

State Fire Marshal - BUSTR

BASE INVENTORY OF REGULATORY RESTRICTIONS

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RULE NUMBER	REGULATORY RESTRICTION	DESCRIPTION OF REGULATORY RESTRICTION	STATUTE UNDER WHICH THE REGULATORY RESTRICTION WAS ADOPTED	IS THE REGULATORY RESTRICTION EXPRESSLY OR SPECIFICALLY REQUIRED BY STATE OR FEDERAL LAW?	IS A LAW CHANGE REQUIRED IN ORDER TO REMOVE THE RESTRICTION?
1301:7-9-01	Shall not	(A) 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."	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-01	Shall	(B) Nothing in this chapter shall exempt owners and operators of underground storage tank systems from complying with any other applicable federal, state or local laws and regulations...	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-01	Shall	(B) If the provisions of the "Ohio Fire Code" address similar requirements or are in conflict with the requirements of this chapter, then the provisions of this chapter shall apply.↵	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-01	Shall	(C) Airport hydrant fuel distribution systems, underground storage tank (UST) systems with field constructed tanks, and UST systems that store fuel solely for use by emergency generator systems that were previously deferred from parts of this chapter shall meet the following requirements of this chapter:	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-01	Shall	(C)(1) Airport hydrant fuel distribution systems and UST systems with field constructed tanks that were installed before the effective date of this rule shall comply with the following: (a) Upon the effective date of this rule, the requirements identified in rules 1301:7-9-12 and 1301:7-9-13 of the Administrative Code; (b) Within ninety days of the effective date of this rule, the requirements identified in rules 1301:7-9-04 and 1301:7-9-05 of the Administrative Code; and (c) By October 13, 2018, the requirements identified in rules 1301:7-9-06, 1301:7-9-07, and 1301:7-9-19 of the Administrative Code;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-01	Shall	(C)(2) Airport hydrant fuel distribution systems and UST systems with field constructed tanks that were installed on or after the effective date of this rule shall meet the requirements of this chapter	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-01	Shall	(C)(3) UST systems that store fuel solely for use by emergency generator systems that were installed before May 16, 2011, <u>shall</u> meet the requirements of this chapter, except that the release detection requirements of paragraph (C)(5) of rule 1301:7-9-07 of the Administrative Code shall be met by October 13, 2018; and	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-01	Shall	(C)(3) UST systems that store fuel solely for use by emergency generator systems that were installed before May 16, 2011, shall meet the requirements of this chapter, except that the release detection requirements of paragraph (C)(5) of rule 1301:7-9-07 of the Administrative Code <u>shall</u> be met by October 13, 2018; and	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-01	Shall	(C)(4) UST systems that store fuel solely for use by emergency generator systems that were installed on or after May 16, 2011, shall meet the requirements of this chapter.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-01	Shall	(E) The following storage tank systems are partially excluded from this chapter; however, the storage tank systems shall meet the requirements of this rule and of rule 1301:7-9-13 of the Administrative Code	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-01	Shall	(F) No owner or operator shall install an UST system listed in paragraphs (E)(1), (E)(3), or (E)(4) of this rule for the purpose of storing a regulated substance unless the UST system complies with all of the following:	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-02	Shall not	(A) 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."	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-02	Shall	(B) When used in this chapter of the Administrative Code, the following terms shall have the meanings given below	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-02	Shall	(B)(6) 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.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-02	Shall	(B)(17) 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.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-02	Shall	(B)(22) A farm tank shall be located on the farm property.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-02	Shall	(B)(56) 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:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-03	Shall not	(A) 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."	3737.88(A), 3737.88(D)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-03	Shall	(B)(2)(b) Such unusual operating conditions shall include, without limitation, the erratic behavior of hazardous substance dispensing equipment, the sudden loss of hazardous substances from the UST system or an unexplained presence of water in the tank;	3737.88(A), 3737.88(D)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-03	Shall	(C)(1) Owners and operators shall report a release of a hazardous substance or suspected release of a hazardous substance to the state fire marshal and the local fire department within twenty-four hours of discovery by the owner or operator.	3737.88(A), 3737.88(D)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-03	Shall	(D) Hazardous substances shall include a mixture of a hazardous substance and petroleum which is not contained in a petroleum UST system.	3737.88(A), 3737.88(D)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-04	Shall not	(A) 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."	3737.02, 3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-04	Shall	(B)(1) No later than the last day of June of each year, owners of the following UST systems shall submit an annual registration application to the state fire marshal	3737.02, 3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-04	Shall	(B)(1) Owners shall submit an annual registration application to the state fire marshal for each location containing such UST systems.	3737.02, 3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-04	Shall	(B)(2) The state fire marshal shall prescribe the annual registration application form to be used...	3737.02, 3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-04	Shall	(B)(2) The state fire marshal...shall, at least thirty 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 state fire marshal during the previous year.	3737.02, 3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-04	Shall	(B)(3) A fee in the amount of one hundred dollars for each tank or compartment comprising an UST system listed on the application shall be submitted by the owner with the annual registration application to the state fire marshal.	3737.02, 3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-04	Shall	(B)(3) Any registration received after the last day of June each year shall be charged a ten percent late fee.	3737.02, 3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-04	Shall	(C)(1) Any owner who installs an UST system shall, within thirty days of bringing such UST system into service, submit a new UST system registration application described in either paragraph (C)(2) or (C)(3) of this rule to the state fire marshal for each location where such UST system is installed.	3737.02, 3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-04	Shall	(C)(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 state fire marshal on the application form prescribed by the state fire marshal.	3737.02, 3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-04	Shall	(C)(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 state fire marshal on the form prescribed by the state fire marshal.	3737.02, 3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-04	Shall	(C)(4) A fee in the amount of one hundred dollars for each newly installed tank or compartment brought into service which is listed on either registration application described in paragraph (C)(2) or (C)(3) of this rule shall be submitted by the owner with the new UST registration application to the state fire marshal.	3737.02, 3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-04	Shall	(D) Owners shall submit a new UST system registration application to the state fire marshal on the form prescribed by the state fire marshal for any previously deferred USTs identified in paragraph (C) of rule 1301:7-9-01 of the Administrative Code that are subject to the registration requirement.	3737.02, 3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-04	Shall	(D) All requirements identified in this rule shall apply to previously deferred USTs.	3737.02, 3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-04	Shall	(E)(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 state fire marshal for each location where an UST subject to the transfer is located.	3737.02, 3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-04	Shall	(E)(1) The state fire marshal shall prescribe a form for this application.	3737.02, 3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-04	Shall	(E)(1) The transferor shall notify the transferee of this requirement at the time of transfer.	3737.02, 3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-04	Shall	(E)(2) A fee in the amount of one hundred dollars for each tank or compartment 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 state fire marshal.	3737.02, 3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-04	Shall	(F) Owners shall submit a modified registration application to the state fire marshal on the form prescribed by the state fire marshal within thirty days of a change of product.	3737.02, 3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-04	Shall	(H) The state 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.	3737.02, 3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-04	Shall	(I) No person shall falsify any information on any application form required by this rule.	3737.02, 3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-04	Shall	(J) Owners of UST systems shall retain a copy of all current and valid registration applications required by this rule,...	3737.02, 3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-04	Shall	(J) Owners of UST systems... shall make such copy available for inspection within twenty-four hours of a request by the state fire marshal or local fire official.	3737.02, 3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall not	(A) 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."	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(B)(1) Except as otherwise provided in paragraphs (B)(2) and (B)(3) of this rule, owners and operators of all petroleum UST systems within this state shall comply with this rule by the applicable date established in paragraph (D) of this rule	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	(C) Regardless of which person complies, the date for compliance with this rule regarding a particular petroleum UST system as set forth in paragraph (D) of this rule shall be determined by the characteristics of the owner.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(D) –Owners and operators of petroleum UST systems shall comply with the requirements of this rule upon the effective date of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(F)(1) Owners and operators of petroleum UST systems shall obtain and demonstrate for each of the petroleum UST systems within this state which they own or operate financial responsibility both for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases from the petroleum UST systems in the amount of one million dollars per occurrence.–	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(F)(2) Owners and operators of petroleum UST systems shall obtain and demonstrate for each of the petroleum UST systems within this state which they own or operate financial responsibility for both taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases from the petroleum UST systems in at least the following annual aggregate amounts	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(G)(1) Owners and operators of petroleum UST systems shall obtain and demonstrate a valid certificate of coverage in the fund from the petroleum underground storage tank release compensation board pursuant to division (D) of section 3737.91 of the Revised Code for each tank within this state comprising a petroleum UST system.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(G)(2) Owners and operators of petroleum UST systems within this state shall obtain and demonstrate financial responsibility for each such petroleum UST system so as to comply with the deductible coverage requirements described in paragraph (H) of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(H)(1) Subject to the limitations and requirements of paragraphs (I) and (J) of this rule, and in addition to participation in the fund, owners and operators of petroleum UST systems shall obtain and demonstrate financial responsibility for each petroleum UST system within this state using one of the mechanisms listed in paragraphs (L) to (V) of this rule in an amount equal to the following applicable per-occurrence amount	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	(H)(2) The financial responsibility required by this paragraph shall include responsibility both for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental release from petroleum UST systems. -	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(I)(1) Each allowable mechanism described in paragraphs (L) to (V) of this rule which is used by an owner or operator to comply with paragraph (H)(1) of this rule shall include responsibility both for taking corrective action and for compensating third parties for bodily injury and property damage caused by any accidental release from petroleum UST systems.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(I)(2) In complying with paragraph (H)(1) of this rule, owners and operators shall use only one of the mechanisms described in paragraphs (L) to (V) of this rule for any single petroleum UST system. A single allowable mechanism may specify more than one petroleum UST system for which the mechanism provides coverage.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(I)(3) If an owner or operator uses different allowable mechanisms for different petroleum UST systems within this state to comply with paragraph (H) of this rule, each such different mechanism shall comply with paragraph (H) of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(J)(1) If an owner or operator uses the self-insurance mechanism described in paragraph (L) of this rule to comply with paragraph (H) of this rule for any petroleum UST system within this state, the owner or operator shall, in computing the financial test described in paragraph (L) of this rule, use the applicable annual aggregate from the following table:	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(J)(2) If an owner or operator uses the insurance or risk retention group coverage described in paragraph (N) of this rule to comply with paragraph (H) of this rule for any petroleum UST system within this state, the owner or operator shall obtain and demonstrate such coverage in at least the applicable annual aggregate amount from the following table:	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(J)(3) If an owner or operator uses any mechanism described in paragraph (M) or paragraphs (O) to (R) of this rule to comply with paragraph (H) of this rule for any petroleum UST system within this state, the annual aggregate amount of coverage provided by the mechanism shall be at least equal to the per-occurrence amount for the tanks required by paragraph (H)(1) of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	(K)(1) If additional tanks comprising petroleum UST systems are installed, the owner and operator shall obtain and demonstrate a valid certificate of coverage in the fund from the petroleum underground storage tank release compensation board pursuant to division (D) of section 3737.91 of the Revised Code for each additional tank prior to introducing petroleum into the tank.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(K)(1) In addition, the owner and operator shall obtain and demonstrate financial responsibility in compliance with paragraph (H) of this rule for each additional tank prior to introducing petroleum into the tank.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(K)(2) If additional existing tanks comprising petroleum UST systems are acquired, the owner and operator shall obtain and demonstrate a valid certificate of coverage in the fund from the petroleum underground storage tank release compensation board pursuant to division (D) of section 3737.91 of the Revised Code for each additional tank prior to bringing the tank into operation.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(K)(2) In addition, the owner and operator shall obtain and demonstrate financial responsibility in compliance with paragraph (H) of this rule for each additional tank prior to bringing the tank into operation.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(K)(3) If an owner or operator is using self-insurance, insurance, or risk retention group coverage to comply with paragraph (H) of this rule, and if the number of additional tanks comprising petroleum UST systems within this state installed or acquired results in such a number of tanks so as to require a greater annual aggregate amount of coverage pursuant to paragraphs (J)(1) or (J)(2) of this rule, the amount of such additional annual aggregate coverage necessary to comply with paragraphs (J)(1) or (J)(2) of this rule shall be obtained and demonstrated by the owner and operator by the first-occurring effective date anniversary of the self-insurance, insurance, or risk retention group coverage used to provide coverage.↵	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(L)(1) An owner or operator may satisfy the requirements of paragraph (H) of this rule by passing a financial test as specified in this paragraph. To pass the financial test of self-insurance, the owner or operator shall meet the criteria of this paragraph based on year-end financial statement for the latest completed fiscal year.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	(L)(2) The owner or operator shall have a tangible net worth of at least ten times the sum of the following:	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(L)(3) The owner or operator shall maintain a letter signed by the chief financial officer worded as specified in paragraph (L)(6) of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(L)(4) The owner or operator shall comply with at least one of the following:	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(L)(4)(c) This special report shall be maintained by the owner or operator with the letter required by paragraph (L)(3) of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(L)(6) To demonstrate that it meets the financial test under this rule, the chief financial officer of the owner or operator, shall sign, within one hundred twenty days of the close of each financial reporting year, as defined by the twelve-month period for which financial statements used to support the financial test are prepared, a letter worded exactly as written in Appendix A, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted,	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(L)(7) Within one hundred twenty days of the end of each subsequent financial reporting year, owners and operators using the self-insurance mechanism shall evaluate whether they meet the financial test described in this paragraph	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(L)(7) If an owner or operator using the test to provide financial assurance finds that he or she no longer meets the requirements of the financial test based on the year-end financial statements, the owner or operator shall obtain and demonstrate alternative coverage within one hundred fifty days of the end of the year for which financial statements have been prepared.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Require	(L)(8) The state fire marshal may require reports of financial condition at any time from the owner or operator.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(L)(8) If the state fire marshal determines, on the basis of such reports or other information, that the owner or operator no longer meets the financial test requirements of this paragraph, the owner or operator shall obtain and demonstrate alternate coverage in compliance with this rule within thirty days after notification of such a determination by the state fire marshal.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	(L)(9) If the owner or operator fails to obtain alternate assurance within one hundred fifty days of the end of the financial reporting year after finding that he or she no longer meets the requirements of the financial test based on the year-end financial statements, or within thirty days of notification by the state fire marshal that he or she no longer meets the requirements of the financial test, the owner or operator shall notify the state fire marshal of such failure within ten days.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(M)(2) The guarantor shall be in compliance with all applicable sections of Title XXXIX of the Revised Code.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(M)(3) An owner or operator who uses a guarantee to satisfy the requirements of paragraph (H) of this rule shall establish a standby trust fund when the guarantee is obtained.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(M)(3) This standby trust fund shall meet the requirements specified in paragraph (R) of this rule	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(M)(4) The guarantee shall be worded as written in Appendix B, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(M)(5) The owner or operator shall maintain an original of the guarantee worded as specified in paragraph (M)(4) of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(N)(2) Each insurance policy shall be amended by an endorsement worded as specified in the portion of Appendix C entitled "Endorsement" or evidenced by a certificate of insurance worded as specified in the portion of Appendix C entitled "Certificate of Insurance"...	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(N)(2) Each insurance policy shall be amended by an endorsement worded as specified..., except that instructions in brackets shall be replaced with the relevant information and the brackets deleted.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(N)(3) The insurer or risk retention group which issues a policy shall provide to the state fire marshal copies of all payments made under the policy within ten days of making payment.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	(N)(4) If, after a payment under the policy by an insurer or risk retention group, the state fire marshal determines that the annual aggregate remaining under the policy is less than the applicable per-occurrence amount required under paragraph (H)(1) of this rule for any tank comprising a petroleum UST system within this state, the owner or operator shall obtain and demonstrate alternate coverage in compliance with this rule within thirty days after notification of such a determination by the state fire marshal.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(N)(5) The owner or operator shall maintain a copy of either the endorsement or certificate of insurance worded as specified in paragraph (N)(2) of this rule	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(O)(1) The surety company issuing the bond shall be in compliance with all applicable sections of Title XXXIX of the Revised Code	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(O)(2) The surety bond shall be worded as written in Appendix D,...	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(O)(2) The surety bond shall be worded as written in Appendix D, except that instructions in brackets shall be replaced with the relevant information and the brackets deleted.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(O)(4) The owner or operator who uses a surety bond to satisfy the requirements of paragraph (H) of this rule shall establish a standby trust fund when the surety bond is acquired.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(O)(4) Under the terms of the bond, all amounts paid by the surety under the bond shall be deposited directly into the standby trust fund in accordance with instructions from the state fire marshal under paragraphs (AA)(1) to (AA)(3) of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(O)(4) This standby trust fund shall meet the requirements specified in paragraph (H) of this rule	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(O)(5) The owner or operator shall maintain an original of the surety bond worded as specified in paragraph (O)(2) of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(P)(1) The issuing institution shall be an entity that has the authority to issue letters of credit in the state of Ohio and whose letter-of-credit operations are regulated and examined by a federal or state agency.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(P)(2) The letter of credit shall be worded as written in Appendix E, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	(P)(3) An owner or operator who uses a letter of credit to satisfy the requirements of paragraph (H) of this rule shall also establish a standby trust fund when the letter of credit is acquired.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(P)(3) Under the terms of the letter of credit, all amounts paid pursuant to a draft by the state fire marshal shall be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the state fire marshal under paragraphs (AA)(1) to (AA)(3) of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(P)(3) This standby trust fund shall meet the requirements specified in paragraph (H) of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(P)(4) The letter of credit shall be irrevocable with a term specified by the issuing institution.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(P)(4) The letter of credit shall provide that credit be automatically renewed for the same term as the original term, unless, at least one hundred twenty days before the current expiration date, the issuing institution notifies the owner or operator by certified mail of its decision not to renew the letter of credit.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(P)(5) The owner or operator shall maintain an original of the letter of credit worded as specified in paragraph (P)(2) of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(Q)(1) The trustee shall be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal agency, the Ohio department of commerce, or an agency of the state in which the fund is established.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(Q)(2) The wording of the trust agreement shall be identical to the wording specified in Appendix F of this rule, and must be accompanied by a formal certification of acknowledgement as specified in Appendix G of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Must	(Q)(2) The wording of the trust agreement shall be identical to the wording specified in Appendix F of this rule, and must be accompanied by a formal certification of acknowledgement as specified in Appendix G of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(Q)(3) The trust fund, when established, shall be funded for the applicable full required amount of coverage specified in paragraph (H)(1) of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	(Q)(6) Within sixty days after receiving a request from the owner or operator for release of funds as specified in paragraph (Q)(4) or (Q)(5) of this rule, the state fire marshal shall instruct the trustee to release to the owner or operator such funds as the state fire marshal specifies in writing.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(Q)(7) The owner or operator shall maintain an original of the trust agreement and certification worded as specified in paragraph (Q)(2) of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(R)(1) An owner or operator using any one of the mechanisms authorized by paragraphs (M), (O), (P), or (U) of this rule shall establish a standby trust fund when the mechanism is acquired.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(R)(1) The trustee of the standby trust fund shall be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal agency, the Ohio department of commerce, or an agency of the state in which the fund is established.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(R)(2) The standby trust agreement, or trust agreement, shall be worded as written in Appendix F, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(R)(3) The standby trust agreement or trust agreement shall be accompanied by a formal certification of acknowledgement worded as written in Appendix G.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(R)(6) The owner or operator shall maintain an original of the standby trust agreement and certification worded as specified in paragraphs (R)(2) and (R)(3) of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(S)(2) Where the state or political subdivision has multiple outstanding issues, or where the state or political subdivision's bonds are rated by both Moody's and Standard & Poor's, the lowest rating shall be used to determine eligibility.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(S)(2) Bonds that are backed by credit enhancement other than municipal bond insurance shall not be considered in determining the amount of applicable bonds outstanding.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(S)(3) Where bonds are rated by both Moody's and Standard & Poor's, the lower rating for each bond shall be used to determine eligibility.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(S)(3) Bonds that are backed by credit enhancement shall not be considered in determining the amount of applicable bonds outstanding.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	(S)(4) The state or a political subdivision owner or operator, or the state or a political subdivision serving as a guarantor shall maintain a copy of its bond rating published within the last twelve months by Moody's or Standard & Poor's.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(S)(5) To demonstrate that it meets the state or political subdivision bond rating test set forth in this paragraph, the chief financial officer of the state or a general purpose political subdivision owner or operator, or the chief financial officer of the state or a political subdivision service as a guarantor shall sign a letter worded exactly as written in Appendix H, except that the instructions in square brackets are to be replaced by the relevant information and the square brackets deleted.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(S)(6) To demonstrate that it meets the state or political subdivision bond rating test set forth in this paragraph, the chief financial officer of a political subdivision owner or operator, or a political subdivision serving as a guarantor other than a general purpose political subdivision shall sign a letter worded exactly as written in Appendix I, except that the instructions in square brackets are to be replaced by the relevant information and the square brackets deleted.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Require	(S)(7) The state fire marshal may require reports of financial condition at any time from the state or a political subdivision owner or operator, or the state or a political subdivision serving as a guarantor	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(S)(7) If the state fire marshal determines, on the basis of such reports or other information, that the state of a political subdivision owner or operator, or the state or a political subdivision serving as a guarantor, no longer meets the state or political subdivision bond rating test requirements of this paragraph, the state or a political subdivision owner or operator shall obtain alternative coverage within thirty days after notification of such finding.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(S)(8) If the state or a political subdivision owner or operator using this bond rating test to provide financial assurance finds that it no longer meets the state or political subdivision bond rating test requirements, the state or a political subdivision owner or operator shall obtain alternative coverage within one hundred fifty days of the change in status.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	(T)(1) To be eligible to use the state or political subdivision financial test, the state or a political subdivision owner or operator shall have the ability and authority to assess and levy taxes or to freely establish fees and charges.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(T)(1) To pass the state or political subdivision financial test, the state or political subdivision owner or operator shall meet the criteria established in paragraphs (T)(2)(b) and (T)(2)(c) of this rule based on year-end financial statements for the latest completed fiscal year.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(T)(2)(a) The state or a political subdivision owner or operator shall have the following information available, as shown in the year-end financial statement for the latest completed fiscal year:	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(T)(2)(A)(i) For purposes of this state or political subdivision financial test, the calculation of total revenues shall exclude all transfers between funds under the direct control of the state or political subdivision using the state or political subdivision financial test (interfund transfers), liquidation of investments, and issuance of debt.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(T)(2)(a)(ii) For purposes of this state or political subdivision financial test, the calculation of total expenditures shall exclude all transfers between funds under the direct control of the state or political subdivision using this state or political subdivision financial test (interfund transfers).	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(T)(2)(a)(v) For the purpose of this state or political subdivision financial test, the calculation of total funds shall exclude agency funds, private funds, private trust funds, accounts receivable, value of real property, and other non-security assets.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(T)(2)(c) The state or political subdivision owner or operator shall have a letter signed by the chief financial officer worded as specified in paragraph (T)(3) of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	(T)(3) To demonstrate that it meets the state or political subdivision financial test contained in this paragraph, the chief financial officer of the state or political subdivision owner or operator, shall sign, within one hundred twenty days of the close of each financial reporting year, as defined by the twelve-month period for which financial statements used to support this state or political subdivision financial test are prepared, a letter worded exactly as written in Appendix J, except that the instructions in the square brackets are to be replaced by the relevant information and the square brackets deleted.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(T)(4) If the state or a political subdivision owner or operator using this state or political subdivision financial test to provide financial assurance finds that it no longer meets the requirements of the state or political subdivision financial test based on the year-end financial statements, the state or political subdivision owner or operator shall obtain alternative coverage within one hundred fifty days of the end of the year for which financial statements have been prepared	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Require	(T)(5) The state fire marshal may require reports of financial condition at any time from the state or political subdivision owner or operator.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(T)(5) If the state fire marshal determines, on the basis of such reports or other information, that the state of a political subdivision owner or operator no longer meets the state or political subdivision financial test requirements of this paragraph, the state or political subdivision owner or operator shall obtain alternative coverage within thirty days after notification of such finding.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(T)(6) If the state or political subdivision owner or operator fails to obtain alternate assurance within one hundred fifty days of finding that it no longer meets the requirements of the state or political subdivision financial test based on the year-end financial statements or within thirty days of notification by the state fire marshal that it no longer meets the requirements of this state or political subdivision financial test, the state or political subdivision owner or operator shall notify the state fire marshal of such failure within ten days.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Must	(U)(1) The guarantor must be either the state in which the political subdivision owner or operator is located or a political subdivision having a substantial governmental relationship with the political subdivision owner or operator and issuing the guarantee as an act incident to that relationship.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Must	(U)(1) A political subdivision acting as the guarantor must: (a) Demonstrate that it meets the state or political subdivision bond rating tests requirements of paragraph (S) of this rule and deliver a copy of the applicable chief financial officer's letter as contained in paragraphs (S)(5) or (S)(6) of this rule to the political subdivision owner or operator; or (b) Demonstrate that it meets the state or political subdivision financial test requirements of paragraph (T) of this rule and deliver a copy of the chief financial officer's letter as contained in paragraph (T)(3) of this rule to the political subdivision owner or operator; or (c) Demonstrate that it meets the state or political subdivision fund requirements of paragraph (V) of this rule and deliver a copy of the chief financial officer's letter as contained in paragraph (V)(2) of this rule to the political subdivision owner or operator.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(U)(2) If the political subdivision guarantor is unable to demonstrate financial assurance under paragraphs (S), (T), or (V) of this rule, at the end of the financial reporting year, the political subdivision guarantor shall send by certified mail, before cancellation or non-renewal of the guarantee, notice to the political subdivision owner or operator.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(U)(2) The political subdivision owner or operator shall obtain alternative coverage as specified in paragraph (CC)(3) of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(U)(3) The guarantee agreement shall be worded as specified in paragraphs (U)(4)(a) and (U)(4)(b) or (U)(5)(a) and (U)(5)(b) of this rule, depending on which of the following alternative guarantee agreements is selected:	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(U)(3)(a) If, in the default or incapacity of the political subdivision owner or operator, the guarantor guarantees to fund a standby trust as directed by the state fire marshal, the guarantee shall be worded as specified in paragraphs (U)(4)(a) or (U)(4)(b) of this rule	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	(U)(3)(b) If, in the default or incapacity of the political subdivision owner or operator, the guarantor guarantees to make payments as directed by the state fire marshal for taking corrective action or compensating third parties for bodily injury and property damage, the guarantee shall be worded as specified in paragraphs (U)(5)(a) or (U)(5)(b) of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(U)(4)(a) If the guarantor is the state, the political subdivision guarantee with standby trust shall be worded exactly as written in Appendix K, except that the instructions in the square brackets are to be replaced with the relevant information and the square brackets deleted:	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Must	(U)(4)(b) If the guarantor is a political subdivision, the political subdivision guarantee with standby trust must be worded exactly as written in Appendix L, except that instructions in the square brackets are to be replaced with the relevant information and the square brackets deleted.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Must	(U)(5)(a) If the guarantor is the state, the political subdivision guarantee without standby trust must be worded exactly as written in Appendix M, except that the instructions in the square brackets are to be replaced with the relevant information and the square brackets deleted.