

2022

ILLINOIS

REGISTER

Rules of
Governmental Agencies



Volume 46, Issue 39

September 23, 2022

Pages 15,909 -16,306

Index Department
Administrative Code Division
111 E. Monroe St.
Springfield, IL 62756
217-782-7017

Printed by authority of the State of Illinois. September - 70 I PUB35

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

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- 1) Heading of the Part: Petroleum Equipment Contractor Licensing
- 2) Code Citation: 41 Ill. Adm. Code 172
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
172.10	Amendment
172.20	Repealed
172.30	Amendment
172.40	Amendment
172.50	Amendment
172.60	Amendment
172.70	Amendment
172.80	Repealed
172.90	Amendment
172.100	Amendment
172.110	Amendment
172.120	Amendment
172.130	Repealed
172.140	Amendment
172.150	Amendment
172.160	Amendment
172.Appendix A	Repealed
- 4) Statutory Authority: Implementing the Petroleum Equipment Contractors Licensing Act [225 ILCS 729] and authorized by Sections 25 and 73 of the Petroleum Equipment Contractors Licensing Act [225 ILCS 729/25 and 73].
- 5) A Complete Description of the Subjects and Issues Involved: Updates existing petroleum equipment contractor licensing rules to reflect the current electronic licensure application process as well as other current licensing procedures. Implements Public Act 102-0020 by providing rules concerning citations that impose a fine and may be issued to petroleum equipment contractors. Provides that a contractor's certified employee seeking licensure in the module authorizing inspection and testing of UST equipment must designate the testing methods for which a license is sought and provide proof of his or her certification by the manufacturer of the UST equipment being tested. Also provides that a contractor's certified employee seeking licensure in the module authorizing precision testing of tanks and lines, may, in lieu of a passing score on the required OSFM approved exam for precision testing, designate the testing methods for which a license is sought and provide proof of his or her certification by the manufacturer of the testing equipment. Allows

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certified and non-certified employees and workers to carry 8 hour and 40 hour OSHA cards, a certification, or other alternate proof of completion of OSHA 8-hour and 40-hour training to be eligible to remain in the UST excavation zone. Also allows certified employees to carry, in lieu of a wallet card, a certification or other proof of passage of OSFM-required exams. Makes non-substantive changes.

- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: Portions of federal OSHA rule requirements were reviewed and in part relied upon in promulgating these amendatory rules. These are posted on the OSHA web site at <https://www.osha.gov/laws-regs> and are also available in the Office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, IL 62703.
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. A variety of codes and standards developed by independent national associations and work groups, as well as federal OSHA rules, have been incorporated and are available for public inspection at:
- Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259
- Facsimile: (217) 524-9284
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These rules are not anticipated to have any impact on local governmental units.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

Tom Andryk
Division of Legal Counsel
Office of the State Fire Marshal
1035 Stevenson Dr.

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Springfield, IL 62703-4259

(217) 785-5758

Facsimile: 217/524-5487

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking could have an impact on those small businesses that are licensed as petroleum equipment contractors.
- B) Reporting, bookkeeping or other procedures required for compliance: The text of this proposed Part 172 requires compliance with technical requirements for UST systems when petroleum equipment contractors are working on UST systems. UST system installations and upgrades have various reporting and permitting requirements as described in Parts 174, 175 and 176 (41 Ill. Adm. Code 174, 175 and 176). The licensed contractor obtains the permit on behalf of the owner/operator.
- C) Types of professional skills necessary for compliance: Owners and operators of USTs must ensure that all persons installing and doing work on underground storage tank systems have been licensed by the OSFM. Petroleum equipment contractors must be knowledgeable about technical requirements for USTs and of regulatory requirements for USTs when working within their respective areas of licensed UST work.

14) Small Business Impact Analysis:

- A) Types of businesses subject to the proposed rule:
- | | |
|----|---|
| 22 | Utilities |
| 23 | Construction |
| 81 | Other Services (except Public Administration) |
- B) Categories that the agency reasonably believes the rulemaking will impact, including:
- ii. regulatory requirements;
 - x. other potential impacted categories

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15) Regulatory Agenda on which this rulemaking was summarized: July 2022

The full text of the Proposed Amendments begins on the next page:

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TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 172

PETROLEUM EQUIPMENT CONTRACTOR LICENSING

Section

- 172.10 Purpose
- 172.20 Three Year Phase-In [\(Repealed\)](#)
- 172.30 Definitions
- 172.40 Licensure Requirements
- 172.50 Licensed Contractor's Employee Certifications
- 172.60 Possession of OSHA Identification Cards
- 172.70 Fees ~~and Penalties~~
- 172.80 Licensure of Out-of-State Contractors [\(Repealed\)](#)
- 172.90 Issuance of License; Renewal; Restoration; Replacement
- 172.100 [Reporting](#) ~~Reports~~
- 172.110 Disciplinary Actions Related to Contractor Notice of Violations (CNOV)
- 172.120 Contractor Notice of Violation Citations and Penalty Process
- 172.130 Review Panel [\(Repealed\)](#)
- 172.140 [Procedures for Administrative Citations and Administrative Citation Appeals](#) ~~Appeal of Panel Decisions~~
- 172.150 Status of [Licensed](#) Contractor During Appeal of [Administrative Citation](#) ~~Panel Decision~~
- 172.160 [Hearing Procedures for](#) Formal Charges; ~~Hearing~~
- 172.APPENDIX A Contractor Violations [\(Repealed\)](#)

AUTHORITY: Implementing the Petroleum Equipment Contractors Licensing Act [225 ILCS 729] and authorized by Sections 25 and 73 of the Petroleum Equipment Contractors Licensing Act [225 ILCS 729/25 and 73].

SOURCE: Adopted at 27 Ill. Reg. 15346, effective September 16, 2003; amended at 46 Ill. Reg. _____, effective _____.

Section 172.10 Purpose

The Illinois Petroleum Equipment Contractors Licensing Act (PECLA) [225 ILCS 729] is designed to [ensure](#) ~~insure~~ the quality of petroleum or hazardous substance Underground Storage

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Tank (UST) work in Illinois meets the highest standards, as well as all applicable statutory and regulatory requirements. Meeting those standards and requirements will assure the owners/operators of USTs and the citizens of Illinois that the environment, citizen safety and the owner's/operator's businesses are getting the best service and protection possible.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 172.20 Three Year Phase-In (Repealed)**a) ~~PECLA Phase-In~~**

~~The rules implementing PECLA will be adopted over a 3-year period. This initial adoption establishes licensure requirements, sets fees for licensure, requires certified employees to possess required identification cards, and outlines disciplinary procedures that will be taken against UST contractors that violate this Part or 41 Ill. Adm. Code 170 (Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances). Future additions to this Part will establish training and testing requirements for licensees and will govern the providers of that training and testing.~~

b) ~~Licensure~~

~~All contractors performing UST work in Illinois must hold a PECLA license for each module in which work is performed and will be required to meet the standards for that work module established by 41 Ill. Adm. Code 170 and the requirements of 29 CFR 1910.120 (2002, no later amendments or editions included). The OSHA requirements are available from United States Department of Labor, OSHA, 230 South Dearborn Street, Room 3244, Chicago IL, (312)353-2220.~~

c) ~~New Standards for UST Work Activity~~

~~By calendar year 2006, the OSFM plans to develop and adopt as rule Illinois specific standards for contractors performing UST activities. Until this adoption, the standards referenced in subsection (b) are to be followed.~~

d) ~~Licensee Training~~

~~1) Curriculum. By calendar year 2005, the OSFM plans to develop, in cooperation with industry representatives, and adopt rules establishing an Illinois specific curriculum for the training of UST contractors. The curriculum will insure that owners/operators and citizens of Illinois~~

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~~receive the safest and best UST installation, testing and maintenance possible.~~

2) ~~Training Providers~~

~~OSFM will be developing and adding to this Part standards for approving organizations and/or individuals to provide instruction to licensees in accordance with the curriculum described in this subsection (d).~~

e) ~~Testing~~

1) ~~Starting in 2006, all UST contractors will be required to pass tests indicating adequate knowledge of the Illinois UST activity standards in order to receive or renew each contractor's license.~~

2) ~~Testing Providers~~

~~OSFM will be developing and adding to this Part standards for approving organizations and/or individuals to test prospective licensees. Test fees will be established by OSFM~~

(Source: Repealed at 46 Ill. Reg. _____, effective _____)

Section 172.30 Definitions

Unless otherwise provided by the definitions within this Section, all terms in this Part shall be as defined in 41 Ill. Adm. Code 174.100.

"Certified employee" is an individual who performs UST activity for an OSFM-~~licensed~~~~a licensed UST~~ contractor and has successfully completed and filed proof~~with OSFM of completion of ICC or other OSFM approved~~~~prescribed~~ exams for the module in which the employee is conducting UST activity or meets~~requirements under Section 172.40(b).~~

~~"Contractor" is a licensed person, excluding employees, who performs any UST activity.~~

"Contractor Notice of Violation" (CNOV) is a ~~formal~~ notice to an OSFM-~~licensed~~~~a petroleum equipment~~ contractor identifying~~notifying the contractor of~~

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specific violations of the UST rules (41 Ill. Adm. Code [172, 174, 175, 176, and 177](#)~~170~~).

~~"DPCS" means Division of Petroleum and Chemical Safety of the Office of the State Fire Marshal.~~

~~"Employee" is a licensee or person who is currently employed by a contractor licensed in accordance with this Part.~~

~~"Industry member" is a petroleum equipment contractor licensed in at least 2 UST modules.~~

"License restoration" is the process of [an OSFM-licensed contractor](#)~~an individual~~ renewing a license after [it has expired](#)~~having let it expire~~.

"Managerial or administrative control" means having authority to conduct the affairs of the organization and direct others in the conduct of the affairs or business of the organization.

~~"Module" includes the following types of activity:~~

~~Installation of USTs;~~

~~Repair of USTs, which shall include retrofitting and installation of cathodic protection systems;~~

~~Decommissioning of USTs, including abandonment in place;~~

~~Relining of USTs;~~

~~Tank and piping tightness testing;~~

~~Testing of cathodic protection systems; and~~

~~Any other category established by the Office of the State Fire Marshal.~~

"Non-certified employee" means the employee of a licensed contractor who possesses the OSHA training and certification required by Section 172.60 and is working under the supervision of a certified employee.

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~~"Office" or "OFSM" means the Office of the State Fire Marshal.~~

"Officer" means:

If the organization is a sole proprietorship, the owner of the organization or any person exercising managerial control.

If the organization is a partnership, any partner who has at least 10% ownership interest or any partner who exercises managerial control.

If the organization is a corporation or other business entity, any officer, ~~or~~ director or managing member of the corporation or other business entity or any person who has at least 10% ownership interest in such corporation or other business entity or who exercises managerial control.

"Organization" means a business or other entity, including, but not limited to, a sole proprietorship, partnership, corporation, limited liability company or association and includes units of local government, the State of Illinois and the Federal Government.

~~"OMI" or "Operational Maintenance Inspection" means an inspection performed by a Storage Tank Safety Specialist (STSS) to establish a facility's regulatory compliance.~~

~~"OSHA" means the federal Occupational Safety and Health Administration.~~

~~"OSI" or "Operational Safety Inspection" means an inspection of removal, abandonment in place or any tank entry activity requiring an STSS on site.~~

~~"PAI" or "Performance Assurance Inspection" means an inspection of UST installation, upgrades, tank tightness testing or cathodic protection activity, where an STSS is scheduled by Date and/or Time Certain job schedules.~~

"PECLA" means Petroleum Equipment Contractor Licensing Act [225 ILCS 729].

"Penalty process" means the process by which a contractor may be issued a civil monetary penalty or other sanctions including, but not limited to, license

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suspension or license revocation. This process starts with an inspection and the issuance of a CNOV and then can lead to either a citation imposing a civil penalty or a formal hearing seeking a license revocation, suspension, or other action.~~CNOVs can result in formal penalties ranging from written warning to financial penalty and license suspension to license revocation.~~

~~"Permit" or "permitting" refers to the requirements for, and the process of obtaining, permits required by 41 Ill. Adm. Code 170.541.~~

"Person" is a natural person or any company, corporation or other business entity.

~~"Petroleum equipment contractor" is a person, company or corporation that installs, repairs, tests or removes petroleum or hazardous substance USTs.~~

~~"Review Panel" (RP) is part of an appeal process for contractors contesting their CNOVs. The RP is appointed by the State Fire Marshal and contains the following 6 members:~~

~~3 members of the staff of DPCS.~~

~~3 members who have been active as petroleum equipment contractors for a minimum of 2 years and are personally certified in at least 2 modules.~~

~~"State Fire Marshal" means the State Fire Marshal of the State of Illinois.~~

~~"Storage Tank Safety Specialist" (STSS) is a member of the DPCS staff assigned to perform field work involving Certification Audits of UST facilities in Illinois; PAI, OSI, OMI.~~

~~"UST" means underground storage tank system.~~

~~"UST activity" means a UST:~~

~~Installation—including retrofitting and cathodic protection installation;~~

~~Repair—including upgrade, which includes retrofitting and cathodic protection installation;~~

~~Removal—decommissioning, which includes abandonment in place;~~

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~~Lining (interior lining) — including initial lining, lining inspection, subsequent lining, repair of lining and lining touch ups;~~

~~Tank tightness testing;~~

~~Cathodic protection testing; or~~

~~Installation of manways and any tank entry.~~

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 172.40 Licensure Requirements

- a) ~~No~~~~After September 15, 2003, no~~ person shall engage in any UST activity without first applying for and obtaining a license from the ~~OSFM~~~~Office of the State Fire Marshal~~. All contractors performing UST activity in Illinois must hold the license required under PECLA and this Part for each module in which work is performed and shall be required to meet the standards for that work module established by 41 Ill. Adm. Code 172, 174, 175, 176 and 177 and the requirements of 29 CFR 1910.120. Licensure is for a 2-year period. Applicants for a license to become a ~~UST~~ contractor must comply with the Petroleum Equipment Contractors Licensing Act [225 ILCS 729] as evidenced by the licensure submissions required by this Section.
- b) ~~An~~~~Licensure~~ application for a new contractor license shall be made on-line at the UST Applications and Forms page for ~~to the~~ OSFM's Division of Petroleum and Chemical Safety (DPCS) at the following link:
<https://webapps.sfm.illinois.gov/USTPortal/Contractor/Application>. Renewal of licenses shall be applied for at the UST Portal after the licensee logs in to their secure account at the UST Applications and Forms page for DPCS at
<https://webapps.sfm.illinois.gov/USTPortal>. The licensure application ~~on forms provided by DPCS and~~ shall include the following submissions:
- 1) If seeking a license as a ~~UST~~ contractor:
- A) the State license application and licensing fee required by Section 172.70;

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- B) ~~the names of all a list~~ of the contractor's certified employees, on the OSFM prescribed form, stating any UST module in which the employee is certified. ~~The contractor shall sign a notarized affidavit that a copy of this Part and 41 Ill. Adm. Code 170 (the OSFM rules implementing the Gasoline Storage Act [430 ILCS 15]) have been distributed to all certified individual contractors and certified employees of the contractor.~~ (Contractors are required to be certified if a sole proprietor, or have a certified employee ~~certified~~, for each UST module for which they are applying to be licensed.);
- C) an original annual certificate of general liability insurance in a minimum of \$1,000,000 for each occurrence, with the OSFM as certified holder;
- D) evidence of a passing score on the required OSFM approved exam for the module for which licensure is being sought. The evidence must be an original certification that includes a photo of the individual taking the exam, supplied by the exam provider, or other copy of the certification as approved by OSFM;
- E) proof of successful completion of initial 40-hour OSHA training and subsequent 8-hour refresher course; and
- F) evidence of current registration and proof of status of good standing with the Illinois Secretary of State, as applicable for the form of business entity applying for licensure, or if a sole proprietor, evidence of compliance with the Assumed Business Name Act [805 ILCS 405].
- 2) If seeking a license as a tank or line ~~precisiontightness~~ tester, in lieu of a passing score on the required OSFM approved exam for the tank or line precision testing module, the certified employee may~~individual must additionally~~ designate the testing methods for which a license is sought and provide proof that he/she, or any certified employee conducting testing, is certified by the manufacturer of the testing equipment. Such proof shall be submitted at the time of license application~~renewal~~ and shall reflect certification for the license period and the equipment being used, or that the applicant has passed an OSFM approved exam; and

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- 3) If seeking a license in the module that authorizes lining ~~or as an~~ internal inspections of tank linings ~~liner~~, the applicant additionally shall provide proof that the applicant has designated at least one, ~~or any~~ certified employee conducting lining activity, that is approved by the manufacturer of the lining material as qualified and trained in the application of the material and has adequate equipment to perform the interior lining safely. The applicant must also possess licensure in the decommissioning module. The certified employees designated by the applicant shall possess the qualifications required for both the lining and the decommissioning modules. Such proof shall be submitted at the time of license application ~~renewal~~ and reflect certification for the license period and the equipment being used.
- 4) If seeking a license in the module that authorizes inspection and testing of UST equipment, the applicant shall designate the testing methods for which a license is sought and provide proof that he/she, or any certified employee conducting testing, is certified by the manufacturer of the equipment being inspected or tested. Such proof shall be submitted at the time of license application and shall reflect certification for the license period and the equipment being inspected or tested.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 172.50 Licensed Contractor's Employee Certifications

- a) A certified employee is an individual who performs a UST activity for a licensed ~~UST~~ contractor and has successfully completed OSFM prescribed exams for the module in which the employee is conducting the UST activity, or meets other requirements under Section 172.40(b).
- b) A contractor shall have at least one employee certified for the permitted UST activity, unless the contractor itself is an individual contractor who is so certified.
- c) A contractor shall have at least one employee certified in the UST activity for which the permit was issued actively supervising the UST activity being performed on the job site, unless the contractor itself is an individual who is so certified and supervises the work. At all times during UST operations, there shall

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be a certified employee or certified individual contractor on the job site; subcontractors are not employees.

- d) Certified employees of licensed contractors shall possess a wallet card or proof of certification verifying successful passage of OSFM approved exams, or for precision testing or inspection and testing of other UST equipment, proof of certification by the manufacturer. The wallet card or proof of certification must be carried by the certified employee on UST job sites at all times and shall be available upon request by any OSFM representative.
- ~~e) Electricians must be hired and supervised by a licensed petroleum equipment contractor for all permitted UST activity requiring electrical work.~~
- ~~ef)~~ Licensed contractors and any of their employees performing a UST activity shall possess OSHA Identification Cards or proof of certification, described in Section 172.60, on UST job sites at all times that shall be made available upon request by any OSFM representative.
- ~~fg)~~ Licensed contractors in all UST activity modules are required to follow the scheduling requirements for date certain and/or time certain schedules established by DPCS. For all permitted inspections, scheduling with OSFM shall be done in advance ~~cathodic protection testing and tightness testing (tank and line), 24-hour advance notice shall be provided~~ by the contractor on-line via the UST contractor portal, located at the UST Applications and Forms page for the DPCS at <https://webapps.sfm.illinois.gov/USTPortal>. Submission of any completed testing forms required by OSFM rule shall also be submitted on-line at the UST portal ~~fax or other approved methods. Emergency testing shall be reported to the OSFM within 24 hours by fax or other approved method.~~
- ~~gh)~~ UST activities may be shut down by any OSFM DPCS manager, supervisor, or STSS ~~representative~~ if individual contractors or their employees are not in compliance with subsections (a) through ~~(f)(g)~~ of this Section. Such work shall not resume until approval is granted by the OSFM.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 172.60 Possession of OSHA Identification Cards

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- a) Licensed contractors, their certified employees and non-certified workers working in a UST activity, and subcontract excavation operators (involved in UST related operations) shall possess, on UST jobsites at all times, 40-hour General Site Worker Program Identification Cards and any valid Refresher Cards that comply with OSHA standards. Cards shall be produced upon request by any OSFM DPCS manager, supervisor, or STSS~~representative~~. The card requirement is applicable only to UST installations, upgrades, repairs, lining, removals, abandonments-in-place and physical interior inspections. All workers in the UST excavation zone shall carry both the 8 hour and 40 hour OSHA cards or certificates or other proof of certification. If a person is unable to produce proof of both cards, that person will be required to leave the excavation zone immediately.
- b) Electricians, truck drivers, concrete masons, canopy erectors, ~~or~~ crane operators, or underground tank manufacturers or their authorized representatives working in activities that involve their area of specialty only are not required to have the Site Worker Program Identification Card but must comply with the standards established by the OSHA General Site Worker Program (29 CFR 1910.120, incorporated by reference in Section 174.210~~172.20~~).
- c) When permitted UST activity is being conducted, compliance with the OSHA standards will be accomplished by direct (line of sight) supervision by the permit holding licensed contractor or the contractor's certified employee for those people entering the work area.
- d) UST activities may be shut down by any OSFM DPCS manager, supervisor, or STSS~~representative~~, if individual contractors or their employees are not in compliance with this Section. Such work shall not resume until approval is granted by the OSFM~~OSFM~~.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 172.70 Fees ~~and Penalties~~

- a) ~~All new fees established under this Part shall become effective for individual contractors already certified and registered in Illinois on the next anniversary of that certification/registration following the adoption of this Part.~~

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~~a~~b) All fees are payable at the time of submission of the relevant application~~within 30 days after the date on the invoice requesting payment of the fee~~. The payment is to be by check or money order payable to "Office of the State Fire Marshal", or by electronic payment via the UST contractor portal (located at the UST Applications and Forms page for the DPCS at <https://webapps.sfm.illinois.gov/USTPortal>), and is to be from the licensed contractor obtaining the permit. New contractors applying for a license for the first time shall utilize the application for a new contractor license, located at the DPCS UST Applications and Forms page at <https://webapps.sfm.illinois.gov/USTPortal/Contractor/Application>~~by check or money order payable to the Office of the State Fire Marshal~~. All licensure fees will be deposited in the Fire Prevention Fund.

~~b~~e) Fee ~~Schedule~~schedule:

Type of Fee:	Fee:
Biennial licensing	\$1000 per UST module
UST activity permit	\$200 each
License restoration	\$50 plus \$1000 per module
Multiple location license	\$50 each location
Duplicate copy of lost license	\$50
Change of name <u>if no FEIN change</u>	\$100
<u>Change of name with new FEIN or ownership (new license)</u>	<u>\$1,000 per UST module</u>

~~d~~) ~~Penalty for returned check:~~

Type of Offense:	Amount:
Insufficient funds (2 or more occasions)	Amount owing on check or other order plus \$50
Practicing pending receipt of honored check	\$100

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- ce) All fees paid pursuant to this Part are non-refundable. This shall not preclude the OSFM from refunding accidental overpayment of fees.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 172.80 Licensure of Out-of-State Contractors (Repealed)

~~Any out-of-state contractor wishing to perform work on USTs in Illinois must follow this Part and 41 Ill. Adm. Code 170. Any out-of-state contractor not currently licensed in Illinois at the time of the adoption of this Part shall, as a condition of licensure, conduct 3 jobs in the module for which the contractor is seeking licensure with a currently licensed Illinois contractor.~~

(Source: Repealed at 46 Ill. Reg. _____, effective _____)

Section 172.90 Issuance of License; Renewal; Restoration; Replacement

- a) The ~~OSFM~~~~State Fire Marshal~~ shall, upon the applicant's satisfactory completion of the requirements of this Part, and upon receipt of the fees required by Section 172.70, issue the appropriate license showing the name and business location of the licensee, the module for which the applicant is being licensed, and the date of issuance and of expiration. Each licensee shall prominently display his or her license at each place from which the UST activity is being performed.
- b) Each licensee may apply for biennial renewal of the relevant license ~~his or her licenses~~ upon completion of the license renewal application demonstrating compliance with the licensing requirements in this Part and payment of the fee set forth in Section 172.70. ~~The expiration date and renewal period for each license issued shall be in accordance with Section 172.70.~~ Renewal and restoration fees shall be waived for persons who did not renew while on active duty in the military and who file for renewal or restoration within one year after discharge from the service. An expired license may not be restored except upon passing an examination to determine fitness to have the license restored and by paying the restoration fee specified in Section 172.70.
- c) All licenses will be issued for a two-year period. The OSFM shall notify license holders in writing 2 months in advance of their license expiration date at the UST contractor portal (available at the website cited in Section 172.40(b)). However,

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failure of a licensee to receive advance notification from OSFM does not relieve the licensee from responsibility for timely license renewal.

- d) ~~If a license or certificate is lost, a duplicate shall be issued upon payment of the fee required by Section 172.70.~~ If a licensee wishes to change his name, the ~~OSFM State Fire Marshal~~ shall issue licenses in the new name, upon satisfactory proof that the change of name was done in accordance with law and upon payment of the fee established in Section 172.70. Any change in ownership or Federal Employer Identification Number (FEIN) requires complete new licenses.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 172.100 ReportingReports

- a) As a condition of renewal of a license, the ~~OSFM State Fire Marshal~~ may require the licensee to report information pertaining to it's or his or her practice (e.g., history of CNOVs in last 2 years, verification of work with firms, ~~income tax records,~~ history of OSHA violations, etc.) that the OSFM determines to be in the interest of public safety.
- b) A licensee shall report a change in home or office address and UST employee status within 10 days after the change.
- c) Licensees shall submit notification at the UST contractor portal cited in Section 172.40(b)~~on a form prescribed by the OSFM~~ of:
- 1) Termination of employment of a certified employee;
 - 2) Re-certification to perform a UST module by an employee;~~or~~
 - 3) Certification to perform a UST module by an employee not previously certified or not previously certified to perform that module;or-
 - 4) Any other change to the contractor's qualifications for, or authorizations provided by, the contractors OSFM-issued license, including which module the contractor or certified employee is authorized to perform UST activity under.

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- d) These notifications shall be submitted to the OSFM within 30 days after the occurrence.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 172.110 Disciplinary Actions Related to Contractor Notice of Violations (CNOV)

~~a)~~ Disciplinary actions and administrative citations result from the issuance of a CNOV. The CNOV is issued by an STSS and copies are provided ~~in the field~~ to the licensed contractor ~~and forwarded to DPCS. DPCS will review the CNOV for completeness before penalty review and the contractor receiving the CNOV will be notified within 15 days, if the CNOV is moving forward for penalty assessment.~~ b) CNOVs result from violations in one or both of two categories: ~~fall into one of 3 penalty categories:~~

- ~~a)1)~~ Administrative or quality control violations are minor when taken individually, but have a major impact when recurring within the preceding 12 months ~~2 years~~.

1) Administrative violations include, but are not limited to, a failure to abide by the regulatory requirements found at 41 Ill. Adm. Code 172, 174, 175, 176, and 177 in regards to permitting, scheduling, licensing, technical oversight, or submission of documentation. Examples include:

- A) the failure to have an active permit authorizing the specific permitted activity, or other violations of permit conditions, terms, or permitting requirements;
- B) the failure to be ready for a date certain/time certain activity or final inspection, or other violations of scheduling requirements;
- C) the failure to have an employee certified in the specific required module on site actively supervising the work, or other violations of licensing requirements or related administrative requirements;
- D) the failure to submit a completed OSFM like-for-like replacement form following a like-for-like replacement, the failure to submit a completed OSFM test results form where required, or other violations of requirements for submission of completed OSFM forms by the licensed contractor; and

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E) the failure to comply with any OSFM rule governing the work being done by a licensed contractor.

2) Quality control violations include, but are not limited to, a failure to abide by the technical requirements found at 41 Ill. Adm. Code 174, 175, 176, and 177 for UST design, construction, installation, repair, upgrade, inspection, removal or abandonment in place. Examples include:

A) The failure to comply with motor fuel dispensing facility requirements for UST systems. Examples include: a failure to install a sufficient number of E-stops or the failure to install E-stops within the correct distances.

B) The failure to comply with requirements for UST design, installation and construction. Examples include:

i) a failure to have pipe trenches wide enough or deep enough or sloped to tanks properly, or to have pipes spaced properly;

ii) a failure to test the UST tanks prior to installation, or other violations of requirements for construction and installation of USTs;

iii) the failure to use appropriate backfill material for UST installation; or

iv) the failure to have electrical equipment installed in accordance with NFPA 70.

C) The failure to comply with requirements for corrosion protection for USTs systems. Examples include: a licensed contractor's failure to di-electrically protect all steel risers, vents, and fill pipes in contact with the ground, backfill, or water.

D) The failure to comply with requirements for release detection for USTs systems. Examples include: a failure to have a release detection system installed and calibrated according to manufacturer specifications and instructions.

