accompanied by any drawings or additional information required on the prescribed application form and by the applicable permit fee described in either paragraph (F)(3) or (F)(4) of this rule.
- (3) If a tank is being repaired, the permit fee shall be thirty-five dollars for each location described in the permit application. Repair inspections conducted by a fire marshal employee shall be billed at a rate of sixty dollars per hour or fraction thereof spent at the inspection location.

No owner or operator shall operate any UST system or portion thereof upon which there are past due permit fees or inspection fees. Inspection fees will be considered past due if they are not actually received by the fire marshal within thirty days of the date of the invoice. Nothing in this paragraph shall be construed to establish inspection fees charged by certified UST inspectors.

- (4) If only piping is being repaired, the permit fee shall be thirty-five dollars for each location described in the permit application. Repair inspections conducted by a fire marshal employee shall be billed at a rate of sixty dollars per hour or fraction thereof spent at the inspection location.

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- (5) The fire marshal may allow applications to be submitted less than thirty days prior to beginning the repair in emergency situations or in response to a suspected or confirmed release.
- (6) The fire marshal shall review the permit application and, if the fire marshal determines that the proposed repair is in compliance with this rule and that the appropriate fee has been paid, the fire marshal shall issue the permit. The fire marshal may place upon the permit such conditions as the fire marshal determines to be necessary to bring the proposed repair into compliance with this rule. Any permit issued by the fire marshal under this paragraph shall not be construed as authority to violate any provision of this chapter. The fire marshal may revoke any permit issued pursuant to this paragraph if upon inspection any violation of this rule exists, if conditions of a permit have been violated, or if there has been any false statement or misrepresentation as to a material fact on the permit application or supporting documentation.

(G) No owner or operator shall repair any UST system unless such repair is supervised by an installer certified pursuant to rule 1301:7-9-11 of the Administrative Code. No owner or operator shall repair any UST system unless such repair performed by an installer certified pursuant to rule 1301:7-9-11 of the Administrative Code is inspected by an employee of the fire marshal, a certified fire safety inspector whose local fire agency has been delegated authority to conduct such inspections pursuant to rule 1301:7-9-15 of the Administrative Code, or a certified UST inspector who has been certified by the fire marshal to conduct such inspections pursuant to paragraphs (O) to (W)(3)(l) of rule 1301:7-9-11 of the Administrative Code, as appropriate, for activities the permit or this chapter require be inspected.

(H) Nothing in this rule shall exempt owners and operators of UST systems from complying with rule 1301:7-7-28 of the Administrative Code.

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