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Must	(U)(5)(b) If the guarantor is a political subdivision, the political subdivision guarantee without standby trust must be worded exactly as written in Appendix N, except that instructions in the square brackets are to be replaced with the relevant information and the square brackets deleted.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	May not	(V)(1) Except as specified in paragraph (V)(1)(b) of this rule, a dedicated fund may not be commingled with other funds or otherwise used in normal operations.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(V)(1)(c) The amount of each payment shall be determined by this formula: $[TF - CF]/Y$ Where TF is the total required financial assurance for the state or political subdivision owner or operation, CF is the current amount in the fund, and Y is the number of years remaining in the pay-in-period,...	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(V)(1)(c)(i) This bonding authority shall be available for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs;	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Must	(V)(1)(c)(ii) The letter must also state that prior voter approval is not necessary before use of the bonding authority.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(V)(2) To demonstrate that it meets the requirements of the state or political subdivision fund, the chief financial officer of the state or political subdivision owner or operator, or the state or political subdivision serving as a guarantor shall sign a letter worded exactly as written in Appendix O, except that the instructions in the square brackets are to be replaced by the relevant information and the square brackets deleted.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall not	(X)(1)(a) Termination of a political subdivision guarantee, guarantee, a surety bond, or a letter of credit shall not occur until one hundred twenty days after the date on which the owner or operator receives the notice of termination, as evidenced by the return receipt.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall not	(X)(1)(b) Termination of insurance, risk retention group coverage, or the fund coverage except for non-payment or misrepresentation by the insured, shall not occur until sixty days after the date on which the owner or operator receives the notice of termination, as evidenced by the return receipt.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall not	(X)(1)(b) Termination for non-payment of premium or fee or misrepresentation by the insured shall not occur until a minimum of ten days after the date on which the owner or operator receives the notice of termination, as evidenced by the return receipt.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(X)(2) If a provider of financial responsibility cancels or fails to renew for reasons other than non-payment of premium or fee or misrepresentation by the insured, or the incapacity of the provider as specified in paragraph (Y)(1)(b) of this rule, the owner and operator shall obtain alternate coverage as specified in this rule within sixty days after receipt of the notice of termination.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(X)(2) If the owner and operator fail to obtain alternate coverage within sixty days after receipt of the notice of termination, the owner and operator shall immediately notify the state fire marshal of such failure and submit:	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(Y)(1) Owners and operators shall submit the appropriate forms listed in paragraph (Z)(2) of this rule documenting current evidence of financial responsibility to the state fire marshal:	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	(Y)(2) Owners and operators shall certify compliance with the financial responsibility requirements of this rule when notifying the state fire marshal of the installation of a new UST under paragraph (C) of rule 1301:7-9-04 of the Administrative Code.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(Y)(3) Owners and operators shall certify compliance with the financial responsibility requirements of this rule when notifying the state fire marshal of the operation of a previously deferred UST under paragraph (D) of rule 1301:7-9-04 of the Administrative Code.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Require	(Y)(4) The state fire marshal may require an owner or operator to submit evidence of financial assurance as described in paragraph (Z)(2) of this rule or other information relevant to compliance with this rule at any time.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(Z)(1) Owners and operators shall maintain copies of all financial assurance mechanisms and related documents used to demonstrate financial responsibility under this rule for a UST until released from the requirements of this rule under paragraph (BB) of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(Z)(1) Owners and operators shall maintain such evidence at the UST site or the owner's or operator's place of business.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(Z)(1) Records maintained off-site shall be made available within twenty-four hours upon request of the state fire marshal.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(Z)(2) Owners and operators shall maintain the following types of evidence of financial responsibility:	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(Z)(2)(a) Owners and operators using an assurance mechanism specified in paragraphs (L) to (V) of this rule shall maintain a copy of the instrument worded as specified.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(Z)(2)(b) Owners and operators using a financial test, or a state or political subdivision financial test or a political subdivision guarantee supported by the state or political subdivision financial test shall maintain a copy of the chief financial officer's letter based on year-end financial statements for the most recent completed financial reporting year and, if applicable, a copy of the special report prepared by an independent certified public accountant.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(Z)(2)(b) Such evidence shall be on file no later than one hundred twenty days after the close of the financial reporting year.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	(Z)(2)(c) Owners and operators using a guarantee, surety bond, or letter of credit shall maintain a copy of the signed standby trust fund agreement and copies of any amendments to the agreement.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(Z)(2)(d) A political subdivision owner or operator using a political subdivision guarantee under paragraphs (U)(4)(a) or (U)(4)(b) of this rule shall maintain a copy of the signed standby trust fund agreement and copies of any amendments to the agreement.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(Z)(2)(e) A state or political subdivision owner or operator using the state or political subdivision bond rating test under paragraph (S) of this rule shall maintain a copy of its bond rating published within the last twelve months by Moody's or Standard & Poor's	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(Z)(2)(f) A political subdivision owner or operator using the political subdivision guarantee under paragraph (U) of this rule, where the guarantor's demonstration of financial responsibility relies on the state or political subdivision bond rating test under paragraph (S) of this rule shall maintain a copy of the guarantor's bond rating published within the last twelve months by Moody's or Standard & Poor's	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(Z)(2)(g) Owners and operators using an insurance policy or risk retention group coverage shall maintain a copy of the signed insurance policy or risk retention group coverage policy, with the endorsement or certificate of insurance and any amendments to the agreements.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(Z)(2)(h) Owners and operators shall maintain on file a copy of the current certificate of coverage under the fund.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(Z)(2)(i) A state or political subdivision owner or operator using a state or political subdivision fund under paragraph (V) of this rule shall maintain the following documents:	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(Z)(2)(i)(ii) Year-end financial statements for the most recent completed financial reporting year showing the amount in the fund. If the fund is established under paragraph (V)(1)(c) of this rule using incremental funding backed by bonding authority, the financial statements shall show the previous year's balance, the amount of funding during the year, and the closing balance in the fund.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	(Z)(2)(i)(iii) If the fund is established under paragraph (V)(1)(c) of this rule using incremental funding backed by bonding authority, the state or political subdivision owner or operator shall also maintain documentation of the required bonding authority, including either the results of the voter referendum (under paragraph (V)(1)(c)(i) of this rule), or attestation by the Ohio attorney general as specified under paragraph (V)(1)(c)(ii) of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(Z)(2)(j) A political subdivision owner or operator using the political subdivision guarantee supported by the state or political subdivision fund shall maintain a copy of the guarantor's year-end financial statements for the most recent completed financial reporting year showing the amount of the fund.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(Z)(2)(k) An owner or operator using an assurance mechanism specified in paragraphs (L) to (V) of this rule shall maintain an updated copy of a certification of financial responsibility worded as written in Appendix P, except that instructions in the square brackets are to be replaced with the relevant information and the square brackets deleted.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(Z)(2)(k) Owners and operators shall update this certification whenever the financial assurance mechanism used to demonstrate financial responsibility changes.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(AA)(1) Except as specified in paragraph (AA)(4) of this rule, upon direction from the state fire marshal, the guarantor, surety, or institution issuing a letter of credit shall place the amount of funds stipulated by the state fire marshal, up to the limit of funds provided by the financial assurance mechanism, into the standby trust if:	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Must	(AA)(2)(b)(i) The certification must be worded as written in Appendix Q, except that instructions in square brackets are to be replaced with the relevant information and the square brackets deleted;	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(AA)(3) If the state fire marshal determines that the amount of corrective action costs and third-party liability claims eligible for payment under paragraph (AA)(2) of this rule may exceed the balance of the trust fund or the standby trust fund and the obligation of the provider of financial assurance, the first priority for payment shall be corrective action costs necessary to protect human health and the environment.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	(AA)(3) The state fire marshal shall pay third-party liability claims in the order in which the state fire marshal receives certification under paragraph (AA)(2)(b)(i) of this rule, and valid court orders under paragraph (AA)(2)(b)(ii) of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(AA)(4) A state or political subdivision acting as a guarantor under paragraphs (U)(5)(a) to (U)(5)(b) of this rule, shall make payments as directed by the state fire marshal under the circumstances set forth in paragraphs (AA)(1) to (AA)(3) of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(CC)(1) Within ten days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming an owner or operator as debtor, the owner or operator shall notify the state fire marshal by certified mail of such commencement and submit the appropriate forms listed in paragraph (Z)(2) of this rule documenting current financial responsibility.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(CC)(2) Within ten days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U. S. Code, naming a guarantor providing financial assurance as debtor, such guarantor shall notify the owner and operator by certified mail of such commencement as required under the terms of the guarantee specified in paragraph (M)(4) of this rule	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(CC)(3) Within ten days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a state or political subdivision owner or operator as debtor, the state or political subdivision owner or operator shall notify the state fire marshal by certified mail of such commencement and submit the appropriate forms listed in paragraph (Z)(2) of this rule documenting current financial responsibility.↵	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(CC)(4) Within ten days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a guarantor providing a state or political subdivision financial assurance as debtor, such guarantor shall notify the state or political subdivision owner or operator by certified mail of such commencement as required under the terms of the guarantee specified in paragraphs (U)(4)(a) to (U)(5)(b) of this rule.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(CC)(5) The owner and operator shall obtain alternate financial assurance as specified in this rule within thirty days after receiving notice of such an event.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	(CC)(5) If the owner and operator do not obtain alternate coverage within thirty days after such notification, they shall notify the state fire marshal of such failure.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(CC)(6) Within thirty days after receipt of notification that the fund has become incapable of paying for assured corrective action or third-party compensation costs, the owner and operator shall obtain alternate financial assurance.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(CC)(7) Within ten days after receipt of notification of termination of insurance, risk retention group coverage, or the fund coverage because of non-payment of premium or fee or misrepresentation by the insured, the owner and operator shall obtain alternate financial assurance.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(DD)(1) If at any time a standby trust is funded upon the instruction of the state fire marshal with funds drawn from a guarantee, political subdivision guarantee with standby trust, letter of credit, or surety bond, the owner and operator shall within thirty days of being so notified by the state fire marshal:	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(DD)(3) If at any time during the policy period the amount of aggregate remaining under an insurance or risk retention group policy is reduced below either the reduced fund deductible or fund deductible, whichever is applicable, the owner and operator shall within thirty days of being so notified by the state fire marshal:	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	(DD)(4) If at any time a trust agreement balance established pursuant to paragraph (Q) of this rule is reduced below the full amount of coverage required, the owner and operator shall within thirty days of being so notified by the state fire marshal:	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.B (2) In the event that [owner or operator] fails to provide alternative coverage within sixty days after receipt of a notice of cancellation of this guarantee and the Ohio State Fire Marshal has determined or suspects that a release has occurred at an underground storage tank covered by this guarantee, the Guarantor, upon instructions from the Ohio State Fire Marshal, shall fund a standby trust fund in accordance with the provisions of paragraphs (AA)(1) to (AA)(3) of rule 1301:7-9-05 of the Ohio Administrative Code, in an amount not to exceed the coverage limits specified above.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	App.B (2) In the event that the Ohio State Fire Marshal determines that [owner or operator] has failed to perform corrective action for releases from the above-identified tank(s) in accordance with section 3737.88 or 3737.882 of the Ohio Revised Code or Chapter 1301:7-9 of the Ohio Administrative Code, the Guarantor, upon written instructions from the Ohio State Fire Marshal, shall fund a standby trust in accordance with the provisions of paragraphs (AA)(1) to (AA)(3) of rule 1301:7-9-05 of the Ohio Administrative Code, in an amount not to exceed the coverage limits specified above.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.B (2) If [owner or operator] fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage to third parties caused by accidental releases from the above-identified tank(s), or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the Guarantor, upon written instructions from the Ohio State Fire Marshal, shall fund a standby trust in accordance with the provisions of paragraphs (AA)(1) to (AA)(3) of rule 1301:7-9-05 of the Ohio Administrative Code to satisfy such judgment(s), award(s), or settlement agreement(s) up to the limits of coverage specified above.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.B (3) Guarantor agrees that if, at any time, the Guarantor fails to meet any of the applicable sections of Title 39 of the Ohio Revised Code, Guarantor shall send within one hundred twenty days of such failure, by certified mail, notice to [owner or operator].	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Must	App.B (6) Guarantor agrees to remain bound under this guarantee for so long as [owner or operator] must comply with the applicable financial responsibility requirements of rule 1301:7-9-05 of the Ohio Administrative Code for the above-identified tank(s), except that Guarantor may cancel this guarantee by sending notice by certified mail to [owner or operator], such cancellation to become effective no earlier than one hundred twenty days after receipt of such notice by [owner or operator], as evidenced by the return receipt.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall not	App.C Endorsement 2.A. Bankruptcy or insolvency of the Insured shall not relieve the ["Insurer" or "Group"] of its obligations under the policy to which this endorsement is attached.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall not	App.C Certification 1.A. Bankruptcy or insolvency of the Insured shall not relieve the ["Insurer" or "Group"] of its obligations under the policy to which this certificate applies.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.D Know All Persons by These Presents, that we, the Principal and Surety(ies), hereto are firmly bound to the Ohio State Fire Marshal, in the above penal sums for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sums jointly and severally only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sums only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sums.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.D Whereas said Principal shall establish a standby trust fund as is required by paragraph (O)(4) of rule 1301:7-9-05 of the Ohio Administrative Code when a surety bond is used to provide such financial assurance;	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.D Now, therefore, the conditions of the obligation are such that if the Principal shall faithfully take corrective action, in accordance with sections 3737.88 and 3737.882 of the Ohio Revised Code and Chapter 1301:7-9 of the Ohio Administrative Code and the Ohio State Fire Marshal's instructions and compensate injured third parties for bodily injury and property damage caused by accidental releases arising from operating the tank(s) identified above,...	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.D Now, therefore,... if the Principal <u>shall</u> provide alternate financial assurance, as specified in paragraphs (X) of rule 1301:7-9-05 of the Ohio Administrative Code, within one hundred twenty days after the date the notice of cancellation is received by the Principal from the Surety(ies), then this obligation shall be null and void; otherwise it is to remain in full force and effect.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.D Now, therefore,...this obligation shall be null and void; otherwise it is to remain in full force and effect.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	App.D The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.D Upon notification by the Ohio State Fire Marshal that the Principal has failed to take corrective action, ..., the Surety(ies) shall either perform corrective action in accordance with sections 3737.88 and 3737.882 of the Ohio Revised Code and Chapter 1301:7-9 of the Ohio Administrative Code and the Ohio State Fire Marshal's instructions and pay third-party liability compensation or place funds in an amount up to the annual aggregate penal sum into the standby trust fund as directed by the Ohio State Fire Marshal under paragraphs (AA)(1) to (AA)(3) of rule 1301:7-9-05 of the Ohio Administrative Code.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.D The surety(ies) shall notify the Ohio State Fire Marshal of all payments made under this instrument within ten days of making payment.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.D Upon notification by the Ohio State Fire Marshal that the Principal has failed to provide alternate financial assurance within sixty days after the date the notice of cancellation is received by the Principal from the Surety(ies) and that the Ohio State Fire Marshal has determined or suspects that a release has occurred, the Surety(ies) shall place funds in an amount not exceeding the annual aggregate penal sum into the standby trust fund as directed by the Ohio State Fire Marshal under paragraphs (AA)(1) to (AA)(3) of rule 1301:7-9-05 of the Ohio Administrative Code.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.D The surety(ies) hereby waive(s) notification of amendments to applicable laws, statutes, rules, and regulations and agree(s) that no such amendment shall in any way alleviate its (their) obligation on this bond.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall not	App.D The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the annual aggregate to the penal sum shown on the face of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said annual aggregate penal sum.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	App.D The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the annual aggregate to the penal sum shown on the face of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said annual aggregate penal sum.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.D The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the annual aggregate to the penal sum shown on the face of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said annual aggregate penal sum.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall not	App.D The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the Principal, provided, however, that cancellation shall not occur during the one hundred twenty days beginning on the date of receipt of the notice of cancellation by the Principal, as evidenced by the return receipt.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	May not	App.E (2) The letter of credit may not be drawn on to cover any of the following:	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.E (E) This letter of credit is effective as of [date] and shall expire on [date], but such expiration date shall be automatically extended for a period of [at least the length of the original term] on [expiration date] and on each successive expiration date, unless, at least one hundred twenty days before the current expiration date, we notify [owner or operator] by certified mail that we have decided not to extend this letter of credit beyond the current expiration date.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.E (E) In the event that [owner or operator] is so notified, any unused portion of the credit shall be available upon presentation of your sight draft for one hundred twenty days after the date of receipt by [owner or operator], as shown on the signed return receipt.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.E (E) Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of [owner or operator] in accordance with your instructions.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	App.E (E) Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of [owner or operator] in accordance with your instructions.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.F Whereas, the State Fire Marshal, a division of the state of Ohio, has established certain regulations applicable to the Grantor, requiring that an owner or operator of an underground storage tank shall provide assurance that funds will be available when needed for corrective action and third-party compensation for bodily injury and property damage caused by sudden and nonsudden accidental releases from underground storage tanks.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall not	App.F Section 3 The Fund is established initially as a standby to receive payments and shall not consist of any property.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.F Section 3 The Fund shall be held by the Trustee, in trust, as hereinafter provided.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.F Section 3 The Fund shall at all times have a minimum value of [insert: applicable dollar amount from paragraph (H)(1) of rule 1301:7-9-05 of the Ohio Administrative Code.]	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.F Section 3 The Fund shall be held by the Trustee, in trust, as hereinafter provided.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.F Section 4 The Trustee shall make payments from the Fund as the Ohio State Fire Marshal shall direct, in writing, to provide for the payment of the costs of taking corrective action and compensating third parties for bodily injury and property damage caused by accidental releases from the tanks covered by the financial assurance mechanism identified in this Agreement	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	May not	App.F Section 4 The Fund may not be drawn upon to cover any of the following:	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.F Section 4 The Trustee shall reimburse the Grantor, or other persons as specified by the Ohio State Fire Marshal, from the Fund for corrective action expenditures and third-party liability claims in such amounts as the Ohio State Fire Marshal shall direct in writing.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.F Section 4 In addition, the Trustee shall refund to the Grantor such amounts as the Ohio State Fire Marshal specifies in writing	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	App.F Section 5 Payments made to the Trustee for the Fund shall consist of cash and securities acceptable to the Trustee.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.F Section 6 The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.F Section 6 In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee shall discharge his duties with respect to the trust fund solely in the interest of the beneficiaries and with the care, skill, prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall not	App.F Section 6 (I) Securities or other obligations of the Grantor, or any other owner or operator of the tanks, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. 80a-2(a), shall not be acquired or held, unless they are securities or other obligations of the federal or a state government.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.F Section 8 (C) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund;	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.F Section 9 All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	App.F Section 9 All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee shall be paid from the Fund.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall not	App,F Section 12 The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and this successor accepts the appointment.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App,F Section 12 Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund and shall provide the Grantor and successor trustee with a final accounting of the Fund within thirty days.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App,F Section 12 Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund and shall provide the Grantor and successor trustee with a final accounting of the Fund within thirty days.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App,F Section 12 The successor trustee shall specify the date on which it assumes administration of the trust in writing sent to the Grantor and the present Trustee by certified mail ten days before such change becomes effective.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App,F Section 12 Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.F Section 13 All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by such persons as are designated in the attached Schedule C or such other designees as the Grantor may designate by amendment to Schedule C.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.F Section 13 All orders, requests, and instructions by the Ohio State Fire Marshal to the Trustee shall be in writing, signed by the Ohio Fire State Marshal, and the Trustee shall act and shall be fully protected in acting in accordance with such orders, requests, and instructions.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	App.F Section 15 Subject to the right of the parties to amend this Agreement as provided in Section 14, this Trust shall be irrevocable and shall continue until terminated at the written direction of the Grantor and the Trustee, or by the Trustee and the Ohio State Fire Marshal if the Grantor ceases to exist.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.F Section 15 Subject to the right of the parties to amend this Agreement as provided in Section 14, this Trust shall be irrevocable and shall continue until terminated at the written direction of the Grantor and the Trustee, or by the Trustee and the Ohio State Fire Marshal if the Grantor ceases to exist.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.F Section 15 Upon termination of the trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.F Section 16 The Trustee shall be indemnified and saved harmless by the Grantor, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.F Section 17 This Agreement shall be administered, construed, and enforced according to the laws of the state of [insert name of state], or the Comptroller of the Currency in the case of National Association banks.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.K (3) In the event that [insert: name of political subdivision owner or operator] fails to provide alternative coverage within sixty days after receipt of a notice of cancellation of this guarantee and the Ohio State Fire Marshal has determined or suspects that a release has occurred at an underground storage tank covered by this guarantee, the Guarantor, upon instructions from the Ohio State Fire Marshal shall fund a standby trust in accordance with the provisions of paragraphs (AA)(1) to (AA)(3) of rule 1301:7-9-05 of the Ohio Administrative Code, in an amount not to exceed the coverage limits specified above.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	App.K (3) In the event that the Ohio State Fire Marshal determines that [insert: name of the political subdivision owner or operator] has failed to perform corrective action for releases arising out of the operation of the above -identified tank(s) in accordance with the requirements of rule 1301:7-9-13 of the Ohio Administrative Code, the Guarantor upon written instructions from the Ohio State Fire Marshal shall fund a standby trust fund in accordance with the provisions of paragraphs (AA)(1) to (AA)(3) of rule 1301:7-9-05 of the Ohio Administrative Code, in an amount not to exceed the coverage limits specified above.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.K (3) If [insert: name of the political subdivision owner or operator] fails to satisfy a judgement or award based on a determination of liability for bodily injury or property damage to third parties caused by accidental releases arising from the operation of the above-identified tank(s), or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the Guarantor, upon written instructions from the Ohio State Fire Marshal, shall fund a standby trust in accordance with the provisions of paragraphs (AA)(1) to (AA)(3) of rule 1301:7-9-05 of the Ohio Administrative Code to satisfy such judgement(s), award(s), or settlement agreement(s) up to the limits of coverage specified above.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Must	App.K (6) Guarantor agrees to remain bound under this guarantee for so long as [insert: name of the political subdivision owner or operator] must comply with the applicable financial responsibility requirements of rule 1301:7-9-05 of the Ohio Administrative Code for the above-identified tank(s), except that Guarantor may cancel this guarantee by sending notice by certified mail to [insert: name of the political subdivision owner or operator], such cancellation to become effective no earlier than one hundred twenty days after receipt of such notice by [insert: name of the political subdivision owner or operator], as evidenced by the return receipt.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	App.L (3) In the event that [insert: name of political subdivision owner or operator] fails to provide alternative coverage within sixty days after receipt of a notice of cancellation of this guarantee and the Ohio State Fire Marshal has determined or suspects that a release has occurred at an underground storage tank covered by this guarantee, the Guarantor, upon instructions from the Ohio State Fire Marshal shall fund a standby trust in accordance with the provisions of paragraphs (AA)(1) to (AA)(3) of rule 1301:7-9-05 of the Ohio Administrative Code, in an amount not to exceed the coverage limits specified above.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.L (3) In the event that the Ohio State Fire Marshal determines that [insert: name of the political subdivision owner or operator] has failed to perform corrective action for releases arising out of the operation of the above-identified tank(s) in accordance with the requirements of rule 1301:7-9-13 of the Ohio Administrative Code, the Guarantor upon written instructions from the Ohio State Fire Marshal shall fund a standby trust fund in accordance with the provisions of paragraphs (AA)(1) to (AA)(3) of rule 1301:7-9-05 of the Ohio Administrative Code, in an amount not to exceed the coverage limits specified above.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.L (3) If [insert: name of the political subdivision owner or operator] fails to satisfy a judgement or award based on a determination of liability for bodily injury or property damage to third parties caused by accidental releases arising from the operation of the above-identified tank(s), or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the Guarantor, upon written instructions from the Ohio State Fire Marshal, shall fund a standby trust in accordance with the provisions of paragraphs (AA)(1) to (AA)(3) of rule 1301:7-9-05 of the Ohio Administrative Code to satisfy such judgement(s), award(s), or settlement agreement(s) up to the limits of coverage specified above.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	App.L (4) Guarantor agrees that, if at the end of any fiscal year before cancellation of this guarantee, the Guarantor fails to meet or exceed the requirements of the financial responsibility mechanism specified in paragraph (1), Guarantor shall send within one hundred twenty days of such failure, by certified mail, notice to [insert: name of the political subdivision owner or operator], as evidenced by the return receipt.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Must	App.L (7) Guarantor agrees to remain bound under this guarantee for so long as [insert: name of the political subdivision owner or operator] must comply with the applicable financial responsibility requirements of rule 1301:7-9-05 of the Ohio Administrative Code for the above-identified tank(s), except that Guarantor may cancel this guarantee by sending notice by certified mail to [insert: name of the political subdivision owner or operator], such cancellation to become effective no earlier than one hundred twenty days after receipt of such notice by [insert: name of the political subdivision owner or operator], as evidenced by the return receipt.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.M (3) In the event that [insert: name of political subdivision owner or operator] fails to provide alternative coverage within sixty days after receipt of a notice of cancellation of this guarantee and the Ohio State Fire Marshal has determined or suspects that a release has occurred at an underground storage tank covered by this guarantee, the Guarantor, upon instructions from the Ohio State Fire Marshal shall make funds available to pay for corrective actions and compensate third parties for bodily injury and property damage in an amount not to exceed the coverage limits specified above.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.M (3) In the event that the Ohio State Fire Marshal determines that [insert: name of the political subdivision owner or operator] has failed to perform corrective action for releases arising out of the operation of the above -identified tank(s) in accordance with the requirements of rule 1301:7-9-13 of the Ohio Administrative Code, the Guarantor upon written instructions from the Ohio State Fire Marshal shall make funds available to pay for corrective actions in an amount not to exceed the coverage limits specified above.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	App.M (3) If [insert: name of the political subdivision owner or operator] fails to satisfy a judgement or award based on a determination of liability for bodily injury or property damage to third parties caused by accidental releases arising from the operation of the above-identified tank(s), or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the Guarantor, upon written instructions from the Ohio State Fire Marshal, shall make funds available to compensate third parties for bodily injury and property damage in an amount not to exceed the coverage limits specified above.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Must	App.M (6) Guarantor agrees to remain bound under this guarantee for so long as [insert: name of the political subdivision owner or operator] must comply with the applicable financial responsibility requirements of rule 1301:7-9-05 of the Ohio Administrative Code for the above-identified tank(s), except that Guarantor may cancel this guarantee by sending notice by certified mail to [insert: name of the political subdivision owner or operator], such cancellation to become effective no earlier than one hundred twenty days after receipt of such notice by [insert: name of the political subdivision owner or operator], as evidenced by the return receipt.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.N (3) In the event that [insert: name of political subdivision owner or operator] fails to provide alternative coverage within sixty days after receipt of a notice of cancellation of this guarantee and the Ohio State Fire Marshal has determined or suspects that a release has occurred at an underground storage tank covered by this guarantee, the Guarantor, upon instructions from the Ohio State Fire Marshal shall make funds available to pay for corrective actions and compensate third parties for bodily injury and property damage in an amount not to exceed the coverage limits specified above.	3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-05	Shall	App.N (3) In the event that the Ohio State Fire Marshal determines that [insert: name of the political subdivision owner or operator] has failed to perform corrective action for releases arising out of the operation of the above -identified tank(s) in accordance with the requirements of rule 1301:7-9-13 of the Ohio Administrative Code, the Guarantor upon written instructions from the Ohio State Fire Marshal shall make funds available to pay for corrective actions in an amount not to exceed the coverage limits specified above.