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- E) The failure to comply with requirements for repairs of UST systems and defective UST equipment. Examples include: a failure to repair or replace system components using correct equipment or materials or to conduct repairs in accordance with manufacturers recommended procedures and specifications.
 - F) The failure to comply with requirements for permanent closure of UST systems, including removal, abandonment-in-place and change in service.
 - G) The failure to comply with compliance certification requirements for USTs. Examples include the removal of a red tag by any licensed contractor to fill a UST for testing or other reasons.
 - H) The failure to comply with containment requirements. Examples include a failure to install required containment under dispensers or perform testing on containment prior to backfilling.
 - I) The failure to comply with requirements for piping, venting, and pumps. Examples include installation of vents and pipes at unapproved locations.
 - J) The failure to comply with an applicable technical code or any OSFM rule governing the work being done by a licensed contractor.
- 2) ~~Quality control violations have significant potential impact on the environment and/or public safety.~~
- b3) Safety violations pose a potential or imminent grave danger to the environment and the health and safety of the citizens of Illinois and are of such a grave nature as to result in the immediate shut-down of the job site, issuance of an administrative citation and possible suspension of contractor activity in any or all OSFM-licensure modules~~the module within which the contractor received the CNOV.~~ OSFM may also consider property damage or personal injury caused by a violation of regulatory requirements, found at 41 Ill. Adm. Code 174, 175, and 176, in categorizing a violation as being a safety violation. Examples include the following:

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- 1) Licensed contractor failed to provide excavation sloping, benching, stepping, or shoring sides or to abide by 29 CFR 1926.
 - 2) Licensed contractor failed to have sufficient equipment, for example, with sufficient lifting capacity for the intended UST activity.
 - 3) Licensed contractor failed to maintain the required exclusion zone while working on the UST system.
 - 4) Licensed contractor failed to comply with UST tank entry procedures outlined in API 2015.
 - 5) Licensed contractor failed to follow API 1604, including the failure to remove all petroleum or hazardous substance from the tank or connecting lines prior to the removal or abandonment-in-place process.
 - 6) Licensed contractor failed to install anchoring and the tank or tanks floated.
 - 7) Licensed contractor failed to vapor free in accordance with API 1631.
 - 8) The licensed contractor excavated along the side or end of a tank prior to vapor freeing or inerting the tank itself, or without having STSS on site.
 - 9) The licensed contractor did not use explosion-proof pumps to remove liquids from the tank or tanks prior to a UST removal, abandonment-in-place or lining inspection process.
 - 10) The failure to comply with any OSFM rule, causing the work being done by a licensed contractor to jeopardize public health or safety.
- c) The failure to comply with the Act or this Part by any licensee may subject the licensee to administrative action, including, but not limited to, suspension, revocation or refusal to issue or renew a license and the assessment of fines. ~~Revocation or suspension of licenses will apply only to the modules for which the CNOV was written.~~

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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Section 172.120 Contractor Notice of Violation Citations and Penalty Process

Pursuant to Section 172.110, violations may be categorized as administrative, quality control, or safety. ~~Listed in Appendix A are areas where a contractor could receive a Contractor Notice of Violation (CNOV). The identification of an area as Group A, B or C corresponds to the nature of the violation, e.g., Administrative, Quality Control or Safety. In addition to the violations identified in Appendix A, a contractor can receive a CNOV for any action that, in the opinion of the OSFM, poses imminent danger to the environment or the health and safety of citizens of Illinois.~~ Penalties will be applied to CNOVs based on the following criteria:

- a) All CNOV's will remain in the licensed contractor's file. The penalty process will be based on active CNOVs. Active CNOVs for purposes of the penalty process will be those that occurred in the 12~~24~~ months prior to the date of CNOV issuance. Only those CNOVs issued after March 1, 2023 can be considered active for purposes of this Section~~No active CNOV can be issued prior to the adoption of this Part.~~
- b) Penalty assessment for CNOVs will be calculated utilizing the following method:
 - 1) Licensed contractors may receive CNOVs for three administrative or quality control violations that occurred in the 12 months prior to the date of CNOV issuance without incurring a fine. Upon receipt of a CNOV for a fourth or subsequent administrative or quality control violation within the 12 months prior to the date of CNOV issuance, DPCS may issue an administrative citation imposing a civil fine under the following penalty structure:~~Contractors may receive 3 CNOVs with Group A violations that occurred in the 24 months prior to the date of CNOV issuance. Upon receipt of the fourth and any subsequent Group A violations, the fine shall be as follows:~~

Fourth <u>violation</u> Violation :	\$250 <u>1000</u>
Fifth <u>violation</u> Violation :	\$500 <u>2000</u>
Sixth <u>violation</u> Violation :	\$750 <u>3000</u>
Seventh <u>violation</u> Violation :	\$1,000 <u>4000</u> and a 30-day license suspension in all modules where the violations occurred.

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Eighth and each subsequent administrative or quality control violation Violation: ~~\$1,250~~8000 and the contractor's license in the modules where the violations took place will be reviewed for possible suspension or revocation.

- 2) ~~Contractors may receive 2 Group B violations that occurred in the 24 months prior to the date of CNOV issuance. Upon receipt of the third and subsequent Group B violations, the fine shall be as follows:~~

Third Violation:	\$1500
Fourth Violation:	\$3000
Fifth Violation:	\$4500
Sixth Violation:	\$6000 and a 60-day license suspension in all modules where the violations occurred.
Seventh Violation:	\$10,000 and the contractor's license in the modules where the violations took place will be reviewed for possible suspension or revocation.

- 23) Upon receipt of a CNOV for a safety violation, DPCS may issue an administrative citation imposing a civil fine under ~~Any CNOV issued for a Group C violation will result in the immediate application of~~ the following penalty structure:

First <u>violation</u> Violation with no property damage or no personal injury:	\$1,000 1500
First <u>violation</u> Violation with property damage but no personal injury:	\$2,500 3000 and a 30-day license suspension in the module where the violation occurred.
First <u>violation</u> Violation with personal injury:	\$5,000 and a review for a possible <u>60-day</u> license suspension <u>or revocation</u> in <u>any or all modules held by the licensee</u> the module where the violation occurred.
Second <u>and each subsequent safety</u> Group C violation:	all penalties double and a review <u>for a possible</u> the contractor's license <u>suspension or revocation</u>

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~~in any or all in the modules held by the licensee where the violations took place will be reviewed for possible suspension or revocation.~~

- ~~e) Fines are limited to a maximum of \$10,000 per offense and suspension or revocation of licensure.~~
- ~~d) Contractors receiving a CNOV will be notified of the pending fine and any suspension or revocation and will have 15 calendar days from receipt of the notice to appeal the penalty to the Review Panel (RP) at its next quarterly meeting or to pay the fine and be subject to any suspension or revocation. Payment of fines should be submitted to the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety, 1035 Stevenson Drive, Springfield IL 62703-4259.~~

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 172.130 Review Panel (Repealed)

- ~~a) The members of the RP shall serve staggered 2-year terms and be eligible for reappointment. Any time an RP member is involved or has a conflict of interest in an appeal, he or she shall recuse himself/herself from the hearing. The Chairperson shall be a member of the OSFM staff appointed by the Fire Marshal. All public members of the panel serve with no expenditures of State funds.~~
- ~~b) The RP will meet at least quarterly to conduct hearings on the appeal of penalties levied against contractors issued CNOVs. Contractors shall be allowed to attend the hearing of their appeal and submit evidence. After hearing the appeal, the RP shall recommend that the State Fire Marshal raise, lower, confirm or vacate the penalty determination. In the event of a tie vote in the deliberations of the RP, the State Fire Marshal shall cast the tie-breaking vote. The RP shall issue its recommendation in writing within 15 calendar days after the hearing.~~

(Source: Repealed at 46 Ill. Reg. _____, effective _____)

Section 172.140 Procedures for Administrative Citations and Administrative Citation Appeals~~Appeal of Panel Decisions~~

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Except as otherwise may be required under the Illinois Administrative Procedures Act [5 ILCS 100], this Section provides the procedures for administrative citations and administrative citation appeals under Section 73 of the Petroleum Equipment Contractors Licensing Act [225 ILCS 729/73].

- a) Enforcement action that results in the issuance of an administrative citation shall begin with the issuance of a CNOV by OSFM. A copy of the CNOV shall be left with any licensed contractor's certified employee, officer, managing member, or other agent of the contractor at the UST facility or other location where the contractor is working at the time of inspection or may be mailed or served by other legal process.
- b) Issuance of an Administrative Citation
 - 1) The OSFM may issue an administrative citation pursuant to Section 73 of the Petroleum Equipment Contractors Licensing Act [225 ILCS 729/73] and serve the administrative citation by personal service or certified mail to the licensee at the licensee's last known address as listed with the OSFM. *The citation shall be issued to the licensee and shall contain the licensee's name and address, the licensee's license number, a brief factual statement, the Sections of the law or rules allegedly violated, and the penalty imposed in accordance with Section 172.120. The citation must clearly state that the licensee may choose, in lieu of accepting the citation, to request a hearing to appeal the citation. If the licensee does not file a written appeal of the citation with the Office of the State Fire Marshal within 15 days after the citation is served, then the citation shall become a final order imposing a monetary penalty. A written appeal will be deemed to be timely if it is postmarked no later than the time period allowed. Failure to timely satisfy the penalty assessed may result in a censure or suspension or other disciplinary action on the license for the violations noted.*
 - 2) Payment of the administrative citation penalty does not absolve the licensee and its certified employees from the responsibility to correct any outstanding violations related to its licensing or other regulatory obligations. Administrative citations and penalties issued under this Section shall not limit the authority of the OSFM under other sections of law to issue orders, revoke permits, stop work on construction, or take any other appropriate enforcement action.

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- c) In the event of a timely written appeal, the OSFM shall conduct an administrative hearing governed by this Section and the Illinois Administrative Procedure Act [5 ILCS 100]. Notice of the time and place for any hearing shall be given to any party concerned at least 30 days prior to the hearing date. If an attorney, through written communication, is known to represent any party to a hearing, then notice is to be given to that attorney. A corporation, limited liability company, professional limited liability company, or partnership must appear by legal counsel, licensed to practice in the State of Illinois or appearing pro hac vice, who must file an appearance with the OSFM. Notice sent to the last known address by U.S. Mail, registered or certified, addressed to all parties or their agents appointed to receive service of process, or their attorneys when applicable, is sufficient.
- 1) The notice of hearing shall include the following:
- A) The date, time, place and nature of the hearing.
 - B) A statement of the legal authority and jurisdiction under which the hearing is to be held.
 - C) A reference to the particular Sections of the substantive and procedural statutes and rules involved.
 - D) A short and plain statement of the matters asserted, the consequences of a failure to respond, and the case number or file number.
 - E) To the extent such information is available, the names, phone numbers, email addresses, and mailing addresses of the parties and designated agency contact, and if known, of any assigned hearing officer.
- 2) Document Exchange. At any pre-hearing conference, or if none, prior to the start of the hearing, the parties shall exchange a list of those witnesses who may testify at hearing and any exhibits or documents that may be identified at hearing.

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- 3) Continuances. A hearing officer may, for good cause, grant a continuance at the request of a party or a continuance on the hearing officer's own motion.
- 4) Default. Failure of a party to appear on the date set for hearing or failure to proceed as ordered by the OSFM shall constitute a default and the administrative citation appealed from shall become final. Appeals, petitions, motions or other requests for relief that are not prosecuted diligently may be dismissed for want of prosecution.
- 5) At the close of the evidence, or upon receiving the recommended decision of the hearing officer with findings of fact and conclusions of law, the OSFM shall enter an order to sustain, modify, or revoke the administrative citation. Any appeal from such OSFM final order shall be to the circuit court of the county in which the violation took place and shall be governed by the Administrative Review Law [735 ILCS 5/Art. III].
- 6) Nothing in this Section shall prohibit the informal disposition of an administrative citation by stipulation, agreed settlement, or consent order. Informal disposition may proceed with clear and simple documentation without complete adherence to this Section.

~~Any contractor wishing to appeal a penalty assessed in the CNOV penalty process described in Sections 172.110, 172.120 and 172.130 shall do so in writing by certified mail to the Illinois State Fire Marshal, 1035 Stevenson Drive, Springfield IL 62703-4259, within 15 calendar days after receipt of the penalty notice.~~

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 172.150 Status of Licensed Contractor During Appeal of Administrative Citation~~Panel Decision~~

During the time an administrative citation~~a decision of the RP~~ is under appeal, the licensed contractor may continue to work in Illinois unless, in the opinion of the OSFM, continued work by this contractor poses a significant threat to the environment or the health and safety of citizens of Illinois.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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Section 172.160 Hearing Procedures for Formal Charges; ~~Hearing~~

- a) The procedures of this Section shall govern any appeal of formal charges seeking to impose disciplinary action under Section 80(a) of the Petroleum Equipment Contractors Licensing Act [225 ILCS 729/80(a)]. ~~If a contractor wishes to appeal the CNOV through the formal administrative hearing procedure of the State Fire Marshal, a written appeal must be filed in writing by certified mail to the Illinois State Fire Marshal, 1035 Stevenson Drive, Springfield IL 62703-4259, within 15 calendar days after receipt of the penalty notice.~~
- b) Each licensee whose conduct is the subject of a formal charge that seeks to impose disciplinary action against the licensee shall be served notice of the formal charge at least 30 calendar days before the date of the hearing. The hearing shall be presided over by a hearing officer authorized by the OSFM ~~State Fire Marshal~~ in compliance with the Illinois Administrative Procedure Act. Service shall be considered to have been given if the notice was personally received by the licensee or if the notice was mailed certified, return receipt requested, to the licensee at the licensee's last known address as listed with the OSFM.
- c) The notice of a formal charge shall consist, at a minimum, of the following information:
- 1) The time, place, and date of the hearing.
 - 2) A statement that the licensee shall appear personally at the hearing and may be represented by counsel.
 - 3) A statement that the licensee has the right to produce witnesses and evidence in his or her behalf and the right to cross-examine witnesses and object to evidence produced against him or her.
 - 4) A statement that the hearing can result in disciplinary action being taken against his or her license.
 - 5) A statement of where the individual can procure the rules for the conduct of these hearings.
 - 6) A statement that the hearing officer authorized by the OSFM ~~State Fire Marshal~~ will preside at the hearing and, following the conclusion of the

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hearing, shall make findings of fact, conclusions of law and recommendations, separately stated, to the State Fire Marshal as to what disciplinary action, if any, should be imposed on the licensee.

- 7) The ~~OSFM~~~~State Fire Marshal~~ may continue the hearing.
- d) The hearing officer shall conduct the hearing. After the conclusion of a hearing, the hearing officer shall make findings of fact, conclusions of law and recommendations, separately stated, and submit them to the State Fire Marshal and to all parties to the proceeding. Submission to the licensee shall be considered as having been made, if accomplished in a similar fashion as service of the notice of formal charges (see subsection (c)). Within 20 days after such service, any party to the proceeding may present to the State Fire Marshal a motion, in writing, for a rehearing that specifies the grounds for rehearing.
- e) Following the time allowed for filing a motion for rehearing, the~~The~~ State Fire Marshal shall review the hearing officer's findings of fact, conclusions of law, ~~and~~ recommendations and any motion for rehearing. After reviewing this information, the State Fire Marshal may hear oral arguments, prior to issuing an order. The report of findings of fact, conclusions of law and recommendations of the hearing officer shall be the basis for the State Fire Marshal's order, in which the State Fire Marshal may accept or reject the recommendations of the hearing officer.
- f) *If the State Fire Marshal finds that substantial justice was not done, he or she may issue an order in contravention to the findings of fact, conclusions of law, and recommendations of the hearing officer. The finding is not admissible in evidence against the person in a criminal prosecution brought for violation of this Act or this Part. [225 ILCS 729/75(e)]*

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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Section 172.APPENDIX A Contractor Violations (Repealed)

~~Listed in this Appendix are areas where a contractor could receive a Contractor Notice of Violation (CNOV). The identification of an area as Group A, B or C corresponds to the nature of the violation, e.g., administrative, quality control or safety. In addition to the violations identified in this Appendix, a contractor can receive a CNOV for any action that, in the opinion of the OSFM, poses imminent danger to the environment or the health and safety of citizens of Illinois.~~

~~a) Group A Violations~~

~~1) Violations Related to Design, Construction, Installation or Upgrade~~

- ~~A) Contractor failed to conduct on-site inspection to insure accuracy of site plans; didn't include sewers, places of assembly next door, school day care center, nursing home, basement, etc., within distance requirements. (See 41 Ill. Adm. Code 170.420(c)(5).)~~
- ~~B) Contractor failed to have completed notification form. (See 41 Ill. Adm. Code 170.420(c)(16).)~~
- ~~C) Contractor failed to complete contractor section of notification form. (See 41 Ill. Adm. Code 170.420(d).)~~
- ~~D) Contractor failed to have an employee certified in the UST module in which work is being performed, on the job site, supervising non-certified employees and subcontractors. (See Section 172.50(c).)~~
- ~~E) Contractor failed to make sure the certified employee possessed a valid wallet card verifying successful passage of OSFM approved exams. (See Section 172.50(d).)~~
- ~~F) Certified employee failed to carry the valid wallet card on the UST job site at all times or failed to have it available to present to the OSFM representative upon request. (See Section 172.50(d).)~~
- ~~G) Contractor and any of its employees failed to possess a valid OSHA Identification Card as described in Section 172.60. (See 41 Ill. Adm. Code 172.50(f).)~~

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- ~~H) Contractors, their certified employees, non-certified employees and subcontracted excavation operators all working in UST related operations failed to possess a valid 40-hour General Site Worker Program Identification Card or any valid Refresher Card on the UST job site at all times or failed to have it available to present to the OSFM representative upon request. (See Section 172.60(a).)~~
- ~~I) Contractor failed to provide OSFM with written proof of recertification for a used tank. (See 41 Ill. Adm. Code 170.420(a)(6).)~~
- ~~J) Work began before securing proper permits. (See 41 Ill. Adm. Code 170.420(e)(4).)~~
- ~~K) Work began before receiving stamped acknowledgement from OSFM. (See 41 Ill. Adm. Code 170.420(e)(4).)~~
- ~~L) Work began before submission of job work schedule. (See 41 Ill. Adm. Code 170.420(e)(4).)~~
- ~~M) Work began before work start date on job work schedule. (See 41 Ill. Adm. Code 170.420(e)(4).)~~
- ~~N) Contractor failed to be ready for date certain/time certain activity of final inspection. (See 41 Ill. Adm. Code 170.420(e)(16) and (e)(19)(C).)~~
- ~~O) Contractor failed to have rust resisting di-electric coating repaired before installation. (See 41 Ill. Adm. Code 170.420(a)(2).)~~
- ~~P) Contractor failed to meet time certain/date certain activity deadline. (See 41 Ill. Adm. Code 170.420(e)(19)(C).)~~
- ~~2) Violations Related to Vents and Piping~~
 - ~~A) Contractor failed to submit pipe construction and corrosion protection that is different from fiberglass or cathodically protected steel to OSFM for written approval. (See 41 Ill. Adm. Code 170.421(d)(2)(E).)~~

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- B) ~~Contractor failed to have written approval from OSFM available at job site. (See 41 Ill. Adm. Code 170.421(d)(2)(E).)~~

3) ~~Violations Related to Interior Lining~~

- A) ~~Contractor failed to have a complete set of OSFM reporting forms on site before entering process began. (See 41 Ill. Adm. Code 170.430(b)(3).)~~
- B) ~~Testing contractor failed to submit the test results within 10 days after a passed inspection. (See 41 Ill. Adm. Code 170.430(b)(6).)~~
- C) ~~Contractor failed to submit documentation of all inspection data within 10 days after a passed inspection. (See 41 Ill. Adm. Code 170.430(b)(7).)~~
- D) ~~Contractor failed to submit documentation within 10 days after repairs to the coating. (See 41 Ill. Adm. Code 170.430(b)(7).)~~
- E) ~~Contractor failed to have all testing equipment on site and functional before opening the tank. (See 41 Ill. Adm. Code 170.430(b)(3).)~~

4) ~~Violations Related to Cathodic Protection~~

- A) ~~Contractor failed to submit a job work schedule before starting work. (See 41 Ill. Adm. Code 170.460(e)(1).)~~
- B) ~~Contractor failed to submit accurate drawings/plans because he failed to conduct an on-site inspection before applying for permit. (See 41 Ill. Adm. Code 170.460(e)(2).)~~
- C) ~~Field-designed cathodic protection system installed by contractor was not designed by a corrosion expert recognized by OSFM. (See 41 Ill. Adm. Code 170.420(a)(2)(B).)~~

5) ~~Violations Related to Obtaining Permits~~

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- A) ~~Contractor did not schedule a date and time certain final inspection. (See 41 Ill. Adm. Code 170.541(h)(3)(D).)~~
- B) ~~Contractor did not have a representative at the final inspection that was knowledgeable and had ability to work the equipment being inspected. (See 41 Ill. Adm. Code 170.541(h)(3)(D).)~~
- C) ~~Replacement of any of the equipment described in section 170.541(h)(1) was not reported in writing to the OSFM on an OSFM form within 24 hours. (See 41 Ill. Adm. Code 170.541(h)(4).)~~
- D) ~~Contractor did not notify the OSFM within 8 working hours that an original 0.1 GPM electronic line leak detector had been replaced after a temporary mechanical line leak detector had been substituted. (See 41 Ill. Adm. Code 170.541(h)(5).)~~
- 6) ~~Violations Related to the Tester of UST Equipment~~
 - A) ~~The testing contractor did not submit test results to the OSFM on forms prescribed by the OSFM. (See 41 Ill. Adm. Code 170.544(b)(4).)~~
 - B) ~~Contractor did not have a representative at the final inspection that was knowledgeable and had ability to work the equipment being inspected. (See 41 Ill. Adm. Code 170.541(h)(3)(D).)~~
 - C) ~~The testing contractor failed to issue a copy of passing test results to the facility and owner. (See 41 Ill. Adm. Code 170.544(b)(1).)~~
 - D) ~~The contractor failed to replace an original 0.1 GPM electronic line leak detector after 10 working days while substituting with a mechanical line leak detector. (See 41 Ill. Adm. Code 170.541(h)(5).)~~
- b) ~~Group B Violations~~
 - 1) ~~Violations Related to Design, Construction, Installation or Upgrade~~

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- A) ~~Contractor replaced a spill basin with one of less than the minimum 5-gallon capacity. (See 41 Ill. Adm. Code 170.420(b)(1)(A).)~~
- B) ~~Contractor installed a float vent valve for overfill prevention on a suction system. (See 41 Ill. Adm. Code 170.420(b)(1)(C).)~~
- C) ~~Contractor failed to inspect the tanks, pipe or other equipment upon delivery and prior to installation. (See 41 Ill. Adm. Code 170.420(e)(7).)~~
- D) ~~Contractor failed to properly test tanks before installation. (See 41 Ill. Adm. Code 170.420(e)(10).)~~
- E) ~~Contractor failed to have pipe trenches wide enough or deep enough or sloped to tanks properly, or to have pipes spaced properly. (See 41 Ill. Adm. Code 170.420(e)(12).)~~
- F) ~~Contractor failed to have the trenches backfilled with acceptable material. (See 41 Ill. Adm. Code 170.420(e)(12).)~~
- G) ~~Contractor failed to have electrical equipment installed in accordance with NFPA 70. (See 41 Ill. Adm. Code 170.420(e)(15).)~~
- H) ~~Contractor failed to have sealant compound installed in all seal-offs. (See 41 Ill. Adm. Code 170.420(e)(15).)~~
- I) ~~Contractor failed to have junction boxes closed properly. (See 41 Ill. Adm. Code 170.420(e)(15).)~~
- J) ~~Contractor failed to install acceptable observation wells or the proper number of wells. (See 41 Ill. Adm. Code 170.420(e)(18).)~~
- K) ~~Contractor failed to install containment under dispensers at the time of new installation. (See 41 Ill. Adm. Code 170.420(e)(19).)~~

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- ~~L)~~ Contractor failed to install containment under dispensers of existing sites when pipe is replaced. (See 41 Ill. Adm. Code 170.420(c)(19).)
- ~~M)~~ Contractor failed to meet the hydrostatic testing requirements on all containment before backfilling. (See 41 Ill. Adm. Code 170.420(c)(19).)
- ~~N)~~ Contractor failed to provide adequate lighting to be able to continue working after sunset. (See 41 Ill. Adm. Code 170.420(c)(21).)
- 2) ~~Violations Related to Corrosion Protection~~
 - ~~A)~~ Contractor failed to protect pipe that is in contact with the ground, backfill, or water from corrosion. (See 41 Ill. Adm. Code 170.420(d) and 170.460(d).)
 - ~~B)~~ Contractor failed to di-electrically protect all steel risers, vents and fillpipes in contact with the ground, backfill or water. (See 41 Ill. Adm. Code 170.421(d) and 170.460(d).)
 - ~~C)~~ Contractor installed unacceptable shrink wrap or boots for cathodic protection in a water environment. (See 41 Ill. Adm. Code 170.460(d).)
 - ~~D)~~ Contractor used less than #10 stranded wire for installation of wiring connected to anodes of an impressed current system. (See 41 Ill. Adm. Code 170.460(e)(4)(A).)
 - ~~E)~~ Contractor failed to install the associated electrical equipment in conformance with NFPA 70. (See 41 Ill. Adm. Code 170.460(e)(4)(A) (E).)
- 3) ~~Violations Related to Piping, Vents and Pumps~~
 - ~~A)~~ Contractor failed to install a positive shut-off valve on the product line at the submersible or at the tank for suction systems on new

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~~installations or existing installations when pipe is replaced. (See 41 Ill. Adm. Code 170.421(g).)~~

- ~~B) Contractor failed to make the shut-off valve accessible to grade. (See 41 Ill. Adm. Code 170.421(g).)~~
- ~~C) Contractor failed to have vent lines ready for date certain/time certain test activity. (See 41 Ill. Adm. Code 170.421(h).)~~
- ~~D) Contractor failed to conduct a precision line test before the pipe was put back into service. (See 41 Ill. Adm. Code 170.421(k).)~~
- ~~E) Contractor manifolded vent pipes underground. (See 41 Ill. Adm. Code 170.424(a).)~~
- ~~F) Contractor installed vent pipes in locations not approved on the permit. (See 41 Ill. Adm. Code 170.424(d).)~~
- ~~G) Contractor attached vents of Class II and Class III products to vents of Class I products (i.e., motor oil and diesel to gasoline). (See 41 Ill. Adm. Code 170.424(e)(1)(C).)~~
- ~~H) Contractor failed to provide adequate collision protection for vent pipe risers. (See 41 Ill. Adm. Code 170.424(g).)~~
- ~~I) Contractor failed to secure OSFM approval for remote fill pipes. (See 41 Ill. Adm. Code 170.425(a).)~~
- ~~J) Contractor failed to color code or label the fill pipes. (See 41 Ill. Adm. Code 170.425(d).)~~
- ~~K) Contractor failed to install a power source interrupter (emergency cut-off switch) 20-100 feet away from the dispensing area. (See 41 Ill. Adm. Code 170.426(a) and 170.428(g).)~~
- ~~L) Contractor installed a dispensing device at a marina where there isn't enough room for safe ingress and egress of watercraft. (See 41 Ill. Adm. Code 170.426(j).)~~

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- ~~M) Contractor failed to properly seal openings beneath the dispensing pumps at marinas. (See 41 Ill. Adm. Code 170.426(j).)~~
- ~~N) Contractor failed to install a hose retracting device for hoses longer than 18 feet. (See 41 Ill. Adm. Code 170.426(n).)~~
- ~~O) Contractor installed dispenser pumps too close (within 5 feet) of the building. (See 41 Ill. Adm. Code 170.426(o).)~~
- ~~P) Contractor failed to provide adequate collision protection for dispenser pumps. (See 41 Ill. Adm. Code 170.426(o) and 170.428(h).)~~
- ~~Q) Contractor failed to install a readily accessible shut-off valve for product supply from shore to the pier dispensers. (See 41 Ill. Adm. Code 170.428(e).)~~
- ~~R) Contractor failed to install emergency breakaway devices on the dispensing hose. (See 41 Ill. Adm. Code 170.428(j).)~~
- 4) ~~Violations Related to Interior Lining~~
~~Contractor failed to present to the STSS the confined space entry permit for the job, while employee inside tank. (See 41 Ill. Adm. Code 170.430(c)(2).)~~
- 5) ~~Violations Related to Obtaining Permits~~
~~Contractor failed to secure an inspection permit when using an alternate method for inspection. (See 41 Ill. Adm. Code 170.430(b)(9).)~~
- e) Group C Violations
 - 1) ~~Violations Related to Design, Construction, Installation or Upgrade~~
 - ~~A) Contractor did not have equipment heavy enough to lift tank and dropped it. (See 41 Ill. Adm. Code 170.420(a)(3).)~~
 - ~~B) Contractor excavated too close to existing foundation and caused damage, building shift or building collapse. (See 41 Ill. Adm. Code 170.420(c)(1).)~~

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- ~~C) Contractor failed to have equipment with sufficient lift. (See 41 Ill. Adm. Code 170.420(e)(6).)~~
- ~~D) Contractor failed to provide excavation sloping, benching, stepping, or shoring sides. (See 41 Ill. Adm. Code 170.420(e)(9).)~~
- ~~E) Contractor failed to install anchoring or ballasting in water environment and tanks floated. (See 41 Ill. Adm. Code 170.420(e)(11).)~~
- 2) ~~Violations Related to General Requirements for Dispensing~~
~~Contractor has rigged emergency shut-off valve to remain open at all times. (See 41 Ill. Adm. Code 170.428(k).)~~
- 3) ~~Violations Related to Interior Lining~~
 - ~~A) Contractor failed to comply with entry procedures outlined in API 2015 and 2015A. (See 41 Ill. Adm. Code 170.430(a)(1)(A).)~~
 - ~~B) Contractor failed to check oxygen levels inside tank. (See 41 Ill. Adm. Code 170.430(a)(1)(A).)~~
 - ~~C) Contractor failed to have positive pressure air supplied equipment on-site and/or functioning. (See 41 Ill. Adm. Code 170.430(a)(1)(A).)~~
 - ~~D) Contractor failed to have a full face enclosure on his employee. (See 41 Ill. Adm. Code 170.430(a)(1)(A).)~~
 - ~~E) Contractor failed to have a safety harness on the employee who enters the tank. (See 41 Ill. Adm. Code 170.430(a)(1)(A).)~~
 - ~~F) Contractor failed to have sufficient numbers of employees to provide an attendant while employee was in the tank. (See 41 Ill. Adm. Code 170.430(a)(1)(A).)~~

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- G) ~~Contractor has failed to require employees to wear clothing that covers the arms, legs, torso, and head of tank entry personnel. (See 41 Ill. Adm. Code 170.430(a)(1)(A).)~~
- H) ~~Contractor failed to require employee to remove clothing saturated with product upon immediate departure of tank. (See 41 Ill. Adm. Code 170.430(a)(1)(A).)~~
- I) ~~Contractor failed to familiarize employees with ANSI Z117.1—Safe Confined Space Entry. (See 41 Ill. Adm. Code 170.430(a)(1)(A).)~~
- J) ~~Contractor failed to periodically monitor with a CGI and O₂ monitor. (See 41 Ill. Adm. Code 170.430(a)(1)(A).)~~
- K) ~~Contractor failed to cap or plug all other product lines and openings to ensure no liquid or vapor enters the tank. (See 41 Ill. Adm. Code 170.430(a)(1)(A).)~~
- L) ~~Contractor failed to stop work that released flammable vapors while heater was being used to cure the lining material. (See 41 Ill. Adm. Code 170.430(a)(1)(B).)~~
- M) ~~Contractor failed to attend the heater when in operation. (See 41 Ill. Adm. Code 170.430(a)(1)(B).)~~
- N) ~~Contractor failed to secure a lining inspection permit in order to complete the 10-year or 5-year internal inspection. (See 41 Ill. Adm. Code 170.430(a)(1)(G).)~~
- Θ) ~~Contractor used spark producing welding to repair inside the tank. (See 41 Ill. Adm. Code 170.430(b)(2)(A)(ii).)~~
- P) ~~Contractor used spark producing cutting device to repair inside the tank. (See 41 Ill. Adm. Code 170.430(b)(2)(A)(ii).)~~
- Q) ~~Contractor failed to maintain exclusion zone. (See 41 Ill. Adm. Code 170.430(c)(4).)~~

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- R) ~~Contractor caught smoking inside the exclusion zone. (See 41 Ill. Adm. Code 170.430(c)(4).)~~
- S) ~~Contractor used spark-producing/non-explosion proof equipment inside the exclusion zone. (See 41 Ill. Adm. Code 170.430(c)(4).)~~
- T) ~~Contractor failed to isolate the product lines. (See 41 Ill. Adm. Code 170.430(c)(5).)~~
- U) ~~Contractor failed to isolate manifolds. (See 41 Ill. Adm. Code 170.430(c)(5).)~~
- V) ~~Contractor failed to isolate siphons. (See 41 Ill. Adm. Code 170.430(c)(5).)~~
- W) ~~Contractor failed to isolate manifolded vent systems. (See 41 Ill. Adm. Code 170.430(c)(5).)~~
- X) ~~Contractor failed to remove residual liquids from tank with explosion-proof pump. (See 41 Ill. Adm. Code 170.430(c)(6).)~~
- Y) ~~Contractor failed to regularly monitor the excavation area with a CGI. (See 41 Ill. Adm. Code 170.430(c)(7).)~~
- Z) ~~Contractor failed to maintain the levels of 5% LEL (lower explosive limits) or O₂. (See 41 Ill. Adm. Code 170.430(c)(7).)~~
- AA) ~~Vapor freeing not done in accordance with API 1631 Section 2.4. (See 41 Ill. Adm. Code 170.430(c)(8).)~~
- BB) ~~Contractor failed to have all devices bonded to the tank when using compressed air or inert gas under pressure. (See 41 Ill. Adm. Code 170.430(c)(8).)~~
- CC) ~~Contractor failed to have the tank grounded to a separate ground when vapor freeing. (See 41 Ill. Adm. Code 170.430(c)(8).)~~
- DD) ~~Contractor failed to have a pressure gauge on the cylinder for inert gas. (See 41 Ill. Adm. Code 170.430(c)(8).)~~

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- ~~EE) Contractor failed to have an operational pressure gauge on the cylinder for inert gas. (See 41 Ill. Adm. Code 170.430(c)(8).)~~
- ~~FF) Contractor used higher than 5 psi discharge into the tank for vapor freeing. (See 41 Ill. Adm. Code 170.430(c)(8).)~~
- ~~GG) Contractor did not test grounding and bonding for continuity. (See 41 Ill. Adm. Code 170.430(c)(8).)~~
- ~~HH) Contractor commenced cutting/opening procedures/cleaning procedures before STSS arrived. (See 41 Ill. Adm. Code 170.430(c)(9).)~~
- ~~H) Contractor used plastic tile or plywood for manway access to the surface—neither are non-collapsible structures. (See 41 Ill. Adm. Code 170.430(c)(10).)~~
- ~~JJ) Personal protective equipment was not provided for personnel in accordance with API 1631. (See 41 Ill. Adm. Code 170.430(c)(11).)~~
- ~~KK) Contractor failed to maintain a positive continual flow of fresh air into the tank once classified as non-hazardous and in lieu of supplied air. (See 41 Ill. Adm. Code 170.430(c)(15).)~~
- ~~LL) Contractor failed to provide continuous monitoring during the operation. (See 41 Ill. Adm. Code 170.430(c)(15).)~~
- 4) ~~Violations Related to Cathodic Protection~~
 - ~~A) Contractor failed to vapor free the tank before introducing an electrified video camera into the interior for the purpose of inspection prior to installing cathodic protection. (See 41 Ill. Adm. Code 170.460(a)(1)(B)(ii).)~~
 - ~~B) Contractor had a remote camera with a short in the electrical system. (See 41 Ill. Adm. Code 170.460(a)(1)(B)(ii).)~~

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- ~~E) Contractor had a lighting source that was not suitable for this application. (See 41 Ill. Adm. Code 170.460(a)(1)(B)(ii).)~~
- 5) ~~Violations Related to Emergency Repairs Allowed~~
~~Contractor failed to notify OSFM of request for authorization to proceed for emergency repair. (See 41 Ill. Adm. Code 170.481(d).)~~
- 6) ~~Violations Related to Installer, Repairer, Liner or Remover of USTs and Obtaining Permits~~
 - ~~A) Contractor failed to obtain a permit in advance to install a UST. (See 41 Ill. Adm. Code 170.541(a).)~~
 - ~~B) Contractor failed to obtain a permit in advance to repair a UST. (See 41 Ill. Adm. Code 170.541(a).)~~
 - ~~C) Contractor failed to obtain a permit in advance to line a UST. (See 41 Ill. Adm. Code 170.541(a).)~~
 - ~~D) Contractor failed to obtain a permit in advance to perform lining touch-up work on a UST. (See 41 Ill. Adm. Code 170.541(a).)~~
 - ~~E) Contractor failed to obtain a permit in advance to perform a lining inspection on a UST. (See 41 Ill. Adm. Code 170.541(a).)~~
 - ~~F) Contractor failed to obtain a permit in advance to install cathodic protection on a UST. (See 41 Ill. Adm. Code 170.541(a).)~~
 - ~~G) Contractor failed to obtain a permit in advance to abandon in place a UST. (See 41 Ill. Adm. Code 170.541(a) and 170.670(d)(2)(H)(i).)~~
 - ~~H) Contractor failed to obtain a permit in advance to upgrade a UST. (See 41 Ill. Adm. Code 170.541(a).)~~
 - ~~I) Contractor failed to obtain a permit in advance to remove a UST. (See 41 Ill. Adm. Code 170.541(a).)~~

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- ~~J) Contractor did regulated UST activities with an expired permit.
(See 41 Ill. Adm. Code 170.541(a)(7).)~~
- ~~K) The contractor performed UST activities that were not in
compliance with the conditions of a permit issued to that
contractor. (See 41 Ill. Adm. Code 170.541(e).)~~
- 7) ~~Violations Related to Notification and Establishment of Time Certain and
Date Certain for UST Activity~~
 - ~~A) The contractor failed to schedule a date certain with the OSFM to
perform UST activities relating to removals,
abandonment in place, repair or lining of any tank entry. (See 41
Ill. Adm. Code 170.543(a)(2)(A).)~~
 - ~~B) The contractor performed work without the OSFM STSS present,
while removal, abandonment in place, tank entry, interior lining,
lining inspect, or installation of manway (except in cases where
manway installation is a part of aligning permit or lining inspection
permit) activities were being performed. (See 41 Ill. Adm. Code
170.543(a)(2)(B).)~~
- 8) ~~Violations Related to Tester of USTs and UST Equipment~~

~~The contractor had an employee performing precision tank and piping test
who was not trained by the manufacturer of the testing equipment he was
using to conduct the test. (See 41 Ill. Adm. Code 170.544(a)(2)(B).)~~
- 9) ~~Violations Related to Removal or Abandonment in Place of USTs~~
 - ~~A) Contractor did not remove all petroleum or hazardous substance
from the tank or connecting lines prior to the removal process. (See
41 Ill. Adm. Code 170.670(a)(1).)~~
 - ~~B) The contractor did not follow all parts of recommended practice
API 1604 before the removal process and at any time thereafter.
(See 41 Ill. Adm. Code 170.670(a)(4).)~~

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- ~~C) The contractor did not establish an exclusion zone around the tank excavation during the removal process. (See 41 Ill. Adm. Code 170.670(c)(3).)~~
- ~~D) The contractor had employees and/or subcontractor employees smoking within the exclusion zone during the removal process. (See 41 Ill. Adm. Code 170.670(c)(3).)~~
- ~~E) The contractor did not use explosion-proof pumps to remove liquids from the tanks prior to removal process. (See 41 Ill. Adm. Code 170.670(c)(5).)~~
- ~~F) The contractor used a plastic pipe to suck product out of a tank prior to removal. (See 41 Ill. Adm. Code 170.670(c)(5).)~~
- ~~G) The contractor did not properly monitor the tank atmosphere down to the bottom of the tank or the excavation area. (See 41 Ill. Adm. Code 170.670(c)(6) and (d)(2)(H)(vii).)~~
- ~~H) While vapor freeing a tank with compressed air, the contractor did not bond all devices to the tank or properly ground the tank to a separate ground. (See 41 Ill. Adm. Code 170.670(c)(8) or (d)(2)(H)(viii).)~~
- ~~I) While vapor freeing a tank for removal, plastic pipes were used as vent tubes on eductors. (See 41 Ill. Adm. Code 170.670(c)(8).)~~
- ~~J) The contractor excavated along the side or end of a tank prior to vapor freeing or inerting the tank itself. (See 41 Ill. Adm. Code 170.670(c)(10).)~~
- ~~K) The contractor began cutting and cleaning operations before OSFM STSS was on site for a tank removal inspection. (See 41 Ill. Adm. Code 170.670(c)(11).)~~
- ~~L) The contractor did not have one or more of the following elements for personal protection of the tank cleaning personnel on site:~~

~~Supplied air with full face mask.~~

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~~Level B personal protective equipment with body harness and tag line.~~

~~Protective booties.~~

~~Continual monitoring of LEL and O₂ during cleaning.~~

~~Attendant/observer.~~

~~Confined space entry permit to include MSDS sheets.~~

~~Positive flow of fresh air supplied during the cleaning operations. (See 41 Ill. Adm. Code 170.670(c)(12)(G).)~~

- M) ~~The contractor did not follow API 1604 Section 4.2.3 when using continuous spark producing equipment to cut the tank open after removal. (See 41 Ill. Adm. Code 170.670(c)(16).)~~
- N) ~~When it was found that a tank had been removed without a permit and the tank was still on site and aboveground, the contractor who removed the tank illegally did not put the tank back into the excavation and cover it with backfill until a proper removal permit was obtained. (See 41 Ill. Adm. Code 170.670(c).)~~
- O) ~~While filling a tank for abandonment in place, the contractor failed to follow API recommended practice 1604. (See 41 Ill. Adm. Code 170.670(d)(2)(C).)~~
- P) ~~The contractor did not establish an exclusion zone around the tank excavation during the abandonment in place process. (See 41 Ill. Adm. Code 170.670(d)(2)(H)(iv).)~~
- Q) ~~The contractor was found using spark producing/non explosion proof equipment in the vapor hazard area during an abandonment in place process. (See 41 Ill. Adm. Code 170.670(d)(2)(H)(iv).)~~

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- R) ~~The contractor had employees and/or subcontractor employees smoking within the exclusion zone during the abandonment in-place process. (See 41 Ill. Adm. Code 170.670(d)(2)(H)(iv).)~~
- S) ~~The contractor did not use explosion-proof pumps to remove liquids from the tanks prior to the abandonment in-place process. (See 41 Ill. Adm. Code 170.670(d)(2)(H)(vi).)~~
- T) ~~The contractor did not follow API 1604 while vapor freeing a tank for abandonment in-place. (See 41 Ill. Adm. Code 170.670(d)(2)(H)(viii).)~~
- U) ~~The contractor began cutting and cleaning operations before OSFM STSS was on site for abandonment in-place inspections. (See 41 Ill. Adm. Code 170.670(d)(2)(H)(x).)~~
- V) ~~During the cleaning procedures for an abandonment in-place job, the contractor did not follow API recommended practice 2015 that requires a type of respiratory equipment that provides positive air pressure to a full-face mask throughout the breathing cycle. (See 41 Ill. Adm. Code 170.670(d)(2)(H)(xii).)~~

(Source: Repealed at 46 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: General Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances
- 2) Code Citation: 41 Ill. Adm. Code 174
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
174.100	Amendment
174.200	Amendment
174.210	Amendment
174.310	Amendment
174.320	Amendment
174.360	Repealed
- 4) Statutory Authority: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].
- 5) A Complete Description of the Subjects and Issues Involved: Updates existing underground storage tank system (UST) rules concerning the storage, handling and use of flammable and combustible liquids, bulk handling, incorporations by reference, and definitions for purpose of UST rules. Clarifies that a requirement that all underground product piping at USTs be double-walled by October 13, 2028, also applies to USTs that are connected to bulk plants, bulk load-outs or bulk storage (known as dual purpose USTs). Provides that tampering with an overfill valve to override the tank fill limit is subject to immediate placement of red tags on the affected UST. Eliminates a ban on the presence of fireworks at UST facilities but retains a long-standing ban on smoking near fuel dispensers as well as a long-standing duty on the attendant to control or prevent ignition sources near dispensers. Makes non-substantive changes.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Standards adopted by the National Fire Protection Association for installation and use of flammable and combustible liquids available at <http://www.nfpa.org> and portions of federal regulations at 40 CFR 280. Also various other codes as cited in the incorporations by reference Section (174.210) by such entities as the American Petroleum Institute, the American Society for Testing and Materials, the National Work Group on Leak Detector Evaluation, and the Petroleum Equipment Institute. Also, portions of US EPA UST rule requirements were reviewed and in part relied upon in promulgating these amendatory rules. These are posted on the US EPA web site at www.epa.gov/oust and are also available in the Office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, IL. 62703.

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- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rule contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. A variety of codes and standards developed by independent national associations and work groups have been incorporated and are available for public inspection at:

Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

Fax: (217) 524-9284

- 10) Are there other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This Part could have an impact on local government to the extent that local government units might own or operate an underground storage tank system.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

Tom Andryk
Division of Legal Counsel
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

(217) 785-5758
Fax: (217) 524-5487

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking could have an impact on those small businesses, not for profit entities, and small municipalities that own and operate UST systems.

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- B) Reporting, bookkeeping or other procedures required for compliance: UST system installations and upgrades have various reporting and permitting requirements as described in Parts 174, 175, and 176 (41 Ill. Adm. Code 174, 175, and 176). Typically the contractor obtains the permit on behalf of the owner/operator.
- C) Types of professional skills necessary for compliance: Owners and operators of USTs must ensure that all persons installing and doing work on UST systems have been trained appropriately and licensed by OSFM.
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed rule:
- 11 Agriculture, Forestry, Fishing and Hunting
 - 21 Mining
 - 22 Utilities
 - 23 Construction
 - 31-33 Manufacturing
 - 42 Wholesale Trade
 - 44-45 Retail Trade
 - 48-49 Transportation and Warehousing
 - 51 Information
 - 52 Finance and Insurance
 - 53 Real Estate Rental and Leasing
 - 54 Professional, Scientific, and Technical Services
 - 55 Management of Companies and Enterprises
 - 56 Administrative and Support and Waste Management and Remediation Services
 - 61 Educational Services
 - 62 Health Care and Social Assistance
 - 71 Arts, Entertainment, and Recreation
 - 72 Accommodation and Food Services
 - 81 Other Services (except Public Administration)
 - 92 Public Administration
- B) Categories that the agency reasonably believes the rulemaking will impact, including:

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- ii. regulatory requirements;
- iii. purchasing;
- vi. equipment and material needs;
- vii. training requirements;
- viii. record keeping;

15) Regulatory Agenda on which this rulemaking was summarized: July 2022

The full text of the Proposed Amendments begins on the next page:

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TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 174

GENERAL REQUIREMENTS FOR UNDERGROUND STORAGE TANKS
AND THE STORAGE, TRANSPORTATION, SALE AND USE OF
PETROLEUM AND OTHER REGULATED SUBSTANCES

SUBPART A: DEFINITIONS

Section
174.100 Definitions

SUBPART B: INCORPORATION BY REFERENCE

Section
174.200 Incorporation of National Standards
174.210 Incorporations by Reference

SUBPART C: BULK LOADING AND UNLOADING AND
GENERAL UNDERGROUND STORAGE TANK FACILITY REQUIREMENTS

Section
174.300 Storage, Handling and Use of Flammable and Combustible Liquids
174.310 Bulk Loading and Unloading for Railroad Tank Cars and Tank Vehicles
174.320 Locating Bulk Facilities Adjacent to a Motor Fuel Dispensing Facility; Dual
 Purpose USTs
174.330 Heating Systems
174.340 Greasing Pits
174.350 Fire Extinguishers
174.360 Fireworks ([Repealed](#))
174.370 General Requirement to Maintain All Equipment

SUBPART D: PORTABLE AND VEHICULAR DISPENSING

Section
174.400 Dispensing Requirements at Motor Fuel Dispensing Facilities
174.410 Portable Containers and Portable Fuel Tanks
174.420 Deliveries from Portable Fuel Tanks and Tank Vehicles Restricted

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- 174.430 Auxiliary Fuel Tanks for Vehicles over a Certain Size
174.440 Dispensing or Delivery of Flammable or Combustible Motor Fuels from Tank Vehicles
174.450 Requirements for Permit to Fuel Motor Vehicles from Tank Vehicles

174.APPENDIX A Derivation Table (Repealed)

AUTHORITY: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].

SOURCE: Adopted at 34 Ill. Reg. 13318, effective September 2, 2010; amended at 42 Ill. Reg. 10435, effective October 13, 2018; amended at 46 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS

Section 174.100 Definitions

The following definitions shall apply to 41 Ill. Adm. Code [172](#), 174, 175, 176 and 177 concerning underground storage tanks and tank systems and the storage, transportation, sale and use of petroleum and other regulated substances.

"Abandonment-in-place" is the permanent placement of a UST in an inoperative condition by filling it with inert material in accordance with 41 Ill. Adm. Code 175.840.

"Airport Hydrant Fuel Distribution System" or "Airport Hydrant System" means a UST system that fuels aircraft and operates under high pressure with large diameter piping that typically terminates into one or more hydrants (fill stands). An airport hydrant system may have one or more of the following connected together: aboveground tanks, underground tanks, underground piping, field constructed tanks, or factory constructed tanks. The airport hydrant system begins where fuel enters one or more tanks from an external source such as a pipeline, barge, rail car, or other motor fuel carrier.

"Air Test" or "Air Tested" means a type of integrity test used to demonstrate tightness in a UST or associated piping at installations and upgrades. An air test can only be used when all sides of the tank and/or piping being tested are visible. Test procedures will be performed in accordance with manufacturer's

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specifications or PEI/RP 100 Recommended Practices for Installation of Underground Liquid Storage Systems.

"American Suction" is any suction system other than European.

"Ancillary Equipment" means any devices including, but not limited to, piping, fittings, flanges, valves, pumps, dispensers, line leak detection equipment, [automatic tank gauge \(ATG\)](#) ~~ATG~~ probes, interstitial tank sensors, sump sensors, flex connectors, and automatic overfill prevention devices used to distribute, meter or control the flow of regulated substances to and from a UST.

"ANSI" means American National Standards Institute.

"API" means American Petroleum Institute.

"ASTM" means American Society for Testing and Materials.

"Attendant" means the owner or any person who is employed by an owner of a motor fuel dispensing facility to dispense motor fuel at that facility.

"Blended Fuel" means gasoline containing greater than 10% ethanol and petroleum diesel containing greater than 20% biodiesel.

"Building" means any three dimensional space that is enclosed by a roof and walls where more than 50% of the possible area of the perimeter walls (sides) of the space is covered and not open to the outside.

"Bulk Storage" means the containment in a UST of a regulated substance for purposes of the bulk transfer or bulk transport of regulated substances and not for retail sale to the public.

"Bunker Tank" means a commercial heating oil or emergency power generator tank situated below grade, in a basement, on a floor, and enclosed in a masonry wall structure, with the tank completely or partially covered by sand, or otherwise not fully accessible to inspection.

"Cathodic Protection" is a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, a tank

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system can be cathodically protected through the application of either galvanic anodes or impressed current.

"Certification Audit Inspection" or "Operational Maintenance Inspection" or "OMI" or "Certification Audit" means an inspection performed by an STSS to establish a facility's regulatory compliance.

"Class I Liquids" – See Flammable Liquids.

"Class II and III Liquids" – See Combustible Liquids.

"Combustible Liquids" are defined in NFPA 30 as Class II, IIIa and IIIb liquids.

"Compatible" means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another for the design life of the tank system under conditions likely to be encountered in the UST.

"Containment Sump" means a factory manufactured liquid-tight container that protects the environment by containing leaks and spills of regulated substances at the tank fill or from piping, dispensers, pumps and related components in the containment area. Containment sumps may be single-walled or secondarily contained and located at the top of the tank (tank top or submersible turbine pump), underneath the dispenser (under-dispenser containment sump), or at other points in the piping run (transition or intermediate sump). Containment sumps must be compatible with the substance conveyed by the piping and allow for visual inspection and access to the components.

"Contractor" or "Licensed Contractor" or "OSFM-Licensed Contractor" or "Petroleum Equipment Contractor" is a person licensed under the Petroleum Equipment Contractor's Licensing Act [225 ILCS 729], excluding employees of the contractor, who performs any UST activity for an owner or operator.

"Corrosion Expert" is a person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. This person shall be accredited as being qualified by the National Association of Corrosion Engineers (NACE) or be an Illinois Licensed

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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.

"Days" means calendar days unless otherwise stated.

"Decommission" or "Decommissioning" means to permanently close the UST by removal or abandonment-in-place pursuant to 41 Ill. Adm. Code 175.830 and 175.840, and using a contractor that is OSFM-licensed in the decommissioning module pursuant to 41 Ill. Adm. Code 172.

"Dielectric Material" is a material that does not conduct direct electric current. Dielectric coatings are used to electrically isolate USTs from the surrounding soil. Dielectric bushings are used to electrically isolate portions of the UST (i.e., tank from piping).

"Dispenser" means equipment located above ground that dispenses regulated substances from the UST system.

"Dispenser System" means the dispenser and the equipment necessary to connect the dispenser to the underground storage tank system.

"Dispensing" means the transfer of a regulated substance from a UST directly into the fuel tank of a motor vehicle operated by an internal combustion engine, for use by that motor vehicle. Also, "dispensing" is the transfer of a regulated substance from a UST directly into a portable container, safety can or portable fuel tank.

"Double-walled", in reference to underground storage tank systems~~tanks and piping~~, is a factory certified container consisting of an inner wall and an outer wall with an interstitial space between the inner wall and outer wall suitable for interstitial monitoring, and is designed, constructed and installed to:

contain regulated substances released from the tank system until they are detected and removed;

prevent the release of regulated substances to the environment at any time during the operational life of the UST; and

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be checked at least every 30 days ~~for evidence of a release~~.

A field-installed liner or insert does not qualify as ~~a double-walled tank~~.

"DPCS" means the Division of Petroleum and Chemical Safety of the Office of the State Fire Marshal.

"Dual Purpose UST" or "Multi-purpose UST" is an underground storage tank system in compliance with the requirements of Sections 174.310 and 174.320 and 41 Ill. Adm. Code 160, 172, 174, 175, 176, 177 and 180 and is connected to one or more dispensers and a bulk load-out at the same time.

"Emergency Stop" or "Emergency Shutoff Switch" or "E-stop" means a device or switch that, when activated, will disconnect power to all dispensing devices, to all remote pumps serving the dispensing devices, to all associated power, control and signal circuits, and to other electrical equipment in the hazardous (classified) locations surrounding the fuel dispensing devices, but not including intrinsically safe electrical equipment.

"European Suction" is a piping system that draws a liquid through the system by suction pump or vacuum pump located at the dispenser. To qualify as European suction, the system shall meet the requirements set forth in 40 CFR 280.41(b)(1)(ii)(A) through (E) and 41 Ill. Adm. Code 175.640(b)(2)(A) through (E).

"Excavation Zone" is the cubic area containing the tank system and backfill material, bounded by the ground surface, walls and floor of the pit and trenches into which the UST is placed at the time of installation, upgrade, tank entry, or decommissioning.

"Exclusion Zone" means an area where entry is forbidden without possession of the cards required under 41 Ill. Adm. Code 172.60 and is typically marked using a fence or caution tape.

"Farm" or "Agricultural Site" is a tract of land devoted to the production of crops or raising of animals, including fish. "Farm" includes all contiguous land and structures and other appurtenances and improvements; also, fish hatcheries, rangeland and nurseries with growing operations. "Farm" does not include agribusiness (as defined in 20 ILCS 3501/801-10(z)), laboratories where animals

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are raised, land used to grow timber, and pesticide aviation operations. Moreover, this definition does not include retail stores or garden centers where nursery farm products are marketed, but not grown.

"Farm Tank" means a motor fuel UST located on a farm and used exclusively for farm purposes.

"Field-Constructed Tank" means a tank constructed in the field. For example, a tank constructed of concrete that is poured in the field, or a steel or fiberglass tank primarily fabricated in the field, is considered field-constructed.

"Flammable Liquids" are defined in NFPA 30, and are divided into Class Ia, Ib and Ic liquids.

"Flow-through Process Tank" is a tank that forms an integral part of a production process through which there is a steady, variable, recurring or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction to the process or for the storage of finished products or by-products from the production process. When the process is shut down, flow-through process tanks do not store product to be used once the process is resumed and may contain no more than a de minimis amount of product.

"Gathering Lines" are any pipeline, equipment, facility or building used in the transportation of oil or gas during oil or gas production or gathering operations.

"Green Decal" means the evidence of compliance status that is issued to a UST facility determined by OSFM to be in compliance following a certification audit inspection in accordance with 41 Ill. Adm. Code 177.

"Hazardous Substance" means any substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 [U.S.C.](#) ~~USE~~ 9601(14)), but does not include any substance regulated as a hazardous waste under subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA) (42 [U.S.C.](#) ~~USE~~ 6901 et seq.) or any mixture of those substances and petroleum.

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"Hazardous Substance UST" means an underground storage tank system that contains a hazardous substance or any mixture of those substances and petroleum and that is not a petroleum UST.

"Hearing Officer" means the presiding official designated by the OSFM to conduct a hearing and preside over pre-hearing and post-hearing matters in a contested case.

"Heating Oil" means petroleum that is No. 1, No. 2, No. 4-light, No. 4-heavy, No. 5-light, No. 5-heavy or No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C) and other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers or furnaces.

"Heating Oil Tank for Consumptive Use on the Premises Where Stored" means heating oil consumed exclusively on the same or contiguous property where the heating oil UST is located, for heating purposes. Thus, centralized heating units using heating oil that serve more than one building on the same property are included. It does not include using heating oil to heat from a boiler or furnace, through direct conductivity, any product or substance used in a manufacturing or production process or using heating oil as an ingredient in a manufacturing or production process. Heating oil used to heat grain dryers or kilns is used for consumptive use on the premises.

~~"Hearing Officer" means the presiding official designated by the State Fire Marshal to conduct a hearing and preside over pre-hearing and post-hearing matters in a contested case.~~

"Hot Work" means operations or work on a UST capable of providing a source of ignition, such as drilling, welding, cutting, burning or heating.

"Hydraulic Lift Tank" means a tank holding hydraulic fluid for a closed loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators or other similar devices.

"ICC" means International Code Council.

"IEMA" means the Illinois Emergency Management Agency.

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"Interior Lining" or "Internal Lining" means corrosion and chemical resistant materials that are sprayed, brushed or applied to the inside of a tank to protect the tank and its product from contamination by corrosion or to ensure that the inside of the tank is compatible with the product stored. Interior lining is applied by a contractor licensed by OSFM in both the lining and decommissioning modules~~to conduct interior lining~~.

"Interstitial Monitoring" is a release detection method used to determine the presence of a regulated substance between the inner and outer barriers of a double-walled or secondary containment system of an underground tank and/or piping system and is designed, constructed and installed to detect a leak from any portion of the tank or piping that routinely contains product and meets any other applicable requirements of 41 Ill. Adm. Code 175.630(f) and 40 CFR 280.43(g).

"Intrinsically Safe Electrical Equipment" means equipment and wiring that is incapable of releasing sufficient electrical or thermal energy under normal or abnormal conditions to cause ignition of a specific hazardous atmospheric mixture in its most easily ignited concentration.

"Kerosene" is a refined petroleum distillate consisting of a homogeneous mixture of hydrocarbons essentially free of water, inorganic, acidic or basic compounds, and excessive amounts of particulate contaminants. Two classifications exist as follows:

No. 1-K (also known as "K-1") – A special low-sulfur grade kerosene suitable for use in non-flue connected kerosene burner appliances and for use in wick-fed illuminating lamps; and

No. 2-K (also known as "K-2") – A regular grade kerosene suitable for use only in flue connected burner appliances and for use in wick-fed illuminating lamps.

"Liquid Traps or Associated Gathering Lines Directly Related to Oil or Gas Production or Gathering Operations" refers to sumps, well cellars or other traps, used in association with oil or gas production, gathering or extraction operations (including gas production plants), for the purpose of collecting oil, water or other liquids. Liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream or may collect and separate liquids from a gas stream.

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"Liquefied Petroleum Gas" or "LP Gas" *means any material which is composed predominately of any of the following hydrocarbons or mixtures of the same: propane, propylene, butanes (normal butane and iso-butane) and butylenes.* [430 ILCS 10/2].

"Listed" or "Third Party Listed" means equipment, materials or services included in a list specifying the intended use and that has been published by a third party organization that:

is acceptable to OSFM and concerned with evaluation of products or services;

maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services; and

for each listing states that either the equipment, material or service meets appropriate designated standards or has been tested and found suitable for its intended use.

"Maintenance" means normal operational upkeep to prevent a UST from releasing product.

"Module" is a type of OSFM licensure and includes the following types of UST activity:

Installation/retrofitting of USTs;

Decommissioning of USTs;

Inspection and lining of USTs;

Precision testing;

Inspection and testing of UST equipment;

Cathodic protection; and

Any other category established by the Office of the State Fire Marshal.

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"Motor Fuel" means a complex blend of hydrocarbons typically used in the operation of a motor engine, such as motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, or any blend containing one or more of these substances (for example, motor gasoline blended with alcohol).