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.N (3) If [insert: name of the political subdivision owner or operator] fails to satisfy a judgement or award based on a determination of liability for bodily injury or property damage to third parties caused by accidental releases arising from the operation of the above-identified tank(s), or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the Guarantor, upon written instructions from the Ohio State Fire Marshal, shall make funds available to compensate third parties for bodily injury and property damage in an amount not to exceed the coverage limits specified above.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Shall	App.N (4) Guarantor agrees that, if at the end of any fiscal year before cancellation of this guarantee, the Guarantor fails to meet or exceed the requirements of the financial responsibility mechanism specified in paragraph (1), Guarantor shall send within one hundred twenty days of such failure, by certified mail, notice to [insert: name of the political subdivision owner or operator], as evidenced by the return receipt.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-05	Must	App.N (7) Guarantor agrees to remain bound under this guarantee for so long as [insert: name of the political subdivision owner or operator] must comply with the applicable financial responsibility requirements of rule 1301:7-9-05 of the Ohio Administrative Code for the above-identified tank(s), except that Guarantor may cancel this guarantee by sending notice by certified mail to [insert: name of the political subdivision owner or operator], such cancellation to become effective no earlier than one hundred twenty days after receipt of such notice by [insert: name of the political subdivision owner or operator], as evidenced by the return receipt.	3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall not	(A) 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."	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-06	Shall	(B)(1) New UST systems shall be provided with secondary containment for the UST and underground piping that routinely contains regulated substances to completely contain a release of a regulated substance and prevent a release of a regulated substance to the environment at any time during the operational life of the UST system pursuant to the following requirements:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(B)(1)(a) New USTs shall be double-wall and shall be equipped, operated and maintained pursuant to paragraphs (D)(1) and (D)(2) of this rule;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(B)(1)(a) New USTs shall be double-wall and shall be equipped, operated and maintained pursuant to paragraphs (D)(1) and (D)(2) of this rule;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(B)(1)(b) Underground piping that routinely contains regulated substances that is part of a new UST system shall be double-wall and shall be equipped, operated and maintained pursuant to paragraphs (D)(3) and (D)(4) of this rule except that:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(B)(1)(b) Underground piping that routinely contains regulated substances that is part of a new UST system shall be double-wall and shall be equipped, operated and maintained pursuant to paragraphs (D)(3) and (D)(4) of this rule except that:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(B)(1)(c) New UST systems shall be equipped with containment sumps and operated and maintained pursuant to paragraphs (D)(5) and (D)(6) of this rule, and containment sumps shall be present at the following locations:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(B)(1)(c) New UST systems shall be equipped with containment sumps and operated and maintained pursuant to paragraphs (D)(5) and (D)(6) of this rule, and containment sumps shall be present at the following locations:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(B)(1)(d)(ii) If the alternative method of secondary containment is approved by the state fire marshal, the owner and operator shall comply with any conditions imposed by the state fire marshal on its use.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(B)(1)(d)(ii) The alternative method request shall be evaluated on a site by site basis.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(B)(1)(e) New UST systems shall be equipped with spill prevention equipment and overfill prevention equipment pursuant to paragraphs (D)(7) and (D)(8) of this rule, except that flow restrictors in vent lines may not be used to meet overfill prevention requirements on new UST systems.	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-06	May not	(B)(1)(e) New UST systems shall be equipped with spill prevention equipment and overfill prevention equipment pursuant to paragraphs (D)(7) and (D)(8) of this rule, except that flow restrictors in vent lines may not be used to meet overfill prevention requirements on new UST systems.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(B)(1)(g) New UST systems shall meet compatibility requirements described in paragraph (D)(9) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(C)(1) Existing underground storage tanks (i.e., just the tank portion of the system) shall be equipped, operated and maintained pursuant to paragraphs (D)(1) and (D)(2) of this rule except that:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(C)(1)(c) Owners and operators shall comply with any conditions imposed by the state fire marshal on the use of internal lining.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(C)(1)(c) Owners and operators shall obtain approval from the manufacturer of the UST prior to the addition of internal lining.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(C)(1)(c) All lining activity shall be performed by a person recognized by the manufacturer to perform the lining of the UST.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(C)(2) Existing underground piping that routinely contains regulated substances shall be equipped, operated and maintained pursuant to the new piping requirements defined in paragraph (B)(1)(b) and paragraphs (D)(3) and (D)(4) of this rule except that:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(C)(3) Existing UST systems shall be equipped, operated and maintained with containment sumps as specified in paragraphs (D)(5) and (D)(6) of this rule except that existing UST systems installed prior to March 1, 2005, are not required to be equipped with containment sumps except for those UST systems undergoing work pursuant to paragraphs (C)(6)(c) and (C)(6)(d) of this rule. -	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(C)(4) Existing UST systems shall be equipped with spill prevention equipment and overfill prevention equipment meeting the requirements of paragraphs (D)(7) and (D)(8) of this rule except that:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(C)(4)(b) Flow restrictors in the vent lines for overfill prevention shall not be allowed on any type of suction system, USTs filled by a pressurized delivery system, or USTs utilizing coaxial stage I vapor recovery systems;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	May not	(C)(4)(c) Flow restrictors in vent lines may not be used to meet overfill prevention requirements when an existing flow restrictor is replaced.		No, general rulemaking authority	No, general rulemaking authority

1301:7-9-06	Shall	(C)(5) Existing UST systems containing hazardous substances as defined in rule 1301:7-9-03 of the Administrative Code shall be equipped, operated and maintained pursuant to the new UST system requirements defined in paragraph (B) of this rule except that:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(C)(5)(a) UST systems shall have sufficient containment sumps to demonstrate that the UST system is fully secondarily contained.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(C)(5)(d) Existing underground piping and manifolds that convey hazardous substance under suction shall be equipped with full secondary containment pursuant to paragraph (B)(1)(b) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(C)(6) Any work performed on an existing UST system that requires a permit pursuant to rule 1301:7-9-10 of the Administrative Code or as otherwise provided in this paragraph, shall meet the following requirements:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(C)(6)(a) If work causes an existing UST to be replaced, the new UST shall be equipped, operated and maintained pursuant to the new UST requirements defined in paragraph (B)(1)(a) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(C)(6)(a)(i) Tank top containment sumps shall be installed pursuant to paragraph (B)(1)(c)(i) of this rule;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(C)(6)(a)(ii) Existing piping and dispenser containment sumps shall be installed, replaced, or modified pursuant to paragraphs (C)(6)(b) to (C)(6)(d) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(C)(6)(b) If piping is installed, replaced, modified, or undergoes major repair that affects more than fifty percent of an existing piping run measured as the length of the pipe between the connection at the UST and the furthest dispenser or use location associated with the UST connection that routinely contains regulated substances, then the piping and associated containment sumps shall be equipped, operated and maintained pursuant to the new piping and containment sump requirements defined in paragraphs (B)(1)(b) and (B)(1)(c) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(C)(6)(b) The measurements relating to the fifty percent threshold <u>shall</u> be cumulative and shall include all work performed after May 16, 2011;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(C)(6)(b) The measurements relating to the fifty percent threshold shall be cumulative and <u>shall</u> include all work performed after May 16, 2011;	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-06	Shall	(C)(6)(c) If a new fuel dispenser is installed where there previously was no fuel dispenser at an existing UST site then a new containment sump shall be installed pursuant to paragraphs (D)(5) and (D)(6) of this rule;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(C)(6)(d) If an existing fuel dispenser is replaced with another fuel dispenser and all of the equipment needed to connect the dispenser to the underground storage tank system is installed, replaced, modified or undergoes a major repair at the same time, then a new containment sump shall be installed pursuant to paragraph (D)(5) and (D)(6) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(C)(8) Existing UST systems that undergo a change of product shall meet compatibility requirements described in paragraph (D)(9) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(1) USTs shall be designed and constructed pursuant to one of the following:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(2) USTs shall be operated and maintained pursuant to all of the following:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(2)(a) Owners and operators shall use UST system components that are compatible with the regulated substance stored in the UST system pursuant to the compatibility requirements described in paragraph (D)(9) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(2)(b) If the UST system is used to store alcohol blends, the owner and operator shall ensure compatibility by complying with the compatibility requirements described in paragraph (D)(9) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(2)(c) Owners and operators shall inspect all accessible UST and piping components at least once a year for evidence of degradation and shall correct any deficiencies that could cause a release or prevent release detection equipment from working properly.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(2)(c) Owners and operators shall inspect all accessible UST and piping components at least once a year for evidence of degradation and shall correct any deficiencies that could cause a release or prevent release detection equipment from working properly.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(2)(c) At a minimum, USTs and piping shall be monitored for any visible corrosion, peeling, cracking or excessive distortion of the UST and piping components.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(2)(d)(i) All corrosion protection systems shall be operated and maintained to continuously provide corrosion protection.	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-06	Shall	(D)(2)(d)(ii) All UST systems equipped with cathodic protection systems shall be tested for proper operation by a cathodic protection tester within six months of installation and at least every three years thereafter.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(2)(d)(iii) UST systems with impressed current cathodic protection systems shall be inspected every sixty days by the owner and operator to ensure that the equipment is operating properly.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(2)(d)(iv) For UST systems using cathodic protection, records of the testing of the cathodic protection system shall be maintained in compliance with this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(2)(d)(iv) These records shall provide the following: (a) The results from the last two tests required in paragraph (D)(2)(d)(ii) of this rule; and (b) The results of the last six inspections required by paragraph (D)(2)(d)(iii) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(2)(d)(vi) If cathodic protection testing indicates failure or inconclusive results, or if the cathodic protection equipment is turned off or disconnected from the UST system for more than twelve months, then the UST system shall be assessed by a corrosion expert as defined in rule 1301:7-9-02 of the Administrative Code to affirm that the corrosion protection equipment is performing pursuant to the requirements of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(2)(e) UST systems internally lined to meet cathodic protection requirements shall comply with the following:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(2)(e)(i) Within ten years after lining, and every five years thereafter, the lined tank shall be internally inspected to determine if it is structurally sound with the lining still performing in accordance with American Petroleum Institute Publication RP 1631-01, "Interior Lining and Periodic Inspection of Underground Storage Tanks";	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(2)(e)(i)(a) A modification permit shall be obtained prior to performing work in accordance with rule 1301:7-9-10 of the Administrative Code;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(2)(e)(i)(b) Video camera inspections shall not be used to meet the requirements of this paragraph.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	May not	(D)(2)(e)(i)(d) After the effective date of this rule, cathodic protection may not be added to previously lined USTs;	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-06	Shall	(D)(2)(e)(ii) Any UST system internally lined that fails to meet the criteria described in this paragraph shall be removed in accordance with rule 1301:7-9-12 of the Administrative Code;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(2)(f) Non-metallic UST systems internally lined for compatibility purposes shall comply with the following:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(2)(f)(i) UST lining activities shall be in accordance with American Petroleum Institute Publication RP 1631-01, "Interior Lining and Periodic Inspection of Underground Storage Tanks" and with Fiberglass Tank and Piping Institute RP T-95-02, "Remanufacturing of FRP Underground Storage Tanks";	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(2)(f)(ii) A modification permit shall be obtained prior to performing lining work in accordance with rule 1301:7-9-10 of the Administrative Code.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(2)(g) All corrosion protection systems on UST systems shall be installed, operated and maintained in a manner that minimizes any adverse effects on adjacent underground metallic structures, including but not limited to, natural gas pipe lines, telecommunication cables and water and sewage pipelines.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(2)(g) If at any time a corrosion protection system on an UST system is believed to have adversely affected an adjacent underground metallic structure, owners and operators shall immediately participate in the testing and remediation of any such adverse effects.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(3) Piping that routinely contains regulated substances shall be designed and constructed pursuant to the following:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(3)(c) Piping that is constructed of metal that routinely contains regulated substances that is in contact with the ground shall be coated with a suitable dielectric material and cathodically protected using:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(3)(d) Piping that routinely contains regulated substances shall be installed with an isolation valve to allow for the separation of the piping from the UST.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(3)(d) The isolation valve shall be easily accessible.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall not	(D)(3)(e) Piping, including vent piping and ancillary equipment, shall not be configured in a manner that will cause unintentional syphoning, backflow or over-pressurization of the UST system or cause the defeat of shear valves, check valves, release detection equipment, or similar components.	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-06	Shall	(D)(4) Piping that routinely contains regulated substances shall be operated and maintained pursuant to all of the following:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(4)(a) Owners and operators shall use piping system components that are compatible with the regulated substance stored in the UST system pursuant to paragraph (D)(9) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(4)(b) Owners and operators shall inspect all accessible piping components at least once a year for evidence of degradation and shall correct any deficiencies that could cause a release or prevent release detection equipment from working properly pursuant to paragraph (D)(2)(c) of this rule	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(4)(b) Owners and operators shall inspect all accessible piping components at least once a year for evidence of degradation and shall correct any deficiencies that could cause a release or prevent release detection equipment from working properly pursuant to paragraph (D)(2)(c) of this rule	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(4)(c) All corrosion protection systems for metallic piping shall be operated and maintained pursuant to the schedules and record keeping requirements found in paragraph (D)(2)(d) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(4)(d) Repairs and modifications to piping shall be in accordance with the following:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(4)(d)(i) Metal pipe sections and fittings shall be repaired or modified using new sections and fittings.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(4)(d)(i) Unions shall occur in containment sumps that meet the requirements of paragraphs (D)(5) and (D)(6) of this rule;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(4)(d)(ii) Connections for non-metallic piping shall be in accordance with the manufacturer's requirements or codes of practice developed by nationally recognized associations or independent testing laboratories or other industry best practices.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(5) Containment sumps shall be properly designed and constructed pursuant to all of the following:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(5)(a) Each containment sump shall be large enough to allow for the visible inspection and access of all components within the containment sump;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(5)(b) Each penetration through a containment sump shall be water tight while allowing for any forces that may act on the penetration;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(5)(c) Each containment sump shall be designed to minimize the infiltration of surface water into the containment sump area;	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-06	Shall	(D)(5)(d) Covers for containment sumps shall be designed or managed to allow access to the containment sump within four hours of a request by the state fire marshal or local fire official.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(6) Containment sumps shall be properly operated and maintained pursuant to the following:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(6)(a) All containments sumps shall be inspected at least once a year for proper operation and for the presence of water, regulated substances and debris in accordance with the following:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(6)(a)(i) Containment sumps shall be inspected for evidence of excessive distortion, cracking or gross failure of the containment sumps and any penetration fittings;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(6)(a)(ii) All water and debris shall be removed and properly disposed;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(6)(a)(iii) All regulated substances shall be removed and properly disposed.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(6)(b) The following containment sumps shall be tested for tightness every three years in accordance with paragraph (F)(3) of rule 1301:7-9-07 of the Administrative Code:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(6)(d) Owners and operators shall comply with any conditions imposed by the state fire marshal on the use of internal lining.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(6)(d) For a containment sump described in paragraph (D)(6)(b) of this rule, owners and operators shall obtain approval from the manufacturer of the containment sump prior to the addition of internal lining.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(6)(d) All lining activity shall be performed by a person recognized by the manufacturer to perform the lining of the containment sump.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(7) Spill prevention equipment and overfill prevention equipment shall be designed and constructed pursuant to all of the following:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(7)(a) Owners and operators shall install spill prevention equipment with a capacity of at least five gallons that will prevent the release of product into the environment when the transfer hose is detached from the fill pipe;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(7)(b) Owners and operators shall install overfill prevention equipment that will achieve one of the following	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-06	Shall	(D)(8) Spill prevention equipment and overfill prevention equipment shall be properly operated and maintained pursuant to all of the following:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(8)(a) Owners and operators of all UST systems shall ensure that releases due to spilling or overfilling do not occur.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(8)(a) 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.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(8)(b) The owner and operator of all UST systems shall report, investigate and clean up any spills and overfills in compliance with rule 1301:7-9-13 of the Administrative Code.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(8)(c) No later than October 13, 2018, owners and operators shall inspect all spill prevention equipment at least every thirty days.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(8)(c) Inspections shall consist of: (i) Visual inspection for damage; (ii) Removing liquid or debris; (iii) Inspection for and the removal of obstructions in the fill pipe; (iv) Inspection of the fill cap to make sure it is securely on the fill pipe; and (v) For double walled spill prevention equipment with interstitial monitoring, inspection for a leak in the interstitial area.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(8)(d) No later than October 13, 2018, owners and operators shall test all spill prevention equipment in the following manner:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(8)(d)(i) Spill prevention equipment shall be tightness tested at least once every three years in accordance with paragraph (F)(3) of rule 1301:7-9-07 of the Administrative Code to ensure the equipment is liquid tight;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(8)(e) No later than October 13, 2018, owners and operators shall test overfill prevention equipment at least once every three years.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(8)(e) At a minimum, the inspection shall ensure that overfill prevention equipment is set to activate at the correct level specified in paragraph (D)(7)(b) of this rule and will activate when regulated substances reaches that level.	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-06	Shall	(D)(9) Owners and operators shall use an UST system made of or lined with materials that are compatible with the substance stored in the UST system.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(9)(a) For new and existing UST systems undergoing a change of product, owners and operators shall demonstrate compatibility of the UST system, including the UST, piping, containment sumps, ancillary equipment, release detection equipment, spill prevention equipment, and overfill prevention equipment using one of the following options:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(D)(9)(b) Owners and operators shall maintain records in accordance with paragraph (E)(5) of this rule demonstrating compliance with this paragraph.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(E)(1) All UST systems shall be properly designed, constructed, installed, modified, repaired, operated and maintained in accordance with the requirements of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(E)(1) UST system components not specifically addressed in this rule shall comply with the manufacturer's instructions or codes of practice developed by nationally recognized associations or independent testing laboratories or other industry best practices.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(E)(2) All UST systems shall be properly designed, constructed, installed, modified, repaired, operated and maintained by a qualified person in accordance with the requirements of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(E)(2)(a) Any person performing activities in accordance with this rule shall check paragraph (C) of rule 1301:7-9-10 of the Administrative Code prior to performing the activities to determine if a permit is required.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(E)(2)(a) Any activities requiring a permit shall be overseen by a certified UST installer and a certified UST inspector as required in paragraph (D) of rule 1301:7-9-10 of the Administrative Code.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Require	(E)(2)(b) (b)For activities that do not require a permit, or if the rule does not specifically identify a type of qualified person, then owners and operators may allow any person to perform such activities provided they follow manufacturer's instructions or codes of practice developed by nationally recognized associations or independent testing laboratories or other industry best practices.		No, general rulemaking authority	No, general rulemaking authority

1301:7-9-06	Shall	(E)(4) No later than October 13, 2018, owners and operators shall perform a walkthrough inspection and complete a walkthrough inspection checklist on a form prescribed by the state fire marshal.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(E)(4)(a) Every month, the following equipment shall be checked as part of the walkthrough inspection:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(E)(4)(b) Annually, the following equipment shall be checked as part of the walkthrough inspection:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(E)(5) Owners and operators shall maintain records demonstrating compliance with the requirements of this chapter as follows:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(E)(5)(a) The records of operation and maintenance walkthrough inspections shall be maintained for at least one year.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(E)(5)(b) The records of testing of spill prevention equipment, overfill prevention equipment, containment sumps, and written documentation of all calibration, maintenance, and repair of equipment permanently located at the facility shall be maintained for at least three years;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(E)(5)(c) The records demonstrating compatibility shall be maintained for as long as the UST system is used to store the regulated substance;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(E)(5)(d) Any schedules of required calibration and maintenance provided by the equipment manufacturer shall be retained for five years;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(E)(5)(e) Owners and operators shall provide the state fire marshal access to all records within one business day of a request;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(E)(5)(f) Within thirty days of transfer of ownership of an UST system, the transferor shall provide the transferee with all records identified in paragraph (E)(5) of this rule or with equivalent copies of said records.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(E)(7) A tightness test shall be performed on any new or existing UST system component that undergoes work requiring an installation, modification or major repair permit under paragraph (E)(2)(a) of this rule prior to placing the UST system into operation.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(E)(7) No UST system shall be placed into operation until a passing tightness test result is obtained for the UST system component undergoing work.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(E)(8) If the alternative method is approved, the owner and operator shall comply with any terms and conditions imposed on its use by the state fire marshal.	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-06	Shall	(F)(1) New and existing airport hydrant systems or new and existing field constructed tank systems shall comply with the design, installation, construction, operation, and maintenance requirements found in Subpart K of Part 280 of Title 40 Chapter I of the Code of Federal Regulations except that:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(F)(1)(a) Qualifying systems shall comply with the deadlines and conditions identified in rule 1301:7-9-01 of the Administrative Code;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(F)(1)(b) Existing USTs lined to meet cathodic protection requirements shall comply with paragraph (D)(2)(e) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(F)(1)(c) In addition to completing the walkthrough inspection requirements pursuant to paragraph (E)(4) of this rule, owners and operators shall visually check hydrant pits and hydrant piping vaults for evidence of leaks or damage and remove any liquid or debris found.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(F)(1)(c) The check shall be performed monthly, unless confined spaced entry is required, in which case the check is required at least annually.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-06	Shall	(F)(2) New and existing airport hydrant systems or new and existing field constructed tank systems shall comply with the release detection, operation, maintenance, and walkthrough inspection requirements found in paragraph (H) of Rule 1301:7-9-07 of the Administrative Code.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall not	(A) This rule is adopted by the state fire marshal in compliance with Chapter 119 of the Revised Code and shall not be considered a part of the "Ohio Fire Code."	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(B)(1) New USTs shall be equipped and monitored for releases at least monthly using interstitial monitoring pursuant to paragraph (D)(1)(d) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(B)(2) Underground piping that routinely contains regulated substances that is part of a new UST system shall be equipped and monitored for releases pursuant to paragraph (D)(2)(b) and (D)(2)(c) of this rule except that:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(B)(2)(a) Underground piping that conveys petroleum under suction shall be equipped and monitored for releases pursuant to paragraph (D)(2)(d) of this rule;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(B)(3) Containment sumps that are part of a new UST system shall be equipped and monitored for releases pursuant to paragraph (D)(3) of this rule.-	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-07	Shall	(B)(5) New UST systems that store fuel for use by emergency power generators shall comply with release detection requirements pursuant to paragraphs (B)(1) to (B)(3) of this rule, except that owners and operators may request approval of an alternative method of release detection pursuant to paragraph (D)(4) of this rule in lieu of installing automatic line leak detectors on pressure lines.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(B)(6) If a method of UST release detection authorized in paragraph (B)(1) of this rule is found to be defective, owners and operators shall immediately cause the method of release detection to undergo routine maintenance, modification or major repair.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(B)(6)(b) Afterwards, owners and operators shall take the UST system out of service in accordance with rule 1301:7-9-12 of the Administrative Code until such time as the routine maintenance, modification or major repair of the release detection method is complete.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(B)(10) Release detection equipment located on new UST systems shall meet compatibility requirements described in paragraph (D)(9) of rule 1301:7-9-06 of the Administrative Code.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(C)(1) Existing UST systems shall be equipped and monitored for release in accordance with the following:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(C)(1)(a) Existing USTs shall be equipped and monitored for releases at least monthly using interstitial monitoring pursuant to paragraph (D)(1)(d) of this rule except that:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(C)(1)(b) Existing underground piping that routinely contains regulated substances shall be equipped and monitored for releases pursuant to paragraph (D)(2)(a) to (D)(2)(d) of this rule except that:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(C)(1)(b)(ii) Existing underground piping that conveys regulated substances under suction shall be equipped and monitored for releases pursuant to paragraph (D)(2)(d) of this rule;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(C)(1)(c) Existing containment sumps shall be equipped and monitored for releases pursuant to paragraph (D)(3) of this rule, except:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(C)(1)(c)(i) Existing containment sumps associated with UST systems installed prior to March 1, 2005, shall instead be equipped and monitored pursuant to paragraph (D)(6)(a) of rule 1301:7-9-06 of the Administrative Code,	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-07	Shall	(C)(1)(c)(ii) Containment sumps associated with UST systems installed prior to March 1, 2005, that undergo work pursuant to paragraph (C)(6) of rule 1301:7-9-06 of the Administrative Code shall comply with the release detection requirements found in paragraph (C)(7) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(C)(2) Existing UST systems containing hazardous substances as defined in rule 1301:7-9-03 of the Administrative Code shall be equipped and monitored using interstitial monitoring as defined in paragraphs (B)(1) and (B)(2) of this rule except that:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(C)(2)(b) Existing underground piping and manifolds that convey hazardous substance under suction shall be equipped and monitored for releases pursuant to paragraph (B)(2) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(C)(6) If a method of UST release detection authorized in paragraph (C)(1)(a) of this rule is found to be defective, owners and operators shall comply with paragraph (B)(6) of this rule and may use product inventory control as a method of UST release detection.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(C)(7) If work is performed on an existing UST system in order to meet the requirements of paragraph (C)(6) of rule 1301:7-9-06 of the Administrative Code, then the UST, piping, or containment sumps affected by the work shall meet the release detection requirements for new UST systems as described in paragraphs (B)(1) to (B)(3) of this rule, except that the containment sumps for existing UST systems installed prior to March 1, 2005, are not required to meet those requirements until fifty percent or more of the containment sumps at the UST site undergo work pursuant to paragraph (C)(6) of rule 1301:7-9-06 of the Administrative Code.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(C)(11) Release detection equipment located on existing UST systems shall meet compatibility requirements described in paragraph (D)(9) of rule 1301:7-9-06 of the Administrative Code.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(1)(a) Daily product inventory control shall be conducted as described in American Petroleum Institute Publication RP 1621-93 (reaffirmed 2012), "Bulk Liquid Stock Control at Retail Outlets"	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(1)(a)(i) Inventory from UST systems shall be reconciled monthly.	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-07	Shall	(D)(1)(a)(i) If the reconciliation for any month indicates an overage or shortage equal to or greater than one per cent of flow-through plus one hundred thirty gallons, owners and operators shall investigate the inventory discrepancy as described in American Petroleum Institute Publication RP 1621-93 (reaffirmed 2012), "Bulk Liquid Stock Control at Retail Outlets".	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(1)(a)(ii) If inventory discrepancies occur for two consecutive months, owners and operators shall perform an investigation in accordance with all of the following:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(1)(a)(iii) Gauging sticks and charts used in the performance of daily product inventory control as described in paragraph (D)(1)(a) of this rule shall be designed for the UST being measured and shall be maintained in working order.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(1)(a)(iii) Gauging sticks and charts used in the performance of daily product inventory control as described in paragraph (D)(1)(a) of this rule shall be designed for the UST being measured and shall be maintained in working order.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(1)(b) Manual tank gauging shall be conducted weekly and comply with the following requirements:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(1)(b)(i) Tank liquid level measurements shall be taken at the beginning and end of a time period using the appropriate minimum duration of test value in the table in paragraph (D)(1)(b)(iv) of this rule during which no liquid is added to or removed from the tank;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(1)(b)(v) Gauging sticks and charts used in the performance of manual tank gauging as described in paragraphs (D)(1)(b) of this rule shall be designed for the UST being measured and shall be maintained in working order.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(1)(b)(v) Gauging sticks and charts used in the performance of manual tank gauging as described in paragraphs (D)(1)(b) of this rule shall be designed for the UST being measured and shall be maintained in working order.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Must	(D)(1)(c) Equipment for automatic tank gauging that tests for the loss of product and conducts inventory control must meet the following requirements:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Must	(D)(1)(c)(ii) The automatic tank gauging equipment must meet the inventory control (or other test of equivalent performance) requirements of paragraph (D)(1)(a) of this rule;	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-07	Must	(D)(1)(c)(iii) The test must be performed with the system operating in one of the following modes:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(1)(c)(v) Equipment for automatic tank gauging shall be checked monthly to ensure that the equipment is operating with no alarms or other operating conditions present and to ensure records of release detection testing are reviewed and current;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(1)(c)(vi) Equipment for automatic tank gauging, including probes, sensors and monitoring units, shall be evaluated annually to confirm proper calibration and operation in accordance with the manufacturer's requirements.