"Motor Fuel Dispensing Facility" means that portion of a property where motor fuels are stored and dispensed from a UST, using fixed equipment, into the fuel tanks of motor vehicles or, marine craft ~~or aircraft~~, or into approved containers, including all equipment used in connection with that storage and dispensing. The term "motor fuel dispensing facility" includes the locations of emergency stops and fueling observation points, and all buildings involved with dispensing activities. Motor fuel dispensing facilities may take the following forms:

"Attended Self-Service Motor Fuel Dispensing Facility" means a motor fuel dispensing facility that has an attendant or employee on duty whenever the facility is open for business. The attendant or employee on duty does not typically dispense motor fuels into fuel tanks or containers. The customer or vehicle operator usually conducts the dispensing.

"Fleet Vehicle Motor Fuel Dispensing Facility" means a motor fuel dispensing facility at a commercial, industrial, governmental or manufacturing property where motor fuels are not sold to the public but are dispensed into the fuel tanks of motor vehicles that are used in connection with the business or operation of that property by persons within the employ of the business or operation.

"Full-Service Motor Fuel Dispensing Facility" means a motor fuel dispensing facility that has one or more attendants or supervisors on duty to dispense motor fuels into fuel tanks or containers whenever the facility is open for business. All dispensing at a full-service motor fuel dispensing facility is conducted by an attendant and no dispensing is conducted by customers.

"Marine Motor Fuel Dispensing Facility" means a motor fuel dispensing facility at or adjacent to shore, a pier, a wharf, or a floating dock where motor fuels are dispensed into the fuel tanks of marine craft.

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"Motor Fuel Dispensing Facility Located Inside a Building" means that portion of a motor fuel dispensing facility having obtained written permission by OSFM to be located within the perimeter of a building or building structure that also contains other occupancies. The term also includes detached buildings separated by at least 20 feet from other buildings and used exclusively for dispensing of motor fuels in compliance with NFPA 30A, incorporated by reference in Section 174.210.

"Unattended Self-Service Motor Fuel Dispensing Facility" means a motor fuel dispensing facility that has no attendant or employee on duty. The customer or vehicle operator conducts the dispensing operation. This includes coin, currency, membership card and credit card dispensing operations.

"Motor fuel dispensing permit" or "dispensing permit" refers to the requirements for, and the process of obtaining, permits required by 41 Ill. Adm. Code 175.200.

"NACE" means National Association of Corrosion Engineers.

"NFPA" means National Fire Protection Association.

"NLPA" means National Leak Prevention Association.

"Noncommercial Purposes", with respect to motor fuel, means not for resale.

"NOV" means a notice of violation issued by OSFM.

"NWGLDE" means National Work Group on Leak Detector Evaluations.

~~"Operational Maintenance Inspection" or "OMI" or "Certification Audit" means an inspection performed by an STSS to establish a facility's regulatory compliance.~~

"Operation" or "Use" in reference to underground storage tanks *means that the tank must have had input or output of petroleum, petroleum products, or hazardous substances, with the exception of hazardous wastes, during the regular course of its usage. "Operation" does not include compliance with leak detection requirements as prescribed by rules and regulations of the Office of the State Fire*

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Marshal or the mere containment or storage of petroleum, petroleum products, or hazardous substances, with the exception of hazardous wastes. [430 ILCS 15/4(b)(1)(D)]

"Operator" means any person in control of, or having responsibility for, the daily operation of the UST.

"OSFM" means the Office of the State Fire Marshal.

"OSFM Rules", unless otherwise specified, means the rules of OSFM located at 41 Ill. Adm. Code 160, 172, 174, 175, 176, 177 and 180.

"OSHA" means the federal Occupational Safety and Health Administration.

"OSI" or "Operational Safety Inspection" means an inspection of installation, removal, abandonment-in-place or any tank entry or other ~~any~~ activity requiring an STSS on site.

"Owner" means:

In the case of a UST in use on November 8, 1984, or brought into use after that date, any person who owns a UST used for storage, use or dispensing of regulated substances; and

In the case of any UST in use before November 8, 1984, but no longer in use on that date, any person who owned the UST immediately before the discontinuation of its use.

"Owner of Motor Fuel Dispensing Facility" means any individuals or legal entity holding title, lease, license or any interest in a motor fuel dispensing facility. The legal name, residence, address and county of any individuals who are owners shall be filed with OSFM.

"PAI" or "Performance Assurance Inspection" means an inspection for work that must be scheduled with OSFM and for which an STSS may be present.

"Party" means any individual, trust, firm, partnership, joint stock company, corporation, consortium, joint venture, commercial entity, federal government,

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State government, municipality, commission, unit of local government or political subdivision of the State, or any interstate body.

"PEI" means the Petroleum Equipment Institute.

"Permit" or "permitting" or "UST permit" refers to the requirements for, and the process of obtaining, permits required by 41 Ill. Adm. Code 175.300.

"Person" means any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, municipality, commission, political subdivision of a state, interstate body, or other legal entity, or their legal representative, agent or assigns. "Person" also includes any consortium, joint venture, commercial entity or the United States Government and any federal agency.

"Petroleum" (including crude oil or any fraction of crude oil that is liquid at standard conditions of temperature and pressure (60°F and 14.7 pounds per square inch absolute)), includes, but is not limited to, petroleum-based substances comprised of a complex blend of hydrocarbons, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents or used oils.

"Petroleum UST" means an underground storage tank system that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. Petroleum USTs include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents or used oils.

"Pipe" or "Piping" is any hollow cylinder or tubular conduit that is constructed of non-earthen materials. Such piping includes any elbows, couplings, unions, valves or other in-line fixtures that contain and convey regulated substances from the underground tanks to the dispensers, generators or other designated equipment.

"Pipeline Facilities" (including gathering lines) includes new or existing pipe rights-of-way and any equipment, facilities or buildings used in the transportation of gas (or hazardous liquids, which include petroleum or any other liquid designated by the U.S. Secretary of Transportation) or the treatment of gas or designated hazardous liquids during the course of transportation.

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"Piping Run" or "pipe run" means all underground piping connecting an individual submersible pump or suction stub to the furthest dispenser or other end-use equipment.

"Precision Test" or "Precision Tested" means a type of integrity test used to demonstrate tightness in a UST or associated piping. A precision test must be performed by an OSFM-licensed contractor, certified in the appropriate module, utilizing methods and equipment listed by an independent third party testing laboratory and listed in the NWGLDE publication List of Leak Detection Evaluations for Storage Tank Systems. Test procedures will be performed in accordance with manufacturer's specifications for the testing equipment being used, and must be able to detect a leak at a rate of at least 0.1 gallon per hour from any portion of the tank or piping that routinely contains product, with a probability of detection of at least 95 percent and a probability of false alarm of no more than five percent.

"Re-certified Tank" A re-certified tank is any used tank that has been inspected and certified pursuant to the requirements of 41 Ill. Adm. Code 175.400(c).

"Red Tag" means the evidence of noncompliance status that is issued to a UST facility determined by OSFM to be out of compliance following a certification audit or other OSFM inspection in accordance with 41 Ill. Adm. Code 177.

"Regulated Substance" means:

Any substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 (but not including any substance regulated as a hazardous waste under subtitle C); and

Petroleum, including crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure (60 ~~°F~~^{degrees Fahrenheit} and 14.7 pounds per square inch absolute). The term regulated substance includes, but is not limited to, petroleum and petroleum-based substances comprised of a complex blend of hydrocarbons, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.

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"Release" means any spilling, overfilling, leaking, emitting, discharging, escaping, leaching or disposing from a UST into groundwater, surface water or subsurface soils.

"Release Detection" means determining whether a release of a regulated substance has occurred from the UST system into the environment or a leak has occurred into the interstitial space between the UST system and its secondary barrier or secondary containment around it.

"Removal" means removal of the underground storage tank system in accordance with 41 Ill. Adm. Code 175.830.

"Repair" means to restore to proper operating condition any tank, pipe, spill prevention equipment, overfill prevention equipment, corrosion protection equipment, release detection equipment, or other UST component that has caused or may cause a release of product from the UST system or has failed to function properly.

"Reportable Quantity" means the extent of a hazardous substance release that requires notification under Section 176.320 or 176.340. The reportable quantity varies depending upon the substance involved and is determined under 40 CFR 302.1 through 302.6 and 355.40, incorporated by reference in 41 Ill. Adm. Code 174.210. ~~A list of the reportable quantities for various hazardous substances can be found at <http://www.epa.gov/emergencies/tools.htm#101>.~~

~~"Residence" means single family dwelling unit or duplex, and the parcel of property each is located on, with only one unit or duplex per parcel.~~

"Residential tank" means a tank located on property used primarily for dwelling and not commercial purposes. ~~"Residential Tank" is a motor fuel underground storage tank located on residential property used for noncommercial purposes by a single family and located on property on which that family's residence is located.~~

"Revocation of the License of a Contractor" means termination of a contractor's license to perform any activity the contractor was licensed to perform.

"Revocation of the Registration of an Underground Storage Tank System" means termination by OSFM of the registration of a UST.

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"Safety Can" means a container of not more than 5.3 gallons capacity having a spring-closing lid and spout cover, and designed so that it will safely relieve internal pressure when subjected to fire exposure, per NFPA 30 and 30A, incorporated by reference in 41 Ill. Adm. Code 174.210.

"Secondary Containment" or "Secondarily Contained" means a release prevention and release detection system for underground storage tanks and/or piping, consisting of an inner and outer barrier with an interstitial space that is monitored for leaks, and designed, constructed and installed to:

contain regulated substances released from the tank system until they are detected and removed;

prevent the release of regulated substances to the environment at any time during the operational life of the UST; and

be checked at least every 30 days for evidence of a release.

Secondary containment may include double-walled tanks and piping. This term includes containment sumps when used for interstitial monitoring of piping.

"Site Assessment" is sampling and analyzing the results of the sampling to determine if a release has occurred and if contamination is present on a site, pursuant to 41 Ill. Adm. Code 176.330.

"State Fire Marshal" means the State Fire Marshal of the State of Illinois.

"STI" means Steel Tank Institute.

"Stormwater Collection System" or "Wastewater Collection System" means all piping, pumps, conduit and any other equipment necessary to collect and transport the flow of surface water runoff resulting from precipitation or domestic, commercial or industrial wastewater to and from retention areas or areas where treatment is designated to occur. The collection of stormwater or wastewater does not include treatment, except when incidental to conveyance.

"STSS" means a Storage Tank Safety Specialist employed by OSFM.

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

"Suspension of the License of a Contractor" means the prohibition of a contractor's performance of any activity the contractor was licensed to perform for a period of time not to exceed one year.

"Tank" is a stationary device designed to contain an accumulation of regulated substances and constructed of non-earthen materials (e.g., steel, fiberglass, concrete or plastic) that provides structural support.

"Tank Vehicle" means any tank truck, tank full-trailer, or tractor and tank semi-trailer combination.

~~"Tank Containment Sump" means a factory manufactured containment located at the tank at the submersible pump or the entry point of American suction piping at the tank that will prevent leaks from the product piping from reaching soil or groundwater.~~

"Ten Percent or More Beneath the Surface of the Ground", with reference to a tank, means that its volume (including the volume of its connected underground piping) is 10 percent or more beneath the ground surface or otherwise covered with earthen materials. If a tank is in a vault, it is considered "beneath the surface of the ground" if it cannot be viewed from all sides and top and base.

"Third Party", unless otherwise specified in the rule, when applied to a device or system, means an independent nationally recognized organization or independent professionally licensed individual that evaluates the device or system according to a nationally recognized practice. Examples include, but are not limited to, UL, UL CAN, ANSI, ASTM, NLPA, API or NWGLDE.

"UL" means Underwriters Laboratories, Inc.

"UL Canada" or "UL CAN" means Underwriters Laboratories of Canada.

~~"Under dispenser Containment" or "UDC" means factory manufactured containment underneath a dispenser that will prevent leaks from the dispenser and~~

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~~pipng within or above the UDC from reaching soil or groundwater. The containment:~~

~~must be liquid tight on its sides, bottom and at any penetrations or sidewall seam;~~

~~must be compatible with the substance conveyed by the piping; and~~

~~must allow for visual inspection and access to the components in the containment system and/or be monitored.~~

"Underground Storage Tank System" or "UST" or "UST System" means any one or combination of tanks (including connected underground pipes, connected ancillary equipment, connected cathodic protection, and containment system, if any) used to contain an accumulation of regulated substances, the volume of which (including the volume of underground connected pipes) is 10 percent or more beneath the surface of the ground. A UST does include an emergency power generator tank system that stores any classification of fuel for use exclusively, alternately or concurrently by an emergency power generator, except as otherwise excluded in this definition. The term "underground storage tank system" or "UST" does not include any pipes connected to any tank excluded from this definition. Underground storage tank system or UST does not include any tank system as follows:

Farm or residential tank with a capacity of 1,100 gallons or less used for storing motor fuel for noncommercial purposes;

Heating oil tank of any capacity used exclusively for storing heating oil for consumptive use on a farm or residence;

Septic tank;

Pipeline facility (including gathering lines):

Regulated under 49 U.S.C. 60101~~USC Ch. 601~~; or

Regulated under the Illinois Gas Pipeline Safety Act [220 ILCS 20] and determined by the Secretary of Transportation to be

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connected to a pipeline, or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline;

Any wastewater treatment tank system (including oil-water separators) that is part of a wastewater treatment facility regulated under section 402 or 307(b) of the Clean Water Act (33 [U.S.C.](#) ~~USE~~ 1342 or 1317(b));

Surface impoundment, pit, pond or lagoon;

Stormwater or wastewater collection system;

Flow-through process tank;

Emergency spill protection tank or overflow tank that is emptied expeditiously following use;

Liquid trap or associated gathering line directly related to oil or gas production and gathering operations;

Storage tank situated in an underground area (such as a basement, cellar, mine working, drift, shaft or tunnel) if the storage tank is situated upon or above the surface of the floor and can be viewed from all sides and top and base;

Storage tank situated in a vault (whether underground or aboveground), if the storage tank is situated upon or above the surface of the floor or ground and can be viewed from all sides and top and base;

Tank abandoned-in-place by filling with inert material in compliance with 41 Ill. Adm. Code 175.840, while the condition allowing abandonment in place still exists;

Tank with a capacity of 110 gallons or less;

Any UST holding hazardous wastes listed or identified under subtitle C of the Solid Waste Disposal Act (42 [U.S.C.](#) ~~USE~~ 3251 ~~et seq.~~);

Tank that contains a de minimis concentration of regulated substances, except that the tank shall have been in that status as of April 21, 1989 and

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may not have been converted to a UST tank on or after that date, unless the tank has been re-certified and is in compliance with applicable upgrade requirements; or

Equipment or machinery that contains regulated substances for operational purposes, such as hydraulic lift tanks or electrical equipment tanks.

With the exception of release reporting, response, corrective action and financial responsibility requirements, the following USTs (whether single- or double-wall construction) are partially excluded under 40 CFR 280.10(c) from UST regulatory requirements found in 41 Ill. Adm. Code 172, 174, 175, 176 and 177:

Wastewater treatment tank systems not regulated under Section 402 or 307B of the Clean Water Act (33 [U.S.C.](#) ~~USC~~ 1342 or 1317(b)), including oil-water separators;

Aboveground storage tanks associated with both airport hydrant fuel distribution systems and UST systems with field-constructed tanks regulated under subpart I;

Any UST containing radioactive material that is regulated under the Atomic Energy Act of 1954 (42 [U.S.C.](#) ~~USC~~ 2011-~~et seq~~); and

Any UST that is part of an emergency generation system at a nuclear power generation facility licensed by the U.S. Nuclear Regulatory Commission and subject to Nuclear Regulatory Commission requirements regarding design and quality criteria, including, but not limited to, 10 CFR 50.

Although these systems are partially excluded (and therefore partially exempt from the requirements in 41 Ill. Adm. Code 172, 174, 175, 176 and 177) under 40 CFR 280.10(c) and 280.11, they are required to comply with release reporting, response, corrective action and financial responsibility requirements in 41 Ill. Adm. Code 176.200 through 176.360 and, by December 22, 1998, are required to comply with the following:

Be constructed to prevent releases due to corrosion or structural failure for the operational life of the UST;

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Be cathodically protected against corrosion, constructed of non-corrodible material, steel clad with a non-corrodible material, or designed in a manner to prevent the release or threatened release of any stored substance;

Be constructed or lined with material that is compatible with the stored substance; and

Have installed a method for leak detection in accordance with written directives issued by OSFM.

"UST Activity" means licensed UST work that falls into one or more of the following categories~~a-UST:~~

Installation/retrofitting, to include upgrades; repairs; containment sump testing; overfill prevention equipment inspection; spill prevention equipment testing; release detection equipment and system testing; and installation of wristband and spike anodes for cathodic protection of a flex connector~~—including retrofitting and cathodic protection installation;~~

~~Repair—including upgrade, which includes retrofitting and cathodic protection installation;~~

Decommissioning to include removal and~~Removal—decommissioning, which includes~~ abandonment-in-place;

Lining, to include tank interior and lining inspection, hot work and tank entry;

~~Lining inspection;~~

~~Tank entry;~~

Precision testing of ~~one or more~~ tanks or lines;

Testing of containment sumps, spill prevention equipment, release detection equipment and systems, and inspection of overfill prevention equipment;

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Cathodic protection installation and testing; and

Any other category established by the Office of the State Fire Marshal.

~~Containment sump testing;~~

~~Overfill prevention equipment inspection;~~

~~Spill prevention equipment testing; or~~

~~Release detection equipment and system testing.~~

~~"UST System" means a UST.~~

"Upgrade" is the addition or retrofit of some portion of a UST, such as cathodic protection, leak detection, new dispenser islands, new piping, interior lining or spill and overfill controls, installation of a manway, flex connectors, or other new openings.

"Wastewater Treatment Tank" means a tank that is designed to receive and treat any influent wastewater through physical, chemical or biological methods.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART B: INCORPORATION BY REFERENCE

Section 174.200 Incorporation of National Standards

~~Standards~~~~Incorporations of standards~~ incorporated by reference in 41 Ill. Adm. Code 172, 174, 175, 176 and 177 do not include any later editions or amendments.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 174.210 Incorporations by Reference

If a UST was installed prior to adoption of these standards, the standard that shall apply to any maintenance or repair shall be the standard cited in this Section unless otherwise specified in 41 Ill. Adm. Code 172, 174, 175, 176 ~~and~~~~or~~ 177. If a UST or a component of the system is installed,

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replaced or upgraded, the installation, replacement or upgrade shall comply with the standards listed in this Section.

- a) The following publications are incorporated by reference and apply to 41 Ill. Adm. Code [172](#), 174, 175, 176, and 177:

Airlines for America (formerly, Air Transport Association (ATA)), 1275 Pennsylvania Avenue, NW, Suite 1300, Washington DC 20004. Website for listing of publications: <https://publications.airlines.org>:

"Airport Fuel Facility Operations and Maintenance Guidance Manual" (2004 Edition).

American Petroleum Institute (API). Available from the American Petroleum Institute, [200 Massachusetts Avenue NW, Suite 1100, Washington, DC 20001-5571](#) ~~1220 L Street, N.W., Washington DC 20005~~, (202)682-8000:

API Recommended Practice 1604, "[Closure of](#) ~~Removal and Disposal of Used~~ Underground Petroleum Storage Tanks", [Fourth](#) ~~Third~~ Edition, [2021](#) ~~1996~~.

API Recommended Practice 1631, "Interior Lining [and Periodic Inspection](#) of Underground Storage Tanks", Fifth Edition, 2001 ([Reaffirmed 2020](#)).

API Standard 2015, "Requirements for Safe Entry and Cleaning of Petroleum Storage Tanks", [Eighth](#) ~~Seventh~~ Edition, [2018](#) ~~2014~~.

API Recommended Practice 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Filling Stations", Second Edition, 2010 ([Reaffirmed 2020](#)).

American Society for Testing and Materials (ASTM). Available from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken PA 19428-2959, (610)832-9500:

[ASTM F852/F852M-22 Standard Specification for Portable Gasoline, Kerosene, and Diesel Containers for Consumer Use \(2022\)](#)

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~~ASTM F 852-08, "Standard Specification for Portable Gasoline Containers for Consumer Use" (2008 Edition).~~

~~ASTM F 976-08, "Standard Specification for Portable Kerosene and Diesel Containers for Consumer Use" (2008 Edition).~~

The ICC International Building Code. Available from ICC, 4051 W. Flossmoor Rd., Country Club Hills IL 60478, (708)799-2300:

ICC International Building Code (~~2015~~2021).

Institute of International Banking Law & Practice, Inc. (Institute). Website:
<https://iiblp.org/isp-forms/>~~http://iiblp.org/resources/isp-forms/~~:

"International Standby Practices (ISP) 98 Form 11.1, Model Government Standby Form" (2014).

NACE International. Available from NACE International, [15835 Park Ten Place, Houston, Texas 77084 \(281\) 228-6200](#)~~1440 S. Creek Dr., Houston TX 77084, (281)228-6223~~:

NACE Standard Practice SP0169, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems" (2013 Edition).

NACE Standard Practice SP0285, "[External](#) Corrosion Control of Underground Storage Tank Systems by Cathodic Protection" (~~2014~~2021 Edition).

National Fire Protection Association (NFPA). Available from the National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02169, (617)770-3000 or (800)344-3555:

NFPA 10, "Standard for Portable Fire Extinguishers" (~~2013~~2022).

NFPA 13, "Standard for the Installation of Sprinkler Systems" (~~2016~~2022).

NFPA 17, "Standard for Dry Chemical Extinguishing Systems" (~~2017~~2021).

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NFPA 30, "Flammable and Combustible Liquids Code" (~~2021~~2015). Also available from ANSI.

NFPA 30A, "Code for Motor Fuel Dispensing Facilities and Repair Garages" (~~2021~~2015). Also available from ANSI.

NFPA 58, "Liquefied Petroleum Gas Code" (~~2020~~2017).

NFPA 70, "National Electrical Code" (~~2020~~2017). Also available from ANSI.

NFPA 72, "National Fire Alarm and Signaling Code" (~~2022~~2016).

NFPA 101, "Life Safety Code" (~~2015~~2000). Also available from ANSI.

NFPA 385, "Standard for Tank Vehicles for Flammable and Combustible Liquids" (~~2022~~2017). Also available from ANSI.

NFPA 407, "Standard for Aircraft Fuel Servicing" (~~2022~~2017).

National Leak Prevention Association (NLPA). Available from the National Leak Prevention Association, 75-4 Main Street, Suite 300, Plymouth NH 03264, [e-mail: info@NLPA-online.org](mailto:info@NLPA-online.org), [website: https://www.nlpa-online.org/](https://www.nlpa-online.org/), (815)301-2785 (phone), ~~(240)757-0211 (fax)~~:

NLPA Standard 631 (Chapters A & B Only), "Entry, Cleaning, Interior Inspection, Repair and Lining of Underground Storage Tanks" (Chapter A) and "Future Internal Inspection Requirements for Lined Tanks" (Chapter B), ~~2016 Revision~~ ~~Fifth Edition, 2001~~.

National Work Group on Leak Detector Evaluations (NWGLDE), List of Leak Detection Evaluations for Storage Tank Systems, Twenty-Fourth Edition (January 3, 2017), as subsequently modified by the ~~Twenty-Ninth~~ ~~Twenty-Fifth~~ Edition (January ~~31~~18, ~~2022~~2018), available at www.nwglde.org.

Petroleum Equipment Institute (PEI). Available from the Petroleum Equipment Institute, P.O. Box 2380, Tulsa OK 74101-2380, RP@pei.org, (918)494-9696 (phone), (918)491-9895 (fax):

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PEI/RP 100-~~2017~~, "Recommended Practices for Installation of Underground Liquid Storage Systems" (~~2020~~~~2017~~).

PEI/RP 500-~~1911~~, "Recommended Practices for Inspection and Maintenance of Motor Fuel Dispensing Equipment" (~~2019~~~~2011~~).

PEI/RP 900-~~2117~~, "Recommended Practices for the Inspection and Maintenance of UST Systems" (~~2021~~~~2017~~).

PEI/RP 1000-~~2214~~, "Recommended Practices for the Installation of Marina Fueling Systems" (~~2022~~~~2014~~).

PEI/RP 1200-~~1917~~, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities" (~~2019~~~~2017~~).

PEI/RP 1300-~~2013~~, "Recommended Practices for the Design, Installation, Service, Repair and Maintenance of Aviation Fueling Systems" (~~2020~~~~2013~~).

PEI/RP 1400-~~2114~~, "Recommended Practices for the Design and Installation of Fueling Systems for Emergency Generators, Stationary Diesel Engines and Oil Burner Systems" (~~2021~~~~2014~~).

Steel Tank Institute (STI). Available from the Steel Tank Institute, 944 Donata Court, Lake Zurich IL 60047, (847)438-8265:

STI (F894) (ACT 100), "Specification for External Corrosion Protection of FRP Composite Steel Underground Storage Tanks", revised ~~May 2018~~~~February 2017~~.

Underwriters Laboratories, c/o COMM 2000, 151 Eastern Avenue, Bensenville IL 60106, 1-888-853-3503:

"Standard for Pre-Engineered Dry ~~and Wet~~ Chemical Extinguishing System Units", UL 1254, ~~Sixth~~~~Fourth~~ Edition (~~2019~~~~2013~~).

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"Standard for Fibre Reinforced Underground Tanks for Flammable and Combustible Liquids", UL 1316, Third Edition (2018).

"Standard for Aboveground Piping for Flammable and Combustible Liquids", UL 1369 (2020).

US Department of Defense (available at <http://www.wbdg.org/ffc/dod> and at <http://www.dtic.mil/whs/directives>):

"Unified Facilities Criteria (UFC) 3-460-01, Design: Petroleum Fuel Facilities", ~~2019~~ Edition as revised by Change 2, eff. January 12, 2022 ~~Change 2, eff. June 17, 2015~~.

Department of Defense Manual 4140.25, Volume 9, "DoD Management of Energy Commodities: Defense Fuel Support Point (DFSP) Bulk Petroleum Inventory Accounting" (eff. April 4, 2019 ~~March 2, 2018~~) (previously consolidated from Department of Defense Instruction Number 4140.25, "DoD Management of Bulk Petroleum Products, Natural Gas, and Coal", Volume II: "Petroleum Management", Chapter 10: "Accountability", eff. June 22, 1994).

- b) The following federal regulations (Code of Federal Regulations (CFR)) are incorporated by reference and apply to 41 Ill. Adm. Code 172, 174, 175, 176 and 177. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington DC 20401, website for electronic text: <https://ecfr.federalregister.gov>, (202)512-1800:

29 CFR 1910.120 (May 14, 2019)

29 CFR 1910.146 (December 27, 2011).

29 CFR 1926 (September 15, 2020 ~~July 26, 2016~~).

40 CFR 280 (October 13, 2015).

40 CFR 302.1 through 302.6 and 355.40 (July 24, 2020 ~~July 1, 2015~~).

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- c) If the above-referenced publications conflict with specific provisions of 41 Ill. Adm. Code [172](#), 174, 175, 176 or 177, the Illinois rules shall take precedence over the publications identified in subsection (a) and the federal rules (identified in subsection (b)) shall take precedence over the Illinois rules. However, the provisions of 41 Ill. Adm. Code [172](#), 174, 175, 176, and 177 shall not be deemed to be in conflict with federal rules on the basis that the Illinois rules are more specific than, more stringent than, or impose requirements for which no similar requirements are contained in, laws and rules enforced by agencies of the federal government.
- d) The following Illinois regulations are referenced in this Part:

Pollution Control Board: 35 Ill. Adm. Code 734, 742 and 750.410

Department of Transportation: 92 Ill. Adm. Code 172

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART C: BULK LOADING AND UNLOADING AND
GENERAL UNDERGROUND STORAGE TANK FACILITY REQUIREMENTS

Section 174.310 Bulk Loading and Unloading for Railroad Tank Cars and Tank Vehicles

- a) Any kind of loading or unloading activity, either to or from railroad tank cars and tank vehicles, or any other kind of loading or unloading into or out of USTs, shall require compliance with Section 174.300 and the following minimum requirements.
- 1) All electrical installations shall comply with the Edition of NFPA 70 in force at the time of installation of the electrical equipment at all hazardous (classified) locations, such as loading and unloading docks, to include vapor-proof lighting, wiring in sealed conduit, and explosion-proof switches. Equipment and installations shall further comply with the requirements of 41 Ill. Adm. Code 175.425.
 - 2) A person shall be present to actively supervise the product transfer during loading and unloading operations.

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- 3) When transferring Class I liquids, motors of tank vehicles and portable or auxiliary pumps shall be shut down during the making and breaking of hose connections. If loading or unloading is done without requiring the use of the motor of the tank vehicle, the motor shall be shut down throughout the transfer operations.
- 4) Before loading or unloading operations begin, the depositor shall determine the quantity of product that can be unloaded into each tank or tank vehicle (i.e., the tank ullage) without overflow of product. The volume shall be logged with the facility owner/operator. The log may consist of any bill of lading.
- 5) The driver, operator or attendant of any tank vehicle shall not remain in the vehicle, but shall not leave the vehicle unattended during the loading or unloading process. Delivery hose, when attached to a tank vehicle, shall be considered to be a part of the tank vehicle. The driver, operator or attendant shall monitor fuel flow at the deposit point at all times during fuel transfer operations.
- 6) When loading or unloading product into or from underground tanks located at bulk facilities and motor fuel dispensing facilities equipped with tank vapor recovery equipment, the driver, operator or attendant of the tank truck shall ensure that all vapor return paths are effectively made liquid and vapor tight to prevent the discharge of vapors at grade level.
- 7) No fuel deliveries shall be made while tank entry work is going on at the same UST facility unless the facility can demonstrate that:
 - A) the fill port to be fueled is not connected to the UST being worked on;
 - B) no other connection directly or indirectly exists between the UST being worked on and the UST receiving the fuel; and
 - C) the conditions for delivery are safe, including the distance between the UST being worked on and the UST receiving fuel.
- 8) Smoking on or about any tank truck while loading or unloading any flammable or combustible liquid is forbidden. Extreme care shall be taken

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during unloading operations to avoid deliveries where spark generating equipment is being operated nearby, to avoid other practices involving a risk of fire, to keep fire away, and to prevent persons in the vicinity from smoking, lighting matches or carrying any flame or lighted cigar, pipe or cigarette.

- 9) Tank trucks and tank wagons used for the transport and delivery of Class I, II or III liquids shall not be parked for other than delivery purposes in residential districts, as defined in the Illinois Vehicle Code [625 ILCS 5/1-172].
 - 10) Owners, operators and delivery personnel shall ensure that releases due to spilling or overfilling do not occur and that all transfer operations are monitored constantly to prevent overfilling and spilling.
 - 11) The depositor shall report any release of a regulated substance into the environment according to the reporting requirements for owners/operators set forth in 41 Ill. Adm. Code 176.340. The depositor shall then also notify the UST owner/operator immediately. If the depositor fails to report, the facility shall report under 41 Ill. Adm. Code 176.340.
 - 12) Owners or operators shall report, investigate and clean up any spills or overfills in accordance with 41 Ill. Adm. Code 176.300 through 176.350, including the required reporting of a release when not already reported by the depositor.
- b) The unloading hose from a railroad tank car or tank vehicle into an underground tank shall have a static wire or its equivalent and shall be equipped with a non-ferrous nozzle or tight connection metal nipple.
 - c) Before unloading operations begin, the depositor shall determine the following:
 - 1) The facility has a green decal ~~-(facility operating permit)~~, issued by OSFM, that is current and valid and in plain view.
 - 2) Any fill or remote fill that has a red tag, issued by OSFM, attached. Depositing into the associated tank is prohibited.

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- 3) The depositor shall inspect the fill device to assure that no tampering has occurred. Before unloading may begin into a remote fill, the depositor shall ensure that all fill caps are secure and tight. Any overriding or tampering with an overfill device that may result in the overfilling of any tank is prohibited and is subject to immediate placement of red tags on the affected USTs.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 174.320 Locating Bulk Facilities Adjacent to a Motor Fuel Dispensing Facility; Dual Purpose USTs

- a) Dispensing from a bulk tank into the tank of a motor vehicle is prohibited.
- b) Bulk facilities (including any bulk storage, bulk plant or bulk load-out) located adjacent to or at a motor fuel dispensing facility shall be separated from public fuel dispensing areas by a fence or similar barrier from the area in which bulk operations are conducted.
- c) Installations of piping to connect bulk storage to a UST at a motor fuel dispensing facility permitted prior to July 1, 1985 shall comply with 41 Ill. Adm. Code 160.15 and the following requirements:
 - 1) Any alteration of a UST component at the bulk and motor fuel dispensing facilities shall require that UST component be upgraded to current design, operating and other technical requirements found in 41 Ill. Adm. Code 172, 174, 175 and 176.
 - 2) Replacement of any UST piping shall require that all UST piping associated and interconnected with the bulk and motor fuel dispensing facilities and USTs be upgraded to current standards for new piping, including requirements for double-wall piping equipped with interstitial monitoring and all appropriate sumps (see 41 Ill. Adm. Code 172, 174, 175 and 176).
 - 3) Replacement of underground storage tanks at bulk and motor fuel dispensing facilities shall require that the entire UST related to the tank replacement be upgraded to standards for newly installed USTs (see 41 Ill. Adm. Code 172, 174, 175 and 176).

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- d) Existing Dual Purpose USTs permitted after May 1, 2003. Beginning May 1, 2003, connections between a single bulk load-out and a single UST at a motor fuel dispensing facility shall be allowed to remain if the UST and piping meets all technical standards at the time of installation. Existing dual purpose USTs shall have evidence of OSFM's written consent to operate.
- e) New Installations of and New Conversions to Dual Purpose USTs. On and after September 1, 2010, requests to connect new and existing bulk load-outs to new or existing USTs located at motor fuel dispensing facilities must be reviewed and approved by OSFM, and shall be limited to a single underground storage tank connected to one or more dispensers and a bulk load-out at the same time. Approval from OSFM shall require an OSFM permit issued under 41 Ill. Adm. Code 175.300 prior to construction or installation and shall be contingent upon, and require compliance with, subsections (a), (b) and (c) and 41 Ill. Adm. Code 160, 172, 174, 175, 176, 177 and 180 and the following requirements:
 - 1) All product piping extensions at the motor fuel dispensing facility shall be underground and be equipped with automatic line leak detectors (ALLDs) and meet all other release detection requirements for UST piping;
 - 2) The UST connected to any bulk load-out shall be designed for the working pressures and volume of products to be transferred and for the specific use and location;
 - 3) Individual tanks shall not be interconnected, siphoned or manifolded when serving as a dual purpose UST; e.g., a dual purpose UST may not at the same time be connected to any other tanks or USTs;
 - 4) Product piping shall not be routed under buildings;
 - 5) Dispensers from which retail sales to the public are made shall not be connected, directly or indirectly, to any tank for which the total of all compartments is over 30,000 gallons capacity;
 - 6) General Requirement that Dual Purpose USTs Meet Requirements for Newly Installed USTs

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- A) Dual purpose USTs shall meet all design and other UST technical requirements for newly installed USTs, including:
 - i) design requirements for tanks and piping (see 41 Ill. Adm. Code 175.Subpart D and 176.430(f));
 - ii) corrosion protection (see 41 Ill. Adm. Code 175.Subpart E); and
 - iii) release detection that also includes all underground product piping extensions (see 41 Ill. Adm. Code 175.Subpart F);
 - B) Dual purpose USTs shall also be compatible with the product stored (see 41 Ill. Adm. Code 175.415), and meet all required setbacks and separation distances (see 41 Ill. Adm. Code 175.Subpart D). When an existing UST to be connected to a bulk load-out does not meet current requirements for newly installed USTs, the UST must be upgraded to standards for new installations at the time the connection to a bulk loadout is made;
 - 7) Deliveries from the tank vehicle into vehicles at the motor fuel dispensing facility are prohibited;
 - 8) The service station portion must comply with all requirements of 41 Ill. Adm. Code [172](#), 174, 175, 176, 177 and 180 applicable to service stations;
 - 9) The bulk facility portion shall comply with all applicable requirements of this Subpart and 41 Ill. Adm. Code 160, [172](#), 174, 175, 176, 177 and 180;
 - 10) An OSFM permit shall be obtained prior to connecting a new or existing bulk load-out to a new or existing UST at a motor fuel dispensing facility.
- f) Beginning October 13, 2028, all existing underground piping for UST facility connections or dual purpose USTs shall be of double-wall construction and equipped with interstitial monitoring that is fully functional and meets the applicable requirements of Section 175.630(f).

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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Section 174.360 Fireworks (Repealed)

~~The storage, sale, use, explosion or handling of fireworks items that require ignition to produce an audible or visual effect or display are prohibited at all motor fuel dispensing facilities where flammable and combustible liquids are stored, handled, transferred, dispensed or used.~~

(Source: Repealed at 46 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Technical Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances
- 2) Code Citation: 41 Ill. Adm. Code 175
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
175.200	Amendment
175.210	Amendment
175.220	Amendment
175.240	Amendment
175.300	Amendment
175.320	Amendment
175.405	Amendment
175.410	Amendment
175.415	Amendment
175.420	Amendment
175.425	Amendment
175.440	Amendment
175.445	Amendment
175.450	Amendment
175.455	Amendment
175.460	Amendment
175.465	Amendment
175.500	Amendment
175.510	Amendment
175.610	Amendment
175.620	Amendment
175.640	Amendment
175.650	Amendment
175.700	Amendment
175.710	Amendment
175.810	Amendment
175.820	Amendment
175.830	Amendment
175.840	Amendment
175.Appendix A	Amendment
175.Appendix B	Amendment

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- 4) Statutory Authority: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will update the Illinois technical requirements for underground storage tank systems (“USTs”). This rulemaking requires that new and replaced spill containment equipment and new and replaced containment sumps shall be double-walled after March 1, 2023; provides that new linings for compatibility purposes shall only be allowed for double-walled tanks after March 1, 2023; requires that all underground product piping at UST facilities be double-walled by no later than October 13, 2028; further provides that tank installation or replacement after March 1, 2023 will require any existing single-walled piping to be upgraded to double-walled piping; and requires that exposed vents above grade be made of steel or other approved material. Provides that vents must terminate outside buildings at least 15 feet from powered ventilation air intake devices. Grandfathers existing manifolded vents and requires a licensed PE certification of such design after March 1, 2023. Requires that beginning March 1, 2023, manifolded piping above a shear valve must be removed upon dispenser replacement. This rulemaking eliminates a 20-foot building separation requirement for indoor fleet dispensing of Class II and III motor fuels so long as buildings and equipment remain in compliance with NFPA 30A, NFPA 70 and NFPA 101. Requires that all annual piping leak detection testing be done at the same time or within 30 days of the earliest annual due date for such testing. Limits the use of tripolymer foam for abandonment in place to compartment tanks where at least one compartment will remain in use. Prohibits the installation of new UST product piping under a road. This rulemaking also updates and streamlines current practices, including the electronic submission of reporting forms and various applications. For example, it removes the obligation to submit a Notification for Underground Storage Tanks form upon the conclusion of the permitted work for a UST removal or abandonment-in-place. Makes non-substantive changes.
- 6) Published Studies or Reports, and sources of underlying data, used to compose this rulemaking: Standards adopted by the National Fire Protection Association for installation and use of flammable and combustible liquids available at <http://www.nfpa.org> and portions of federal regulations at 40 CFR 280. Also various other codes as cited in the incorporations by reference Section (174.210) by such entities as the American Petroleum Institute, the American Society for Testing and Materials, the National Work Group on Leak Detector Evaluation, and the Petroleum Equipment Institute. Also, portions of US EPA UST rule requirements were reviewed and in part relied upon in promulgating these amendatory rules. These are posted on the US EPA

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web site at www.epa.gov/oust and are also available in the Office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, IL 62703.

- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? Yes. A variety of codes and standards developed by independent national associations and work groups have been incorporated and are available for public inspection at:

Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

Facsimile: (217) 524-9284

- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This Part could have an impact on local government to the extent that local government units might own or operate an underground storage tank system.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

Tom Andryk
Division of Legal Counsel
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

(217) 785-5758

Facsimile: (217) 524-5487

- 13) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking could have an impact on those small businesses, not for profit entities, and small municipalities that own and operate UST systems.
- B) Reporting, bookkeeping or other procedures required for compliance: UST system installations and upgrades have various reporting and permitting requirements as described in Parts 174, 175, and 176 (41 Ill. Adm. Code 174, 175, and 176). Typically the contractor obtains the permit on behalf of the owner/operator.
- C) Types of professional skills necessary for compliance: Owners and operators of USTs must ensure that all persons installing and doing work on UST systems have been trained appropriately and licensed by OSFM.
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed rule:
- 11 Agriculture, Forestry, Fishing and Hunting
 - 21 Mining
 - 22 Utilities
 - 23 Construction
 - 31-33 Manufacturing
 - 42 Wholesale Trade
 - 44-45 Retail Trade
 - 48-49 Transportation and Warehousing
 - 51 Information
 - 52 Finance and Insurance
 - 53 Real Estate Rental and Leasing
 - 54 Professional, Scientific, and Technical Services
 - 55 Management of Companies and Enterprises
 - 56 Administrative and Support and Waste Management and Remediation Services
 - 61 Educational Services
 - 62 Health Care and Social Assistance
 - 71 Arts, Entertainment, and Recreation
 - 72 Accommodation and Food Services
 - 81 Other Services (except Public Administration)
 - 92 Public Administration

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B) Categories that the agency reasonably believes the rulemaking will impact, including:

- ii. regulatory requirements;
- iii. purchasing;
- vi. equipment and material needs;
- vii. training requirements;
- viii. record keeping

15) Regulatory Agenda on which this rulemaking was summarized: July 2022

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 175

TECHNICAL REQUIREMENTS FOR UNDERGROUND STORAGE TANKS AND THE
STORAGE, TRANSPORTATION, SALE AND USE OF PETROLEUM
AND OTHER REGULATED SUBSTANCES

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AUTHORITY: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].

SOURCE: Adopted at 34 Ill. Reg. 13358, effective September 2, 2010; emergency amendment at 37 Ill. Reg. 5195, effective April 4, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 13443, effective August 1, 2013; amended at 42 Ill. Reg. 10476, effective October 13, 2018; amended at 46 Ill. Reg. _____, effective _____.

SUBPART B: MOTOR FUEL DISPENSING FACILITY REQUIREMENTS

Section 175.200 General Requirements for Motor Fuel Dispensing Facilities

- a) Other than kerosene and except as otherwise provided in this Subpart B and 41 Ill. Adm. Code 180, all dispensing of flammable and combustible liquids at motor fuel dispensing facilities shall be from underground storage tanks.
- b) All motor fuel dispensing facilities must abide by the operating and other requirements of this Subpart B.

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- c) Motor fuel dispensing facilities must hold a current and valid motor fuel dispensing permit for the particular type of facility involved in order to operate. No motor fuel dispensing facility shall open for business until inspected and approved by OSFM. Facilities operating under different classifications at any time shall obtain dispensing permits for and meet the requirements for all respective classifications that apply to the facility. Approval for dispensing operations will be granted upon compliance with 41 Ill. Adm. Code 172, 174, 175, 176 and 177. No owner or other person or responsible entity shall permit any person to violate the provisions of this Subpart B. Violation of the requirements for motor fuel dispensing facilities of this Subpart B may subject the owner or operator to penalties that may include revocation of the facility motor fuel dispensing permit issued under this Subpart and the ~~compliance certification~~ (green decal) issued under 41 Ill. Adm. Code 177 as required for operation of the facility. Failure to remain in compliance with UST rules may also result in OSFM's issuance of a red tag for the tanks at issue, prohibiting any further operation of the facility or further deposit of regulated substances into any tank subject to a red tag. Maintenance of equipment physically connected to the UST, including dispensers, hoses, emergency breakaways, electrical equipment directly tied to the UST, emergency stops and shear valves, are required items subject to red tag for noncompliance.
- d) Applications for a Motor Fuel Dispensing Facility Permit
- 1) No construction of a motor fuel dispensing facility or modification of an existing motor fuel dispensing facility shall be commenced until applications and plans are given written approval in the form of a review letter by OSFM.
 - 2) Only contractors currently licensed and certified in accordance with 41 Ill. Adm. Code 172 may submit motor fuel dispensing facility permit applications. A UST contractor portal for the on-line submission of the motor fuel dispensing permit application can be found at [the UST Applications and Forms page for the DPCS at https://webapps.sfm.illinois.gov/USTPortal](https://webapps.sfm.illinois.gov/USTPortal). The applications shall be those prescribed by OSFM and plans must be submitted for each motor fuel dispensing facility showing compliance with applicable OSFM rules. The plans shall be drawn to scale and shall, at a minimum, include the following:

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- A) Lot lines and dimensions.
 - B) Building lines and dimensions.
 - C) Location and size of tanks and dispensing devices or equipment~~pump island~~.
 - D) Location of control station (if applicable).
 - ~~E) Type, make, model and location of dispensing devices or equipment.~~
 - ~~F) Fire extinguisher locations.~~
 - ~~G) Clearances from dispensing devices to property lines and buildings both on and off the property.~~
 - E~~H~~) Locations of all emergency stops.
 - ~~I) Locations of all collision protection for dispensers.~~
 - ~~J) Locations of any propane storage, with a description of collision protection conforming to Section 175.210(q).~~
- 3) After examining the submitted application and plans, OSFM shall issue a review letter valid for a period of 6 months. Submission of incomplete or illegible applications and/or plans shall be cause for denial of applications.
- 4) Motor fuel dispensing facility work of the following kinds requires application and plan submittal to OSFM prior to commencing the work:
- A) A station being newly constructed.
 - B) A station being established in a building that previously contained a different occupancy.
 - C) Making substantial modifications to an existing facility.
Substantial modification would include, but not be limited to:

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- i) Installation of new dispensing islands or dispensers in new locations.
 - ii) Relocation of an emergency stop.
 - D) Changing from one facility category to another, as those categories are listed in Sections 175.210 through 175.250. The requirement to obtain a permit for the change will still apply even if only part of the facility is being changed (for example only one dispenser island) or if the facility plans to operate under a different category for only a portion of a 24-hour period.
 - E) Construction or relocation of buildings on the property, even if they are not the "primary" motor fuel dispensing facility station control buildings.
- 5) Motor fuel dispensing facility work of the following kinds does not require application and plan submittal to OSFM prior to commencing the work. This type of work or modifications will be inspected by OSFM when the facility is due for permit renewal:
- A) Like-for-like replacement of existing equipment (e.g., replacement of existing dispensing cabinets or components not involving the shear valve or items below the shear valve; changing existing dispensing nozzles, hoses or fittings; replacing an existing emergency stop in its current location).
 - B) Replacing (or installing additional) collision protection posts or guardrails.
 - C) Changing or replacing warning or instructional signs.
 - D) Replacing or adding to the complement of portable fire extinguishers.
- 6) In addition to the requirement for a motor fuel dispensing permit pursuant to this Subpart before any dispensing can occur, work affecting UST components or equipment shall also require a separate Section 175.300

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permit to be obtained via the submittal of separate applications to OSFM pursuant to that Section.

- e) Issuance and Renewal of Motor Fuel Dispensing Facility Permits
- 1) A motor fuel dispensing facility permit or permit renewal will be issued by OSFM after an on-site inspection has been conducted by OSFM to verify compliance with all applicable OSFM rules.
 - 2) No motor fuel dispensing facility shall open for business until inspected and approved by OSFM, and until OSFM issues a motor fuel dispensing facility permit, which must be prominently displayed at all times at the motor fuel dispensing facility. When a facility is required to obtain more than one kind of permit, all the permits shall be displayed.
 - 3) Motor fuel dispensing facility permits shall be issued on a biennial basis. These permits shall expire on December 31 of the year shown on the permit.
 - 4) Any name or ownership change shall require completion of an electronic submission to OSFM of a Notification of Ownership Change for Underground Storage Tanks under 41 Ill. Adm. Code 176.440(g) within 30 days, at the UST Applications and forms page for the DPCS at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>. Copies of proof of legal ownership, including, but not limited to, the current deed, contract or lease, shall be downloaded ~~supplied to OSFM~~ with this Notification ~~upon OSFM's written request~~.
- f) Storage and handling of LP gases at motor fuel dispensing facilities shall be in accordance with 41 Ill. Adm. Code 200.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 175.210 Attended Self-Service Motor Fuel Dispensing Facilities and Islands

All dispensing of Class I, II or III liquids at attended self-service motor fuel dispensing facilities and islands must be under the supervision and control of an attendant. The following requirements shall apply to attended self-service motor fuel dispensing facilities and islands:

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- a) All electrical installations shall comply with the edition of NFPA 70 in effect at the time of installation of the electrical equipment and shall further comply with the applicable requirements of Section 175.425.
- b) Every self-service motor fuel dispensing facility shall maintain a control station in a location readily accessible to the attendant. Separate fueling areas more than 100 feet apart and designated by signage so indicating may have separate control stations if each separate fueling area complies with this Subpart B and 41 Ill. Adm. Code [172](#), 174, 175 and 176.
- c) A method that does not require coins or currency to activate shall be provided for the attendant to contact the fire department.
- d) Conspicuously marked and easily accessible emergency stops must be provided at each facility and shall be:
 - 1) Located so that at least one emergency stop is at least 20 feet but not more than 100 feet from each dispenser.
 - 2) Interconnected so that activation of one emergency stop activates all the emergency stops whenever more than one emergency stop is provided.
 - 3) Equipped with an emergency stop at all control stations, which shall be conspicuously marked and readily accessible to the attendant, whether or not the control station is less than 20 feet from any dispenser or a security booth is provided for the attendant. The emergency stop shall be located in a position to allow all dispensing devices to be readily visible to the attendant, or as approved by OSFM. Each emergency stop shall be identified by a sign on all-weather materials stating "EMERGENCY STOP" in 2 inch red capital letters.
 - 4) ~~Compliance retrofits shall be completed by September 1, 2013.~~
- e) Power for illumination of dispensing areas required by this Subpart B shall not be affected by activation of any of the electrical shutoffs when the illumination is located outside of hazardous (classified) locations or is intrinsically safe.

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- f) Resetting from an emergency stop activation shall require manual intervention by the owner or attendant and shall be accomplished only after the condition that caused the activation has been corrected.
- g) All dispensing units shall be readily visible from the control station without assistive devices. However, as an alternative, in the event that the attendant's view of a dispenser is permanently obstructed, or if a dispenser is located so that activity at the dispenser is not readily visible, closed-circuit cameras that provide a view of each side of the dispensing unit and project an image on a screen at least 6 inches in diagonal located at the control station may be used. The cameras shall be allowed to sweep to provide a view of multiple dispensing locations, but must provide a view on the screen of each dispensing unit at least every 30 seconds. In lieu of the closed-circuit camera, the facility may elect to have an emergency stop that shall be located at least 20 and not more than 50 feet from the dispenser that has a permanently obstructed view. Using an emergency stop in lieu of the closed-circuit camera pursuant to this subsection (g) must be approved in advance by OSFM. If a closed-circuit camera or viewing screen is inoperable and cannot provide surveillance of dispensing units to the attendant at the control station, and an emergency stop has not been approved by OSFM and provided in lieu of the camera as provided in this subsection (g), self-service dispensing of fuel at these dispensers is prohibited.
- h) The attendant shall at all times be able to communicate with persons in the dispensing area. For distances greater than 40 feet between the control station and the dispenser, a communication system audible to each dispensing area shall be required that allows the attendant to give instruction or warning to the customer.
- i) All emergency stops shall be tested, and all shear valves visually inspected, at least annually to ensure that they are functioning properly and that the dispenser is mounted properly. Inspection should ensure that the shear valves are located ½ inch above or below grade; are securely mounted using a listed rigid anchor device; and the link arm functions when tripped, allowing the poppet valve to close freely. Upon completion of this testing and inspection, the owner/operator shall complete forms titled "Certification of Operational Testing of Emergency Stops" and "Certification of Annual Inspection of All Dispenser Shear Valves", available at [the UST Applications and Forms page for the DPCS at https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx](https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx). Documentation of annual emergency stop testing and shear valve inspection, using the OSFM forms, shall be kept at

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the motor fuel dispensing facility for 2 years and available for examination by a representative of OSFM. If documentation of annual testing of emergency stops is not available, the facility shall be subject to demonstration of this equipment during inspection by OSFM.

j) Attendants

- 1) At all times when an attended motor fuel dispensing station is open for public use, at least one attendant shall be on duty, and no motor fuel shall be dispensed at any time when the attendant is not at or near the control station or pump island. The attendant's primary duty shall be to supervise the dispensing of motor fuels, motor oils and services normally related to the dispensing.
- 2) The attendant shall refuse service to any person who is smoking or who appears to be unable to dispense fuel safely, and shall shut off the dispensing unit if a patron fails to follow instructions in compliance with OSFM rules. It shall be the responsibility of the attendant to:
 - A) carefully observe the dispensing of liquids into vehicles and portable containers;
 - B) control or eliminate sources of ignition;
 - C) immediately notify local fire authorities of any product spilled;
 - D) take other appropriate actions to prevent ignition of accidental spills;
 - E) refuse service to any customer who appears to lack the ability to properly and safely utilize the equipment (e.g., intoxication, inability to place the nozzle in the gas tank receptacle, inability to follow written or oral instructions of the attendant, or the person is too young to be aware of the hazards and requirements for safe dispensing of motor vehicle fuels);
 - F) to inspect all portable containers for conformance with 41 Ill. Adm. Code 174.

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- k) All attendants and other employees of the motor fuel dispensing facility shall be thoroughly instructed in the location, operation and proper use of the communication system, control station, emergency stops, fire extinguishing equipment, operation of the dispensing units, and safety regulations for the dispensing of motor fuels. Upon request, all attendants shall demonstrate to OSFM their ability to use this equipment. Facilities that fail to instruct employees in these requirements shall be in violation and subject to enforcement action.
- l) No dwelling unit or sleeping facilities of any kind for the owner, attendant or any person shall be permitted at a self-service motor fuel dispensing facility. This does not include dormitory facilities for use of drivers at truck stops, provided that the dormitories are in compliance with the applicable provisions of 41 Ill. Adm. Code 100.
- m) Fire extinguishers shall be provided in accordance with 41 Ill. Adm. Code 174.350.
- n) Signs giving instructions for the operation of dispensing equipment must be conspicuously posted on each dispensing island where self-service is offered.
- o) Minimum Signage. Signs shall be provided that are clearly visible to all self-service customers. The signs shall be made of all-weather material and the lettering shall be not less than $\frac{7}{8}$ inch high. The [top of the](#) signs shall be mounted no higher than 10 feet above grade, or at a height approved by OSFM, and shall include the following wording, at a minimum:
 - 1) "Warning";
 - 2) "Stop Engine";
 - 3) "No Smoking";
 - 4) "Persons fueling vehicles shall remain with their vehicle, at the nozzle, while fueling is in progress";
 - 5) "It is unlawful and dangerous for anyone to dispense gasoline into unapproved containers".

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- p) Dispensing activity shall be limited to or supervised by persons old enough to hold a valid driver's license.
- q) Collision Protection and Setbacks for LP Gas Storage Cabinets at Motor Fuel Dispensing Facilities.
- 1) LP gas storage cabinets (including cabinets for LP gas tank exchange for gas grills) shall comply with Section 8.4 of NFPA 58, incorporated by reference in 41 Ill. Adm. Code 174.210, and shall also provide collision protection that consists of one of the following options:
- A1) guardrails;
- B2) steel or concrete bollards;
- C3) raised sidewalks that are at least 5 inches tall at the face with the cabinet set up so the distance from the face of the raised sidewalk to the front of the cabinet is at least 40 inches. This measurement may also include an additional bumper guard to reach the required 40 inches. Raised sidewalks may also consist of curbs or parking bumper guards; or
- D4) any other arrangement certified by a Licensed Professional Engineer in accordance with national codes of practice and accepted engineering practices and approved in advance by OSFM.
- 2) LP gas storage cabinets (including cabinets for LP gas tank exchange for gas grills) shall comply with the following:
- A) The distance of any LP gas storage cabinet from any opening into any building, including any doorway or window, shall not be less than 5 feet, or in the event there is only one point of egress out of the building, shall not be less than 10 feet.
- B) The distance of any LP gas storage cabinet from any dispenser shall not be less than 20 feet.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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Section 175.220 Unattended Self-Service Motor Fuel Dispensing Facilities and Islands

Unattended self-service motor fuel dispensing facilities and islands shall comply with all of the requirements for attended motor fuel dispensing facilities and islands (see Section 175.210) with the additions and modifications provided in this Section. Requirements specific to control stations and attendants in Section 175.210 are not applicable to unattended facilities. If a motor fuel dispensing facility is to be operated as an unattended station during any portion of a day, it shall meet the standards for unattended operation.

- a) Minimum Signage. Signs shall be posted in all-weather materials by each actuator (or at the dispenser if the actuator is an integral part of the dispenser) and the lettering shall be not less than $\frac{7}{8}$ inch high. The top of the signs shall be mounted no higher than 10 feet above grade, or at a height approved by OSFM, and shall include the following wording, at a minimum:
 - 1) "No smoking";
 - 2) "Turn off engine";
 - 3) "Containers for gasoline must be red";
 - 4) "Containers for kerosene must be blue";
 - 5) "It is dangerous and unlawful to fill unapproved containers with gasoline, diesel or kerosene";
 - 6) "In case of fire or spill use EMERGENCY STOP located at..." (owner must insert the locations of the emergency stops);
 - 7) "EMERGENCY STOP activation transmits a fire alarm to the fire department".
- b) Easily accessible emergency stops must be provided at each dispensing island. Each emergency stop shall be identified by an approved sign on all-weather materials stating "EMERGENCY STOP" in 2 inch red capital letters. Combinations of dispenser islands where a master and corresponding satellite dispenser are used to fuel saddle tanks on trucks and similar vehicles shall be considered as being on one island so long as the piping and electronics are one integral unit and the satellite unit is controlled by the master dispensing unit. In

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addition, there shall be at least one emergency stop located at least 20 feet but not more than 100 feet from each dispenser. When more than one emergency stop is provided, all devices shall be interconnected so that activation of one emergency stop activates all the emergency stops. Stations with only one island may elect to utilize a single emergency stop located at least 20 feet but not more than 100 feet from each dispenser, or at a location approved by OSFM. A sign shall be placed at each emergency stop stating that activation of the emergency stop "transmits a fire alarm to the fire department". Resetting from an emergency stop activation shall require manual intervention by the owner or attendant and shall be accomplished only after the condition that caused the activation has been corrected.

c) Fire Alarm Systems

- 1) Activation of any emergency stop at the facility shall automatically transmit an alarm to local emergency fire services providers by sending a signal via one of the following mechanisms, which shall meet the requirements of NFPA 72:
 - A) Auxiliary alarm system;
 - B) Central station alarm connection;
 - C) Proprietary alarm receiving facility or system;
 - D) Remote station alarm connection; or
 - E) When the mechanisms in subsections (c)(1)(A) through (c)(1)(D) are not available, an alternate plan for notification of local emergency services meeting NFPA 70 and NFPA 72 and approved by OSFM in advance of the use.
- 2) The fire alarm system shall be installed, tested and maintained according to NFPA 70 and NFPA 72. The alarm system must also meet the alarm system requirements of subsections (h)(1)(C) and (h)(2)(D), including the requirement for an audible alarm when triggered.

d) All emergency stops shall be tested, and all shear valves visually inspected, at least annually to ensure that they are functioning properly and that the dispenser is mounted properly. Documentation of annual emergency stop testing and shear

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valve inspection shall be kept at the motor fuel dispensing facility and available for examination by a representative of OSFM. If documentation of annual testing of emergency stops is not available, the facility shall be subject to demonstration of this equipment during inspection by OSFM.