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(1)(c)(vi) If the manufacturer is no longer in business, then the equipment shall be evaluated in accordance with paragraph (G) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(1)(d) Monitoring of the interstice of a secondarily contained UST shall comply with the following requirements:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(1)(d)(i) Monitoring of the interstitial space shall be performed at least monthly;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(1)(d)(ii) A secondarily contained UST shall have an interstitial monitoring method that can detect a release through the inner wall in any portion of the tank that routinely contains a regulated substance;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(1)(d)(iii) Any alarm from a sensor that is part of an interstitial monitoring method shall be evaluated within twenty-four hours to confirm proper operation or to confirm the presence of a release.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(1)(d)(iv) Equipment for interstitial monitoring, including probes, sensors and monitoring units, shall be evaluated annually by a person recognized by the manufacturer as qualified to confirm proper calibration and operation in accordance with the manufacturer's requirements.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(1)(d)(iv) If the manufacturer has no process to recognize qualified persons or if the manufacturer is no longer in business, then the equipment shall be evaluated in accordance with paragraph (G) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(1)(e) Statistical inventory reconciliation (SIR) shall comply with the following requirements:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(1)(e)(iii) In order to have confidence in the ability of SIR to detect a leak rate of 0.2 gallon per hour, the threshold for declaring a leak shall be 0.1 gallon per hour;	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-07	Shall	(D)(1)(e)(v) Inconclusive SIR results or any analysis that is anything other than pass or fail shall be investigated as a suspected release pursuant to paragraph (C)(35)(a) of rule 1301:7-9-13 of the Administrative Code;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	May not	(D)(1)(e)(vi) SIR may not be used to meet release detection requirements for piping described in paragraph (D)(2) of this rule;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	May not	(D)(1)(e)(vii) SIR may not be used to meet tightness testing requirements described in paragraph (F) of this rule;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(1)(e)(viii) Equipment for SIR, including gauging sticks and charts used in the performance of daily product inventory control as described in paragraph (D)(1)(a) of this rule, <u>shall</u> be designed for the UST being measured and shall be maintained in working order.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(1)(e)(viii) Equipment for SIR, including gauging sticks and charts used in the performance of daily product inventory control as described in paragraph (D)(1)(a) of this rule, shall be designed for the UST being measured and <u>shall</u> be maintained in working order.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(1)(e)(viii) Other probes, sensors, and monitoring units shall be evaluated annually to confirm proper calibration and operation in accordance with the manufacturer's requirements.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(1)(e)(viii) If the manufacturer is no longer in business, then the equipment shall be evaluated in accordance with paragraph (G) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(2)(a) Single wall piping that routinely contains regulated substances shall be monitored pursuant to paragraph (D)(2)(c) and (D)(2)(d) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(2)(b) Secondly contained piping that routinely contains regulated substances <u>shall</u> be monitored pursuant to paragraphs (D)(2)(c) and (D)(2)(d) of this rule, and the interstice of the secondarily contained piping shall be continuously monitored for releases using one of the following methods:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(2)(b) Secondly contained piping that routinely contains regulated substances shall be monitored pursuant to paragraphs (D)(2)(c) and (D)(2)(d) of this rule, and the interstice of the secondarily contained piping <u>shall</u> be continuously monitored for releases using one of the following methods:	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-07	Shall	(D)(2)(c)(i) Underground piping that conveys regulated substances under pressure shall be equipped with an automatic line leak detector attached to the piping that will alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through the piping or triggering an audible or visual alarm if the automatic line leak detector detects a leak of three gallons per hour at ten pounds per square inch line pressure within one hour.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(2)(c)(ii) Automatic line leak detectors shall be tested annually to confirm proper calibration and operation in accordance with the manufacturer's requirements.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(2)(c)(ii) If the manufacturer is no longer in business, then the equipment shall be evaluated in accordance with paragraph (G) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(2)(c)(ii) Automatic line leak detectors shall be tested in accordance with the following:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(2)(c)(ii)(a) Automatic line leak detectors shall be tested in a manner that introduces a simulated leak into the product line between the tank and the dispenser.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(2)(c)(ii)(a) Automatic line leak detectors <u>shall</u> function within design specifications and the flow of product shall be restricted, stopped, or an alarm shall be activated;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(2)(c)(ii)(a) Automatic line leak detectors shall function within design specifications and the flow of product <u>shall</u> be restricted, stopped, or an alarm shall be activated;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(2)(c)(ii)(a) Automatic line leak detectors shall function within design specifications and the flow of product shall be restricted, stopped, or an alarm <u>shall</u> be activated;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(2)(c)(ii)(b) Automatic line leak detectors that fail a test method shall undergo routine maintenance, modification or major repair, as appropriate, to restore the automatic line leak detectors to working order.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(2)(c)(iii) Underground piping that conveys regulated substances under pressure shall meet one of the following:→	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(2)(d)(i) Underground piping that conveys regulated substances under suction shall be monitored for loss of vacuum indicated by an inability to dispense regulated substances or erratic operation of the pump.	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-07	Shall	(D)(2)(d)(i) Within twenty-four hours of an UST owner and operator suspecting a loss of vacuum, the owner and operator shall initiate an investigation of the cause of the loss of vacuum.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(2)(d)(i) If an owner and operator is unable to make a determination of the loss of vacuum, then the loss of vacuum shall be considered a suspected release as defined in paragraph (C)(35) of rule 1301:7-9-13 of the Administrative Code and the owner and operator shall comply with paragraph (F)(2) of rule 1301:7-9-13 of the Administrative Code.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(2)(d)(i) If an owner and operator is unable to make a determination of the loss of vacuum, then the loss of vacuum shall be considered a suspected release as defined in paragraph (C)(35) of rule 1301:7-9-13 of the Administrative Code and the owner and operator shall comply with paragraph (F)(2) of rule 1301:7-9-13 of the Administrative Code.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(2)(d)(i) If the loss of vacuum is determined to be due to a leaking component, it shall constitute a release as defined in paragraph (C)(26) of rule 1301:7-9-13 of the Administrative Code and the owner and operator shall comply with paragraph (F) of rule 1301:7-9-13 of the Administrative Code.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(2)(d)(i) If the loss of vacuum is determined to be due to a leaking component, it shall constitute a release as defined in paragraph (C)(26) of rule 1301:7-9-13 of the Administrative Code and the owner and operator shall comply with paragraph (F) of rule 1301:7-9-13 of the Administrative Code.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(2)(d)(ii) Underground piping that conveys regulated substances under suction shall meet one of the following:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Must	(D)(2)(e) If a portion of the above ground piping is located below ground and the piping cannot be easily accessed for visual inspection, then the piping must be equipped and monitored for releases pursuant to paragraph (D)(2) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(3)(a) When required, containment sumps shall be continuously monitored with sensors capable of detecting a release of a regulated substance before the release reaches the lowest penetration in the containment sump.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(3)(a) Sensors shall be located in every containment sump.	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-07	Shall	(D)(3)(b) Any alarm from a sensor in any containment sump shall be evaluated within twenty-four hours to confirm proper operation or to confirm the presence of a release.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(3)(c) Release detection equipment for containment sumps, including probes, sensors and monitoring units, shall be evaluated annually to confirm proper calibration and operation in accordance with the manufacturer's requirements.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(3)(c) If the manufacturer is no longer in business, then the equipment shall be evaluated in accordance with paragraph (G) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(4)(a) If the method is approved, the owner and operator shall comply with any terms and conditions imposed by the state fire marshal on its use;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(4)(c) Any method of release detection allowed by this paragraph shall be properly monitored, operated and maintained in accordance with any terms and conditions imposed by the state fire marshal on its use.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(4)(c) At a minimum, the method <u>shall</u> produce a result at least every thirty days and the method shall be maintained and operated in accordance with the manufacturer's requirements unless the state fire marshal specifies otherwise.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(D)(4)(c) At a minimum, the method shall produce a result at least every thirty days and the method <u>shall</u> be maintained and operated in accordance with the manufacturer's requirements unless the state fire marshal specifies otherwise.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Must	(D)(5) For all electronic and mechanical methods of release detection, a test of the proper operation must be performed at least annually and, at a minimum, as applicable to the facility, cover the following components and criteria:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(E) UST system owners and operators <u>shall</u> maintain records demonstrating compliance with this chapter, and these records shall be maintained pursuant to the following:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(E) UST system owners and operators shall maintain records demonstrating compliance with this chapter, and these records <u>shall</u> be maintained pursuant to the following:	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-07	Shall	(E)(1) All written performance claims pertaining to any release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, and any schedules of required calibration and maintenance provided by the release detection equipment manufacturer shall be maintained for five years;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(E)(2) The results of any sampling, testing, or monitoring, and the records of walkthrough inspections required by paragraph (E)(4) of rule 1301:7-9-06 of the Administrative Code shall be maintained for at least one year;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(E)(3) The records demonstrating compatibility shall be maintained for as long as the UST system is used to store the regulated substance;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(E)(4) Written documentation of all calibration, maintenance, and repair of release detection equipment permanently located at the facility shall be maintained for at least three years;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(E)(5) Owners and operators shall provide the state fire marshal access to all records within one business day of a request;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(E)(6) Within thirty days of transfer of ownership of an UST system, the transferor shall provide the transferee with all records identified in this paragraph or with equivalent copies of said records.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(F)(1)(a) Tank tightness testing of the primary shell of both single wall and secondarily contained USTs shall be capable of detecting a 0.1 gallon per hour leak rate from any portion of the primary shell while accounting for the effects of thermal expansion or contraction of the regulated substance, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(F)(1)(b) Tightness testing of the interstice of secondarily contained USTs shall be conducted in accordance with paragraphs (G)(1) to (G)(3) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(F)(2)(b) Tightness testing of suction and other non-pressurized piping shall be conducted as follows:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(F)(2)(b)(i) Piping that can be isolated from the UST shall be tested using a method capable of detecting a 0.1 gallon per hour leak rate at a minimum of fifteen pounds per square inch pressure, or equivalent;	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-07	Shall	(F)(2)(b)(ii) Piping that cannot be isolated from the UST shall be tested using a method capable of detecting a 0.1 gallon per hour leak rate.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(F)(2)(c) Tightness testing of the interstice of secondarily contained piping shall be conducted in accordance with paragraphs (G)(1) to (G)(3) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(F)(3) Testing of containment sumps and spill prevention equipment shall be conducted in accordance with paragraphs (G)(1) to (G)(3) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(F)(4) All testing methods used to comply with paragraphs (F)(1)(a), (F)(2)(a), and (F)(2)(b) of this rule shall be third party approved to perform in a manner where the method can detect a release at the designated release rate with a probability of detection of 0.95 and a probability of falsely indicating a release of 0.05.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(F)(5) The results from tightness testing methods performed in accordance with this chapter of the Administrative Code or the results from tightness testing methods for other activities such as but not limited to routine maintenance, UST system audits or property divestments shall be managed as follows:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(F)(5)(b) Any components required by this chapter that fail to achieve a passing result shall be immediately assessed and restored to working order in accordance with paragraph (G) of this rule or paragraph (E) of rule 1301:7-9-06 of the Administrative Code.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(F)(6) No pressure testing with air shall be performed on a component of an UST system that has contained a flammable regulated substance or flammable vapors.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(F)(6) The manufacturer's instructions for the testing method shall be followed when using gases for the test method.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(G)(1) All release detection systems and tightness testing methods shall be properly designed, constructed, installed, modified, repaired, operated and maintained in accordance with the requirements of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(G)(1) Release detection components and tightness testing methods not specifically addressed in this rule shall comply with the manufacturer's instructions or codes of practice developed by nationally recognized associations or independent testing laboratories or other industry best practices.	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-07	Shall	(G)(2) All release detection systems and tightness testing methods shall be properly designed, constructed, installed, modified, repaired, operated and maintained by a qualified person in accordance with the requirements of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(G)(2)(a) Any person performing activities in accordance with this rule shall check paragraph (C) of rule 1301:7-9-10 of the Administrative Code prior to performing the activities to determine if a permit is required.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(G)(2)(a) Any activities requiring a permit shall be overseen by a certified UST installer and a certified UST inspector as required in paragraph (D) of rule 1301:7-9-10 of the Administrative Code.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Require	(G)(2)(b) For activities that do not require a permit, or if the rule does not specifically identify a type of qualified person, then owners and operators may allow any person to perform such activities provided they follow manufacturer's instructions or codes of practice developed by nationally recognized associations or independent testing laboratories or other industry best practices.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(G)(4) Prior to going into operation, a functionality test shall be performed on any new or existing UST system component that undergoes work requiring a permit under paragraph (G)(2) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall not	(G)(4) The UST system shall not be placed into operation until a passing functionality result is obtained for the UST system component undergoing work.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(G)(6) If the alternative method is approved, the owner and operator shall comply with any terms and conditions imposed on its use by the state fire marshal.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(H)(1) New and existing airport hydrant systems or new and existing field constructed tank systems shall comply with the release detection, operation, and maintenance requirements found in Subpart K of Part 280 of Title 40 Chapter I of the Code of Federal Regulations except that:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(H)(1)(a) Qualifying systems shall comply with the deadlines and conditions identified in rule 1301:7-9-01 of the Administrative Code;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall not	(H)(1)(b) Vapor monitoring and groundwater monitoring shall not be used as methods of release detection unless approved pursuant to paragraph (G)(6) of this rule;	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-07	Shall	(H)(1)(c) In addition to completing the walkthrough inspection requirements pursuant to paragraph (E)(4) of rule 1301:7-9-06 of the Administrative Code, owners and operators shall visually check hydrant pits and hydrant piping vaults for evidence of leaks or damage and remove any liquid or debris found.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(H)(1)(c) The check shall be performed monthly, unless confined spaced entry is required, in which case the check is required at least annually.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-07	Shall	(H)(2) New and existing airport hydrant systems or new and existing field constructed tank systems shall comply with the design, installation, construction, operation, maintenance and walkthrough inspection requirements found in paragraph (F) of rule 1301:7-9-06 of the Administrative Code.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-10	Shall not	(A) 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."	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-10	Must	(C)(3) A permit must be obtained prior to any permit related activity taking place unless the state fire marshal or the local fire agency that has been given delegated authority pursuant to rule 1301:7-9-15 of the Administrative Code having jurisdiction over the location where the activity is to take place gives verbal approval or establishes an alternative notification process to allow permit related activity to be performed prior to the issuance of a permit.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-10	Shall	(C)(4) Any person engaged in an activity requiring a permit shall submit a permit application form prescribed by the state fire marshal accompanied by any drawings or additional information required on the prescribed application form.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-10	Shall	(C)(4) A permit shall be obtained for any of the activities described in paragraph (C)(1) of this rule from the local fire agency that has been given delegated authority pursuant to rule 1301:7-9-15 of the Administrative Code having jurisdiction over the location where the activity is to take place.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-10	Shall	(C)(4) Otherwise, the permit shall be obtained from the state fire marshal.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-10	Shall	(C)(4)(a) The authority issuing the permit shall review the permit application and, if the authority determines that the proposed activity is in compliance with this rule and that the appropriate fee has been paid, the authority shall issue the permit.	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-10	Shall	(C)(4)(a) The authority issuing the permit shall review the permit application and, if the authority determines that the proposed activity is in compliance with this rule and that the appropriate fee has been paid, the authority <u>shall</u> issue the permit.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-10	Shall not	(C)(4)(b) Any permit issued under this paragraph shall not be construed as authority to violate any provision of this chapter.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-10	Shall	(C)(5) For permits obtained from the state fire marshal, the permit fee shall be thirty-five dollars for each location described in the permit application.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-10	Shall	(C)(5) Inspections conducted by a state fire marshal employee shall be billed at a rate of sixty dollars per hour for each hour or fraction thereof at the inspection location.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-10	Shall	(C)(5) Permit and inspection fees for permits obtained from a local fire agency that has been delegated authority pursuant to rule 1301:7-9-15 of the Administrative Code shall be established by the local fire agency.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-10	Shall	(C)(6) No person shall operate any UST system or portion thereof upon which there are past due permit fees or inspection fees owed to the state fire marshal. Inspection fees will be considered past due if they are not actually received by the state fire marshal within thirty days of the date of the invoice.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-10	Shall	(D) All activity requiring a permit shall be supervised by an installer certified pursuant to rule 1301:7-9-11 of the Administrative Code, unless instructed otherwise by this chapter.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-10	Shall	(D) All activity requiring a permit shall be inspected by an employee of the state fire marshal or a certified UST inspector who has been certified by the state fire marshal to conduct such inspections pursuant to rule 1301:7-9-15 of the Administrative Code, unless instructed otherwise by this chapter.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-10	Shall	(D) No person shall operate any UST system or portion thereof until the activity requiring a permit has been inspected.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall not	(A) 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."	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(B) Supervising the following activities while being physically on site shall constitute supervision over the installation of UST systems:	3737.881	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-11	Shall	(C) Supervising the following activities while being physically on site shall constitute supervision over the performance of major repairs on site to UST systems where a release has occurred:	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(D) Supervising the following activities while being physically on site shall constitute supervision over the closure-in-place of UST systems:	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(E) Supervising the following activities while being physically on site shall constitute supervision over the removal of UST systems:	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(F) Supervising the following activities while being physically on site shall constitute supervision over the performance of modifications on site to UST system components:	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(G) Supervising the following activities while being physically on site shall constitute supervision over the placing of an UST system out of service for more than ninety days or the performance of a change in service of an UST system:	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(H)(1) Certified installers shall supervise work in a manner that minimizes the release of regulated substances from UST systems and minimizes the build-up hazardous vapors in association with work performed on UST systems.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall not	(H)(1) Certified installers shall not assign work activities to unqualified persons.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(H)(2) Certified installers shall have a copy of their current certificate issued by the state fire marshal at the location where they are supervising work.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(H)(2) Upon request of a fire official, certified installers shall make their current certificate available for inspection by the fire official.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(H)(3) Any person performing work in accordance with this chapter shall obtain a permit as required in paragraph (C) of rule 1301:7-9-10 of the Administrative Code prior to performing the work.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(H)(3) All work performed pursuant to this chapter shall be overseen by certified UST installer and a certified UST inspector as required in paragraph (D) of rule 1301:7-9-10 of the Administrative Code.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(H)(3) No certified UST installer shall interfere with or obstruct an employee of the state fire marshal or a certified UST inspector performing an inspection required by rule 1301:7-9-15 of the Administrative Code.	3737.881	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-11	Shall	(H)(4) Regardless of the circumstances, certified installers shall immediately secure an UST system in a safe manner and cease all UST related work if directed to do so by an inspector certified pursuant to rule 1301:7-9-15 of the Administrative Code or an employee of the state fire marshal.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall not	(H)(4) UST related work shall not resume until approval is given by the state fire marshal.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(I) Any person who wishes to apply for installer certification shall meet all of the following application requirements:	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(I)(1) The applicant shall submit an application to the state fire marshal, on a form furnished by the state fire marshal, accompanied by a non-refundable fee of one hundred fifty dollars;	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(I)(2) The applicant shall be an individual and shall be at least eighteen years of age;	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(I)(2) The applicant shall be an individual and shall be at least eighteen years of age;	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(I)(3) If the applicant is not a resident of Ohio, the applicant shall provide an irrevocable consent to legal service from Ohio on a form prescribed and furnished by the state fire marshal.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(I)(4) The applicant shall demonstrate that he is in good standing with all licensing authorities by whom licensing is required, given the nature and scope of the applicant's work, and that he has not had a business or occupational license or certificate suspended or revoked in this or any other state.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(I)(5) The applicant shall supply the state fire marshal with three business references who can verify the applicant's experience in the installation of, performance of major repairs on site to, closure-in-place of, or removal of UST systems.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(I)(6) The applicant shall demonstrate that he meets one of the following:	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(I)(6)(c) Of the participation, six shall have involved the installation of UST systems.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(I)(7) The applicant shall complete the examination requirements of paragraph (J) of this rule.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(J)(1) The applicant shall submit payment of a twenty-five dollar non-refundable fee at the time of application.	3737.881	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-11	Shall	(J)(2) The examination shall be a written multiple-choice examination covering all aspects of the installation, major repair, closure-in-place, removal, modification, placing out of service, performing a change in service, and performing evaluations of leak detection equipment of underground storage tank systems.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(J)(2) The examination shall consist of two parts, the first testing the applicant's knowledge of provisions of the sections 3737.88 to 3737.882 of the Revised Code and this chapter of the Administrative Code, and the second testing the applicant's knowledge of current technological and industry recommended practices with respect to the proper installation, major repair, closure-in-place, removal, modification, placing out of service, performing a change in service, and performing evaluations of leak detection equipment of UST systems.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(J)(3) To satisfactorily pass the examination, the applicant shall obtain a minimum score of seventy-five per cent on each of the two parts of the exam.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Must	(J)(3) If the applicant has not requested re-examination within the one year period, the applicant must file a new application for certification with the state fire marshal.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(J)(4) The examination shall be offered by the state fire marshal at least six times a year at such places as the state fire marshal determines.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(J)(4) The state fire marshal shall announce the time and location of an examination at least twenty days in advance of the exam and shall, at least seven days in advance of the exam, provide notice of the exam to all persons who have completed applications for certification since the date of the previous examination.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(J)(4) The state fire marshal shall announce the time and location of an examination at least twenty days in advance of the exam and shall, at least seven days in advance of the exam, provide notice of the exam to all persons who have completed applications for certification since the date of the previous examination.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(J)(6) At the time the application is filed, the state fire marshal shall furnish the applicant with a set of instructions to assist the applicant in preparing for the examination.	3737.881	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-11	Shall	(K)(1) The state fire marshal shall issue an installer certificate to each applicant who meets the requirements of paragraphs (I) to (J)(3) of this rule.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(K)(1) The certificate shall be valid from the time of issuance by the state fire marshal to the renewal date.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(K)(2) The application for an installer certification shall be denied by the state fire marshal pursuant to Chapter 119 of the Revised Code when any of the following occur:	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(L)(1) Certificates issued by the state fire marshal pursuant to paragraph (K)(1) of this rule shall be renewed annually by the installer.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(L)(1) No less than ninety days prior to expiration of a certification, the state fire marshal shall send a renewal application to the certification holder at the latest address indicated on file.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(L)(1) Any installer who wishes to apply for installer certification renewal shall meet all of the following renewal requirements:	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Require	(L)(2) Upon a determination by the state fire marshal that during the calendar year substantial changes have been made to sections 3737.87 to 3737.882 of the Revised Code, this chapter of the Administrative Code, or UST technology, the state fire marshal may require applicants for installer certification renewal to satisfactorily pass a written multiple-choice examination in addition to meeting the requirements in paragraph (L)(1) of this rule prior to issuance of the certification renewal for the subsequent calendar year.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(L)(2) To satisfactorily pass the examination, the applicant for installer certification renewal shall obtain a minimum score of seventy-five per cent on the examination.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(L)(2) The state fire marshal shall announce the time and location of the examination at least forty-five days in advance of the exam and shall, at least thirty days in advance of the exam, provide notice of the exam to all certified installers. An applicant for certification renewal who fails the examination may request re-examination from the state fire marshal.	3737.881	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-11	Shall	(L)(2) The state fire marshal shall announce the time and location of the examination at least forty-five days in advance of the exam and shall, at least thirty days in advance of the exam, provide notice of the exam to all certified installers. An applicant for certification renewal who fails the examination may request re-examination from the state fire marshal.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(L)(3) The state fire marshal shall issue an installer certificate renewal to each applicant who meets the requirements of applicable paragraphs (L)(1) and (L)(2) of this rule.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(L)(3) The renewal certificate shall be valid for one year following the date of issuance by the state fire marshal.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(L)(4) The application for an installer certification renewal shall be denied by the state fire marshal pursuant to Chapter 119 of the Revised Code when any of the following occur:	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(L)(6) After expiration of a certification, any application for renewal will be considered as a new application and the applicant shall be required to pass an examination as defined in paragraph (J) of this rule prior to certification.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(M)(1) Any such program shall be at least thirty-six hours in length and shall include appropriate instructional methods, and written pre-test and post-test examinations.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(M)(1) Any such program shall be at least thirty-six hours in length and shall include appropriate instructional methods, and written pre-test and post-test examinations.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(M)(2) Any person who wishes to attend a training program sponsored by the state fire marshal pursuant to paragraph (M)(1) of this rule shall submit an application to the state fire marshal prior to the first scheduled day of the training program, on a form prescribed by the state fire marshal, accompanied by a fee of one hundred dollars.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(M)(3) Upon conclusion of any installer training program, the state fire marshal shall issue a certificate of completion to all persons who meet all of the following requirements:	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(M)(4) Attendance shall be required at all classroom sessions except for valid reasons.	3737.881	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-11	Shall	(M)(4) Any absentee from any scheduled classroom session shall make up such attendance as required by the faculty.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(M)(5) Any person wishing to sponsor an installer training program shall submit an application to the state fire marshal, on a form prescribed by the state fire marshal, accompanied by a non-refundable fee of two hundred dollars.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(M)(5) All applications shall include, without limitation, all of the following:	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Require	(M)(6) The state fire marshal may amend or require the applicant to modify any aspect of a program prior to certifying the program sponsor.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(M)(8) State fire marshal personnel shall be allowed access to all installer training program sessions certified under paragraph (M)(7) of this rule.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(M)(9) Upon conclusion of any installer training program for which a person has been certified to sponsor, the sponsor shall issue a certificate of successful completion to all persons who meet the requirements of paragraphs (M)(3)(a) and (M)(3)(c) of this rule.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(M)(9) The certified sponsor shall submit to the state fire marshal a list of all persons receiving a certificate of successful completion and the results of all examinations conducted during the program within seven days of completion of the course.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(M)(10) Certifications issued by the state fire marshal pursuant to paragraph (M)(7) of this rule and renewals issued by the state fire marshal pursuant to paragraph (M)(11) of this rule shall be valid for one year, beginning on the first day of September of each year.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(M)(11) Persons seeking to renew a certificate to sponsor an installer training program shall submit an application no later than the first day of July of each year to the state fire marshal, on a form prescribed by the state fire marshal, accompanied by a non-refundable fee of one hundred fifty dollars.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(M)(11) The application shall include, without limitation, a description of any changes in the certified program proposed by the sponsor.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Require	(M)(11) The state fire marshal may amend or require the sponsor to modify any aspect of a program prior to issuing an installer training program certificate renewal to the sponsor.	3737.881	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-11	Shall	(M)(11) All programs for which a sponsor obtains an installer training program certificate renewal shall comply with paragraph (M)(1) of this rule.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(M)(12) An application to sponsor an installer training program or renewal thereof shall be denied by the state fire marshal pursuant to Chapter 119 of the Revised Code when any of the following occur:	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(M)(14) Sixty days after expiration of a certification, any application for renewal will be considered as a new application and the applicant shall be required submit all information required by this paragraph.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(N)(1) Such programs shall be closely related to those topics listed in paragraph (M)(1) of this rule or related technical information	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(N)(2) Any person who wishes to attend a continuing education training program sponsored by the state fire marshal pursuant to paragraph (N)(1) of this rule shall submit an application to the state fire marshal prior to the first scheduled day of the training program, on a form prescribed by the state fire marshal, accompanied by a fee of twenty-five dollars.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(N)(3) Upon conclusion of any continuing education training program, the state fire marshal shall issue a certificate of attendance to all persons attending the program who have complied with paragraph (N)(2) of this rule.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(N)(3) The certificate shall indicate the number of hours of state fire marshal-approved continuing education credit earned by the person at the program.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(N)(4) Any person wishing to sponsor a certified installer continuing education training program shall submit an application to the state fire marshal, on a form prescribed by the state fire marshal, accompanied by a non-refundable fee of fifty dollars.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(N)(4) All applications shall include, without limitation, all of the following:	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Require	(N)(5) The state fire marshal may amend or require the applicant to modify any aspect of a program prior to certifying the program sponsor.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(N)(7) The state fire marshal shall determine the number of hours of continuing education credit for which the program qualifies.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall not	(N)(7) Certified UST installer and inspector continuing education training programs shall not be offered together unless prior approval is given by the state fire marshal.	3737.881	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-11	Shall	(N)(8) Upon conclusion of any installer continuing education training program for which a person has been certified to sponsor, the sponsor shall issue a certificate of successful completion to all persons attending the program who meet the following requirements:	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(N)(8) The certificate shall indicate the number of hours of state fire marshal-approved continuing education credit earned by the person attending the program.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(N)(8) The certified person shall submit to the state fire marshal a list of all persons receiving a certificate of attendance which indicates the number of hours of state fire marshal-approved continuing education credit earned by each person who received a certificate.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(N)(9) Certifications issued by the state fire marshal pursuant to paragraph (N)(6) of this rule and renewals issued by the state fire marshal pursuant to paragraph (N)(10) of this rule shall be valid for one year, beginning on the first day of September of each year.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(N)(10) Persons seeking to renew a certificate to sponsor an installer continuing education training program shall submit an application no later than the first day of July of each year to the state fire marshal, on a form prescribed by the state fire marshal, accompanied by a non-refundable fee of fifty dollars.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(N)(10) The application shall include, without limitation, a description of any changes in the certified program proposed by the sponsor.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Require	(N)(10) The state fire marshal may amend or require the sponsor to modify any aspect of a program prior to issuing an installer continuing education training program certificate renewal to the sponsor.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(N)(10) All programs for which a sponsor obtains an installer training program certificate renewal shall be closely related to those topics listed in paragraph (M)(1) of this rule.	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(N)(11) An application to sponsor an installer training program or renewal shall be denied by the state fire marshal pursuant to Chapter 119 of the Revised Code when any of the following occur:	3737.881	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-11	Shall	(N)(13) Sixty days after expiration of a certification, any application for renewal will be considered as a new application and the applicant shall be required to submit all information required by this paragraph.	3737.881	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-12	Shall not	(A) 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."	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(B)(1) Any person who holds a legal, possessory, or equitable interest in a parcel of real property on which an underground storage tank system is located, regardless of that person's status as an "owner" or "operator" as those terms are defined in section 3737.87 of the Revised Code, shall comply with paragraphs (A) to (H) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(B)(1) The owner and operator shall comply with the entire rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(B)(2) In carrying out any activity under this rule, owners and operators shall comply with the provisions of rules 1301:7-9-13, 1301:7-9-16, and 1301:7-9-17 of the Administrative Code.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(C) The handling, transportation, and disposal of any regulated substance removed from an UST system, regulated soil, backfill materials, groundwater, wash water, or other similar materials removed from the system or facility shall be managed in accordance with all applicable federal, state, and local regulations in effect for the type, volume, constituent concentration, and classification of the material.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(D)(1) Any person performing work pursuant to paragraphs (E)(3) to (H) of this rule shall obtain a permit pursuant to paragraph (C) of rule 1301:7-9-10 of the Administrative Code, prior to performing work, from the local fire agency that has been given delegated authority pursuant to rule 1301:7-9-15 of the Administrative Code and has jurisdiction over the area where the UST system is located, or, if the local fire agency does not have such authority, the state fire marshal.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(D)(2) Unless stated otherwise, all work performed pursuant to paragraphs (E)(3) to (H) of this rule shall be supervised by a certified UST installer and inspected by a certified UST inspector as required in paragraph (D) of rule 1301:7-9-10 of the Administrative Code.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(E)(1) Out-of-service UST systems shall comply with the applicable requirements of this chapter including, but not limited to, the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(E)(1)(a) The UST system shall comply with registration requirements pursuant to rule 1301:7-9-04 of the Administrative Code;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-12	Shall	(E)(1)(b) The UST system shall comply with the financial responsibility requirements pursuant to rule 1301:7-9-05 of the Administrative Code;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(E)(1)(c) The UST system shall comply with the construction and operational requirements for cathodic protection pursuant to paragraphs (D)(1) to (D)(4) of rule 1301:7-9-06 of the Administrative Code.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(E)(2) UST systems that have been taken temporarily out-of-service for ninety days or less shall have the fill line, gauge opening, and dispensing unit secured against tampering.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(E)(2) Vent lines shall remain open and functioning.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(E)(2)(b) An UST system shall be considered empty when all regulated substances have been removed so that no more than one inch of residue, or 0.3 per cent by volume of the total capacity of the UST system, remains in the UST system	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(E)(3) If an UST system is out-of-service for more than ninety days, the UST system shall be maintained in the following manner:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(E)(3)(a) The vent lines shall be left open and functioning;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(E)(3)(b) All other lines, pumps, manways, and ancillary equipment shall be capped and secured;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(E)(3)(c) The UST system shall be emptied.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(E)(3)(c) The UST system shall be considered empty when all regulated substances have been removed so that no more than one inch of residue, or 0.3 per cent by volume of the total capacity of the UST system, remains in the UST system.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(E)(4) An out-of-service permit shall be obtained for a UST system out-of-service for more than ninety days in accordance with paragraph (C) of rule 1301:7-9-10 of the Administrative Code.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(E)(4)(a)(i) an inspection of the out-of-service UST system shall be performed as required by paragraph (D) of rule 1301:7-9-10 of the Administrative Code;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Require	(E)(4)(a)(ii) the state fire marshal or the certified fire safety inspector with delegated authority pursuant to rule 1301:7-9-15 of the Administrative Code for the jurisdiction where the UST system is located may require the owner or operator to submit copies of release detection records pursuant to paragraph (E) of rule 1301:7-9-07 of the Administrative Code.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-12	Shall	(E)(4)(d) The out-of-service permit application or renewal application shall be approved at the discretion of the state fire marshal or the certified fire safety inspector with delegated authority pursuant to rule 1301:7-9-15 of the Administrative Code for the jurisdiction where the UST system is located.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(E)(6) If an UST system or portions of an UST system are out-of-service for more than twelve months or more than the time period approved in the out-of-service permit or renewal permit granted pursuant to paragraph (E)(4) of this rule, owners and operators and any person who holds a legal, possessory, or equitable interest in a parcel of real property on which an UST system is located, regardless of that person's status as an "owner" or "operator" as those terms are defined in section 3737.87 of the Revised Code shall manage the UST system as follows:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(E)(6)(b) Prior to applying for the out-of-service or renewal permit, a closure assessment <u>shall</u> be performed in accordance with this rule and a closure assessment report shall be submitted to the state fire marshal pursuant to paragraph (J) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(E)(6)(b) Prior to applying for the out-of-service or renewal permit, a closure assessment shall be performed in accordance with this rule and a closure assessment report <u>shall</u> be submitted to the state fire marshal pursuant to paragraph (J) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall not	(F)(1) An UST system shall not be closed-in-place unless approved in writing by the state fire marshal or a certified fire safety inspector with delegated authority pursuant to rule 1301:7-9-15 of the Administrative Code for the jurisdiction where the UST system is located.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall not	(F)(2) Cost shall not be used as the sole reason to justify closure-in-place of an UST system.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(F)(3) An UST system shall be closed-in-place in accordance with American Petroleum Institute Recommended Practice RP 1604-96 (reaffirmed 2010); "Closure of Underground Petroleum Storage Tanks".	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(F)(3) The solid inert material used to fill an UST shall have a density that is greater than the density of water.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(G)(1) Permanent removal of an UST system shall be conducted in accordance with the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-12	Shall	(G)(1)(a) All UST systems or any part of an UST system permanently closed shall be removed from the ground unless certified fire safety inspector with delegated authority pursuant to rule 1301:7-9-15 of the Administrative Code or the state fire marshal for jurisdictions where such authority has not been delegated authorizes the closure-in-place of the UST system or any part of the UST system pursuant to paragraph (F)(1) of this rule;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(G)(1)(b) All UST systems being permanently removed shall comply with the cleaning, removal, and safety requirements of American Petroleum Institute Recommended Practice RP 1604-96 (reaffirmed 2010); "Closure of Underground Petroleum Storage Tanks", and National Institute for Occupational Safety and Health Publication 80-106 (1979); "Criteria for a Recommended Standard: Working In Confined Spaces";	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(G)(1)(c) The UST shall be maintained in a safe condition by regularly monitoring the UST to ensure that an accumulation of explosive vapors does not occur;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(G)(1)(d) All liquid and residue shall be removed from the UST before the UST leaves the site and handled in accordance with paragraph (C) of this rule;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(G)(1)(e) The UST shall be rendered unusable and free of explosive vapors before the UST leaves the site by cutting up or crushing the UST or by perforating the UST with numerous holes using explosion-proof non-sparking tools.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(G)(1)(e) No UST shall be reused for any purpose unless written approval is obtained from the state fire marshal prior to the removal activity;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(G)(1)(f) All backfill from the tank cavity excavation, piping trenches, dispensing unit areas, and remote fill pipe trenches shall be removed;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(G)(1)(g) No more than twelve inches of native soil shall be removed from the side walls and bottom of the tank cavity excavation, piping trenches, dispensing unit areas, and remote fill pipe trenches.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall not	(G)(1)(g) Further removal of soil from the tank cavity, piping trenches, dispensing unit areas, and remote fill pipe trenches for purposes of corrective action shall not be conducted without prior approval of the state fire marshal;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-12	Shall	(G)(1)(h) Storage on site beyond one hundred twenty days shall only occur if prior approval has been granted by the state fire marshal.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(G)(1)(h) Backfill and native soil shall be handled in accordance with paragraph (C) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(G)(1)(i) If free product is discovered during removal of any portion of an UST system, owners and operators shall report a suspected release to the state fire marshal within twenty-four hours and proceed to conduct corrective action in accordance with paragraph (F) of rule 1301:7-9-13 of the Administrative Code.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(H) Change-in-service of an UST system shall be conducted in accordance with the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(H)(1) The UST shall be completely emptied and cleaned;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(H)(2) All piping and ancillary equipment that is not part of the change-in-service shall be closed-in-place or removed pursuant to paragraphs (F) and (G) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(1)(a) Owners and operators of UST systems shall conduct a closure assessment in accordance with this rule when the UST system, or any portion of the UST system:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Must	(I)(1)(e) Notwithstanding the testing requirements of paragraphs (I)(1)(c) or (I)(1)(d) of this rule, if free product is present in soil or backfill, or if there is evidence that a component is leaking or has leaked to the soil or backfill, a Site Check must be performed pursuant to paragraph (F)(3) of rule 1301:7-9-13 of the Administrative Code.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(1)(f) All activities conducted pursuant to paragraph (I)(1)(c) or (I)(1)(d) of this rule shall be documented on a form prescribed by the state fire marshal and submitted to the state fire marshal within ninety days of the completion of the activities.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(1)(f) The form shall include, but not be limited to, the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2) The closure assessment shall consist of the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(a) Owners and operators shall perform a visual site evaluation of the UST site to identify all evidence of past or present operational problems, including but not limited to, surface soil staining, concrete staining, concrete patchwork, areas where piping and pump islands existed, and all potential sources of contamination.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-12	Shall	(I)(2)(b) Soil samples for the UST system or portion of the UST system required to undergo a closure assessment pursuant to paragraph (I)(1) of this rule shall be biased towards the area of greatest suspected contamination and collected from all of the following locations:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(b)(i) Under both ends of each UST. If an UST is longer than thirty-five feet an additional sample shall be collected from under the middle of the UST;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(b)(iii) If the piping run is associated with an airport hydrant system, an alternate sampling plan shall be submitted for approval by the state fire marshal prior to conducting the closure assessment;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(c) Water samples for permanent removal shall be collected in the following manner:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(c)(i) Water in the UST system excavation shall be completely evacuated and disposed of in accordance with all federal, state, and local laws and regulations.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(c)(i) If water cannot be completely evacuated from the UST system excavation or if upon recharge of water from surrounding soil into the UST system excavation to a level sufficient for sample collection, a water sample shall be collected within a period not to exceed twenty-four hours following the evacuation.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(d) When the UST system or portion of the UST system is required to undergo a closure assessment pursuant to paragraph (I)(1)(a)(i) of this rule, the following samples shall be collected and sent to an accredited laboratory for analysis:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(d)(i) If no field screening readings are exhibited, the samples submitted shall be biased toward the area(s) of greatest suspected contamination;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(d)(ii)(b) Notwithstanding the one-to-five ratio, at least one sample from each distinct piping run that leads to a separate dispensing area or remote fill shall be submitted.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(d) (Outro) The samples submitted for analysis shall be those with the highest field screening readings from each distinct piping run.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(d) (Outro) The remaining samples shall be those with the highest field screening readings, regardless of location.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-12	Shall	(I)(2)(d) (Outro) If no field screening readings are exhibited, the sample submitted shall be biased toward the area(s) of greatest suspected contamination;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(d)(iii) If no field screening readings are exhibited, the sample submitted shall be biased toward the area(s) of greatest suspected contamination;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(d)(iv) If more than three dispensing units are present at the island, an additional sample shall be submitted for each multiple or fraction of three dispensing units.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(d)(iv) If no field screening readings are exhibited, the sample submitted shall be biased toward the area(s) of greatest suspected contamination;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(e) When the UST system or portion of the UST system is required to undergo a closure assessment pursuant to paragraphs (I)(1)(a)(ii) to (I)(1)(a)(v) of this rule, soil and water samples shall be collected by installing a minimum of three soil boring and monitoring wells in the area most likely to contain chemical(s) of concern above action levels.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(e) The soil borings and monitoring wells shall be installed, sampled, and analyzed in accordance with paragraphs (H)(1)(d)(ii) of rule 1301:7-9-13 of the Administrative Code.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(e) Soil boring and monitoring well locations shall be selected to ensure the evaluation of soil and groundwater surrounding the UST system and be biased towards areas most likely to contain chemical(s) of concern.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(e) Soil borings and monitoring wells shall be installed and sampled within ninety days of the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(f) All soil samples collected shall be split into two components.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(f) One shall be packaged for field screening, and the other packaged for potential laboratory analysis.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(f) The sampling and packaging shall be in accordance with procedures established by the state fire marshal.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(f)(i) Soil samples collected for field screening shall be screened on the UST site using equipment calibrated in accordance with manufacturer's instructions and procedures approved by the state fire marshal.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-12	Shall	(I)(2)(f)(ii) All samples shall be collected within twenty-four hours of completing the excavation.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(h) If site conditions interfere with the collection of any samples required by paragraphs (I)(2)(b) to (I)(2)(e) of this rule, owners and operators shall obtain approval in writing from the state fire marshal for an alternative sampling protocol.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(i) If groundwater is encountered, monitoring wells shall be installed in the soil borings.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(i) The soil borings and monitoring wells shall be installed and sampled in accordance with paragraphs (H)(1)(d)(ii) of rule 1301:7-9-13 of the Administrative Code.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(2)(i) Soil boring and monitoring well locations shall be selected to ensure the evaluation of soil and groundwater surrounding the UST system and be biased towards areas most likely to contain chemical(s) of concern.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(3) Samples sent to the laboratory for analysis pursuant to paragraph (I)(2)(d) or (I)(2)(e) of this rule shall be analyzed for the appropriate chemical(s) of concern.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(3) The chemical(s) of concern shall be identified as follows:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(3)(a) For UST systems that contained petroleum products classified as analytical group 1, 2, 3, or 4 as defined in paragraph (H)(1)(c) of rule 1301:7-9-13 of the Administrative Code, the appropriate chemical(s) of concern and analytical methods shall be identified using Table 1 of paragraph (H)(1)(c) of rule 1301:7-9-13 of the Administrative Code.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Must	(I)(3)(b) For UST systems that contained petroleum products classified as analytical group 5 in paragraph (H)(1)(c) of rule 1301:7-9-13 of the Administrative Code, chemical(s) of concern and analytical methods must be identified, as appropriate, based on reasonably available information related to typical additives, impurities and/or degradation products of the petroleum product stored or handled at the UST site.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(3)(b) Chemical(s) of concern shall also be identified based on their toxicity, mobility, and persistence in the environment.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-12	Shall	(I)(3)(b) The owner and operator shall consult with and obtain written approval from the state fire marshal for all chemical(s) of concern identified for analysis, the analytical methods to be used to measure the presence of those chemical(s) of concern, and the action levels established for all chemical(s) of concern.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Must	(I)(3)(c) For UST systems that contained a hazardous substance(s) as described in paragraph (E) of rule 1301:7-9-03 of the Administrative Code, additional chemical(s) of concern and analytical methods must be identified, as appropriate, based on substance(s) stored in the UST system and reasonably available information related to typical additives, impurities, and/or degradation products.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(3)(c) In addition, chemical(s) of concern shall be identified based on their toxicity, mobility, and persistence in the environment.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(3)(c) The owners and operators shall consult with and obtain written approval from the state fire marshal for all appropriate chemical(s) of concern identified for analysis, the analytical methods to be used to measure the presence of those chemical(s) of concern, and the action levels established for all chemicals of concern.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(4) Action level development and comparison shall be conducted as follows:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(4)(a)(i) Bedrock shall be assumed to be soil class 1 for the purposes of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Must	(I)(4)(b)(i) For UST systems that contained petroleum products classified as analytical group 1, 2, or 3 as defined in paragraph (H)(1)(c) of rule 1301:7-9-13 of the Administrative Code, action levels must be obtained from Table 1 of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Must	(I)(4)(b)(ii) For UST systems that contained petroleum products classified as analytical group 4 as defined in paragraph (H)(1)(c) of rule 1301:7-9-13 of the Administrative Code, action levels must be obtained from Table 1 of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(4)(b)(ii) For chemicals of concern not listed in Table 1 of this rule, action levels shall be developed by the owner and operator using the same methodologies and assumptions used to determine the action levels set forth in the tables found in paragraph (J)(3) of rule 1301:7-9-13 of the Administrative Code.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-12	Shall	(I)(4)(b)(iii) For UST systems that contained petroleum products classified as analytical group 5 as defined in paragraph (H)(1)(c) of rule 1301:7-9-13 of the Administrative Code, action levels shall be developed by the owner and operator using the same methodologies and assumptions used to determine the action levels set forth in the tables found in paragraph (J)(3) of rule 1301:7-9-13 of the Administrative Code.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(4)(c)(i) For UST systems that contained petroleum products classified as analytical group 1, 2, 3, 4, or 5 as defined in paragraph (H)(1)(c) of rule 1301:7-9-13 of the Administrative Code, soil and groundwater laboratory analytical results shall be compared to the action levels determined in paragraph (I)(4)(b) of this rule as follows:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(4)(c)(i)(a) If laboratory analytical results exceed the action levels established for the petroleum UST site, owners and operators shall report a confirmed release to the state fire marshal within twenty-four hours of receiving the results and proceed to conduct corrective action in accordance with paragraph (H) of rule 1301:7-9-13 of the Administrative Code.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(I)(4)(c)(ii) For UST systems that contained hazardous substances, if soil or groundwater analytical results indicate the presence of chemical(s) of concern identified in paragraph (I)(3)(c) of this rule, owners and operators shall proceed to conduct corrective action in accordance with requirements of sections 9003 and 9005 of the Resource Conservation and Recovery Act of 1976, 42 U.S.C.A. 6991b and 6991e, as amended.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(J)(1) Owners and operators <u>shall</u> submit one copy of the written closure report to the state fire marshal, which shall be received by the state fire marshal within ninety days from the date the samples are required to be collected by this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(J)(1) Owners and operators shall submit one copy of the written closure report to the state fire marshal, which <u>shall</u> be received by the state fire marshal within ninety days from the date the samples are required to be collected by this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(J)(2) Owners and operators shall prepare the information collected in accordance with paragraph (I) of this rule on a form prescribed by the state fire marshal.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(J)(2) The closure report shall include the following information:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-12	Shall	(J)(2)(c)(i) This information shall be included on a form prescribed by the state fire marshal.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(K) When directed by the state fire marshal, the owner and operator of an UST system that was permanently removed, closed-in-place, or underwent a change-in-service before December 22, 1988, shall assess the excavation zone and close the UST system in accordance with this rule if releases from the UST system, in the judgement of the state fire marshal, pose a current or potential threat to human health and the environment.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-12	Shall	(L) If owners and operators desire an extension of time because they are unable to comply with paragraphs (I) to (K) of this rule, the owner and operator shall:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall not	(A) 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."	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(B)(1) For releases reported on or after the effective date of this rule, owners and operators shall conduct corrective action in accordance with this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Must	(C)(22) "Point(s) of demonstration" means a location(s) selected between the source area(s) and the potential point(s) of exposure where concentrations of chemical(s) of concern must be at or below a determined target level in environmental media that is protective of human health and the environment at the point of exposure.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(D) Owners and operators shall report a release, a suspected release, or a confirmed release to the state fire marshal and the local fire department within twenty-four hours of discovery by the owners or operators.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Must	(E) If a spill or overfill occurs while transferring or attempting to transfer petroleum product into an UST system, one of the following activities must be conducted:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(E)(1) Spills and overfills of petroleum product that consist of more than twenty-five gallons of petroleum product shall be reported by the owners or operators to the state fire marshal and the local fire department within twenty-four hours of discovery.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(E)(1) Owners and operators shall immediately contain to the extent practicable and immediately clean-up the spill or overfill.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Shall	(E)(1) Owners and operators shall perform a Site Check in accordance with paragraph (F)(3) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(E)(2) If the spill or overflow of petroleum products does not enter a nearby surface water body, stormwater system, monitoring well or observation well, and no more than twenty-five gallons of petroleum product has been released to the environment, owners and operators shall immediately contain and clean up the spill or overflow to pre-release conditions.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(E)(2) If the clean-up is not completed within twenty-four hours, owners and operators shall immediately notify the state fire marshal and the local fire department and perform a Site Check in accordance with paragraph (F)(3) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(E)(3) If the spill or overflow of petroleum product of any amount enters a nearby surface water body, stormwater system, monitoring well or observation well, owners and operators <u>shall</u> immediately contain to the extent practicable and immediately clean-up the spill or overflow, shall report the spill or overflow to the state fire marshal and the local fire department within twenty-four hours of discovery, and shall perform a Site Check in accordance with paragraph (F)(3) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(E)(3) If the spill or overflow of petroleum product of any amount enters a nearby surface water body, stormwater system, monitoring well or observation well, owners and operators shall immediately contain to the extent practicable and immediately clean-up the spill or overflow, <u>shall</u> report the spill or overflow to the state fire marshal and the local fire department within twenty-four hours of discovery, and shall perform a Site Check in accordance with paragraph (F)(3) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(E)(3) If the spill or overflow of petroleum product of any amount enters a nearby surface water body, stormwater system, monitoring well or observation well, owners and operators shall immediately contain to the extent practicable and immediately clean-up the spill or overflow, shall report the spill or overflow to the state fire marshal and the local fire department within twenty-four hours of discovery, and <u>shall</u> perform a Site Check in accordance with paragraph (F)(3) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Shall	(F) If concentrations of chemicals of concern in soil and/or groundwater are detected above action levels, the owner and operator shall perform a Tier 1 Source Investigation in accordance with paragraph (H) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(1) Owners and operators shall inspect for above ground releases or exposed below ground releases.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(1) If testing or other evidence confirms that a release has or continues to occur from an UST system, activities pursuant to paragraph (G)(1) of this rule shall be conducted to stop any further releases into the environment.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(2)(a) For an existing UST system, where the owner and operator has not identified which component of the UST system has caused the release or suspected release, owners and operators shall conduct a tightness test of the entire UST system, as follows:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(2)(a)(i) The tightness test shall be performed before repairing the UST system.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(2)(a)(ii) The tightness test shall be conducted within seven days of the discovery of the release or suspected release in accordance with paragraph (F) of rule 1301:7-9-07 of the Administrative Code.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(2)(a)(iii) Within twenty-four hours of the receipt of the results, owners and operators shall notify the state fire marshal of the results of the test by telephone, electronic mail or facsimile.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(2)(a)(iv) Within seven days of performing the tightness test, owners and operators shall submit the test results and supporting data, to the state fire marshal on a form prescribed by the state fire marshal.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(2)(b) For an existing UST system where the owner and operator has identified which component of the UST system has caused the release or suspected release, a tightness test of the component shall be conducted.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Must	(F)(2)(b) If the owner and operator elects to repair the UST system component before the tightness test is performed or if repairs to the UST system component are necessary in order to achieve a passing tightness test, a Site Check in accordance with section (F)(3) of this rule must be performed in addition to any repair(s) required to mitigate further release of petroleum from the UST system.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(2)(b) The tightness test shall be performed as follows:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Shall	(F)(2)(b)(i) The tightness test shall be conducted within seven days of the discovery of the release or suspected release in accordance with paragraph (F) of rule 1301:7-9-07 of the Administrative Code.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(2)(b)(ii) Within twenty-four hours of the receipt of the results, owners and operators shall notify the state fire marshal of the results of the test by telephone, electronic mail or facsimile.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(2)(b)(iii) Within seven days of performing the tightness test, owners and operators shall submit the test results and supporting data, to the state fire marshal on a form prescribed by the state fire marshal.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(2)(c) If a release is suspected because of the presence of free product discovered in the containment sump or interstitial space of the UST system on an UST site, owners and operators shall:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Must	(F)(2)(c)(i)(b) In the case of free product in the interstitial space, the test must be conducted before the UST system is repaired.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(2)(c)(i) (outro) Within twenty-four hours of the receipt of the results of the test, owners and operators shall notify the state fire marshal of the results by telephone, electronic mail or facsimile.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(2)(c)(i) (outro) Within seven days of performing the test, owners and operators shall submit the results to the state fire marshal in writing on a form prescribed by the state fire marshal	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(3)(a) Owners and operators shall conduct a Site Check to determine whether subsurface soil or groundwater on an UST site have concentrations of chemical(s) of concern above the action levels set forth in paragraph (J) of this rule and must submit a written report consistent with the requirements of one of the options described in paragraph (F)(3)(b) of this rule within ninety days of the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Must	(F)(3)(a) Owners and operators shall conduct a Site Check to determine whether subsurface soil or groundwater on an UST site have concentrations of chemical(s) of concern above the action levels set forth in paragraph (J) of this rule and must submit a written report consistent with the requirements of one of the options described in paragraph (F)(3)(b) of this rule within ninety days of the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(3)(b) A Site Check to determine the presence and concentrations of chemical(s) of concern in the source area(s) shall consist of one or more of the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Shall	(F)(3)(b)(ii) At least one of the samples required under rule 1301:7-9-12 of the Administrative Code shall be biased towards the areas suspected to have the highest concentration of chemical(s) of concern resulting from the suspected release.