- e) Actuators may use currency, coins, keys, cards or electronic means to activate dispensers and pumps.
- f) Dispensing devices or actuators must limit the delivery of product in a manner that requires reactivation of the latch open (hold-open) device for any dispensing beyond the following amounts:
 - 1) Motor vehicle fuels (Class I, II and III)
 - A) Class I liquids (gasoline, gasohol, ethanol, motor fuel blends) – maximum 100 gallons.
 - B) Class II and III liquids (diesel fuel) – maximum 250 gallons.
 - 2) Kerosene (grade K-1 only) – 18 gallons.
 - 3) Other Class I, II and III liquids – 6 gallons.
- g) Except for farms, when kerosene is to be dispensed at unattended motor fuel dispensing facilities, only grade K-1 kerosene shall be dispensed.
- h) All unattended motor fuel dispensing facilities shall have installed and maintained equipment and systems that meet the requirements of subsection (h)(1) or (h)(2), although local governments may require option (h)(1) or (h)(2):
 - 1) Unattended dispensing areas for Class I, II and III liquid motor fuels utilizing this option shall be protected by an automatic fire suppression systems meeting the standards of UL 1254 and NFPA 17. If a fire suppression system meeting these requirements is installed, no fire extinguishers are required. In the event of a fire suppression system discharge, the fuel dispensing facility shall not be returned to service until the suppression system is recharged and fully operational in the area protected by the system. The fire suppression system shall, when activated:

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- A) Automatically activate an emergency stop that is equipped so that all fuel dispensing units and submersible pumps would be stopped by the activation.
 - B) Sound a local alarm notification device that is audible throughout the dispensing area and meets the requirements of NFPA 72.
 - C) Automatically transmit an alarm, through a system installed, tested and maintained according to NFPA 70 and 72, to local emergency fire services providers by sending a signal via one of the following mechanisms, which shall meet the requirements of NFPA 72:
 - i) Auxiliary alarm system;
 - ii) Central station alarm connection;
 - iii) Proprietary alarm receiving facility or system;
 - iv) Remote station alarm connection; or
 - v) Where the mechanisms in subsections (h)(1)(C)(i) through (iv) are not available, an alternate plan for notification of local emergency services meeting NFPA 70 and NFPA 72 and approved by OSFM in advance of the use.
 - D) Include extinguishing agent discharge nozzles mounted above dispensers and at or near ground level to discharge agent underneath vehicles being fueled.
- 2) Unattended dispensing areas for Class I, II and III motor vehicle fuels electing this option shall be equipped with portable fire extinguishers and a fire detection system located under a weather enclosure canopy (unless written documentation is submitted verifying that the detection system will operate properly without a canopy).
- A) The system shall detect a fire in the dispensing area through the use of rate compensation, rate of rise or flame sensing detectors. The installation must meet the requirements of NFPA 72.

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- B) Activation of the system shall automatically activate an emergency stop that is equipped so that all fuel dispensing units and submersible pumps would be stopped by the activation.
 - C) Activation of the system shall cause the sounding of a local alarm notification device audible throughout the dispensing area and meeting the requirements of NFPA 72.
 - D) Activation of the system, which shall be installed, tested and maintained according to NFPA 70 and 72, shall automatically transmit an alarm to local emergency fire services providers by sending a signal via one of the following mechanisms, which shall meet the requirements of NFPA 72:
 - i) Auxiliary alarm system;
 - ii) Central station alarm connection;
 - iii) Proprietary alarm receiving facility or system;
 - iv) Remote station alarm connection; or
 - v) Where the mechanisms in subsections (h)(2)(D)(i) through (iv) are not available, an alternate plan for notification of local emergency services meeting NFPA 70 and NFPA 72 and approved by OSFM in advance of the use.
 - E) Fire extinguishers meeting the requirements of 41 Ill. Adm. Code 174.350 shall be installed and maintained at each island and at the emergency stop. Cabinets, or other enclosures for extinguishers, shall not require breaking of glass or other acts that could injure users attempting to access the extinguishers, though doors, panels and local alarm systems may be provided for these enclosures at the owner's option.
- 3) The annual system testing required under NFPA 17 and NFPA 72 must be documented and the documents regarding this testing kept at the facility or

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available within 30 minutes or before OSFM completes its inspection, whichever is later.

- 4) In meeting the requirements of subsections (c) and (h), facilities in existence as of September 1, 2010 shall have the option of complying with the editions of NFPA 17, NFPA 70 and NFPA 72 and UL 1254 incorporated by reference in 41 Ill. Adm. Code 174.210 or the OSFM alarm system and fire suppression and fire detection system requirements in effect at the time of their installation.
- 5) Any changes to either fire suppression or fire detection systems and related alarms require that the facility notify OSFM in writing at least 60 days in advance of the change.
 - i) At least once each year the facility shall verify that the alarm notification devices required under subsections (c) and (h) are working. The facility shall record the verification date and results on a record kept along with the other facility records.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 175.240 Full Service Motor Fuel Dispensing Facilities and Islands

Full service motor fuel dispensing facilities and islands shall comply with all of the requirements for attended self-service motor fuel dispensing facilities in Section 175.210, with the following modifications or additions.

- a) A control station and audible communication system shall not be required at a full service motor fuel dispensing facility or island. The attendant shall, however, at all times be able to communicate with persons in the dispensing area. Facilities with dispensers that are not on a full-service island remain subject to the requirements for attended facilities under Section 175.210 for the dispensers that are not full-service.
- b) Minimum Signage. Signs shall be provided that are clearly visible to all full-service customers. The signs shall be made of all-weather material and the lettering shall be not less than $\frac{7}{8}$ inch high. The [top of the](#) signs shall be mounted no higher than 10 feet above grade, or at a height approved by OSFM, and shall include the following wording, at a minimum: "No dispensing by anyone other than the attendant".

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(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART C: PERMITS, FEES AND SCHEDULING

Section 175.300 Permitted UST Activity

Any UST activity or other permitted activity under this Section must comply with the following:

- a) Permit Requirements
 - 1) Prior to the onset of UST activity, a completed permit application, including fee payment of \$200 per permitted activity, shall be submitted to OSFM.
 - 2) A separate fee is required for each type of activity.
 - 3) This fee is to be paid by check or money order made payable to "Office of the State Fire Marshal", or electronic payment via the UST contractor portal (at <https://webapps.sfm.illinois.gov/USTPortal>) and is to be from the licensed contractor obtaining the permit.
 - 4) Only contractors currently licensed and certified in accordance with 41 Ill. Adm. Code 172 may obtain permits. Contractors are required to be OSFM licensed and have at least one employee doing the work who shall be certified under 41 Ill. Adm. Code 172 for the UST activity that is being performed. A UST contractor portal for the on-line submission of permit applications and the scheduling of permitted work can be found at the website cited in subsection (a)(3).
 - 5) Only licensed contractors, their employees or subcontractors may perform the permitted UST activity in accordance with 41 Ill. Adm. Code 172.
 - 6) Permit applications denied or rejected the second time will require a new permit application and submission of a new fee.
 - 7) Permit applications and issued permits are not transferable.
 - 8) The owner of the UST must be identified on the permit application.

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- 9) No permit may be issued when the current owner listed on the application owes fees pursuant to 41 Ill. Adm. Code 176.450 or 176.455 until the fees are paid in full.
- 10) No permit may be issued for UST activity unrelated to correcting existing violations while the violations continue to exist on that same site.
- b) No UST activity requiring a permit may proceed without a granted permit.
- c) No UST owners or operators may perform any UST activity, unless the owner complies with the licensing and certification requirements of 41 Ill. Adm. Code 172.
- d) UST activity performed that is not in compliance with the conditions of a permit issued to a licensed contractor, or false information supplied to obtain a permit, is cause for permit revocation, or suspension or revocation of the license of the contractor to perform any UST activity.
- e) For purposes of this Section, the following terms shall be considered interchangeable or equivalent: "installer" and "replacer"; "install" and "replace"; "repairer" and "a person who upgrades"; "repair" and "upgrade"; "remover" and "a person who abandons-in-place"; and "remove" and "abandon-in-place".
- f) Actions Requiring a Permit. A permit is required to do any of the following to USTs:
 - 1) install new underground tanks or piping;
 - 2) remove tanks ~~or~~ piping ~~or interstitial sensors~~;
 - 3) abandon-in-place a UST or piping;
 - 4) upgrade;
 - 5) repair, including replacing flex connectors, risers or vents. If the work performed on risers or vents is done as a result of water ingress or a failed tank precision test, a subsequent tank precision test shall be performed after the work is completed;

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- 6) line a double-walled tank for compatibility purposes;
- 7) inspect linings;
- 8) emergency repairs;
- 9) repair, install or remove cathodic or corrosion protection, including on flex connectors;
- 10) perform any hot work on a UST;
- 11) installation, upgrade or removal of the following (except for any like-for-like replacements listed in subsection (g)):
 - A) leak detection systems (see Section 175.630(f), providing that existing interstitial monitoring sensors and systems cannot be removed);
 - B) spill containment at the tank or remote fills; and
 - C) overfill prevention equipment;
- 12) dispenser activity that triggers the requirement to install under-dispenser containment under Section 175.410(e) and any new dispenser location;
- 13) submersible activity that triggers the requirement to install a tank containment sump under Section 175.410(c);
- 14) electronic enhancement of an automatic tank gauge (ATG) that requires work within the ATG control module;
- 15) connection of a new or existing bulk load-out to a new or existing UST at a motor fuel dispensing facility; ~~and~~
- 16) reclassifying a regulated interstitial sensor to a non-regulated interstitial sensor.

g) Actions Not Requiring a Permit

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- 1) No permit is required to do like-for-like replacements for the following:
 - A) submersible pumps, if already equipped with a tank containment sump;
 - B) spill containment devices (insert replacements shall be at least 3.5 gallons capacity; newly installed spill containment devices shall be a minimum of 5 gallons capacity);
 - C) drop tube valves;
 - D) ATG probes;
 - E) mechanical line leak detectors;
 - F) electronic line leak detectors;
 - G) wireless electronic line leak detectors;
 - H) rectifiers;
 - I) interstitial monitoring sensors; or
 - J) replacement of the bolted-on top section of a shear valve only (replacement of an entire shear valve requires a permit and under-dispenser containment).
- 2) The exceptions listed in subsection (g)(1) are the only exceptions from the permit requirement. If the equipment is not present or another type of equipment is to be used, a permit shall be required. Any pipe or flex connector work requires a permit. However, merely disconnecting a fitting, coupling or union without replacing that fitting, coupling or union to accomplish the replacement of the like-for-like equipment on the list in subsection (g)(1) will not by itself trigger the requirement for a permit. Although a permit is not required for like-for-like replacements, the work must still be performed by a licensed contractor. When product piping is broken or disconnected to perform a like-for-like replacement, the piping line must be precision tested as tight prior to putting the piping line back

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into service. Replacing any of the equipment listed in subsection (g)(1) must be reported electronically ~~or in writing~~, within 24 hours after the activity, to OSFM, on a Like-for-Like Replacement Report form provided by OSFM (available at the website cited in subsection (a)(3)), listing the make, model and manufacturer of the equipment [as applicable](#), and indicating where the equipment is being installed. For a list of the types of OSFM permits required for specific permitted UST activities, see Appendix B.

- h) Expiration and Extension of Permits. Permits expire 6 months from the date they are issued. The applicant may apply for additional 6-month extensions. Permit extensions that circumvent newly adopted technical requirements will not be allowed. If a party submits evidence of non-cancelable contracts executed in reliance on the permit sought to be extended, or if work has commenced, a party will not be viewed as circumventing the technical requirement. Each extension request must be submitted electronically or in writing before the permit lapses and must be accompanied by a \$200 fee.
- i) Amended Permits. Granted permits may be amended twice without a new application fee. For all permit amendments, each change that requires a new [licensed](#) contractor, more than minor changes to the site plan, or another engineering review to determine acceptability will require submission of a new permit application and \$200 fee. Drawings related to any amendment must be submitted to OSFM with the amendment. Permit amendments that circumvent newly adopted technical requirements will not be allowed.
- j) Site plans showing setback distances shall be submitted by the [licensed](#) contractor listed on the permit application, to OSFM, along with any motor fuel dispensing permit application required by Section 175.200. Site plans are subject to approval by OSFM before any new construction, addition or remodeling that alters building size, when encroachment on required setbacks would occur; dispenser locations; or locations or sizes of vehicle service area or storage tanks. Removals, lining and upgrades that involve replacing equipment with that of identical manufacture and model do not require submission of site plans.
- k) Miscellaneous

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- 1) In the event that equipment requiring a permit is installed without a permit or in violation of the terms of the permit, the owner/operator ~~may~~will be required to do the following:
 - A) Hire an OSFM licensed contractor other than the person and company who did the unauthorized/non-permitted work.
 - B) Submit the proper permit application to OSFM and obtain approval from OSFM.
 - C) The work shall be uncovered as necessary to allow proper inspection of the UST installation or modification at issue and OSFM may require any changes necessary to bring the installation into compliance with 41 Ill. Adm. Code 160, 172, 174, 175, 176, 177 and 180.
 - D) If a safety issue is presented by the circumstances, a work site or UST may also be temporarily shut down to protect public safety.
- ~~2) When temporarily replacing a defective electronic line leak detector with a mechanical line leak detector, the contractor must notify OSFM electronically or in writing within 8 working hours after replacement, on a Like for Like Replacement Report form provided by OSFM (available at the website cited in subsection (a)(3)). Replacement of the temporary mechanical line leak detector with the final electronic line leak detector must be completed within 10 working days, and notification of this replacement shall be submitted to OSFM electronically or in writing on a Like for Like Replacement Report form within the same 10 day period.~~
- 23) When removed piping exceeds 20 feet or 50% of the total piping run at a site, both a removal and an upgrade permit are required. When there are indications of a leak that are not contained to the UST system, owners and operators shall follow the procedures and requirements of 41 Ill. Adm. Code 176.Subpart C.
- 34) A valid permit does not remedy the technical compliance aspects of a violation until the work is completed and does not allow for any extensions of time for compliance. Completion of the work and a satisfactory OSFM final inspection does not preclude OSFM enforcement

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action against the person who illegally installed the equipment without a permit.

- l) Permits for Marinas. Due to the unique characteristics of the site at marina locations, additional information will be required as specified in this subsection (l) and as determined to be necessary by OSFM.
 - 1) Additional statements will be required as requested by OSFM to substantiate ownership or consent from authorities having jurisdiction over the waterway.
 - 2) Site Plans and Drawings. Detailed site plans and drawings shall be supplied as requested by OSFM to show length, width, location and configuration of the dock, type of construction, dispenser location and dispensing area, along with profiles of the UST indicating differences in elevation between tanks, piping and dispensers showing all valves, manholes, sumps, location of leak detection equipment, anti-siphon devices, pressure relief valves, pipe chases, sewage lines, etc. High water, low water and normal pool elevations shall also be given in relation to tank, piping and dispensers, along with any pertinent site characteristics.
- m) Permits for Abandonment-in-Place
 - 1) An on-site [waiver request or](#) evaluation establishing the existence of at least one of the eligibility criteria of Section 175.840(a) shall be submitted by the OSFM-licensed contractor and must include accurate site plans. A complete plan or diagram of the area shall be provided and show the location of tanks, fill pipes, vent lines, sewers, streets, product lines, utilities and buildings. The facility name and location and the number and size of USTs involved shall also be included in the site plans.
 - 2) A description of the specific inert material to be used shall be indicated on the permit application. Allowed inert material shall be limited to sand, gravel, clay, bentonite or inert material mixed with portland cement to increase flowability. The portland cement concentration may not exceed 50 lbs. per cubic yard of mixed material. Any other materials must be approved by OSFM during the permit process. [Tripolymer foam may only be used on compartment tanks where at least 1 compartment is not being abandoned-in-place and will remain in use.](#) If tripolymer foam is to be

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used, the permit application must include buoyancy calculations based upon the particular tripolymer foam to be used. Information must also be included that verifies the methods and materials that will be used to protect against UST floatation once abandoned-in-place. PEI/RP-100 addresses the issue of floatation and anchorage calculations that may be of assistance to the submitting contractor relative to determining ballast needs.

- 3) If the ability to abandon-in-place is questioned, a third-party professional structural engineer may be used to determine the feasibility of removal in order to verify that the tank is or is not eligible to be abandoned in place under Section 175.840(a).
- n) For permits applicable to mobile fueling sites and related contractors, see 41 Ill. Adm. Code 174.440 and 174.450.
- o) In the event there is a delegation of authority to the City of Chicago to enforce UST rules and regulations, pursuant to the Gasoline Storage Act [430 ILCS 15/2], subject to the terms of that agreement, the City has the authority to modify subsections (a)(1) through (a)(10) to issue the permits and collect the fees for its own use, regarding UST activities within the jurisdiction of the City.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 175.320 Scheduling of UST Activity

- a) All permitted activity shall be scheduled with OSFM. There are 2 sets of procedures for scheduling permitted activity, Operational Safety Inspection (OSI) or Performance Assurance Inspection (PAI). The procedures for scheduling OSI Activity (Date Certain) are set forth in subsection (c) and for PAI Activity (Date and Time Certain) are set forth in subsection (d). A [licensed](#) contractor shall have at least one employee certified for the UST activity for which the permit was issued actively supervising in person the UST activity being performed on the site. At all times during permitted activity, including at all STSS inspections, including any final inspection, there shall be an employee or individual contractor certified in the work to be done on the job site. Subcontractors are not "employees" for this purpose.

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- b) No permitted and scheduled OSI or PAI activity can be performed outside the schedule unless changes have been approved in advance by OSFM. Notice of cancellation must be received by OSFM no later than 6:00 a.m. of the scheduled date and the revised date of the work must be at least one complete working day after OSFM receipt of the revised job schedule request. The day of receipt is not included in the advance notice/receipt calculation. A new permit and fee will be required when there is a failure to meet any of the schedules. This includes not being present for inspection, not being completely ready for inspection, [violation of any technical requirements for the permitted work](#), allowing permit to expire before completing the final inspection, or not canceling the job within the allowed time frame. Failure to meet the schedules also includes a failure to complete all UST work and site preparation necessary for the STSS inspection, including any necessary testing and related corrections, prior to the time the STSS is scheduled to first arrive. Upon these events, the permit is considered void and no work may commence until a new permit is issued and the work scheduled pursuant to this Section.
- c) OSI (Date Certain) Activity. OSI activity includes UST installations, installation or removal of an entire pipe run, tank removal, abandonment-in-place, lining and lining inspection, tank entry and any hot work. Regarding UST installation, scheduled OSFM inspections are required for an air test on the tank prior to installation, tank installation, air test on primary lines, air test on secondary containment, hydrostatic test on containments prior to backfill, and final inspection. Regarding installation of an entire pipe run, OSFM inspections are required for both the primary and secondary air test on the piping and a hydrostatic test on containments prior to backfill, and final inspection. Any additional inspection in follow-up to tank penetration via hot work, including a final lining inspection and tank precision testing, shall be scheduled as a PAI inspection. For a listing of OSI activities, see Appendix A to this Part.
- 1) For OSI activity, the [licensed](#) contractor shall have a granted permit before scheduling with OSFM to establish a specific date and time that is not less than one complete working day before the anticipated date of the permitted activity. A UST contractor portal for the on-line submission of permit applications and the scheduling of permitted work can be found at [the UST Applications and Forms page for the DPCS at https://webapps.sfm.illinois.gov/USTPortal](#).

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- 2) Only the [licensed](#) contractor or an employee of the contractor (this does not include subcontractors) may schedule the work with OSFM.
 - 3) For OSI activity, the work will not be allowed to be done unless an STSS is on site.
 - 4) [At the final OSI \(Date Certain\) inspection on a lining, a licensed contractor representative is not required to be on site but scheduling of the final inspection is required.](#)
- d) PAI (Time and Date Certain) Activity. PAI permitted activity includes upgrades not involving piping installation, repairs not involving hot work, or cathodic protection activity. PAI activities will be scheduled for a period of at least 2 working hours (between 8:30 a.m. and 3:30 p.m. on State business days) and subsequent activities that interfere with the ability to inspect will not proceed until the time period is over. **Error! Hyperlink reference not valid.** Tank and line precision testing and cathodic protection testing following permitted activity, ~~or at any time in the course of investigating a suspected release, or pursuant to an NOV~~ must be scheduled with OSFM pursuant to subsection (d)(2). For a listing of OSI activities, see Appendix A.
- 1) Permitted PAI Activity. The [licensed](#) contractor shall have a granted permit before scheduling the permitted activity with OSFM not less than one complete working day before the anticipated date of work. A UST contractor portal for the on-line submission of permit applications and the scheduling of permitted work can be found at the website cited in subsection (c)(1). The Division of Petroleum and Chemical Safety (DPCS) will transmit an e-mail confirmation of scheduling approval back to the contractor within one working day. Work shall not commence until the contractor receives this confirmation. Only the [licensed](#) contractor or an employee of the contractor (this does not include subcontractors) may schedule the work with OSFM.
 - 2) Non-permitted PAI Activity. Non-permitted PAI activity includes tank and line precision testing and cathodic protection testing following permitted activity, ~~or at any time in the course of investigating a suspected release, or pursuant to an NOV~~. The [licensed](#) contractor or contractor's employee shall schedule the activity with OSFM in advance of the anticipated work. Only the contractor or an employee of the contractor (this does not include

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subcontractors) may schedule the work with OSFM. A UST contractor portal for the on-line scheduling of non-permitted work can be found at the website cited in subsection (c)(1).

- 3) When only installing a bag, wristband or spike anode for cathodic protection in a containment sump, or a~~For~~ spill or overfill prevention device, or when an interstitial sensor is being reclassified from regulated to non-regulated, at the~~device~~ final PAI (Time and Date Certain) inspection~~inspections~~, a licensed contractor representative is not required to be on site, but scheduling of the final inspection is required.
 - 4) Any time an emergency repair permit is issued, the licensed contractor shall electronically schedule and complete the final inspection within 10 days after issuance of the permit.
 - e) ~~A Notification for Underground Storage Tanks form provided by OSFM (available at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>) shall be completed and submitted to OSFM within 30 days after completion of the permitted work for UST removal and abandonment in place.~~ For all UST installations, the final inspection shall not be scheduled without prior submission of:
 - 1) the completed electronic Notification for Underground Storage Tanks form and its accompanying Authorization to Submit (available at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>);
 - 2) the completed OSFM on-line forms for all required testing; and;
 - 3) if applicable, the completed motor fuel dispensing permit application.
- Other kinds of permitted work do not require submission of this Notification form.
- f) There shall be no transfer or sale of product from a UST until the UST is in compliance with OSFM rules and any required final inspection has been completed. Any request to fill a required minimal amount of fuel necessary to perform compliance testing must be submitted electronically by an OSFM-licensed contractor ~~in writing~~ and approved by OSFM in advance. A Drop Fuel Request

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form is available at the UST contractor portal at the website cited in subsection (c)(1). A depositor may make one deposit of a regulated substance to a newly installed or newly lined tank to provide ballast; that fuel shall not be sold or dispensed until the required decal is obtained.

- g) In the event there is a delegation of authority to the City of Chicago to enforce UST rules and regulations, pursuant to the Gasoline Storage Act [430 ILCS 15/2], subject to the terms of that agreement and to the extent the City is authorized to supervise the above-referenced activities, the City is authorized to substitute, for references in this Section to OSFM or its agents or employees, comparable references to the City or its agents or employees.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART D: DESIGN, INSTALLATION AND CONSTRUCTION REQUIREMENTS

Section 175.405 Spill Containment and Overfill Prevention Equipment

- a) To prevent spilling and overfilling associated with product transfer to the UST, owners or operators shall use the following spill containment and overfill prevention equipment:
- 1) Both:
 - A) Spill containment equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (e.g., a spill catch basin). As of May 1, 2003, new or replaced spill containment equipment must have a minimum 5 gallon capacity, except that a third party listed replacement containment designed by the manufacturer to be inserted into an existing spill containment will be allowed as long as it has a minimum capacity of 3.5 gallons. Beginning March 1, 2023, all new and replaced spill containment equipment shall be of double-wall construction. Spill containment equipment shall be maintained in a dry, clean state; and
 - B) Overfill prevention equipment that alarms or shuts off flow as follows:

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- i) Drop tube overfill device: automatically~~Automatically~~ shuts off flow into the tank when the tank is no more than 95% full; ~~or~~
 - ii) Ball float overfill device: alerts~~Alerts~~ the transfer operator when the tank is no more than 90% full by restricting the flow into the tank ~~or triggering an audible and visual high-product level alarm; or~~
 - iii) Ball float assembly present with ball removed only, with drop tube overfill device: automatically restricts flow to alert the transfer operator when the tank is no more than 90% full, for situations where a ball float valve has been disabled by removing the ball but the related piping remains; or
 - iv) Overfill alarm: alerts the transfer operator when the tank is no more than 90% full by triggering an audible and visual high-product level alarm; or
- 2) Provides alternative methods that are no less restrictive than subsections (a)(1)(A) and (a)(1)(B)~~(a)(2)~~ and no less protective of human health or the environment, as approved in writing by OSFM.
- b) Owners and operators of UST systems with spill and overfill prevention equipment must meet the requirements of subsections (b) and (c) and shall ensure the equipment is operating properly and will prevent releases to the environment. Spill prevention equipment (such as a catchment basin, spill bucket, or other spill containment device) must prevent releases to the environment by being~~meeting one of the following: 1) The equipment is double-walled and the integrity of both walls is periodically monitored at a frequency not less than once every 30 days. Owners and operators must begin meeting the testing requirements of subsection (b)(2) and conduct a test within 30 days after discontinuing periodic monitoring of this equipment; or 2) The spill prevention equipment is~~ tested at installation, immediately after any repairs, and at least once every three years to ensure the equipment is liquid tight by using vacuum, pressure or liquid testing in accordance with one of the following criteria:

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- 1A) Requirements developed by the manufacturer of the spill prevention equipment. Owners and operators may use this option only if the manufacturer has developed requirements;
- 2B) Requirements developed by the manufacturer of the testing equipment; or
- 3C) A hydrostatic test that meets the requirements of Section 175.410(j).
- c) Overfill prevention equipment must be inspected at installation, immediately after any repairs, and at least once every three years, and the inspection shall meet the following criteria:

 - 1) At a minimum, the inspection must ensure that overfill prevention equipment is set to activate at the correct level specified in subsection (a);
 - 2) The overfill prevention equipment will activate when the regulated substance reaches that level; and
 - 3) Inspections must be conducted in accordance with inspection requirements developed by the manufacturer.
- ~~d) Owners and operators must begin meeting the requirements for testing and inspection in subsections (b) and (c) as follows:~~

 - ~~1) For UST systems in use on or before October 13, 2015, the initial spill prevention equipment test and overfill prevention equipment inspection must be conducted not later than October 13, 2018.~~
 - ~~2) For UST systems brought into use after October 13, 2015, these requirements apply at installation.~~
- de) Owners and operators must maintain the following records for spill prevention equipment and overfill prevention equipment:

 - 1) All records of installation shall be maintained for the life of the equipment; and
 - 2) All records of testing or inspection must be maintained for three years. ~~and~~

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- 3) ~~For spill prevention equipment not tested every three years, documentation showing that the prevention equipment is double-walled and the integrity of both walls is periodically monitored at a frequency not less than once every 30 days must be maintained for as long as the equipment is periodically monitored.~~
- ef) Ball float vent valves for overfill prevention shall not be installed on new and existing UST systems after October 13, 2015. If an approved method of overfill prevention is not present on a UST when a ball float valve fails inspection, overfill prevention equipment meeting the requirements of this Section shall be installed.
- fg) A UST that is filled by transfers of no more than 25 gallons at one time shall require spill containment but does not require overfill prevention.
- gh) In addition to the requirements of this Section, ~~used~~waste oil tanks shall be equipped with spill containment devices at all fill and retrieval points.
- hi) All testing and inspections required by this Section shall be performed:
- 1) By an OSFM-licensed contractor that has licensure in the installation/retrofitting or inspection and testing of UST equipment~~tank and piping tightness testing~~ module; and
 - 2) Using an employee of ~~the~~an OSFM-licensed contractor for testing or inspection who is certified in the installation-retrofitting or inspection and testing of UST equipment ~~tank and piping tightness testing~~ module ~~and also certified by the manufacturer of the equipment being tested or inspected and the testing equipment being utilized.~~
- i) The failure to have any functional overfill prevention equipment will result in the immediate application of a red tag to the USTs missing such equipment.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 175.410 Submersible, Under-dispenser, Transition and Other Containment Sumps

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- a) All containment sumps must consist of a factory manufactured containment that is liquid-tight on its sides, bottom and at any penetrations and is compatible with the substance conveyed by the piping. Such containment shall also have a factory manufactured protective cover and supporting components that are properly maintained. If the protective cover or its supporting components are cracked, deteriorated or missing, the cover and supporting components that are defective shall be replaced.
- b) On or after May 1, 2003, a submersible containment sump must be installed at the tank on all new tanks with submersible pumps or American suction piping systems. European suction piping systems are not required to have this containment.
- c) When an existing submersible pump is removed and replaced with another submersible pump, or when piping, flex connectors or other transitional components at the submersible pump are replaced, a submersible containment sump must be installed.
- d) On or after May 1, 2003, under-dispenser containment must be installed on all new dispenser installations where there previously was no dispenser. European suction systems are not exempt from the requirement for under-dispenser containment. Under-dispenser containment must allow for visual inspection and access to the components in the containment system or be monitored every 30 days for leaks from the dispenser system.
- e) Under-dispenser containment shall be required when:
 - 1) Both the dispenser and the equipment needed to connect the dispenser to the underground storage tank system are installed at a UST facility. The equipment necessary to connect the dispenser to the underground storage tank system includes check valves, shear valves, unburied risers or flexible connectors, or other transitional components that are underneath the dispenser and connect the dispenser to the underground piping; or
 - 2) Work is being done to replace or modify any components at or below the shear valve, regardless of whether the dispenser is replaced.

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- f) Beginning March 1, 2023, all new and replaced containment sumps shall be of double-wall construction. Beginning ~~On or after~~ October 13, 2028, double-walled containment sumps shall be installed where ~~no sump~~ currently ~~exists~~exist.
- g) If more than 20 feet or 50% of a pipe run is replaced, the appropriate containment required to make the associated interstitial monitoring functional (e.g., a tank containment sump, under-dispenser containment, or a junction sump) shall also be installed.
- h) Water in Sumps
- 1) Sumps Without Interstitial Monitoring Sensors. If water is in a sump and it is in contact with bare metal piping or metal, including flex connectors, then corrosion protection, using impressed current, spike anodes, or wristband anodes with proper electrolyte, must be installed on the metal piping in accordance with Section 175.510. Beginning October 13, 2028, cathodic protection in sumps shall be removed, as sumps must be maintained clean and dry as of that date.
 - 2) Sumps with Interstitial Monitoring Sensors. Water that could interfere with the operation of double-wall interstitial monitoring systems or that is in contact with bare metal piping or metal, including flex connectors, shall be permanently removed and the source of ingress repaired. The sump shall be maintained so that, other than internal condensation, there is no water in contact with bare metal.
 - 3) Requirement for All Sumps. In all cases, sumps shall be maintained and repaired using petroleum compatible materials as necessary so that, in the event of a release, product will not be leaked out of sumps via cracks, broken seals or other openings. Beginning October 13, 2028, all sumps shall be maintained clean and dry.
- i) Ban on Field-installed Spray-on or Pour-on Materials in UST Containment Sumps. All required containments shall be factory manufactured containments resistant to petroleum and chemical products. Field-applied spray-on or pour-on materials shall not be used in UST containment sumps. All repairs shall be made according to manufacturer's specifications. The application of any material shall not interfere with the normal operation of the shear valves or fusible links, or any equipment installed under dispensers or submersible pumps.

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- j) A hydrostatic or other manufacturer-required equivalent test will be performed on all containment sump installations and immediately after repairs (including all submersible, piping, transition and fill sumps, whether single-walled or double-walled) as follows:
- 1) All penetrations, including electrical, must be completed prior to testing.
 - 2) Piping containment sumps are to be filled with water to a height that covers the highest penetration or sidewall seam by 4 inches.
 - 3) Fill sumps (spill buckets) shall be filled to within 1½ inches of the top of the sump.
 - 4) Minimal backfilling that may be necessary for support of the containment sump is allowed prior to the test.
 - 5) Test duration is 30 minutes and performed under PAI Time and Date Certain requirements with no drop in water level of more than ⅛ inch.
- k) All testing required by this Section shall be performed:
- 1) By an OSFM-licensed contractor that has licensure in the installation/retrofitting or inspection and testing of UST equipment~~tank and piping tightness testing~~ module; and
 - 2) Using an employee of ~~the~~an OSFM-licensed contractor for testing who is certified in the installation-retrofitting or inspection and testing of UST equipment~~tank and piping tightness testing~~ module ~~and also certified by the manufacturer of the equipment being tested and the testing equipment being utilized.~~
- l) Owners and operators of UST systems with containment sumps used for interstitial monitoring of piping must meet these requirements for periodic testing and shall ensure the equipment is operating properly and will prevent releases to the environment by meeting one of the following:
- 1) ~~The equipment is double-walled and the integrity of both walls is periodically monitored at a frequency not less than once annually. Owners~~

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~~and operators must begin meeting the testing requirements of subsections (1)(2) and (1)(3) and conduct a test within 30 days after discontinuing periodic monitoring of this equipment;~~

- 12) The containment sumps used for interstitial monitoring of piping are tested at least once every three years to ensure the equipment is liquid-tight by using vacuum, pressure or liquid testing in accordance with one of the following criteria:
- A) Requirements developed by the manufacturer of the containment sump. Owners and operators may use this option only if the manufacturer has developed testing requirements;
 - B) Requirements developed by the manufacturer of the testing equipment; or
 - C) A hydrostatic test that meets the requirements of subsection (j); or
- 23) A triennial~~An~~ alternative test procedure for containment sumps with ~~discriminating and nondiscriminating~~ sensors is allowed subject to the following requirements.
- A) This alternative test procedure shall be conducted as follows:
 - i) Sumps shall be inspected and must be free of debris and liquids and obvious structural damage prior to testing;
 - ii) A liquid level sensor is mounted at the lowest point in the sump and a periodic test is performed by adding liquid to a point that will ensure activation of the sensor;
 - iii) The submersible pump automatically shuts off when liquid activates the sensor; and
 - iv) The level of liquid and type of liquid used to ensure activation of the sensor conforms to the sensor manufacturer's specifications.

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- B) Written documentation from the manufacturer detailing the minimum amount of liquid and the type of testing liquid required to activate the sensor must be provided when OSFM requests it.
- C) The following conditions shall disqualify sumps from this testing method:
 - i) Sensors found to be raised out of the required position for proper activation shall trigger an NOV requiring hydrostatic testing above the highest penetration or seam for the containment sump in question, if the containment sump has been tested using the alternative test procedure in this subsection (l)(3); and
 - ii) Those sumps with obvious structural damage, such as cracks or breaks in the walls or floor of the containment sump, shall require repair or replacement. Containment sumps shall be tested pursuant to subsection (j) following repair or replacement of sump.
- F) Containment sumps shall be inspected prior to testing. Sumps must be free of debris and moisture prior to testing, and those sumps with obvious structural damage, such as cracks or breaks in the walls or floor of the containment sump, shall require repair or replacement. Containment sumps shall be tested pursuant to subsection (j) following repair or replacement of the sump.
- m) Owners and operators must begin meeting the requirements for testing in subsection (l) as follows:
 - 1) For UST systems in use on or before October 13, 2015, the initial testing for containment sumps used for interstitial monitoring of piping must be conducted not later than October 13, 2018.
 - 2) For UST systems brought into use after October 13, 2015, these requirements apply at installation.
- n) Owners and operators must maintain the following records for containment sumps used for interstitial monitoring of piping:

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- 1) All records of installation shall be maintained for the life of the equipment; and
- 2) All records of testing must be maintained for three years. ~~and~~
- 3) ~~For containment sumps used for interstitial monitoring of piping not tested every three years, documentation showing that the containment sumps used for interstitial monitoring of piping are double-walled and the integrity of both walls is periodically monitored every 30 days, must be maintained for as long as the equipment is periodically monitored.~~

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 175.415 UST Compatibility with Product Stored

- a) Owners and operators shall use a UST made of or lined with materials that are compatible with the substance stored in the UST.
- b) Owners and operators must notify OSFM at least 30 days prior to switching to a regulated substance containing greater than 10% ethanol, greater than 20% biodiesel, or any other regulated substance identified by OSFM, using an electronic ~~a~~ Notification for Underground Storage Tanks form (available at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>). In addition, owners and operators with UST systems storing these regulated substances must meet one of the following:
 - 1) Demonstrate compatibility of the UST system by completing an on-line Blended Fuel Compatibility form at the website listed above (to include ~~including~~ the tank and any internal lining materials, piping, containment sumps, pumping equipment (including submersible, suction and dispenser pumps, as well as attached hoses and nozzles), release detection equipment, spill equipment, and overfill equipment and, for USTs installed after October 13, 2018, any associated seals, gaskets and adhesives). Owners and operators may demonstrate compatibility of the UST system by using one of the following options:

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- A) Certification or listing of UST system equipment or components by a nationally recognized, independent testing laboratory for use with the regulated substance stored; or
 - B) Equipment or component manufacturer approval. The manufacturer's approval must be in writing, indicate an affirmative statement of compatibility, specify the range of biofuel blends with which the equipment or component is compatible, and be from the equipment or component manufacturer; or
- 2) Use another option determined by OSFM to be no less protective of human health and the environment than the options listed in subsection (b)(1). Demonstration of any such method shall be in writing submitted to OSFM. If the option is approved, the owner or operator shall comply with any conditions imposed by OSFM to ensure the protection of human health or the environment. Before the utilization of the option, OSFM shall issue written approval.
- c) Owners and operators must maintain records in accordance with 41 Ill. Adm. Code 176.430 documenting compliance with subsection (b) for as long as the UST system is used to store the regulated substance. Documentation shall include a completed Blended Fuel Checklist for Documenting UST Compatibility form, available at the website cited in subsection (b).
 - d) Existing USTs Previously Converted to a Blended Fuel (as defined in 41 Ill. Adm. Code 174.100). In those instances in which a blended fuel is being stored in an existing tank lined at any time, the lining material must be approved by OSFM based on information supplied by the manufacturer or a nationally recognized, independent testing laboratory, in accordance with the criteria identified in Section 175.500, as compatible with the blended fuel, or the owner/operator must remove the blended fuel from the tank. Existing field installed linings shall be allowed to remain if both the lining and all UST components are compatible with the product stored, but shall comply with the requirements of Section 175.500, including requirements for 5-year inspections by a licensed~~certified~~ contractor. After March 1, 2023, new~~New~~ field-installed linings for compatibility purposes are only allowed for double-walled tanks equipped with interstitial monitoring~~only are allowed after January 1, 2011~~. These provisions, allowing new linings for compatibility purposes on double-walled tanks equipped with interstitial monitoring only, shall not be used to circumvent prohibitions against

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lining tanks for purposes of corrosion protection or repair ~~after January 1, 2011. A steel tank shall be deemed compatible with all motor, alternative and blended fuels in the absence of a detailed engineering evaluation by an Illinois Licensed Professional Engineer establishing a problem with compatibility between the steel tank and the substance proposed to be stored in the tank.~~

- e) Blended Fuels and Compatibility. Materials and leak detection equipment that are listed as compatible with gasoline and/or petroleum diesel will be permitted to be used with gasoline/ethanol blends equal to or less than 10% ethanol or diesel/biodiesel blends equal to or less than 20% biodiesel.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 175.420 Piping

- a) Piping that routinely contains regulated substances and is in contact with the ground, backfill or water shall be properly designed, constructed and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory, shall be third party listed for its intended use, and shall also meet the requirements of one of the following subsections:
- 1) The piping is constructed of noncorrodible material.
 - 2) The piping is constructed of steel and protected as follows:
 - A) The piping is coated with a suitable dielectric material, if installed on or after April 21, 1989; and
 - B) All steel piping utilizes a cathodic protection system designed by a corrosion expert certified by NACE in cathodic protection design or by an Illinois Licensed 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. If an impressed current system is selected, it must also be designed to allow determination of system operating status by means of permanently installed lights, amp, volts and hour gauges as required in Section 175.510.

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- 3) The piping construction and corrosion protection are determined by OSFM to be designed to prevent release or threatened release of any stored regulated substance, in a manner that is no less protective of human health and the environment than the requirements in subsections (a)(1) and (a)(2). Before the installation of any such piping, its construction and corrosion protection shall be submitted to OSFM, in writing, and OSFM shall issue written approval.
- b) Installed underground piping shall be of double-wall construction and equipped with interstitial monitoring that meets the applicable requirements of Section 175.630(f) and 40 CFR 280.43(g) for all permits issued February 1, 2008 and after. When required to make interstitial monitoring functional, the appropriate containment (e.g., under-dispenser containment, tank containment sumps, or junction sumps) shall be installed. Any replaced piping that routinely contains product and~~that~~ exceeds 20 feet or 50% of the total piping run shall require the entire pipe run to be replaced with double-wall, monitored piping as required for newly installed piping. If the site has multiple distinct product pipe runs, only that specific piping run being replaced shall be required to be double-wall construction with interstitial monitoring installed in compliance with this subsection (b). Unless otherwise required by the manufacturer, the dispenser product piping sump jumper tubes shall be removed or the product piping test boots pulled back after testing to allow the interstice to be open to the sump sensors. European suction systems are exempt from the requirement for having double-wall product piping, as well as from the requirement for having interstitial monitoring.
- c) Piping, valves and fittings for flammable liquids shall be designed for the working pressures and structural stresses to which they may be subjected and third party listed for their intended use. The application of any material shall not interfere with the normal operation of the shear valves, fusible links or any equipment installed under the dispensers or submersibles. They shall be of steel or other materials suitable for use with the liquid being handled.
- d) All piping shall be located so as to be protected from physical damage. Pipe trenches and pipe installation shall meet manufacturer's specifications for depth, width, slope, spacing and placement of pipe. Joint adhesive and thread sealant shall meet manufacturer's requirements for the regulated substance stored and/or transported by the pipe.

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- e) Pressurized piping systems (including existing systems) shall also be equipped with automatic line leak detectors (see Section 175.640(a)). After installation, pressurized piping shall be air tested for 30 minutes at 1.5 times the working pressure or 50 psi, whichever is higher. Suction and vent piping shall be air tested at a minimum positive pressure of 7 psi or in accordance with the manufacturer's recommended procedures.
- f) All steel risers, vents and fills in contact with the ground, backfill or water shall be dielectrically wrapped or coated.
- g) Beginning May 1, 2003, a positive shutoff valve shall be installed on the product line at the submersible or at the tank for all suction systems on all new installations and when piping is replaced at existing sites and made accessible at grade. An extractor valve will be accepted on European suction instead of a positive shutoff valve.
- h) Vent lines will be air tested from the tank to grade level at the time of installation. This test will be done at 7 psi minimum or at the pressure recommended by the manufacturer. This test will be performed at the time of the line PAI test.
- i) The application of any material shall not interfere with the normal operation of the shear valves or fusible links, or any equipment installed under dispensers or submersibles.
- j) Any time product piping is installed or broken for repairs, a precision test must be conducted before the piping is put back into service.
- k) Beginning October 13, 2028, all existing piping shall be of double-wall construction and equipped with interstitial monitoring that is fully functional and meets the applicable requirements of Section 175.630(f). Beginning March 1, 2023, any tank installation or replacement shall require replacement of any existing single-wall piping with double-wall piping. Beginning May 1, 2003, the new installation or total upgrade of product piping shall be double-walled for the entire length of that product line, with the exception of European suction.
- l) Any UST that fails to meet the criteria and requirements of Subparts D, E and F shall be removed within 60 days after receipt of a Notice of Violation requiring that removal. Field-constructed tanks and airport hydrant systems shall comply with Subpart I.

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(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 175.425 UST Wiring Procedures

- a) Unless otherwise specified in this Section, all wiring at UST locations shall be in accordance with the Edition of NFPA 70 in force at the time of installation of the electrical equipment.
- b) Wiring within 20 feet of tanks and product piping, dispenser pumps or product lines shall be installed in rigid metallic conduit, threaded steel conduit, or any petroleum or product resistant rigid nonmetallic conduit listed and manufacturer-approved for that use. Rigid nonmetallic conduit must have written verification of its approval for petroleum or other product use. The approval must be via manufacturer's certification or third-party listing and must be kept on site and must be submitted with any applicable permit application. Electrical conduit shall maintain at least 6 inches of separation from product piping to avoid damage from abrasion or stray electrical current and shall be routed in compliance with subsection (e) when it becomes necessary to locate electrical wiring in the same trench as product piping.
- c) A minimum of 24 inches of cover is required over all UST wiring conduit. When rigid nonmetallic conduit is used, threaded rigid metal conduit or threaded steel intermediate metal conduit shall be used for the last 2 feet of the underground run to emergence or to the point of connection to the aboveground raceway.
- d) Intrinsically safe wiring shall be in conduit when installed within Class I locations, as specified in NFPA 70. Caution shall be taken when grounding not to impair cathodic protection of metallic tanks or piping.
- e) When locating electrical wiring in the same trench as the product lines, the conduit shall be positioned on either side of the product piping but not above or below the product piping. The electrical conduit shall cross over the top of any product piping whenever a crossover is necessary, unless all connections and fittings in the conduit run are liquid-tight. ~~Any connections and fittings in the electrical conduit where the conduit crosses over or under the product piping shall be a minimum of 10 feet from the point where the conduit crosses the piping.~~ A minimum 6 inch separation shall be maintained at all times, even during a crossover. All crossovers shall be kept to a minimum.

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- f) All electrical power shall be shut off at the immediate location where installations, repairs or upgrades are in progress.
- g) All electrical seal-offs are to be properly filled whether being used or for future use.
- h) Beginning October 13, 2018, all electrical conduit run to under-dispenser containment sumps shall enter the sump by going over the top of the side wall of the containment sump. No penetration of the under-dispenser sump by electrical conduit shall be allowed.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 175.440 Venting of Tanks

- a) Vents~~Normal Venting~~
 - 1) Each tank shall be provided with a separate ~~normal~~-working vent pipe, connected with the top of the tank and carried up to the outer air. Except as allowed in subsection (b), manifolding~~Underground manifolding~~ of ~~normal~~ working vents is prohibited. The pipe shall be arranged for proper drainage to the storage tank, and its lower end shall not extend through the top of the tank for a distance of more than one inch; it shall have no traps or pockets. Float vent valve overfill devices are not considered an extension of the standard vent. ~~Manifolded normal vents existing and previously approved by OSFM prior to April 1, 1995 may be left in place, provided that the vents can be shown, by field verification, to comply with OSFM rules at the time of approval.~~
 - 2) The upper end of the pipe shall be provided with an updraft vent device only, with 40 gauge screening, ~~unless alterations are required by Stage II Vapor Recovery requirements~~. A pressure vacuum vent will meet this requirement.
 - 3) The vent pipe shall be of sufficient cross-sectional area to permit escape of air and vapor during the filling operation and in compliance with NFPA 30, incorporated by reference in 41 Ill. Adm. Code 174.210, and in no case less than 1¼" in diameter. If a power pump is used in filling the storage tank,

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and a tight connection is made to the fill pipe, the vent pipe shall not be smaller than the fill pipe.

- 4) Exposed vents above grade must be of steel construction or other material as approved by OSFM during the permit process.
- 5) Vents attached to buildings shall be securely fastened to avoid damage from wind and testing procedures. When free-standing vents are installed, the vent pipes shall be capable of supporting themselves with respect to normal loads imposed by wind and testing procedures.
- 64) The vent pipe shall terminate outside buildings:
 - A) at a point ~~at least one foot above the level of the highest remote fill or any fill from which the tank may be filled,~~ not less than 12 feet above the adjacent ground level and not less than 5 feet, measured vertically and horizontally, from any window or other building opening, such as a basement, cellar, pit, ventilated soffit or air intake of any building; ~~and~~
 - B) in a location that will not permit vapors to accumulate or travel to an unsafe location, enter building openings, or be trapped under eaves, and that is at least 15 feet (4.5 meters) from powered ventilation air intake devices; and ~~pocketing of vapor or liquid.~~
 - C) in a manner so that the ~~The~~ vent piping shall project above any canopy fascia no less than 4 feet.
- 75) No vent piping is allowed inside buildings. Existing vent piping inside buildings may remain if approved, in writing, by OSFM.
- 86) Adequate collision protection to protect against physical damage shall be provided for vent piping.
- 97) Hazardous substance tanks shall be vented in accordance with a nationally recognized standard for the substance contained within the tank or as approved by OSFM to be no less protective of human health or the environment.

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- b) Exceptions to Ban on Manifolding ~~Special Purpose~~ Vents
Manifolded vents existing as of March 1, 2023 may be left in place, provided that the vents can be shown, by field verification, to comply with OSFM rules at the time of installation. Beginning March 1, 2023, new manifolding shall not be allowed except as approved by OSFM based on a Licensed Professional Engineer's certified engineering plans submitted at the time of permit application.
- 1) ~~Manifolding of special purpose vents, such as for vapor recovery, is allowed in accordance with NFPA 30.~~
 - 2) ~~Manifolding of normal working vents aboveground, for the purpose of being tied into a Stage II Recovery System, is allowed providing the following steps are followed:~~
 - A) ~~Manifolding will be installed no less than 3 feet above grade and no more than 5 feet aboveground.~~
 - B) ~~Each vent shall be capable of being separated and isolated from the manifold.~~
 - C) ~~Class II and III products cannot be attached to a manifold that includes Class I products.~~
 - D) ~~Final riser shall be of adequate sizing as specified by NFPA 30.~~

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 175.445 Fill Pipes

- a) Fill pipes shall be extended to a location outside of any building, as remote as possible from any doorway or other opening into any building, and in no case closer than 5 feet from any such opening. Remote fills are subject to approval by OSFM, on a case by case basis. Fill pipes for used oil tanks are permissible when located inside buildings.

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- b) Location shall be in a place where there is a minimum danger of breakage from trucks or other vehicles and adequate collision protection to protect against physical damage shall be provided.
- c) For new and existing facilities, each fill pipe shall be closed by a gasketed screw cap or other tight fitting gasketed cap of a type that can be locked. It is the responsibility of the owner/operator to maintain the security of the UST.
- d) Each loading pipe or fill pipe riser shall be identified by color code or labeling to indicate the product contained in the tank.
- e) All remote fills installed after May 1, 2003 shall be double-wall and constructed of noncorrosive material or cathodically protected, except for gravity flow ~~used~~waste oil.
- f) After May 1, 2003, any new installation with a remote fill over 20 feet in length shall have interstitial monitoring and an audible and visible overfill alarm. Remote fills shall be sloped back to the tank.
- g) Beginning February 1, 2008, on all new installations where non-metallic piping is used for a remote fill, a grounding station shall be installed and used during delivery.
- h) Except for USTs holding ~~used~~waste oil, all tanks shall be equipped with a drop tube that extends to within 6 inches of the bottom of the tank.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 175.450 Pumps, Dispensers and Other Product Transfer Equipment

- a) Pumps. Petroleum and hazardous substances shall be transferred from tanks by means of fixed pumps designed and equipped to allow control of the flow and to prevent leakage or accidental discharge. Systems that employ continuous air pressure on storage tanks in connection with gauging or venting devices are prohibited, ~~with the exception of those systems utilized in Stage II Vapor Recovery.~~
- b) Gravity Flow Prohibitions and Precautions

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- 1) Devices that discharge by gravity are prohibited and were to have been removed by January 1, 1986. The transfer of waste motor oil to or from USTs is not subject to the requirements for transfer by means of fixed pumps. Gravity transfer of waste motor oil is permitted. Gravity devices at motor fuel dispensing facilities, bulk facilities, motor vehicle repair shops and parking garages that are retained for their novelty or historical interest may be retained at the facility, but shall be rendered nonfunctional.
- 2) Where tanks are at an elevation that produces a gravity head on the dispensing device, the tank outlet shall be equipped with a device, such as a solenoid valve, positioned downstream as close as possible to the tank, installed and adjusted so that liquid cannot flow by gravity from the tank.
- c) Siphon Bars. Siphon bars that are used to transfer petroleum and hazardous substances between tanks by means of gravity or negative atmospheric pressure shall be permitted subject to the following requirements:
 - 1) The height of the tops of all tanks connected by the siphon bars shall be within 6 inches of each other;
 - 2) Piping shall meet the requirements of Section 175.420; and
 - 3) Release detection methods for tanks and piping shall be of a type approved for tanks connected by siphon bars, in accordance with Section 175.630.
- d) Electrical Equipment and Requirements for Pumps and Dispensers. All pumps and dispensing devices for petroleum and hazardous substances and all connected electrical equipment shall be installed in accordance with Section 175.425. Dispenser discharge nozzles shall be constructed of nonferrous material or equipped with static wire hose.
- e) Dispensers. All dispensers shall be required to comply with the following:
 - 1) Under-dispenser Containment. Under-dispenser containment is required pursuant to Section 175.410.
 - 2) Labeling. All dispensing devices used for drawing regulated substances from USTs shall be labeled in a conspicuous place with the name of the product.

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- 3) Size Limits. With the exception of industrial or fleet facilities with no connection to any UST from which regulated products are sold at retail, dispensers shall not be connected, directly or indirectly, to any tank for which the total of all compartments is over 30,000 gallons capacity.
- 4) Hoses and Reels. Hoses shall be secured to protect them from damage. Mechanical retractable devices are required on dispenser hoses in excess of 18 feet in length. Hose length on mechanical retractors shall not exceed 50 feet without written approval of OSFM. Detection of any of the following conditions indicates permanent damage and shall require that the hose be replaced with the nozzle immediately bagged if any portion of the hose or nozzle is actively leaking:
 - A) hose cuts, abrasions or cracks in the hose cover that penetrates to the reinforcement;
 - B) blisters or loose cover;
 - C) soft spots in the hose, particularly adjacent to the coupling;
 - D) indication of coupling slippage or irregular coupling alignment; or
 - E) flattened or kinked hose resulting in permanent deformation.
- 5) Third-party Listed Latch-open Devices. When dispensing liquids into motor vehicle fuel tanks, dispenser nozzles shall be either manually held open or may be held open by a latch-open device that is an integral part of the listed nozzle assembly. An automatic self-closing type nozzle with a latch hold open device must be installed as an integral part of the listed nozzle assembly.
- 6) The dispensing nozzle must be an automatic closing type that has been tested and is third party listed for its intended use. Nozzles used to dispense diesel fuel at attended self-service and unattended self-service motor fuel dispensing facilities shall have large-diameter, "lead" spouts to avoid dispensing diesel fuel into vehicles with gasoline tanks.

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- 7) Prohibition on Unapproved Hold-open Devices. Temporary, portable or removable hold-open devices, including, but not limited to, plastic hooks, wires, wood blocks, gas caps and similar devices, shall not be used on dispenser nozzles. No person shall market, expose for sale, sell or distribute by any means whatsoever, in the State of Illinois, any temporary, portable or readily removable device designed or intended to be used for the purpose of holding open flammable or combustible liquid dispensing nozzles during dispensing operations at motor fuel dispensing facilities.
- 8) Requirements for a Secondary Means of Control. Any dispensing devices from which the flow of product is normally stopped by means other than by the closure of the nozzle valve shall further comply with either of the following:
 - A) The system shall be provided with equipment with a feature that causes or requires the closing of the nozzle valve before product flow may be resumed or before the nozzle can be replaced in its normal position in the dispenser; or
 - B) The nozzle valve latch-open device shall be removed.
- 9) Flow Shutoff
 - A) Hose nozzle valves shall be of the type that will close automatically, independent of the latch-open device, upon loss of pressure in the dispensing system. The latch-open device may only be engaged when the dispensing system is under pressure.
 - B) All dispensing devices shall be equipped with 2 methods of controlling the flow of fuel:
 - i) deactivation of the dispenser; and
 - ii) closing of the hand nozzle or some other secondary means to shut off flow.

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- C) The nozzle must be designed and maintained to cease the flow of product if the nozzle falls to the ground from the fill pipe of the motor vehicle being fueled.
 - D) A listed emergency breakaway device designed to retain liquid on both sides of the breakaway point shall be installed on each hose. If hoses are attached to a hose-retrieving mechanism, the listed emergency breakaway device shall be installed between the point of attachment of the hose-retrieving mechanism to the hose and the hose nozzle valve.
 - E) A control shall be provided that will permit the pump to operate only when a dispensing nozzle is removed from its bracket or normal position with respect to the dispensing device, and the switch on the dispensing device is manually activated. This control shall also stop the pump when all nozzles have been returned, either to their brackets or normal nondispensing position.
- 10) Rebuilt Hose Nozzles. Rebuilt hose nozzles may be used if they are listed for that purpose.
- 11) Spout Anchor Springs. Nozzles must be equipped with devices (e.g., wire or a spout anchor spring) designed to retain the nozzle spout in the vehicle fill pipe while refueling. These devices must be part of the listed nozzle assembly. The spout anchor spring shall be of the type recommended by the manufacturer of the hose nozzle valve and be installed and maintained in accordance with the manufacturer's recommendations. ~~Vacuum assist and balanced type vapor recovery nozzles prohibited from having wire or spout anchor springs as the result of their design shall be exempt from this requirement.~~
- 12) Shear Valve. Pressurized piping systems require a listed rigidly anchored emergency shutoff (shear) valve installed per manufacturer's specifications in each supply line at the base of each individual dispenser. The valve shall incorporate a fusible link or other thermally activated device, designed to close automatically in the event of severe impact or fire exposure.

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- A) In addition to being rigidly anchored to structural supports, each shear valve shall also be:
 - i) Installed so as to align with the dispenser piping to avoid stresses on the connection between the shear valve and the dispenser supply piping;
 - ii) Installed so that the shearpoint of the valve is within ½ inch plus or minus of grade, with grade being the mounting plane of the dispenser base; and
 - iii) Installed so that the link arms can freely operate and the valve close without interference.
- B) After October 13, 2018, any product piping manifolded beneath a dispenser must be manifolded so that each line connecting to dispenser supply piping is on its own separate shear valve.
 - i) Manifolding of piping under a dispenser shall not be done above a shear valve.
 - ii) Piping beneath a dispenser that was manifolded above a shear valve prior to October 13, 2018 may remain in that configuration until the piping is upgraded, provided that any single poppet shear valve beneath the dispenser is replaced with a double poppet shear valve. This shear valve replacement, if indicated, shall be completed by October 13, 2019. Beginning March 1, 2023, manifolded piping above a shear valve must be removed upon dispenser replacement.
- 13) Collision Protection for Dispensers. All fuel dispensers shall be mounted or protected against collision damage by means of islands, posts or an equivalent means.
- 14) Secure Mounting of Dispensers. Dispensing devices shall be bolted to their mounting surface in accordance with the manufacturer's instructions.