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(3)(b)(ii) The owners and operators shall obtain prior approval from the state fire marshal for the closure or removal of an UST system or any portion of an UST system if any of the following conditions exist:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(3)(b)(iii)(a) Samples shall be biased towards the areas suspected to have the highest concentrations of chemical(s) of concern resulting from the suspected release.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(3)(b)(iii)(a) Samples from each soil boring or excavation <u>shall</u> be screened using headspace techniques and the sample with the highest field screening result from each location shall be submitted for laboratory analysis.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(3)(b)(iii)(a) Samples from each soil boring or excavation shall be screened using headspace techniques and the sample with the highest field screening result from each location <u>shall</u> be submitted for laboratory analysis.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(3)(b)(iii)(a) If a saturated zone is encountered, a sample of the water shall be collected from that location and submitted for laboratory analysis.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Must	(F)(3)(b)(iii)(a) All laboratory samples must be analyzed for the appropriate chemical(s) of concern listed in paragraph (H)(1)(c) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(3)(b)(iii)(b) Owners and operators <u>shall</u> prepare a site check report for the state fire marshal, which shall contain, at a minimum, a description of the nature and location of the suspected release, the type and location of samples collected, sampling methodologies and preservation techniques, soil boring logs, chain-of-custody forms and laboratory analytical results.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(3)(b)(iii)(b) Owners and operators shall prepare a site check report for the state fire marshal, which <u>shall</u> contain, at a minimum, a description of the nature and location of the suspected release, the type and location of samples collected, sampling methodologies and preservation techniques, soil boring logs, chain-of-custody forms and laboratory analytical results.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Shall	(F)(3)(b)(iii)(b) The letter report shall be submitted to the state fire marshal within ninety days of a failed tightness test, determining that the containment sump and/or interstitial space of the UST system is not tight, physical discovery or the occurrence of a spill or overfill as described in paragraph (E) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Must	(F)(3)(b)(iii)(c) Owners and operators must obtain prior approval from the state fire marshal to conduct activities pursuant to this option, if any of the conditions in paragraph (F)(3)(b)(ii) of this rule exist.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(3)(c) As part of a Site Check conducted pursuant to paragraph (F)(3) of this rule, owners and operators shall determine the appropriate action levels for an UST site using the procedures set forth in paragraphs (H)(2) and (J) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(F)(3)(c) If concentrations of chemical(s) of concern at any location on an UST site, evaluated pursuant to paragraphs (F)(3)(b)(ii) and (F)(3)(b)(iii) of this rule, are above the action levels for an UST site, owners and operators shall conduct a Tier 1 Source Investigation pursuant to paragraph (H) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(G)(1) If testing or other evidence confirms that a release has occurred or continues to occur from an UST system, the owners and operators shall perform all of the following actions within twenty-four hours of discovery of the release:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(G)(1)(e) If a receptor, as defined pursuant to paragraph (C) of this rule, is known to be impacted by a release, the owners and operators shall immediately identify and mitigate all fire, explosion, vapor and safety hazards and notify the state fire marshal within twenty-four hours, by telephone, electronic mail or facsimile, after starting such activities;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(G)(1)(f) If a release is suspected to impact a drinking water well, owners and operators shall, within three days of discovery, have the drinking water well tested for the appropriate chemical(s) of concern listed in Table 1 of paragraph (H)(1)(c) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(G)(1)(f) Within twenty-four hours of receipt of the test results, owners or operators shall notify the state fire marshal of the results by telephone, electronic mail or facsimile.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(G)(1)(f) Within seven days of receiving the analytical results, owners and operators shall, submit the written results to the state fire marshal.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Shall	(G)(2) Owners and operators shall submit a written report on a form prescribed by the state fire marshal within twenty days of starting any immediate corrective actions.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(G)(2) At a minimum, the immediate corrective action report shall contain the following information:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(G)(3) Where free product is present, owners and operators shall perform all of the following activities:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Must	(G)(3)(a) In meeting the requirements of this paragraph, the owners and operators must use recovery techniques that:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(G)(3)(a)(i) The owners and operators shall collect and dispose of recovered product in compliance with applicable federal, state and local laws;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(G)(3)(b) Owners and operators shall notify the state fire marshal by telephone, electronic mail or facsimile within twenty-four hours of starting free product removal activities.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(G)(3)(c) Owners and operators shall submit a written report on a form prescribed by the state fire marshal, on a monthly basis until free product recovery activities have been terminated in accordance with paragraph (G)(3)(f) or (G)(3)(g) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(G)(3)(c) At a minimum, the free product recovery reports shall contain the following information:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(G)(3)(d) If a malfunction in a free product recovery system cannot be repaired within twenty-four hours, owners and operators shall immediately report the malfunction to the state fire marshal by telephone, electronic mail or facsimile.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(G)(3)(d) The malfunction shall be corrected and the system placed back into service as soon as technically feasible.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Require	(G)(3)(e) If free product is present one year after initiating free product recovery activities, the state fire marshal may require a written re-evaluation of recovery technique(s).	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(G)(3)(e) The re-evaluation shall include a discussion of the reliability, effectiveness, cost and time needed for completing free product recovery.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(G)(3)(f) The state fire marshal shall be notified of termination of free product recovery activities on a form prescribed by the state fire marshal.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H) The Tier 1 Source Investigation shall consist of all of the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Shall	(H)(1)(a) At minimum, the following potential source(s) located on an UST site shall be evaluated to determine the location of potential source area(s):	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(b) Potential source area(s) shall be identified based on the knowledge of the known release, the location of identified potential source(s) through field screening methods or a combination of these.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(c) The chemical(s) of concern shall be identified based on Table 1 using the following five analytical groups:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Must	(H)(1)(c)(v) Additional chemical(s) of concern and analytical methods must be selected, as appropriate, based on reasonably available information related to the product stored, including additives, impurities and degradation products.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(c)(v) The owners and operators shall consult with the state fire marshal for the appropriate chemical(s) of concern for products not in analytical group 1, 2, 3, and 4.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	Table 1, footnote 4 Soil analytical results shall be reported on a dry weight basis.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	Table 1, footnote 5 EDB and EDC shall be analyzed for automotive gasoline USTs that were in service prior to January 1, 1996.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	Table 1, footnote 6 EDB and EDC shall be analyzed for all USTs containing aviation gasoline, racing fuel, and used oil.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(i) The subsurface investigation shall be conducted to collect the data necessary to complete the Tier 1 Source Investigation	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(i)(b) This determination shall include, at a minimum, the following information:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(ii) The presence and concentrations of chemical(s) of concern in the source area(s) shall be determined in accordance with all of the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(ii)(a) A minimum of three soil borings shall be located in the source area(s) to determine the concentration of chemical(s) of concern in soil.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(ii)(a) If the soil borings cannot be located in the source area(s), the soil borings shall be biased to the area of highest suspected concentration of chemical(s) of concern.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Shall	(H)(1)(d)(ii)(b) A minimum of three groundwater monitoring wells shall be located in the source area(s) to determine the concentration of chemical(s) of concern in groundwater.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(ii)(b) If the monitoring wells cannot be located in the source area(s), the monitoring wells shall be biased to the area of highest suspected concentration of chemical(s) of concern.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall not	(H)(1)(d)(ii)(c) Non-intrusive or indirect field testing may be used to assist in selecting soil boring or monitoring well locations, but these techniques shall not be used to demonstrate that concentrations of chemical(s) of concern are below applicable action levels.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(ii)(c) Data collection shall consider the likely distribution and temporal variations of the chemical(s) of concern in the environmental media and the physical parameters necessary to determine hydrologic and geologic properties of environmental media.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(ii)(d) Soil borings and groundwater monitoring wells shall be installed as follows:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(ii)(d)(i) Soil borings shall extend to the upper saturated zone, bedrock, or fifty feet, whichever shall be encountered first.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(ii)(d)(i) If groundwater is known to contain concentrations of chemical(s) of concern, borings shall extend to such groundwater regardless of depth.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(ii)(d)(i) If bedrock is encountered, then soil borings and monitoring wells shall be installed as follows:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Must	(H)(1)(d)(ii)(d)(i)(A) If chemical(s) of concern in soil exceed soil-to-drinking water leaching action levels, a minimum of one monitoring well must be installed in the source area(s) to a maximum depth of fifty feet;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Must	(H)(1)(d)(ii)(d)(i)(B) If the saturated zone is known to contain concentrations of chemical(s) of concern, a minimum of one monitoring well must be installed in the source area(s) regardless of depth;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(ii)(d)(ii) Soil borings shall be continuously sampled and boring logs shall be prepared describing the stratigraphy from each soil boring location;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(ii)(d)(ii) Soil borings shall be continuously sampled and boring logs shall be prepared describing the stratigraphy from each soil boring location;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Shall	(H)(1)(d)(ii)(d)(iii) Boring logs <u>shall</u> be prepared and soil encountered during drilling shall be characterized in accordance with American Society of Testing and Materials (ASTM) D2488-00 (Standard Practice for Description and Identification of Soils/Visual-Manual Procedures) or the Unified Soil Classification System (USCS);	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(ii)(d)(iii) Boring logs shall be prepared and soil encountered during drilling <u>shall</u> be characterized in accordance with American Society of Testing and Materials (ASTM) D2488-00 (Standard Practice for Description and Identification of Soils/Visual-Manual Procedures) or the Unified Soil Classification System (USCS);	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(ii)(d)(iv) Data collection for monitoring wells shall include the depth to free product, free product thickness, depth of water below the top of the casing, and the elevation of the top of the casing;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(ii)(d)(v) Groundwater monitoring wells shall be extended to the bottom of the saturated zone or a minimum of five feet into the saturated zone, whichever is less.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(ii)(d)(v) Groundwater monitoring wells shall be screened to accommodate seasonal fluctuations in the groundwater table.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Require	(H)(1)(d)(ii)(d)(v) If the chemical and/or physical properties indicate the potential for downward migration of chemical(s) of concern, the state fire marshal may require alternate monitoring well installation protocol;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(ii)(d)(vi) Monitoring wells shall be clearly labeled with an identification that corresponds to the identifications submitted on site maps.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(ii)(e) Groundwater samples shall be collected from each monitoring well and analyzed, in an accredited laboratory, for the appropriate chemical(s) of concern listed in Table 1 of paragraph (H)(1) (c) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(ii)(f) Soil samples from soil borings shall be collected and analyzed, in an accredited laboratory and reported on a dry weight basis, for the appropriate chemical(s) of concern listed in Table 1 of paragraph (H)(1)(c) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(ii)(f) Soil samples shall be screened using headspace techniques.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(ii)(f) Soil samples shall be submitted for laboratory analysis using the following criteria:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Shall	(H)(1)(d)(ii)(f)(i) If groundwater is encountered, the sample above the soil/water interface exhibiting the highest headspace vapor concentration and the sample immediately above the soil/groundwater interface, as encountered during drilling, shall be submitted for laboratory analysis.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(ii)(f)(i) If the highest headspace reading is the sample immediately above the soil/groundwater interface, the sample with the highest and the second highest headspace reading above the soil/groundwater interface shall be submitted for laboratory analysis.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(ii)(f)(ii) If groundwater is encountered and no soil samples exhibit headspace readings above background levels, a sample shall be taken from immediately above the soil/water interface, as encountered during drilling, and submitted for laboratory analysis.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(ii)(f)(iii) If no groundwater is encountered, the sample with the highest headspace readings and the sample from the bottom of the boring shall be submitted for laboratory analysis.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(ii)(f)(iv) If no groundwater is encountered and no soil samples exhibit headspace readings above background levels, a sample shall be taken from the bottom of the boring and submitted for laboratory analysis.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(1)(d)(iii) A determination of the existence of groundwater shall be made by determining if a saturated zone has sufficient groundwater yield to meet the minimum criteria for being groundwater.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(2) Upon completion of a Site Check pursuant to paragraph (F)(3) of this rule or a Tier 1 Source Investigation pursuant to paragraph (H) of this rule, owners and operators shall complete a site feature determination in accordance with paragraph (H)(2)(a) of this rule and a points of exposure determination in accordance with paragraph (H)(2)(b) of this rule to determine the appropriate action levels for an UST site pursuant to paragraphs (J)(2) and (J)(3) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(2)(a)(ii) For purposes of Site Check, Tier 1 Source Investigation and Tier 1 Delineation as described in paragraph (I) of this rule, the residential exposure scenario shall be used.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Shall	(H)(2)(a)(iii) If a determination is not made in accordance with paragraph (H)(1)(d)(iii) of this rule or if a potable well exists on an UST site, then the saturated zone shall be assumed to be groundwater.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(2)(a)(v) Action levels shall be determined by applying the groundwater determination, depth-to-groundwater and soil class information to the action level tables in paragraph (J)(3) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(2)(a)(v) An action level shall be identified for each environmental media and exposure pathway in accordance with paragraph (J)(2) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(2)(b) Therefore, while movement of chemical(s) of concern outside the property lines of an UST site is not specifically evaluated in a Tier 1 Source Investigation, any identified current or potential future drinking water source in the surrounding area shall be assumed to be within the source area(s).	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(3)(a) Owners and operators shall prepare and submit on a form prescribed by the state fire marshal either a Tier 1 Evaluation report pursuant to paragraph (H)(3)(b) of this rule (if the concentrations of the chemical(s) of concern are below action levels) or a Tier 1 Notification pursuant to paragraph (H)(3)(c) of this rule (if the concentrations of the chemical(s) of concern are above action levels) within ninety days of the occurrence of any of the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(3)(b) If the concentrations of chemical(s) of concern are at or below action levels for all pathways, owners and operators shall submit a Tier 1 Evaluation report on a form prescribed by the state fire marshal limited to the information prescribed in paragraphs (I)(3)(b)(i) and (I)(3)(b)(ii) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(3)(c) If the concentrations of chemical(s) of concern are above the action level for one or more exposure pathways, owners and operators shall submit a Tier 1 Notification on a form prescribed by the state fire marshal and conduct a Tier 1 Delineation pursuant to paragraph (I) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(H)(3)(c) The Tier 1 Notification shall include all of the following information:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I) A Tier 1 Delineation shall consist of the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(1)(a)(i) The distribution of chemical(s) of concern shall be defined to the delineation levels set forth in paragraph (J)(1) of this rule;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Shall	(I)(1)(a)(ii) Soil borings and groundwater monitoring wells shall be installed in accordance with paragraph (H)(1)(d)(ii) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(1)(a)(ii) If bedrock is encountered and concentrations of chemical(s) of concern in soil exceed soil-to-drinking water leaching action levels, a minimum of one monitoring well shall be installed in the source area(s) to groundwater.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(1)(a)(ii) If any chemical(s) of concern are encountered in groundwater, additional monitoring wells shall extend to such groundwater:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(1)(a)(iii) This determination shall include, at a minimum, the following information:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(1)(a)(iv) If the determination of the likely distribution of chemical(s) of concern requires off-site access, owners and operators shall use their best efforts to obtain permission to enter such off-site areas to complete the investigations required by this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(1)(a)(iv) If access cannot be obtained, the owners and operators shall submit notice to the state fire marshal within forty-five days after the owner and operator determines off-site access cannot be obtained.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(1)(a)(iv) The notice shall describe the efforts taken by the owners and operators to obtain off-site access and the reasons why access could not be obtained.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(1)(a)(iv) Owners and operators shall take additional action to obtain off-site access if required by the state fire marshal.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(1)(b) The evaluation of potable water supplies shall be based on reasonably available information including, but not limited to, information collected or maintained by the Ohio environmental protection agency, Ohio department of natural resources, county health departments, and public water supply organizations.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(2) The drinking water use determination shall be conducted in accordance with this paragraph.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(2)(a) The current and potential future use of groundwater underlying the UST site and surrounding area shall be used to determine if groundwater underlying the UST site is either a drinking water source or not a drinking water source.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(2)(a) During the Tier 1 Delineation, the following assumptions about groundwater shall be made:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(2)(a)(i) The groundwater use to be evaluated shall be the upper most saturated zone underlying the UST site.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Must	(I)(2)(a)(i) If any evidence suggests the chemical(s) of concern are present in the lower saturated zones, they must also be evaluated;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(2)(a)(ii) Any identified current or potential future drinking water source in the surrounding area shall be assumed to be within the source area(s).	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(2)(b) The evaluation of groundwater use underlying the UST site and surrounding area shall be based on reasonably available information including, but not limited to, information collected or maintained by the bureau of underground storage tank regulations, Ohio environmental protection agency, Ohio department of natural resources (including located and unlocated potable well logs), county health departments, and public water supply organizations.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(2)(c) The groundwater underlying the UST site and surrounding area shall be considered a drinking water source if any of the following apply:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(2)(c)(iii) This identification shall include the information required in paragraph (I)(1)(b).	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(2)(d) If the UST site does not meet the drinking water requirements of paragraph (I)(2)(c) of this rule, then groundwater underlying the UST site shall be considered non-drinking water if any of the following apply:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(2)(e) If groundwater is not drinking water pursuant to paragraph (I)(2)(c) of this rule and does not meet one of the criteria in paragraph (I)(2)(d) of this rule, then groundwater shall be considered drinking water.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(2)(f) Action levels shall be determined by applying the groundwater determination, depth-to- groundwater and soil class information to the action level tables in paragraph (J)(3) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(2)(f) An action level shall be identified for each environmental media and exposure pathway in accordance with paragraph (J)(2) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(3)(a) Owners and operators shall prepare and submit a Tier 1 Investigation Report on a form prescribed by the state fire marshal within one year of the occurrence of any of the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(3)(b) The Tier 1 Investigation Report shall include the following information:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(3)(b)(ii)(d)(iv) The number and quantity of well purging volumes, date, sample appearance, time and duration of collection and development shall be documented.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Shall	(I)(3)(b)(ii)(d)(vii)(A) All tables shall include the corresponding method detection limit for each analysis that was below detection limits;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(3)(b)(ii)(d)(viii) Maps shall include the location of sampling points, the depth of each soil sample interval and the location of source area(s).	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(3)(b)(ii)(d)(viii) Maps shall include historical soil and groundwater results for the release being investigated.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(I)(4)(c) If the concentrations of chemical(s) of concern are above applicable action level(s) determined in accordance with paragraph (I)(2)(f) of this rule, and upon approval of the completeness of the Tier 1 Delineation, the owners and operators shall conduct one or a combination of the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(J)(1) The delineation levels in soil and groundwater for chemical(s) of concern shall be as follows:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(J)(2)(a) If groundwater is determined to be a drinking water source in accordance with paragraph (I)(2)(c) or (I)(2)(e) of this rule, then the maximum concentrations of each chemical of concern in soil and groundwater, for the corresponding soil type, shall be compared to the applicable action levels in paragraph (J)(3) of this rule, for the following pathways:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(J)(2)(b) If groundwater is determined to be non-drinking water in accordance with paragraph (I)(2)(d), then the maximum concentrations of each chemical of concern in soil and groundwater, for the corresponding soil class, shall be compared to the applicable action levels in paragraph (J)(3) of this rule, for the following tables:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(J)(2)(c) If no groundwater has been encountered as defined in paragraph (C) of this rule, then the maximum concentrations of each chemical of concern in soil, for the corresponding soil class, shall be compared to the applicable action levels in paragraph (J)(3) of this rule, for the following pathways:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(J)(3)(a) The action levels in groundwater for the groundwater ingestion pathway for chemical(s) of concern shall be as follows:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(J)(3)(b) The action levels in groundwater for the groundwater to indoor air pathway for chemical(s) of concern shall be as follows for the applicable soil type and depth to groundwater:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Shall	(J)(3)(c) The action levels in groundwater for the groundwater to outdoor air pathway for chemical(s) of concern shall be as follows for the applicable soil type:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(J)(3)(d) The action levels in soil for the direct contact with soil pathway for chemical(s) of concern shall be as follows for all soil types:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(J)(3)(e) The Soil Action Levels for Total Petroleum Hydrocarbon (TPH) shall be as follows:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(J)(3)(f) The action levels in soil for the soil to indoor air, soil to outdoor air, soil to drinking water leaching and soil to non-drinking water leaching pathway for chemical(s) of concern shall be as follows for the applicable soil type:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(J)(4) Where ten or more non-carcinogenic or carcinogenic chemicals of concern are present when analyzing for Analytical Groups 4 and/or 5, the standard for each chemical of concern shall be adjusted to meet the following goals:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall not	(J)(4)(a) For chemicals of concern having carcinogenic effects, the cumulative carcinogenic risk for all chemical(s) of concern shall not exceed a total excess upper bound cancer risk of 1×10^{-5} (i.e., one excess cancer in a population of 100,000);	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall not	(J)(4)(b) For chemicals of concern having non-carcinogenic effects, the cumulative risk for all chemical(s) of concern shall not exceed a hazard index of one.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(J)(4)(c) A cumulative adjustment shall be made for each of the following pathways:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Must	(K)(1) If an Interim Response Action is to be conducted it must be implemented within ninety days of approval of a Tier 1 Delineation conducted pursuant to paragraph (I) of this rule, approval of a Tier 2 Evaluation conducted pursuant to paragraph (L) of this rule or approval of a Tier 3 Evaluation conducted pursuant to paragraph (M) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(K)(1) Once an Interim Response Action has been completed, previously identified potentially complete exposure pathways shall be re-evaluated.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(K)(2) An Interim Response Action Notification shall be submitted on a form prescribed by the state fire marshal ten days prior to beginning the Interim Response Action.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(K)(2) The notification shall include the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(K)(3) Prior approval of an interim response action shall be obtained from the state fire marshal if:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Shall	(K)(4) A report summarizing the Interim Response Action(s) shall be submitted to the state fire marshal within sixty days of completing the activities and shall contain, at a minimum, the following information as appropriate:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(K)(4) A report summarizing the Interim Response Action(s) shall be submitted to the state fire marshal within sixty days of completing the activities and shall contain, at a minimum, the following information as appropriate:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L) A Tier 2 Evaluation shall be conducted in accordance with all of the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(1)(a) The distribution of chemical(s) of concern shall be delineated in all directions from the source areas(s) to the applicable Tier 1 action level(s) determined for the UST site.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(1)(b) Soil borings and groundwater monitoring wells shall be installed in accordance with paragraph (H)(1)(d) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(1)(d) If the determination of the likely distribution of chemical(s) of concern requires off-site access, owners and operators shall use their best efforts to obtain permission to enter such off-site areas to complete the investigations required by this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(1)(d) At a minimum, this effort shall include at least three attempts to contact the property owner within a ninety day period for access permission.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(1)(d) If access cannot be obtained, owners or operators shall submit written notice to the state fire marshal within forty-five days after determining off-site access cannot be obtained or forty-five days after the third unsuccessful request for access.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(1)(d) The notice shall describe the efforts taken by the owners or operators to obtain off-site access, the reasons why access could not be obtained, and include contact information for the off-site access requests along with copies of documents and/or phone logs.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(1)(d) Owners and operators shall take additional action to obtain off-site access if requested by the state fire marshal.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(2)(a) Land use for the UST site shall be residential unless:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(2)(b) Land use for the UST site and adjacent properties shall be determined as residential or non-residential using reasonably available information based on the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Shall	(L)(3) Action levels for the UST site shall be determined in accordance with the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(3)(a)(i) If the UST site meets the non-residential land use determination pursuant to paragraph (L)(2)(a) of this rule, then the owners and operators shall compare the concentrations of chemical(s) of concern to the appropriate non-residential action levels and groundwater use action levels in paragraph (J)(3) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(3)(a)(i)(a) The owners and operators shall prepare a Tier 2 Evaluation report in accordance with paragraph (L)(7) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(3)(a)(i)(c) If one or more of the concentrations of chemical(s) of concern are above non-residential land use and/or groundwater use action levels as determined in accordance with paragraph (I)(2) of this rule for any applicable pathway, owners and operators shall develop a site conceptual exposure model pursuant to paragraph (L)(4) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(3)(b) If the UST site does not meet the non-residential land use determination pursuant to paragraph (L)(2) of this rule, owners and operators shall develop a site conceptual exposure model pursuant to paragraph (L)(4) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(3)(c) If chemical(s) of concern have migrated off the UST site, action levels shall be developed for each impacted property pursuant to paragraph (J) of this rule according to the corresponding land use.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(4) A site conceptual exposure model shall be developed to clearly describe the conditions under which an exposure to chemical(s) of concern may occur by identifying exposure pathways and points of exposure in accordance with the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(4)(a)(i) Pathway identification shall include identifying all receptors, media and transport mechanisms and routes of exposure in accordance with the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(4)(a)(i)(a) Identify current and potential future receptors that may be exposed to the release. At a minimum, the following potential receptors shall be evaluated:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(4)(a)(i)(b) The environmental media that are likely to contain concentrations of chemicals of concern shall be identified for evaluation.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Shall	(L)(4)(a)(i)(b) The following environmental media shall be evaluated:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(4)(a)(i)(c) All fate and transport mechanisms for chemical(s) of concern in the environmental media shall be identified.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(4)(a)(i)(c) The following transport mechanisms shall be evaluated for all applicable pathways:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(4)(a)(i)(d) The following routes of exposure shall be evaluated:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(4)(a)(ii)(b) If the pathway cannot be determined to be incomplete according to the criteria listed in paragraph (L)(4)(a)(ii)(a) of this rule, the exposure pathway shall be considered complete.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(4)(a)(ii)(c) Where points of exposure are eliminated based on a land use restriction, owners and operators shall enter into an environmental covenant with the state fire marshal in accordance with sections 5301.80 to 5301.92 of the Revised Code that is recorded in the county where the UST site is located for the purpose of restricting the land use to activities that are consistent with the land use determination.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(4)(a)(ii)(c) A copy of the environmental covenant used shall be provided with the Tier 2 Evaluation report.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(4)(a)(ii)(d) Where points of exposure are eliminated based on a groundwater use restriction, owners and operators shall enter into an environmental covenant with the state fire marshal in accordance with sections 5301.80 to 5301.92 of the Revised Code that is recorded in the county where the UST site is located for the purpose of restricting the drinking water use to activities that are consistent with the groundwater use determination.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(4)(a)(ii)(d) A copy of the environmental covenant used shall be provided with the Tier 2 Evaluation report.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(4)(a)(iii)(a) If an exposure pathway is determined to be complete in accordance with paragraph (L)(4)(a)(ii)(b) of this rule, then owners and operators shall evaluate points of exposure pursuant to paragraph (L)(4)(b) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(4)(a)(iii)(b) The determination that an exposure pathway is incomplete shall be documented and based on information and data collected during the Tier 2 Evaluation.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Shall	(L)(4)(b)(i) At a minimum, all of the following potential point(s) of exposure shall be evaluated:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(4)(b)(i)(a) Where groundwater has been determined to be a drinking water source in accordance with paragraph (I)(2)(c) or (I)(2)(e) of this rule, the point of exposure shall be one of the following, whichever is closest to the source area(s):	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(4)(b)(i)(a)(vi) If a point of exposure has not been identified in paragraphs (L)(4)(b)(i)(a)(i) to (L)(4)(b)(i)(a)(iv) of this rule, the point of exposure shall be three hundred feet from the source area(s) or an alternate point of exposure approved by the state fire marshal;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Require	(L)(4)(b)(i)(a)(vii) Notwithstanding paragraphs (L)(4)(b)(i)(a)(i) to (L)(4)(b)(i)(a)(vi), the state fire marshal may require that point(s) of exposure be evaluated other than or in addition to those specified in paragraph (L)(4)(b) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(4)(b)(i)(e)(i) The current or reasonably anticipated future use is determined to be residential land use then a point of exposure for direct contact with surface soil shall be zero to ten feet below ground surface.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(4)(b)(i)(e)(ii) The current and reasonably anticipated future use is determined to be non-residential then a point of exposure for direct contact with surface soil shall be zero to two feet below ground surface.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(4)(c) If the distribution of chemical(s) of concern cannot be defined on properties that are impacted or potentially impacted by the release, concentrations of chemical(s) of concern at the affected property boundary line(s) shall meet action levels appropriate to each property's land use determination.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(5)(a) Fate and transport of chemical(s) of concern above action levels that have complete exposure pathways shall be evaluated by conducting one or a combination of the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall not	(L)(5)(b) The default values shall not be replaced by alternative literature values.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(5)(b) Any non-default input data shall be representative of the UST site conditions.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(5)(c) Proper documentation of the modeling work shall be prepared and submitted to the state fire marshal within the Tier 2 Evaluation report.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(5)(c) The documentation shall include input values, assumptions and the results of the modeling.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Must	(L)(5)(c) Model results must be reproducible by the state fire marshal.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(5)(d) After determining site-specific target levels, the maximum concentrations of chemical(s) of concern for each complete exposure pathway shall be compared to the calculated site-specific target levels.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(5)(e) Where site-specific target levels are developed based on land use other than residential land use and non-residential land use is not established in accordance with paragraph (L)(2)(a)(i) of this rule, owners and operators shall enter into an environmental covenant with the state fire marshal in accordance with sections 5301.80 to 5301.92 of the Revised Code to restrict the land use to activities that are consistent with the land use determination.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(5)(e) A copy of the mechanism used shall be provided with the Tier 2 Evaluation report.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(5)(f) Where site-specific target levels are developed based on groundwater use other than drinking water use and non-drinking water use is not established in accordance with paragraph (I)(2)(d) of this rule, owners and operators shall enter into an environmental covenant with the state fire marshal in accordance with sections 5301.80 to 5301.92 of the Revised Code to restrict the drinking water use to activities that are consistent with the groundwater use determination.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(5)(f) A copy of the mechanism used shall be provided with the Tier 2 Evaluation report.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(6) The maximum concentrations of chemical(s) of concern shall be compared to the action level or Tier 2 site-specific target levels, as applicable.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(6)(a) If required by paragraph (O) of this rule, a monitoring plan shall be developed for groundwater and submitted with the Tier 2 Evaluation report, prepared in accordance with paragraph (L)(7) of this rule, to demonstrate that concentrations of all chemical(s) of concern will remain at or below Tier 2 site-specific target levels.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(6)(c) If the concentrations of chemical(s) of concern are above the Tier 2 site-specific target levels for one or more exposure pathways, then the owners and operators shall complete one or a combination of the following to address the chemical(s) of concern and the corresponding complete exposure pathways:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Shall	(L)(6)(c)(iv) This plan shall be submitted with the Tier 2 Evaluation report.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(7)(a) Owners and operators shall prepare and submit the Tier 2 Evaluation report to the state fire marshal, within eighteen months from the approval of the Tier 1 Investigation report:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(7)(b) The Tier 2 Evaluation report shall include all of the following information:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(7)(b)(ii)(g) Justification for the exclusion of specific monitoring wells in the determination of flow direction, if applicable, shall be provided.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(7)(b)(ii)(i) All tables shall include the corresponding method detection limit for each analysis that was below detection limits;	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(7)(b)(ii)(j) Maps shall include the location of sampling points, the depth of each soil sample interval, and the location of each source area(s).	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(7)(b)(ii)(j) Maps shall include historical soil and groundwater results for the release being investigated.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(7)(b)(v) All sources of information in the report shall be documented.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(7)(b)(vi) The summary shall include the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(L)(7)(b)(vi)(c) At a minimum, the following information shall be included:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(M)(1)(a) If site-specific target levels are to be developed under a Tier 3 Evaluation, then a Tier 3 Evaluation plan shall be prepared and submitted to the state fire marshal within ninety days of approval of the Tier 2 Evaluation pursuant to paragraph (L)(7)(a) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(M)(1)(a) Unless otherwise provided in this rule, this plan shall include all the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(M)(1)(b) Upon approval of the Tier 3 Evaluation plan by the state fire marshal, owners and operators shall conduct the activities in accordance with the approved Tier 3 Evaluation plan.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(M)(2)(a) For each confirmed release for which a Tier 3 Evaluation plan is submitted to the state fire marshal, the owners and operators shall provide notice to the public in a format approved by the state fire marshal by means designed to reach those members of the public directly affected by the release and the planned Tier 3 Evaluation.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(M)(2)(a) Owners and operators shall submit proof of public notice to the state fire marshal within ninety days of the date of the public notice request.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Shall	(M)(2)(b) The state fire marshal shall ensure that the UST site release information and decisions concerning the Tier 3 Evaluation plan are made available to the public for inspection upon request.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(M)(3)(a) If required by paragraph (O) of this rule, a monitoring plan shall be developed for groundwater and submitted with the Tier 3 Evaluation report prepared in accordance with paragraph (M)(4) of this rule to demonstrate that concentrations of chemical(s) of concern will remain at or below Tier 3 site-specific target levels.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(M)(3)(b) If the concentrations of chemical(s) of concern are above the Tier 3 site-specific target levels, then the owners and operators shall conduct one or a combination of the following:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(M)(4) Within ninety days from the projected completion date stated in the approved Tier 3 Evaluation plan a report summarizing the activities conducted in accordance with the Tier 3 Evaluation plan developed in paragraph (M)(1) of this rule and the results of the Tier 3 decisions described in paragraph (M)(3) of this rule shall be submitted to the state fire marshal for approval.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(N)(1) A Remedial Action Plan shall be prepared and submitted to the state fire marshal within ninety days of approval of the Tier 1 Investigation report pursuant to paragraph (I)(4) of this rule, approval of the Tier 2 Evaluation pursuant to paragraph (L)(7)(a) of this rule or approval of the Tier 3 Evaluation report pursuant to paragraph (M)(4) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(N)(1) The Remedial Action Plan shall include, at a minimum, all of the following information:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(N)(2)(a) For each release for which a Remedial Action Plan is submitted to the state fire marshal, the owners and operators shall provide notice to the public in a format approved by the state fire marshal by means designed to reach those members of the public directly affected by the release and the planned remedial action.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(N)(2)(a) Owners and operators shall submit proof of public notice to the state fire marshal within ninety days of the date of the public notice request.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(N)(2)(b) The state fire marshal shall ensure that the UST site release information and decisions concerning the Remedial Action Plans are made available to the public for inspection upon request.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Shall	(N)(2)(d) The owners and operators shall give public notice that complies with paragraph (N)(2)(a) of this rule if implementation of an approved Remedial Action Plan does not achieve the established cleanup levels in the plan and termination of that plan is under consideration by the state fire marshal.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(N)(3)(a) Upon approval of the Remedial Action Plan, owners and operators shall implement the plan.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(N)(3)(a) Owners and operators shall monitor, evaluate, and report to the state fire marshal the results of implementation efforts.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(N)(3)(b) If the treatment technology approved by the state fire marshal in the plan has been installed and operated for the time frame specified in the approved Remedial Action Plan and the technology is unable to reduce the concentration of chemical(s) of concern to a level at or below action or site-specific target levels, then the owners and operators shall:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(N)(4) Following completion of remedial action in accordance with this rule, owners and operators shall prepare and submit a completion report no later than the submittal date provided in the approved plan.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Must	(N)(4) The completion report must demonstrate the remedial action objectives have been met.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(N)(4) The report shall contain documentation supporting termination of the remedial action program.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(N)(4) Upon approval of the report, the state fire marshal shall issue to the owners and operators written notice that no further action is required.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(O)(1)(a) A monitoring plan shall be developed as appropriate to:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(O)(1)(b) The monitoring plan shall include, at a minimum, all of the following information:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(O)(1)(b)(vii) The model assumptions shall be validated with empirical data collected from point(s) of demonstration.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(O)(1)(c) If the objectives of the monitoring plan have been met, then owners and operators shall submit a completion report within ninety days after receiving analytical results of the last monitoring plan sampling event and in accordance with paragraph (O)(3) of this rule.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Shall	(O)(1)(c) If the objectives of the monitoring plan have not been met, then the owners and operators shall conduct one or more of the following within ninety days after receiving analytical results of the last monitoring plan sampling event:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(O)(2) The monitoring plan shall include a point(s) of demonstration between the source area and the point of exposure and be submitted with the Tier 2 Evaluation report, Remedial Action Plan or Tier 3 Evaluation report.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(O)(2) The process for the selection of the point(s) of demonstration shall consider the location of the point(s) of exposure including the receptor and exposure route, the transport mechanism (e.g., groundwater migration, vapor migration) and the estimated travel time from the source to the point(s) of exposure.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(O)(2) The point(s) of demonstration shall be located to monitor the progress of the remedial action (including natural attenuation) and to verify the predictions related to the potential fate and transport of the chemical(s) of concern.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(O)(2) The point(s) of demonstration shall be located sufficiently upgradient of the point(s) of exposure to indicate whether continued migration of the chemical(s) of concern may impact the point(s) of exposure above the applicable action levels.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(O)(3) Following completion of monitoring in accordance with paragraphs (O)(1) and (O)(2) of this rule, owners and operators shall prepare a completion report that demonstrates the monitoring objectives have been met.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(O)(3) The report shall contain documentation supporting termination of the monitoring plan.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(O)(3) Upon approval of the report, the state fire marshal shall issue to the owners and operators written notice that no further action is required.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(P) The storage, treatment and disposal of petroleum contaminated soil generated from corrective actions undertaken pursuant to this rule shall be in accordance with rule 1301:7-9-16 of the Administrative Code.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(Q) If owners and operators desire an extension of time in which to comply with any portion of this rule, the owner and operator shall:	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-13	Shall	(R)(1)(b) If the alternative methodology or technology is approved by the state fire marshal, the owner and operator using such an alternative methodology or technology shall comply with any conditions imposed by the state fire marshal on its use.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Must	(R)(2) If the state fire marshal approves an alternative methodology or technology for use at all UST sites, the owners and operators must comply with any conditions imposed by the state fire marshal on the use of the alternative methodology or technology.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall	(S)(2) Upon demonstration that the applicable standards established by this rule have been met, the state fire marshal shall issue the person that undertook voluntary corrective action written notice that no further corrective action is required.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-13	Shall not	(S)(3) Written notice issued pursuant to paragraph (S)(2) of this rule that no further corrective action is required shall not be construed in any manner to suggest that the person completing voluntary corrective action has thereby assumed any liability or responsibility for the release or suspected release of petroleum, or for any residual contamination that may remain at the property.	3737.88, 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall not	(A) 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."	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(B)(1) Any local fire agency wishing to have the state fire marshal delegate to its certified fire safety inspectors the authority to conduct inspections and issue permits for underground storage tank systems shall submit a written application to the state fire marshal.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(B)(1) All applications shall be on a form prescribed and furnished by the state fire marshal and shall include, without limitation, all of the following:	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(B)(1) All applications shall be on a form prescribed and furnished by the state fire marshal and shall include, without limitation, all of the following:	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(B)(2) The state fire marshal shall review all applications.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(B)(2)(a) Local fire agencies which have been delegated authority pursuant to this rule shall retain copies of all permits issued pursuant to paragraph (B)(4) of this rule and all inspection reports prepared within its jurisdictional area pursuant to paragraph (I) of this rule.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-15	Shall	(B)(2)(a) The local fire agency shall deliver a copy of all UST permits and all inspection reports to the state fire marshal within thirty days of the final inspection.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(B)(2)(b) If a local fire agency which has been delegated authority pursuant to this rule determines that any violation of this chapter exists, that a condition of an UST permit has been violated, or that there has been any false statement or misrepresentation of a material fact on the UST permit application or supporting documentation, the local fire agency shall initiate UST permit revocation proceedings.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(B)(2)(b) To initiate revocation proceedings, the local fire agency shall inform the state fire marshal in writing of the proposed UST permit revocation and the reason for the proposed revocation.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(B)(2)(c) The state fire marshal shall retain any and all authority to bring an action against the responsible person for any violation of this chapter or section 3737.882 of the Revised Code.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(B)(2)(d) The state fire marshal shall retain the authority to revoke any authority delegated pursuant to this rule upon a determination by the state fire marshal that a local fire agency's certified fire safety inspector authorized to perform UST inspections pursuant to paragraph (F) of this rule failed to adequately inspect UST systems within the local fire agency's jurisdiction, failed to keep adequate records, failed to properly apply this chapter, or failed to comply with any requirements of this rule.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(B)(3)(a) The authority of a certified fire safety inspector authorized to perform UST inspections pursuant to paragraph (F) of this rule shall be limited to the duties identified in paragraph (C) of this rule and to the following:	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(B)(3)(a)(i) All approvals and denials shall be in writing and a copy shall be delivered to the state fire marshal within thirty days of issuance.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(B)(3)(a)(i) All approvals and denials shall be in writing and a copy shall be delivered to the state fire marshal within thirty days of issuance.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(B)(3)(a)(ii) All approvals and denials shall be in writing and a copy shall be delivered to the state fire marshal within thirty days of issuance.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(B)(3)(a)(ii) All approvals and denials shall be in writing and a copy shall be delivered to the state fire marshal within thirty days of issuance.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-15	Shall	(B)(3)(b) Certified fire safety inspectors authorized to conduct UST system inspections pursuant to paragraph (F) this rule shall comply with the operational and reporting requirements set forth in paragraph (I) of this rule.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(B)(3)(c) UST inspections shall be performed by certified fire safety inspectors within the agency as listed in paragraph (B)(1)(a) of this rule.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(B)(3)(e) Certified fire safety inspectors conducting UST system inspections pursuant to paragraph (F) of this rule shall be limited in the inspections they are allowed to conduct as set forth in paragraph (H) of this rule, except that certified fire safety inspectors assigned to conduct UST inspections within the jurisdictional area of the local fire agency may also conduct UST system inspections of USTs owned by the political subdivision where the local fire agency has jurisdiction.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(B)(4) Local fire agencies which have been delegated authority pursuant to this rule shall issue an UST permit in a form prescribed and provided by the state fire marshal to those responsible persons who have submitted a completed UST permit application.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(B)(4) UST permits shall be issued in accordance with paragraph (C) of rule 1301:7-9-10 of the Administrative Code.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(B)(4)(a) No local fire agency shall issue any UST permit pursuant to this rule unless it has been delegated the authority to do so in writing by the state fire marshal.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(B)(4)(b) A local fire agency which has been delegated authority pursuant to this rule shall issue permits for UST systems only within its jurisdictional area.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall not	(B)(4)(d) Any permit issued by a local fire agency shall not be construed as authority to violate any provision of this chapter.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(B)(4)(e) If a local fire agency which has been delegated authority pursuant to this rule determines that an UST permit application is incomplete, that there has been a false statement or misrepresentation of a material fact on the UST permit application or supporting documentation, or that the proposed activity is in violation of this chapter, the local fire agency shall initiate permit application denial proceedings.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-15	Shall	(B)(4)(e) To initiate denial proceedings, the local fire agency shall inform the state fire marshal in writing of the proposed denial and the reason for the proposed denial.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(C)(2) As part of an UST permit inspection, under no circumstances shall a certified UST inspector enter a confined space as defined in 29 CFR 1910.146, as published in the July 1, 2016, Code of Federal Regulations.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(C)(3) A certified UST inspector shall be physically on site for all of the following activities:	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(C)(4) Any inspector certified to inspect UST systems under paragraph (F) of this rule who observes activity that is in conflict with normal work or safety requirements referenced by this chapter shall immediately notify the certified UST installer of the activity.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(C)(4) If the certified UST installer fails to correct the activity in a timely manner, the certified UST inspector shall instruct the certified UST installer to secure the UST system in a safe manner and to cease all UST related work.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(C)(4) The certified UST inspector shall immediately notify the state fire marshal, and work shall not resume until approval is given by the state fire marshal.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall not	(C)(4) The certified UST inspector shall immediately notify the state fire marshal, and work shall not resume until approval is given by the state fire marshal.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(D) Any individual who wishes to apply to become certified as an UST inspector shall meet all of the following application requirements:	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(D)(1) The applicant shall submit a complete application to the state fire marshal, on a form prescribed and furnished by the state fire marshal, accompanied by a non-refundable examination fee of twenty-five dollars.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(D)(1) The state fire marshal shall also assess the applicant any fee charged by the superintendent of the bureau of criminal identification and investigation for the results of a background check to the applicant;	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(D)(2) The applicant shall be an individual and shall be at least eighteen years of age;	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(D)(2) The applicant shall be an individual and shall be at least eighteen years of age;	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-15	Shall	(D)(3) If the applicant is not a resident of Ohio, the applicant shall provide an irrevocable consent to legal service from Ohio on a form prescribed and furnished by the state fire marshal;	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(D)(4) The applicant shall demonstrate compliance with one of the following:	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(D)(5) The applicant shall be a certified fire safety inspector as that term is defined in division (D) of section 3737.01 of the Revised Code;	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall not	(D)(7) The applicant shall not have had any authorization to act as a certified UST inspector pursuant to this rule previously revoked by the state fire marshal;	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(D)(8) The applicant shall complete an UST inspector training program in accordance with paragraph (E) of this rule and submit an application to become a certified UST inspector under paragraph (D)(1) of this rule within one year of completing the UST inspector training program;	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(D)(9) The applicant shall satisfactorily pass the UST inspector examination.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(D)(9)(a) The examination shall be a written multiple-choice examination covering all aspects of the inspection of the installation, replacement, repair, closure-in-place, removal, modification, placing out of service, and performing a change in service of underground storage tank systems.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(D)(9)(a) The exam shall also cover knowledge of sections 3737.88 to 3737.882 of the Revised Code, this chapter of the Administrative Code, current technological and industry recommended practices with respect to the proper installation, replacement, repair, closure-in-place, removal, modification, placing out of service, and performing a change in service of UST systems.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(D)(9)(b) To satisfactorily pass the examination, the applicant shall obtain a minimum score of seventy-five per cent on the exam.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Must	(D)(9)(b) If the applicant has not requested re-examination within the one year period, the applicant must file a new application for certification with the state fire marshal.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(D)(9)(c) The examination shall be offered by and at the discretion of the state fire marshal at such places as the state fire marshal determines.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-15	Shall	(D)(9)(c) The state fire marshal <u>shall</u> announce the time and location of an examination at least twenty days in advance of the exam and shall, at least seven days in advance of the exam, provide notice of the exam to all persons who have completed applications for certification since the date of the previous examination.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(D)(9)(c) The state fire marshal shall announce the time and location of an examination at least twenty days in advance of the exam and <u>shall</u> , at least seven days in advance of the exam, provide notice of the exam to all persons who have completed applications for certification since the date of the previous examination.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(E)(1) Any such program shall include appropriate instructional methods and written pre-test and post-test examinations, as determined by the state fire marshal.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(E)(2) Any individual who wishes to attend a certified UST inspector training or continuing education program shall submit a complete application to the state fire marshal, on a form prescribed by the state fire marshal, accompanied by a non-refundable fee established by the state fire marshal, prior to the first scheduled day of the training program.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(E)(3) Attendance shall be required at all classroom sessions except for valid reasons.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(E)(3) Any absentee from any scheduled classroom session shall make up such attendance as required by the faculty.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(E)(4) Upon conclusion of any certified UST inspector training or continuing education program, the state fire marshal shall issue a certificate of completion to all persons who complied with all of the following requirements:	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(F)(1) The state fire marshal shall issue a certification to inspect UST systems to each applicant who meets the requirements of paragraph (D) of this rule.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(F)(1) The certification to inspect shall be valid for three years following the date of issuance by the state fire marshal.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(F)(3)(a) The state fire marshal shall issue a certification to inspect UST systems to each fire safety inspector who meets the requirements of this paragraph.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(F)(3)(a) The certifications to inspect <u>shall</u> be valid for three years following the effective date of this rule and shall limit the fire safety inspector to the jurisdictional area of the local fire agency where assigned.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-15	Shall	(F)(3)(a) The certifications to inspect shall be valid for three years following the effective date of this rule and <u>shall</u> limit the fire safety inspector to the jurisdictional area of the local fire agency where assigned.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(F)(3)(b) Each fire safety inspector who meets the requirements of this paragraph shall comply with paragraph (G) of this rule for renewal of certification to inspect UST systems.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(F)(3)(c) The authority of a certified fire safety inspector to inspect UST systems in accordance with this paragraph shall end upon separation of the inspector from the local fire agency.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(G)(1) Certifications to inspect UST systems shall be renewed every three years following the date of issuance by the state fire marshal.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(G)(1) No less than ninety days prior to expiration of a certification, the state fire marshal shall send a renewal application to the certification holder at the latest address indicated on file.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(G)(1) Any individual certified to inspect UST systems pursuant to this rule who wishes to apply for renewal of a certification to inspect shall meet all of the following renewal requirements:	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Require	(G)(2) Upon a determination by the state fire marshal that substantial changes have been made to sections 3737.87 to 3737.882 of the Revised Code, this chapter of the Administrative Code, or UST technology, the state fire marshal may require applicants for renewal of certifications to inspect UST systems to complete a continuing education course as specified by the state fire marshal as a condition of renewal of certification.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(G)(2) The state fire marshal <u>shall</u> develop the continuing education course pursuant to paragraph (E) of this rule and shall notify all certified UST inspectors, in a timely fashion, of the continuing education requirement, the location, dates and times when the course will be offered.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(G)(2) The state fire marshal shall develop the continuing education course pursuant to paragraph (E) of this rule and <u>shall</u> notify all certified UST inspectors, in a timely fashion, of the continuing education requirement, the location, dates and times when the course will be offered.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-15	Shall	G)(3) The state fire marshal shall renew a certification to inspect UST systems for each applicant who meets the applicable requirements of paragraph (G)(1) of this rule.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	G)(3) The renewal of a certification to inspect shall be valid for three years following issuance by the state fire marshal.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	G)(5) After expiration of a certification, any application for renewal will be considered as a new application and the applicant shall be required to pass an examination as defined in paragraph (D)(9) of this rule prior to certification.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall not	(H)(1) Any individual certified to inspect UST systems pursuant to this rule shall not inspect the installation or replacement of, making major repairs on site to, closure-in-place of, removal of, modification of, change in service of or placing out of service more than ninety days of UST systems where that certified inspector performed work on the UST system being inspected, supervised the work on the UST system being inspected, or is employed by or associated with the certified installer whose work is being inspected.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall not	(H)(2) Any individual certified to inspect UST systems pursuant to this rule shall not inspect the installation or replacement of, making major repairs on site to, closure-in-place of, removal of, modification of, change in service of or placing out of service more than ninety days of UST systems for any owner or operator where that certified inspector is employed by the owner or operator or any of the owner's or operator's companies, partnerships, subsidiaries, related companies, or the like.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(H)(2)(b) The state fire marshal shall retain any and all authority to accept or reject an assessment by a certified inspector.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall not	(H)(3) Any individual certified to inspect UST systems pursuant to this rule shall not inspect the installation or replacement of, making major repairs on site to, closure-in-place of, removal of, modification of, change in service of or placing out of service more than ninety days of UST systems for any owner or operator where the certified inspector is employed by the certified UST installer being inspected or any of the certified UST installer's companies, partnerships, subsidiaries, related companies, or the like.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-15	Shall not	(H)(4) Any individual certified to inspect UST systems pursuant to this rule shall not inspect the installation or replacement of, making major repairs on site to, closure-in-place of, removal of, modification of, change in service of or placing out of service more than ninety days of UST systems where the certified inspector is the owner or operator of the UST systems being inspected, is a partner in the partnership that is the owner or operator of the UST systems being inspected, or owns a substantial interest in any subsidiary of, related company to, or corporation that is the owner or operator of the UST systems being inspected.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall not	(H)(5) Any individual certified to inspect UST systems pursuant to this rule shall not inspect the installation or replacement of, making major repairs on site to, closure-in-place of, removal of, modification of, change in service of or placing out of service more than ninety days of UST systems where the certified inspector is the certified UST installer being inspected, is a partner in the partnership that is the certified UST installer being inspected, or owns a substantial interest in a subsidiary of, related company to, or corporation that is the certified UST installer being inspected.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall not	(H)(6) Any individual certified to inspect UST systems pursuant to this rule shall not inspect the installation or replacement of, making major repairs on site to, closure-in-place of, removal of, modification of, change in service of or placing out of service more than ninety days of UST systems where the certified inspector is employed by or associated with a corporation, association, partnership, individual or any other group or person providing any service related to the environmental assessment or testing for the installation of, making major repairs on site to, closure-in-place of, removal of, modification of, change in service of or placing out of service more than ninety days of UST systems, including, without limitation, the collection of any sample or preparation of any reports or other documents required pursuant to rule 1301:7-9-12 of the Administrative Code.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-15	Shall	(I)(1) For each visit to a location to conduct a permit inspection, the certified UST inspector shall entirely and accurately complete an inspection report on a form prescribed and provided by the state fire marshal, obtain the signature of the certified installer engaged in the activity inspected, and sign the inspection report prior to leaving the location.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(I)(2) Within thirty days of an inspection, the certified UST inspector shall cause the original of the completed inspection report form required by paragraph (I)(1) of this rule to be delivered to the state fire marshal.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(I)(2) Those inspection report forms originating in areas where authority has been delegated to the certified fire safety inspectors of the local fire agency in accordance with paragraph (B)(2) of this rule shall be submitted to the state fire marshal in accordance with paragraph (B)(2)(a) of this rule.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(I)(3) Prior to leaving the permit inspection location, the certified UST inspector shall cause a copy of the completed inspection report form required by paragraph (I)(1) of this rule to be delivered to the owner or the owners' representative of the UST system upon which the inspection was performed.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(I)(4) A certified UST inspector shall inform the state fire marshal of any change in the certified inspector's mailing address within thirty days of the change of address becoming effective.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(I)(4) Notice of any change in a mailing address shall be in writing and directed to the state fire marshal.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(I)(5) A certified UST inspector shall conduct all inspections pursuant to and consistent with the inspection report form prescribed by the state fire marshal and in accordance with all applicable requirements of this chapter.	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(J)(1) Any application for a certification to inspect UST systems shall be denied by the state fire marshal in accordance with Chapter 119. of the Revised Code when any of the following occur:	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-15	Shall	(J)(2) An application for renewal of a certification to inspect UST systems shall be denied by the state fire marshal pursuant to Chapter 119 of the Revised Code when any of the following occur:	3737.88(A)	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall not	(A) 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."	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-16	Require	(B)(5) "Licensed disposal facility" means a facility that has obtained such permits or licenses that this or another state may require to accept materials for permanent burial, destruction, or treatment including petroleum contaminated soil.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(B)(7) Property separated by a public or private right-of-way or easement shall be considered contiguous.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(C)(1) Upon excavation of soil, the owner or operator shall determine whether the excavated soil is hazardous waste.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(C)(1) Excavated soil that is determined to be a hazardous waste shall be managed pursuant to the applicable provisions of Chapters 3745-52 to 3745-69 of the Administrative Code.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(C)(2)(a) Except as provided in paragraph (C)(2)(b) of this rule, sampling and analysis shall be conducted pursuant to rule 1301:7-9-17 of the Administrative Code.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(C)(2)(b) Excavated soil that is not stored on-site but is shipped directly to a licensed disposal facility following excavation shall be sampled and analyzed prior to shipment to the extent required by the licensed disposal facility receiving the soil.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(C)(2)(b) Persons arranging for off-site transport and transporters of excavated soil that qualifies as "hazardous material" shall comply with "Federal Hazardous Material Transportation Rules," 49 C.F.R. Parts 171-179, as published in the October 1, 2016, Code of Federal Regulations.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall not	(D)(1) This paragraph shall not be interpreted as authorizing use of such soil for purposes prohibited or otherwise restricted by any applicable federal, state, or local laws and regulations.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(D)(2) Following placement in the excavation, the soil shall be covered with a minimum of one foot of clean fill.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(E)(1) Excavated soil remaining on-site shall be stored as follows:	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(E)(1)(b) A twenty-four hour once in ten-year rain event shall be used to design such controls.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(E)(1)(c) During storage, stockpiles shall be placed on an asphalt pad, concrete pad, compatible synthetic liner having a minimum thickness of ten mil, or another material specifically approved by the state fire marshal that prevents the leaching of chemicals of concern.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-16	Shall	(E)(1)(c) Synthetic liners <u>shall</u> be installed with overlaps of not less than twelve inches and shall be free of rips, tears, or other damage.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(E)(1)(c) Synthetic liners shall be installed with overlaps of not less than twelve inches and <u>shall</u> be free of rips, tears, or other damage.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(E)(1)(c) Excavated soil shall be placed on the liner in a manner that insures liner integrity.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(E)(1)(c) A temporary fence, barrier, or other device shall be used to prevent unauthorized entry to storage areas.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(E)(1)(d) All storage techniques shall be constructed and maintained to minimize the release of petroleum vapors and odors.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(E)(2) The owner or operator of the UST site used for storage of PCS shall inspect all storage areas monthly for damage to or unauthorized removal of drums, drum lids, labels, covers, berms, fences, other barriers, or signs used to deter unauthorized entry.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(E)(2) A written log of such inspections shall be maintained for a period of five years.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(E)(2) The log shall be made available for inspection during normal working hours upon twenty-four hours advance notice by the state fire marshal.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(E)(2) Within forty-eight hours of discovery of damage or receipt of notice from the state fire marshal that damage has occurred, the owner or operator shall confirm whether damage has occurred, initiate such repairs as necessary to return the storage area to compliance with this rule, and place in the inspection log a description of the damage found and actions taken.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(E)(5) The owner or operator shall maintain a record for five years of the estimated volume of the excavated soil being stored and the date the soil was first placed in containers or a stockpile.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(F)(1) Prior to the off-site shipment of excavated soil, the owner or operator shall prepare a transport manifest identifying the origin, amount, and destination of the shipment.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(F)(1) The owner or operator of the UST site or agent thereof shall sign the delivery record at the time of shipment.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(F)(1) Following delivery, the transporter <u>shall</u> sign the record and return it to the owner or operator, who shall retain the record for a period of five years.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-16	Shall	(F)(1) Following delivery, the transporter shall sign the record and return it to the owner or operator, who shall retain the record for a period of five years.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(F)(1) The record shall be made available for inspection during normal working hours upon twenty-four hours advance notice by the state fire marshal.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(F)(2) Existing federal, state, and local transportation laws and regulations shall continue to apply to the shipment of PCS.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Must	(G)(1) The off-site storage area must be owned or under the control of the owner or operator of the UST sites that generated the PCS.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(G)(2) The owner or operator shall submit, on a form prescribed by the state fire marshal, the details of the origin, transportation and storage of the soil stored off-site within ten days of commencing off-site storage.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(G)(3) PCS delivered to a storage area shall be stored in accordance with the requirements of paragraphs (E)(1), (E)(2), and (E)(5) of this rule.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(G)(4) Prior to further transport of the PCS from the storage area, the owner or operator shall add the date of transport and destination to the delivery record required by paragraph (F)(1) of this rule.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall not	(H)(1) Excavated PCS shall not be disposed on-site or off-site without first being treated to reduce chemicals of concern in accordance with this rule, unless the soil is disposed of at a licensed disposal facility.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(H)(2) Following disposal of PCS at a licensed disposal facility, owners and operators shall prepare a report that describes the final disposition of the excavated soil on a form prescribed by the state fire marshal.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(H)(3) All PCS containing concentrations of chemicals of concern shall be managed in a manner that complies with applicable federal, state, and local requirements.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	I)(1)(a) A "PCS Treatment Plan" shall be submitted in accordance with this paragraph for approval to the state fire marshal, unless one of the following occurs:	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Must	(I)(1)(b) PCS must be treated at one of the following locations:	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(I)(2) Owners or operators shall submit a "PCS Treatment Plan" to the state fire marshal within ninety days of the UST system removal date or the date of generating the PCS stockpile.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-16	Shall	(I)(2) Treatment target concentrations shall be the re-use action levels from table 1 of this rule unless a variance is granted by the state fire marshal.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(I)(2) The PCS Treatment Plan shall include, but is not limited to the following information:	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(I)(3)(a) For each PCS Treatment Plan submitted to the state fire marshal, the owner or operator shall provide notice to the public.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(I)(3)(b) Public notice shall be by means designated to reach those members of the public directly affected by the release and the planned treatment activities.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(I)(3)(c) The state fire marshal shall ensure the UST site release information and decisions concerning the PCS Treatment Plan are made available to the public for inspection upon request.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(I)(4)(a) Upon approval of the PCS Treatment Plan, owners or operators shall implement the plan.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(I)(4)(a) Owners or operators shall monitor, evaluate, and report to the state fire marshal the results of implementation efforts in accordance with the reporting requirements contained in the plan.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Must	(I)(4)(b) If the treatment technology approved by the state fire marshal in the plan has been installed and operated for a minimum of one year and the technology is unable to reduce the concentrations of chemicals of concern to a level at or below applicable action levels, then the owner and operator must:	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(I)(5) Following completion of PCS treatment in accordance with the approved plan, owners or operators shall prepare a PCS Treatment Completion Report that demonstrates that the treatment objectives have been met.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(I)(5) The report shall contain documentation supporting termination of treatment activities in accordance with paragraph (I)(2) of this rule, including a description of the final disposition of the excavated soil, on a form prescribed by the state fire marshal.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(J)(1) When directed by the state fire marshal, owners and operators shall assess the soil and groundwater under any designated facility or UST site if the treatment or storage of PCS may, in the judgment of the state fire marshal, pose a current or potential threat to human health or the environment.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-16	Shall	(J)(2) Upon the discovery of a petroleum impact suspected to be the result of the treatment or storage of PCS, the owner and operator shall conduct the following:	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Must	(K)(1) Written approval must be obtained from the state fire marshal prior to implementation.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(K)(1) If the variance is approved by the state fire marshal, the owners and operators shall comply with any conditions imposed by the state fire marshal.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-16	Shall	(K)(2) If the state fire marshal approves a variance for use at all UST sites, the owners and operators shall comply with any conditions imposed by the state fire marshal on the use of the variance.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall not	(A) 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."	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Require	(B)(4) "Licensed disposal facility" means a facility that has obtained such permits or licenses that this or another state may require to accept materials for permanent burial, destruction, or treatment, including petroleum contaminated soil.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(C)(1) Excavated soil shall be segregated based upon apparent degree of contamination.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(C)(2) Each soil pile or container of soil shall be sampled in accordance with this rule.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(C)(2) The soil sample containing the highest analytical result shall characterize the entire soil pile or container for disposal, treatment, or re-use.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(C)(3) All excavated soil shall be managed as PCS unless laboratory analysis indicates otherwise.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(C)(4) The volume of excavated soil, for each soil pile or container, shall be calculated to determine the number of soil samples that shall be collected to comply with this rule.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(C)(4) The volume of excavated soil, for each soil pile or container, shall be calculated to determine the number of soil samples that shall be collected to comply with this rule.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(C)(4) In-situ soil volume shall be converted to excavated soil volume by multiplying the in-situ volume by an expansion factor of 1.25.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall not	(C)(4) This paragraph shall not apply to excavated soil stored in containers.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-17	Shall not	(C)(5) Analytical results obtained pursuant to paragraph (I) of rule 1301:7-9-12 of the Administrative Code shall not be used to characterize excavated soil generated during a permanent removal, change-in-service, or closure-in-place of an UST pursuant to rule 1301:7-9-12 of the Administrative Code.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(C)(6) All soil samples collected for the purposes of this rule shall be discrete grab samples.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall not	(C)(6) Composite soil samples shall not be used for the purposes of complying with this rule.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(C)(6) All excavated soil shall be sampled within forty-eight hours of the completion of the excavation.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(C)(7) Grab samples shall be split into two components.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(C)(7) One component shall be packaged for field screening, and the other packaged for potential laboratory analysis.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(C)(7) The sampling and packaging shall be in accordance with procedures established by the state fire marshal.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(C)(8) If field screening is not conducted on the grab samples, all of the grab samples collected shall be submitted for laboratory analysis.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Must	(C)(9) All soil samples must be analyzed by an accredited laboratory.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(D) When combining soil, one or more of the following shall be conducted:	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Must	(D)(2) However, if one or more of the chemicals of concern exceed re-use action levels, referenced in table 1 of rule 1301:7-9-16 of the Administrative Code, the soil must be disposed of at a licensed disposal facility;	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(D)(3) If all the combined excavated soil has not been previously characterized prior to being combined, it shall be characterized in accordance with this rule.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(E)(2) For excavated soil in containers having a capacity of fifty-five gallons (0.27 cubic yards) or less, one grab sample shall be collected from the center at mid-depth of the soil in the container.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(E)(2) Each sample collected shall be submitted for laboratory analysis.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(F) Excavated soil that has not been previously characterized pursuant to paragraph (E) of this rule shall be characterized as follows:	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(F)(1) At a minimum, the number of soil samples required to be collected for field screening shall be the number set forth in table 1 of this rule;	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-17	Shall	(F)(2) Soil sample locations shall be determined by visually dividing the soil pile or the container into a sampling grid with sections of approximately equal surface area.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(F)(2) The number of sample grids shall equal the minimum number of grab samples to be collected.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(F)(3) A grab sample shall be collected from the center of each grid section at least twelve inches below the soil surface.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(F)(4) All soil samples collected shall be split into two components; one packaged for field screening, the other packaged for potential laboratory analysis.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(F)(4) The sampling and packaging shall be in accordance with procedures established by the state fire marshal.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(F)(4) The samples with the highest field screening readings shall be submitted for laboratory analysis.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-17	Shall	(G) Grab samples submitted for laboratory analysis shall be analyzed pursuant to paragraph (H)(1)(c) of rule 1301:7-9-13 of the Administrative Code.	3737.88(A), 3737.88(E), 3737.882	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-18	Shall not	(A) 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."	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-18	Shall	(B) It shall be unlawful for any person to deliver, deposit, or accept a regulated substance into an UST that has a red tag attached to the fill pipe of the UST that the state fire marshal has classified as ineligible for delivery, deposit, or acceptance of a regulated substance in accordance with paragraphs (D)(1) to (D)(4) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-18	Shall	(C)(1) The state fire marshal shall classify an UST as ineligible for delivery, deposit, or acceptance of a regulated substance as soon as practicable after the state fire marshal determines one or more of the following conditions exist:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-18	Shall	(D)(1) If the state fire marshal classifies an UST as ineligible for delivery, deposit, or acceptance of a regulated substance pursuant to paragraph (C) of this rule, the state fire marshal shall issue an order to the owner and operator prior to prohibiting the delivery, deposit, or acceptance of a regulated substance.	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-18	Shall	(D)(1)(a) The order shall be issued to the owner and operator as identified on the registration form submitted to the state fire marshal in accordance with rule 1301:7-9-04 of the Administrative Code and any other persons known by the state fire marshal to be an owner or operator.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-18	Shall	(D)(2) The written order described in paragraph (D)(1) of this rule shall include:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-18	Shall	(D)(3) Once service of the order is complete pursuant to paragraph (D)(1) of this rule, the state fire marshal shall publish on the state fire marshal's website those USTs that are classified as ineligible for delivery, deposit, or acceptance of a regulated substance.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-18	Shall	(D)(3) The ineligible USTs shall be posted on the state fire marshal's website a minimum of seven days prior to the red tag being affixed to the UST.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-18	Shall	(D)(4) Once publication is complete pursuant to paragraph (D)(3) of this rule, the state fire marshal shall attach a red tag to the fill pipe of the UST that the state fire marshal determined to be ineligible for delivery, deposit, or acceptance of a regulated substance in accordance with the following:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-18	Shall	(D)(4)(a) A separate red tag shall be attached to each fill pipe of each UST determined to be ineligible for delivery, deposit, or acceptance of a regulated substance;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-18	Shall	(D)(4)(b) The red tag shall include the following wording in at least 16 point type: "Delivery Prohibited. Delivering petroleum or other regulated substance to this underground storage tank, or removing, defacing, altering, or otherwise tampering with this tag may result in civil penalties of up to \$10,000 per day";	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-18	Shall	(D)(4)(c) The state fire marshal shall attempt to document the level and/or volume of regulated substance in the UST at the time that red tag is attached;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-18	Shall	(D)(4)(d) The state fire marshal shall maintain a list of all underground storage tanks that are classified as ineligible for delivery, deposit, or acceptance of a regulated substance.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-18	Shall	(D)(4)(d) The state fire marshal shall make updates to the list available to the public by posting the list on the state fire marshal's website in a timely manner;	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-18	Shall	(D)(4)(f) For a multiple compartment UST, the red tag shall only be attached to the fill pipe of the compartment associated with the condition or violation which resulted in the compartment being determined ineligible for the delivery, deposit, or acceptance of a regulated substance.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-18	Shall not	(D)(5) The UST shall not receive delivery, deposit, or acceptance of a regulated substance during this time.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-18	Shall	(D)(6) The classification of an UST as ineligible shall remain in effect until the conditions cited in the order no longer exist as determined by the state fire marshal and the red tag is removed by the state fire marshal or an authorized designee.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-18	Shall	(D)(6) If the state fire marshal determines that an ineligible UST has returned to compliance and is now eligible for delivery, deposit, or acceptance of a regulated substance, the state fire marshal or an authorized designee shall do all of the following:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-18	Shall	(E) Any person delivering or depositing regulated substances into an UST that has been classified as ineligible by the state fire marshal and has a red tag affixed to the fill pipe shall be in violation of paragraph (B) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-18	Shall	(F)(1) It shall be unlawful for any person to tamper with and/or remove the red tag without the state fire marshal's approval.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-18	Shall	(F)(4) Nothing in this rule shall affect or preempt the authority of the state fire marshal or any other authority with jurisdiction to prohibit the delivery, deposit, or acceptance of a regulated substance to an UST under other existing regulations.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-18	Prohibit	(F)(4) Nothing in this rule shall affect or preempt the authority of the state fire marshal or any other authority with jurisdiction to prohibit the delivery, deposit, or acceptance of a regulated substance to an UST under other existing regulations.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall not	(A) 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."	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(C)(1) The owner or operator of an UST system shall designate a Class A, Class B, and Class C operator for an UST site as follows:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(C)(1)(d) Either a Class A, or Class B, or Class C operator shall be present at an attended UST site during the operation of the UST system.	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-19	Shall	(C)(1)(d)(iii) A Class C operator shall be present at an attended UST site during the operation of the UST system.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(C)(1)(e) Owners or operators of unattended UST sites shall designate a Class A, Class B, and Class C operator for each UST site.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(C)(1)(e)(ii) Unattended UST sites shall have a legible sign posted in a conspicuous place with the name and address of the UST site, the telephone number of the UST site owner or Class B operator, and emergency response procedures including an emergency contact name and telephone number.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(C)(2)(b) The Class A operator shall be trained in the following:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(C)(3)(b) The Class B operator shall be trained in the following design, construction, operation, and maintenance aspects of the UST system:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(C)(4)(b) The Class C operator shall be trained to take action in response to emergencies or alarms caused by spills, overfills, releases, or suspected releases from an UST system.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(D)(1) Owners and operators shall:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(D)(1)(b) Maintain proof of training of Class A, Class B, and Class C operators for an UST site in the form of certificates issued pursuant to paragraphs (D)(2)(b) or (D)(3)(f) of this rule and shall provide copies of certificates to the state fire marshal upon request by the state fire marshal.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(D)(2) All designated Class A and Class B operators shall be trained by a trainer approved pursuant to paragraph (E) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(D)(2)(a) Trainers approved pursuant to paragraph (E) of this rule shall administer an evaluation to Class A and Class B operators at the start of training and a second evaluation to Class A and Class B operators at the end of training.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(D)(2)(a) All evaluations shall be in a format designated by the state fire marshal.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(D)(2)(b) Trainers approved pursuant to paragraph (E) of this rule shall issue a certificate, on a form designated by the state fire marshal, to Class A and Class B operators who demonstrate successful completion of training.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(D)(3) All designated Class C operators shall be trained in accordance with the following:	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-19	Shall	(D)(3)(b) Trainers of Class C operators shall use training materials that cover the topics identified in paragraph (C)(4)(b) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(D)(3)(c) Training materials for Class C operators shall be approved by a Class A or Class B operator.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(D)(3)(e) Trainers of Class C operators shall administer an evaluation to Class C operators at the end of training.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(D)(3)(e) All evaluations shall be in a format designated by the state fire marshal.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(D)(3)(f) Trainers of Class C operators shall issue a certificate, on a form designated by the state fire marshal, to Class C operators who demonstrate successful completion of training.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(D)(3)(g) Upon request by the state fire marshal, owners or operators shall submit to the state fire marshal copies of the instructional materials used for Class C training for all currently designated Class C operators at an UST site.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(D)(3)(h) Upon request by the state fire marshal, owners or operators shall submit to the state fire marshal proof of training including, but not limited to, copies of evaluations or certificates for all currently designated Class C operators at an UST site.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(D)(4) New operators shall be trained within the following timeframes:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(D)(4)(a) Class A and Class B operators shall be trained within 60 days of assuming responsibilities as a Class A or Class B operator at an UST system;	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(D)(4)(b) Class C operators shall be trained before assuming responsibility as a Class C operator.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Require	(D)(6) The state fire marshal may require Class A or Class B operators to undergo retraining for violations of rule 1301:7-9-06 or rule 1301:7-9-07 of the Administrative Code.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(D)(6) Retraining by the Class A or Class B operator shall cover topics addressed in paragraphs (C)(2)(b) or (C)(3)(b) of this rule, respectively.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(E)(1) Any person wishing to sponsor a Class A or Class B operator training program shall submit an application to the state fire marshal, on a form prescribed by the state fire marshal, accompanied by a non-refundable fee of two hundred dollars.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(E)(1) All applications shall include, without limitation, all of the following:	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-19	Shall	(E)(2) Training applications for Class A operators shall include lesson plans that cover the topics identified in paragraph (C)(2)(b) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(E)(2) Training applications for Class B operators shall include lesson plans that cover the topics identified in paragraph (C)(3)(b) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Require	(E)(3) The state fire marshal may amend or require the applicant to modify any aspect of a program prior to certifying the program sponsor.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(E)(5) State fire marshal personnel shall be allowed access to all operator training program sessions certified under paragraph (E)(4) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(E)(6) Certifications issued by the state fire marshal pursuant to paragraph (E)(4) of this rule and renewals issued by the state fire marshal pursuant to paragraph (E)(7) of this rule shall be valid for one year, beginning on the first day of September of each year.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(E)(7) Persons seeking to renew a certificate to sponsor an operator training program shall submit an application no later than the first day of July of each year to the state fire marshal, on a form prescribed by the state fire marshal, accompanied by a non-refundable fee of one hundred fifty dollars.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(E)(7) The application shall include, without limitation, a description of any changes in the certified program proposed by the sponsor.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Require	(E)(7) The state fire marshal may amend or require the sponsor to modify any aspect of a program prior to issuing an operator training program certificate renewal to the sponsor.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(E)(7) All programs for which a sponsor obtains an operator training program certificate renewal shall comply with paragraph (E)(1) to (E)(6) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(E)(8) An application to sponsor a Class A or Class B operator training program or renewal thereof shall be denied by the state fire marshal pursuant to Chapter 119. of the Revised Code when any of the following occur:	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(E)(10) After expiration of a certification to sponsor training, any application for renewal will be considered as a new application and the applicant shall be required submit all information required by paragraph (E) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-19	Shall	(E)(12) Training sponsors <u>shall</u> retain copies of Class A and Class B operator instructional materials for a period of five years and shall submit copies of the instructional materials to the state fire marshal upon request by the state fire marshal.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(E)(12) Training sponsors shall retain copies of Class A and Class B operator instructional materials for a period of five years and <u>shall</u> submit copies of the instructional materials to the state fire marshal upon request by the state fire marshal.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(E)(13) Training sponsors <u>shall</u> retain copies of Class A and Class B operator evaluations and attendance sheets for every person trained for a period of five years and shall submit copies of these documents to the state fire marshal upon request by the state fire marshal.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(E)(13) Training sponsors shall retain copies of Class A and Class B operator evaluations and attendance sheets for every person trained for a period of five years and <u>shall</u> submit copies of these documents to the state fire marshal upon request by the state fire marshal.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(E)(14) Such programs shall be closely related to those topics listed in paragraph (C) of this rule or related technical information.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(E)(15) No reciprocity with other states or entities shall be allowed for Class A or Class B operator training.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(E)(15) Any person wishing to sponsor a Class A or Class B operator training program shall comply with the application requirements defined in paragraphs (E)(1) and (E)(2) of this rule.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-19	Shall	(F) If the alternative method is approved, the owner or operator shall comply with any terms and conditions imposed on its use by the state fire marshal.	3737.88	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-20	Shall not	(A) 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."	3737.883	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-20	Must	(C)(2) In order for a qualifying political subdivision to receive a loan under this rule, the qualifying political subdivision must commit to spend, of its own funds, an amount at least equal to five percent of the requested loan amount.	3737.883	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-20	Must	(C)(2) The actual amount of a qualifying political subdivision's own funds that must be spent shall be no less than five percent of the final amount of the loan.	3737.883	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-20	Shall	(C)(2) The actual amount of a qualifying political subdivision's own funds that must be spent shall be no less than five percent of the final amount of the loan.	3737.883	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-20	Shall	(E)(1) Applications for a loan shall be made only on forms provided by the state fire marshal.	3737.883	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-20	Shall	(F) In its application, the qualifying political subdivision shall:	3737.883	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-20	Shall	(G)(2) All activities described in paragraph (G)(1) of this rule <u>shall</u> be conducted in accordance with this chapter of the Administrative Code, except that the failure to meet a deadline in rule 1301:7-9-12 or rule 1301:7-9-13 of the Administrative Code shall not be considered a violation of those rules by the qualifying political subdivision.	3737.883	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-20	Shall not	(G)(2) All activities described in paragraph (G)(1) of this rule shall be conducted in accordance with this chapter of the Administrative Code, except that the failure to meet a deadline in rule 1301:7-9-12 or rule 1301:7-9-13 of the Administrative Code <u>shall</u> not be considered a violation of those rules by the qualifying political subdivision.	3737.883	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-20	Shall	(G)(3) Upon determination by the state fire marshal that the applicable standards established by rules in this chapter of the Administrative Code have been met for an action described in paragraph (G)(1) of this rule, the state fire marshal shall issue the qualifying political subdivision written notice that no further action is required.	3737.883	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-20	Shall not	(G)(4) Written notice issued pursuant to paragraph (G)(3) of this rule that no further action is required shall not be construed in any manner to suggest that the qualifying political subdivision completing the funded activities has thereby assumed any liability or responsibility for a release or suspected release of petroleum, or for any residual contamination that may remain at the property.	3737.883	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-20	Shall	(I)(1) Awarding of all loans shall be at the sole discretion of the state fire marshal.	3737.883	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-20	Shall	(I)(2) The state fire marshal shall establish written criteria for evaluation of loan applications.	3737.883	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-20	Shall	(I)(2) The state fire marshal may amend the criteria at any time and shall make the criteria available to all qualifying political subdivisions at the time of loan application.	3737.883	No, general rulemaking authority	No, general rulemaking authority

1301:7-9-20	Shall	(I)(4) If funds for loans are available, the state fire marshal shall establish a minimum of one loan application period per state fiscal year.	3737.883	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-20	Shall	(I)(4) Unless otherwise specified by the state fire marshal, the loan application period shall be open for a minimum period of thirty days.	3737.883	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-20	Shall	(I)(4) Unless otherwise specified by the state fire marshal, all applications shall expire at the end of each state fiscal year.	3737.883	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-20	Shall	(J)(1) Upon determining which qualifying political subdivision shall receive a loan, the state fire marshal shall notify the qualifying political subdivision in writing of his intent to grant the loan and of the terms and conditions of the loan.	3737.883	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-20	Shall	(J)(1) Upon determining which qualifying political subdivision shall receive a loan, the state fire marshal shall notify the qualifying political subdivision in writing of his intent to grant the loan and of the terms and conditions of the loan.	3737.883	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-20	Shall	(J)(2) Within forty-five days of receiving notification described in paragraph (J)(1) of this rule, the qualifying political subdivision shall forward a copy of a resolution, ordinance, or other acceptable authorization to the state fire marshal which shall:	3737.883	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-20	Shall	(J)(2) Within forty-five days of receiving notification described in paragraph (J)(1) of this rule, the qualifying political subdivision shall forward a copy of a resolution, ordinance, or other acceptable authorization to the state fire marshal which shall:	3737.883	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-20	Shall	(J)(3) Upon receipt of the resolution or ordinance and execution of the loan agreement and other documents as required by the state fire marshal, the state fire marshal shall establish a line of credit from the loan fund in the name of the qualifying political subdivision.	3737.883	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-20	Shall	(J)(4) Upon request of the state fire marshal, the qualifying political subdivision shall provide to the state fire marshal a properly executed contract for the environmental work necessary at the site as described in the original loan application.	3737.883	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-20	Shall	(J)(5) Unless otherwise authorized by the state fire marshal in writing, activities authorized by paragraph (G)(1) of this rule shall commence within 180 days after the release of the loan funds as described in paragraph (H)(4) of this rule.	3737.883	No, general rulemaking authority	No, general rulemaking authority
1301:7-9-20	Shall not	(K)(1) A loan issued pursuant to this rule shall not carry interest.	3737.883	No, general rulemaking authority	No, general rulemaking authority



