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- 15) Under-dispenser containments shall be factory manufactured and shall comply with the design requirements of Section 175.410(i).
- f) Location of Pumps and Dispensers
- 1) Unless otherwise allowed under this Section or permitted at the time of installation, dispensers and pumps shall be located outside of buildings. Dispenser hoses shall not be able to reach to within 5 feet from any building or window or other building opening, such as a basement, cellar, pit, ventilated soffit or any air intake or exhaust of any building, and must be located to avoid pocketing of vapor or liquid. Dispensers installed after October 1, 1985 shall not be located below grade. A transfer pump is not considered a dispenser and may be located inside a pumphouse or industrial building. Bulk-load outs are not considered dispensing and shall comply with NFPA 30 (see 41 Ill. Adm. Code 174.310).
 - 2) However, ~~detached buildings separated by at least 20 feet from other buildings and~~ used exclusively for fleet dispensing of motor fuels may house dispensers and dispensing equipment for combustible liquids (Class II and III) so long as the buildings and equipment are in compliance with NFPA 30A, [NFPA 101](#), and [NFPA 70](#), incorporated by reference in 41 Ill. Adm. Code 174.210. [Such facilities shall also comply with all applicable OSFM rules.](#)
 - 3) Indoor dispensing shall otherwise be allowed only if approved by OSFM in writing prior to November 29, 1993 and if the following requirements are met:
 - A) For dispensing units existing prior to September 15, 1978:
 - i) be separated from other areas by 2 hour fire resistive construction;
 - ii) be provided with a mechanical or gravity ventilation system electrically interlocked with the dispensing units so that the dispensing units cannot be operated, unless the ventilation fan motors are energized and operating. The system shall

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- be upgraded to meet NFPA 30A not later than September 1, 2011; and
 - iii) have all openings beneath dispenser enclosures sealed to prevent the flow of leaking fuel to lower building spaces.
- B) For dispensers existing as of October 1, 1985 and located within repair and parking garages:
- i) be not below grade;
 - ii) be separated from motor vehicle repair areas, pits and basements by 2 hour fire resistive construction;
 - iii) be protected against physical damage from vehicles by mounting the dispensing unit on a concrete island or by equivalent means;
 - iv) be located in a position where the dispensers and pumps cannot be struck by an out-of-control vehicle descending a ramp or other slope;
 - v) be provided with an approved mechanical or gravity ventilation system, that shall be upgraded to meet NFPA 30A by not later than September 1, 2011; and
 - vi) be provided with a clearly identified emergency stop, readily accessible in case of fire or physical damage to any dispensing units to shut off the power to dispensing units and submersible pumps.
- C) Existing dispensing units located below grade in repair and parking garages as of October 1, 1985 shall have independent mechanical ventilation systems and the entire dispensing area shall be protected by an automatic sprinkler system conforming to the requirements of NFPA 13, incorporated by reference in 41 Ill. Adm. Code 174.210. The sprinkler system shall be interconnected to an alarm system conforming to NFPA 72, incorporated by reference in 41 Ill. Adm. Code 174.210, and the sprinkler system

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shall be a wet system except in unheated areas. Facilities in existence as of September 1, 2011 shall have the option of complying with the Edition of NFPA 72 incorporated by reference in 41 Ill. Adm. Code 174.210 or the NFPA alarm and sprinkler system requirements in effect at the time of their installation.

- i) The ventilation systems shall be electrically interlocked with the gasoline dispensing units so that the dispensing units cannot be operated unless the ventilation fan motors are energized and operating, and shall be upgraded to meet NFPA 30A by not later than September 1, 2011.
 - ii) Existing dispensing units located below grade within buildings shall also comply with subsection (f)(3)(B), as applicable.
- 4) Curb pumps or pumps located in any portion of a public street are prohibited, except that devices at motor fuel dispensing facilities, bulk facilities, vehicle repair garages and parking garages that are retained for their novelty or historical interest may be retained at the facility if rendered nonfunctional.
- 5) Dispensing devices at a motor fuel dispensing facility shall be located 10 feet or more from any property lines or buildings, so that all parts of the vehicle being served will be on the premises of the facility or garage.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 175.455 USTs Inside or Under Buildings

- a) The floor level under which a UST is located shall be above grade to prevent the flow of liquids or vapors into buildings, and the floors shall be of concrete or other fire resistant construction.
- b) Beginning April 1, 1995, no buildings or structures shall be constructed on top of any UST, including any heating oil USTs and pre-'74 USTs. Beginning April 1, 1995, no new UST shall be installed under any building. Any existing USTs installed prior to April 1, 1995 that are located under buildings shall be located, with respect to existing building foundations and supports, so that the loads

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cannot be transmitted to the tank. Beginning April 1, 1995, no existing UST located under a building shall be replaced in a manner that will allow the tank or piping to be located under a building. If a building with a basement, cellar or excavation is removed, the basement, cellar or excavation shall be filled in prior to construction of any new building over the basement, cellar or excavation.

- c) No USTs or dispensers containing motor fuel shall be installed inside buildings, except as authorized under Section 175.450(f).
- d) No underground product piping connecting USTs or dispensers that contain fuel shall be installed or routed under buildings, structures or roadways after March 1, 2023~~September 1, 2010~~, except that used oil UST piping with an inside fill may be permitted with OSFM approval signified on the applicable permit or as authorized under Section 175.450(f).
- e) If OSFM determines that a release from a UST under a building or structure, including any heating oil UST and pre-'74 UST, poses a current or potential threat to human health and the environment, or any UST, including any heating oil UST and pre-'74 UST, is damaged or found damaged during excavation or other site activity, OSFM may require the UST to be removed.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 175.460 Marinas

- a) Dispensing equipment at marine motor fuel dispensing facilities shall comply with the requirements of Section 175.450(e), with the additions or modifications specified in this Section. Marine motor fuel dispensing facilities shall also comply with Section 175.250.
 - 1) Dispensing devices at marine motor fuel dispensing facilities may be located on open piers, wharves or floating docks, on shore, or on piers of the solid-fill type and shall be located away from other structures to provide room for safe ingress and egress of craft to be fueled.
 - 2) Under-dispenser containment shall be required for dispensers.
 - 3) A mechanical return reel shall be required for hose lengths in excess of 18 feet. All hose shall be secured and protected from damage and shall not

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be permitted to lie in the water or on the ground in a manner that is unprotected from accidental damage.

- 4) Dispenser nozzles shall be of the automatic closing type; hold-open clips or devices shall not be allowed.

b) Piping and Shutoff Valves

- 1) Anti-siphon devices such as solenoid valves shall be required when the piping slopes downward from the tank.
- 2) Floating docks or structures shall require flexible lines from shore to dock. Suitable lengths of approved flexible hose may be employed between the shore piping and the piping on the floating structure, as made necessary by change in water level or shoreline. A listed breakaway valve shall be installed on shore where the piping approaches the dock or other floating structure. Any product supply line shall have secondary containment, and new installations must be double-walled with interstitial monitoring~~double-wall~~ after April 1, 1995. Flexible connectors shall be required at dock hinge points for rigid primary.
- 3) All aboveground piping shall meet the requirements of UL 1369. Such piping shall also have proper hangers and~~or~~ mounts and ~~shall~~ be protected from physical damage.
- 4) Where stray electrical currents are encountered, piping containing liquids at marine motor fuel dispensing facilities shall be electrically insulated from the shore piping.
- 5) A readily accessible valve to shut off the product supply from shore shall be provided in each pipeline at or near the approach to the pier and at the shore end of each marine pipeline, adjacent to the point where a flexible hose is attached.

c) Leak Detection.

- 4) All pressurized piping systems shall be equipped with line leak detectors pursuant to Section 175.640.

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- 2) ~~After April 1, 1995, all installations shall have double wall piping with interstitial monitoring.~~

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 175.465 Additional Requirements for Installation and Upgrade of USTs

Installation and upgrade of USTs shall be properly conducted in accordance with 41 Ill. Adm. Code 172, 174, 175, 176 and 177~~174 through 176~~ and manufacturer's recommended procedures and instructions. In addition, the following requirements shall be adhered to:

- a) Excavation for USTs shall be made with due care to avoid undermining of foundations of existing structures.
- b) The UST site shall be prepared to ensure safe movement and installation of equipment and materials. Sloping, benching, stepping or shoring the sides of excavations shall be performed in compliance with OSHA requirements under 29 CFR 1926.
- c) Upon delivery at the installation site, tanks and piping shall be inspected to detect any evidence of damage to coatings or structure.
- d) Upon discovery of any damage to tanks or piping, repairs shall be made in accordance with 41 Ill. Adm. Code 172, 174, 175, ~~and~~ 176, and 177 and manufacturer's instructions.
- e) Equipment shall be provided with sufficient lifting capacity to unload and place USTs into the tank excavation. The tank shall be placed in the excavation with care, since dropping or rolling the tank into the excavation can break a weld, puncture or damage the tank, or scrape off the protective coating of coated tanks. Tanks shall not be rolled, dropped or dragged.
- f) Tanks shall be set on firm foundations and surrounded with at least 12 inches of noncorrosive inert material such as clean sand or gravel, well-tamped in place.
- g) USTs shall be installed to safeguard against movement by anchoring ~~or ballasting~~ in accordance with manufacturer's instructions.

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- h) Unless otherwise prescribed by the manufacturer's recommended installation procedures, steel tanks shall be covered with a minimum of 3 feet of approved backfill material~~earth~~. USTs existing on October 1, 1985 shall be buried so that the tops of the tanks will not be less than 2 feet below the surface of the ground or shall be under at least 12 inches of approved backfill material~~earth~~ and a slab of reinforced concrete not less than 4 inches in thickness; the slab shall be set on a firm, well-tamped earth foundation and shall extend at least one foot beyond the outline of the tank in all directions. When asphaltic or reinforced paving is used as part of the protection, it shall extend at least one foot horizontally beyond the outline of the tank in all directions.
- i) Tank to tank separation distance shall be a minimum of 24 inches for all tanks installed after May 1, 2003.
- j) There shall be a minimum of 2 manufactured slotted or perforated observation wells of at least 4" diameter installed in each new tank field of tanks larger than 1,000 gallons and one well for 1,000 gallon tanks or less and shall have 2 wells for fields with more than one tank. They shall be placed at opposite ends or opposite corners one foot below the invert elevation of the lowest UST. Lids shall be securely protected against unauthorized activities. Only one well will be required if groundwater flow direction can be proven and that proof is supplied at the time of permitting and the well is then installed in the downstream location.
- k) Metallic tanks and metallic piping shall not be backfilled with cinders or other material of corrosive effect. Corrosion protection shall be provided in accordance with Section 175.510.
- l) Before the final inspection, but after the UST system has been installed, connected, backfilled and covered, tank and line precision testing shall be done on the entire UST system. Passing test results from the tank and line precision tests shall be available for the inspector to verify at the time of the final inspection.
- m) Any work performed in or around the excavation area must stop at sunset unless adequate lighting is provided.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART E: CORROSION PROTECTION

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Section 175.500 Interior Lining and Lining Inspection of USTs

- a) Tank Lining Requirements. Lining of tanks shall no longer be allowed for all permit applications received on or after January 1, 2011. Existing lined tanks shall be allowed to use lining as a primary method of corrosion protection only if the tanks continue to pass the lining inspections as provided in this Section. Tanks failing to pass the lining inspection criteria will not be allowed to be touched up, repaired, totally relined or put back into use and shall be placed out of service immediately and decommissioned within 60 days after the lining inspection. As an alternative to decommissioning after a tank fails an internal lining inspection, that tank may be upgraded by installing a self-structural tank provided the tank material and installation procedure are third party listed for its intended use, and shall meet all other requirements of OSFM rules. Installation shall meet all requirements of the UL 1316 certification and the installer's recommended procedures and instructions, as well as established industry guidelines. The upgrade shall require submission of an OSFM Upgrade permit application within 60 days after the failed lining inspection, and the work may only be performed by an OSFM-licensed contractor in accordance with 41 Ill. Adm. Code 172. The permit application shall be accompanied by either a passing tank precision test report or a site assessment report based on soil borings taken around each tank being upgraded. This kind of upgrade shall be designated as an OSI activity that may not proceed without the presence of an STSS on site. If the upgrade permit application is not submitted within 60 days after the failed lining inspection, any tank that failed its lining inspection shall be decommissioned.
- 1) The manufacturers of materials used to line tanks for the storage of petroleum or hazardous substances shall certify compatibility of the lining material with products to be stored by submitting to OSFM data as required by Section A4.6 of NLPA 631. Beginning March 1, 2023, only tanks that are double-walled and equipped with interstitial monitoring~~Tanks~~ may be lined for purposes of compatibility~~only~~. Testing and inspection of linings and lining materials shall meet the specifications and procedures required by NLPA 631.
- 2) Interior Lining Procedures. Tanks that are double-walled and equipped with interstitial monitoring~~For all permit applications received prior to January 1, 2011, any tank that has not previously been internally lined~~ may be lined only once by following the steps outlined in this Section.

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- A) Tank Entry. Before entering tanks, the procedures described in API 2015, incorporated by reference in 41 Ill. Adm. Code 174.210, shall be complied with. These requirements include checking the oxygen content inside the tank with a properly calibrated oxygen monitor. At all times, personnel entering the tank shall be equipped with positive pressure air supplied equipment with full face enclosure and safety harness connected to a safety line held by an attendant located outside the tank and using a tripod with a mechanical winch adequate to lift the person and equipment working inside the tank. Oil and water resistant rubber or neoprene boots and gloves shall be worn. Clothing shall cover the arms, legs, torso and head of tank entry personnel. Disposable clothing, impervious to product, is preferred. Clothing saturated with product shall be removed immediately upon departure from the tank. Tests with the combustible gas indicator and oxygen monitor shall be performed periodically in the tank to ascertain that the tank vapors and oxygen content are in the safe range. It shall be recognized that if the tank is perforated, product or vapors that have leaked into the soil may re-enter the tank through a perforation. The vent line shall remain clear and unobstructed to allow continuous ventilation. All other lines and openings shall be plugged or capped off to insure no liquids or vapors may enter the tank during the lining operation.
- B) Structural Criteria. Prior to the application of lining, a structural criteria inspection shall be performed and the results of that inspection documented, as to whether the tank or tanks to be lined meet each of the structural criteria to be eligible to be lined pursuant to NLP 631, and this subsection (a)(2)(B). The records from the structural criteria inspection shall be retained by the owner/operator for the life of the tank. Lining of tanks shall not be allowed if:
- i) The shell or heads are more than 2% out of round;
 - ii) The shell or heads have one or more flat spots that have a cross measurement greater than the radius of the tank endcap;

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- iii) The shell or heads have any dent with a cross measurement greater than the radius of the tank endcap;
 - iv) The shell or heads have any dent that protrudes into the tank a distance greater than one inch for every foot of tank radius;
 - v) The shell or head has any seam split greater than $\frac{1}{2}$ inch wide or $\frac{1}{6}$ of the circumference of the tank in length;
 - vi) The unrepaired shell or head thickness is less than 75% of the original tank thickness;
 - vii) The number of perforations, not larger than $\frac{1}{2}$ inch, per 500 square feet of tank exceeds the limits in Table A10.4.2.4 of NLPA 631; or
 - viii) There are any welded repairs on the inside of the tank.
- C) Application of Lining. Prior to the application of lining material, a $\frac{1}{4}$ inch steel reinforcing plate rolled to the contour of the tank and with minimum dimensions of 8 inches by 8 inches shall be installed under the fill (drop) tube and gauging tube. This plate shall be covered with fiberglass cloth embedded in resin. The blast-cleaned surface shall be coated within 8 hours after blasting and before any visible rusting occurs. Only those lining materials meeting the specifications in API 1631 and NLPA 631 shall be used. Manufacturer's instructions are to be complied with on handling and mixing of resin compounds, and these compounds shall be applied to the entire interior surface of the tank by the manufacturer or the manufacturer's designated distributor following the specified method of application, to the designated thickness and at the recommended application temperature. If a heater is used to accelerate the curing process, all other work which might release flammable vapors shall be halted, and the heating unit shall be attended whenever it is in operation. The coating shall be cured thoroughly to the manufacturer's specifications and checked for air pockets and pinholes using a holiday detector. If any exceptions are found, they shall be repaired to manufacturer's specifications. The

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licensed contractor shall protect the coated surfaces from contamination by foreign matter. The coating thickness shall be checked with an Elcometer Thickness Gauge or equivalent and tested for hardness using a Barcol Hardness Tester or equivalent to ensure compliance with manufacturer's specifications.

- D) Tank Closing. If a tank has been previously lined and passes its internal inspection, the following may be done in lieu of the manway requirements of subsection (a)(2)(E):
- i) A ¼ inch thick steel cover plate, rolled to the contour of the tank, shall be made to overlap the hole at least 2 inches on each side (e.g., should measure at least 26 inches by 26 inches, if manhole was cut 22 inches by 22 inches);
 - ii) The cover shall be used as a template to locate ¾ inch diameter holes not exceeding 5 inch centers, one inch from the edge of the cover;
 - iii) The cover plate shall be sandblasted to white metal on both sides, and the entire inside surface shall be coated with coating material to act as a gasket;
 - iv) After being bolted to the tank, the cover plate and surrounding tank surface shall be properly sandblasted, coated with coating material and allowed to cure before backfilling the hole;
- E) Tank Closing after Entry Procedures. When a tank is being lined the following shall apply:
- i) Attach a manway no less than 18 inches in diameter that fits the contour of the tank. This manway shall be surrounded with self-supporting material and be accessible from surface grade.
 - ii) The manway shall be used as a template around which will be located ¾ inch diameter holes, 5 inches apart from center to center, one inch from the edge, and overlapping

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the entry hole at least 2 inches on each side, or welded in place if soil conditions will allow (no contamination is present). The lining material shall extend into the neck of the manway.

- F) Tank Lining Shall Conform to NLPA Standard 631. Original field notes documenting that the pre-lining inspection and tank lining application process complied with the requirements of NLPA Standard 631 shall be kept by the owner/operator for the life of the tank.
- G) Within 5 years after lining, and every 5 years thereafter, the lined tank shall be internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications. An interior lining inspection permit under Section 175.300 must be obtained to do an internal inspection. The results and data from the lining inspection, including whether the tank passed or failed, shall be kept by the tank owner for the life of the UST. The licensed contractor shall notify STSS of any tanks that fail the lining inspection prior to STSS leaving the UST site. ~~Failed test reports shall be submitted to OSFM by the contractor within 3 days.~~
- 3) Internal Lining Combined with Cathodic Protection. Some tanks may exist that were previously upgraded by both internal lining and cathodic protection. Such tanks were to be inspected for both the internal lining and the cathodic protection within 90 days after the upgrade and must continue to be maintained by regular inspections of the cathodic protection system pursuant to the requirements of Section 175.510.
- A) ~~For all applications received prior to January 1, 2011, a tank may be upgraded by both internal lining and cathodic protection if:~~
- ~~i) The lining is installed in accordance with the requirements of subsection (a)(2) and Section 175.700; and~~
 - ~~ii) The cathodic protection system meets the requirements of Section 175.400(b)(2) and 175.510.~~

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~~B) An interior inspection for an installation of internal lining combined with cathodic protection is required only once, provided the installation of both was completed within 90 days of each other and a structural criteria inspection was performed and documented.~~

- b) Within 5 years after initial lining or total subsequent lining of a tank, a physical internal inspection shall be performed as follows:
- 1) The procedures for tank lining in subsection (a) shall be followed while entry is made into an existing UST for internal inspection purposes.
 - 2) Once a UST has been entered, a visual inspection of the lining shall be made. The lining shall be visually inspected for obvious evidence of peeling, blistering, surface wrinkling or roughing of the lining material. No repairs of any kind to existing linings will be allowed.
 - A) Testing shall be done to check the thickness of the shell and heads of the tank. The average metal thickness shall be at least 75% of the original tank metal thickness. Ultrasonic testing shall be done in accordance with Chapter B7 of NLPA Standard 631.
 - i) Tanks not meeting the wall thickness requirements shall be condemned and not put back into service as referenced in Section B8.1 of NLPA 631.
 - ii) No welding or cutting will be allowed inside the tank.
 - B) After a lined tank passes both the visual and the tank wall thickness test, it must be tested for holidays (air pockets) in the lining material. This test shall be performed using a holiday detector with a silicon brush electrode or other acceptable instrument to ensure the integrity of the lining material. The internal inspection holiday test shall be conducted at a rate of at least 100 volts per mil of nominal lining thickness, but in no case less than 12,500 volts or more than 35,000 volts. Tanks needing repairs shall be placed out of service pursuant to subsection (a).
 - C) If all previous testing ensures the integrity of the lining, it shall then be tested for hardness. Lining hardness test shall be

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performed using a Barcol Hardness Tester or another acceptable instrument to determine that the lining was properly cured when installed or that it has not been affected by the product stored. The overall hardness must meet the lining manufacturer's specifications for the product stored. In the event that some areas pass the hardness test and other areas fail the hardness test, the tank shall be placed out of service pursuant to subsection (a).

- D) The final test to verify that an existing lining still meets the manufacturer's original specifications shall determine the thickness of the coating. The entire interior tank lining wall surface shall be no less than 100 mils thick with a nominal (i.e., approximate) thickness of 125 mils. If any areas of the existing coating do not meet the 100 mils minimum thickness requirement, the tank shall be placed out of service pursuant to subsection (a).
 - E) Where applicable, interior inspections of lined fiberglass tanks shall be the same as lined steel tanks, except testing will not be required for tank thickness and for holidays in the lining material.
- 3) During the Operational Safety Inspection, the [licensed](#) contractor will not be allowed to either cut a new access hole into the tank, nor break open an existing entrance patch until all the required testing equipment is on site. The OSFM inspector must be on site before work may commence.
 - 4) The entrance manhole, hole or patch opening shall be closed and sealed. When a bolted manway is to be installed as a new access opening for future access use, an upgrade permit will be required to make this type of improvement to the tank. No upgrade permit will be required if a manway is installed in conjunction with a lining permit or lining inspection permit, with manholes bolted to the tank top only in conjunction with an inspection, so as not to damage the existing lining.
 - 5) All completed forms required by NLPA 631 shall be kept by the owner for the life of the UST.
 - 6) Every 5 years after the initial 5 year internal inspection, the tank must be reinspected. This can be done by a physical inspection or by another method approved by OSFM.

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- c) UST lining and internal inspections shall meet the following OSFM requirements:
- 1) Secure proper permitting and obtain OSI schedule.
 - 2) The licensed contractor~~Contractor~~ shall present to OSFM inspector the OSHA Confined Space Entry permit for this job at the time of tank entry.
 - 3) All monitoring equipment shall be maintained according to manufacturer's specifications.
 - 4) Establish an exclusion zone, approved by the on-site STSS, within which any ignition source shall be prohibited. The use of spark producing/non-explosion proof equipment is prohibited in the vapor hazard area prior to attaining the LEL/oxygen levels required in subsection (c)(7).
 - 5) USTs to be entered shall be isolated from all distribution lines, siphons, manifolds and manifold vent systems.
 - 6) Remove all liquids from the tank using explosion proof pumps or hand pumps.
 - 7) The tank atmosphere and the excavation area shall be regularly monitored, with a combustible gas indicator, for flammable or combustible vapor concentration. Monitoring of the UST shall be done at 3 levels in the tank: top, middle and bottom. Lower explosive limits (LEL) of 5% or less, or oxygen of 5% or less, shall be attained.
 - 8) Except as otherwise provided in this Section, vapor freeing shall be done in accordance with API 1631 Section 2.4, incorporated by reference in 41 Ill. Adm. Code 174.210. Dry ice shall not be allowed as a method of inerting tanks. All inductors and diffusers must use metallic pipe. When vapor freeing the tank with compressed air or using inert gases under pressure, all devices shall be bonded to the tank, and the tank shall be grounded to a separated ground. Except when using liquid nitrogen, when using inert gases, the cylinder shall be equipped with a pressure gauge, so that no more than 5 psi can be discharged into the tank during vapor freeing procedures. To ensure and maintain proper grounding and bonding, the connections shall be tested by the contractor for continuity.

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This testing shall be done with equipment designed for continuity testing.

- 9) The STSS shall be on site before venting, cutting, cleaning or entry operations may proceed.
 - 10) If no access exists, an opening with the minimum dimensions of 18 inches by 18 inches shall be cut in the top of the UST using non-sparking equipment in preparation for a manway. All installed manways must be accessible from surface grade by way of a non-collapsible structure.
 - 11) Personal protective equipment shall be in accordance with API 1631.
 - 12) Cutting, cleaning and application of lining material shall be done in accordance with manufacturer's specifications and OSFM requirements.
 - 13) For performing internal inspections, once a tank has been reclassified as a non-hazardous confined space, a positive flow of fresh air must be supplied into the tank in lieu of supplied air and continuous monitoring must be performed during the operation
- d) The following testing and records requirements shall apply to all tank lining and lining inspections activity:
- 1) It shall be the responsibility of the lining contractor to have a precision test performed within 3 days after the lining or lining inspection procedure completion and before the tank is put back into use and to submit the results to OSFM within 3 days after a failed test, on forms provided by OSFM (available at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>)**Error! Hyperlink reference not valid. Error! Hyperlink reference not valid.** . This precision test shall be performed any time a UST is entered to install a manway, install a cover plate after lining, do an internal inspection of the tank, or penetrate the tank for any lining or lining inspections purpose.
 - 2) Lining inspections records shall be maintained for the life of the UST, and the most recent inspection record shall be kept on site pursuant to Section 175.650(e). The results and data from the lining inspection, including

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whether the tank passed or failed, shall be kept by the owner of the tank for the life of the UST.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 175.510 Corrosion Protection

In all situations, no matter which method is used to assess the integrity of the tank prior to addition of cathodic protection, the cathodic protection system being field installed in Illinois must be designed by a corrosion expert who is NACE certified in cathodic protection design or by a Licensed Professional Engineer with the state who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks. Those contractors installing the cathodic protection systems in Illinois must be licensed as cathodic protection installers. These contractors must successfully pass the International Code Council (ICC) certification exam module for cathodic protection. ~~An installation/retrofitting ICC certified contractor may install wristband anodes or spike anodes on a flex connector without having a cathodic protection ICC certification.~~

- a) Cathodic Protection. A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements of 41 Ill. Adm. Code 172, 174, 175, 176 and 177 ~~174 through 176~~, and the integrity of the tank is ensured using one of the following methods:
 - 1) To be suitable for upgrading by cathodic protection, the integrity of the tank must be ensured by one of the following methods:
 - A) For tanks installed for less than 10 years, one of the following requirements applies:
 - i) The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system. Two tank precision tests must also be conducted that meet the requirements of OSFM precision tank testing. The first precision test shall be conducted prior to the installation of the cathodic protection system. The second precision test shall be conducted between 3 and 6 months following the first operation of the installed cathodic protection system. Both precision tests must indicate tightness of the tanks; or

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- ii) Use of alternative methods approved by OSFM. These acceptable alternative methods are indicated in subsection (a)(1)(B) for tanks that are over 10 years old.
- B) For tanks installed for more than 10 years, the following methods apply:
 - i) An invasive inspection method that ensures the tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic system. The internal inspection procedures shall follow the requirements of NLP 631;
 - ii) An invasive remote video camera test is conducted prior to the installation of the cathodic protection system. The video system must be capable of recording a video survey of the interior surface of the tank with a suitable lighting source; or
 - iii) The tanks are assessed for corrosion holes by other methods determined by OSFM, to prevent releases in a manner that is no less protective of human health and the environment than subsections (a)(1)(B)(i) and (ii).
- 2) OSFM requires a tank integrity assessment even if both cathodic protection and interior lining systems are being installed. If the cathodic protection and interior lining are installed at the same time, only one approved integrity assessment is required. Even if both systems have been installed, OSFM requires routine inspection and maintenance of both systems to continue.
- 3) USTs equipped with both interior lining and cathodic protection (sacrificial anodes or impressed current).
 - A) The following maintenance procedures shall apply:
 - i) Sacrificial anodes must be tested according to the requirements of subsection (f).

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- ii) Impressed current records of operation must be recorded every 30 days and records kept on site for 2 years. The system must be tested annually according to the requirements of subsection (f).
 - iii) As of September 1, 2010, some facilities may exist that had been previously granted an OSFM waiver for the UST lining maintenance requirements based upon original field notes from the initial lining, of an invasive method of initial tank integrity assessment verifying that there were no holes in the tank. For these systems, only the external cathodic protection system must be maintained and tested. This is contingent upon the original field notes being available, and a letter from OSFM existing from that time to verify the waiver was granted.
- B) For those USTs where a non-invasive tank integrity assessment method was used or if there were any holes present in the tank, regular interior lining inspections must continue as described in Section 175.500.
- b) ACT-100 Tanks Installed with Sacrificial Anodes. Owners of ACT-100 tanks meeting STI F894, incorporated by reference in 41 Ill. Adm. Code 174.210, and able to produce ACT-100 warranty papers may choose the steel-FRP composite design as a sole method of corrosion protection instead of maintaining the sacrificial anodes.
- c) Upgrades to Combine Internal Lining with Cathodic Protection. Some tanks may exist that were previously upgraded by both internal lining and cathodic protection. Such tanks were to be inspected for both the internal lining and the cathodic protection within 90 days after the upgrade and must continue to be maintained by regular inspections of the cathodic protection system pursuant to the requirements of this Section. ~~For all permit applications received prior to January 1, 2011, a tank may be upgraded by both internal lining and cathodic protection if:~~
 - 1-) ~~The lining is installed in accordance with the requirements of Section 175.500; and~~

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- 2) ~~The cathodic protection system meets the requirements of Section 175.400(b)(2)(B) and this Section.~~
- d) Piping Corrosion Protection Requirements. All UST metal product piping that is in contact with backfill, ground or water shall be cathodically protected. All metal risers, vents and fills in contact with backfill, ground or water shall be dielectrically coated. Shrink-wrap or boots are not acceptable as a form of cathodic protection in a water environment.
- e) Wiring of all associated electrical equipment shall conform to the requirements of Section 175.425 and shall also conform to the following requirements:
- 1) All wiring that is connected to any anode of an impressed current system shall be no less than No. 10 stranded, with jacketing that is suitable for direct burial and that is petroleum or hazard resistant for the product conveyed. Such jacketing is to have a thickness sufficient to cause the wiring to have a diameter of at least $\frac{5}{16}$ inch. Systems existing prior to May 1, 2003 may remain.
 - 2) All wiring connected to any anode of a sacrificial anode system shall be suitable for direct burial and shall be resistant to petroleum and/or hazardous substances.
 - 3) All structural lead wiring of any cathodic protection system shall be suitable for direct burial and shall be petroleum and/or hazard resistant.
 - 4) For installation of cathodic protection systems to facilities existing prior to May 1, 2003, existing anode wiring may be replaced into existing pavement saw-cuts, provided that the following conditions are met:
 - A) No part of the wiring is less than one inch below the finished pavement surface, and provided that the portion of the saw-cut groove above the wiring is filled with a combination of at least $\frac{3}{8}$ inch of backer rod and at least $\frac{1}{2}$ inch of self-leveling caulk suitable as a concrete filler.
 - B) Structure lead wiring of impressed current systems shall consist of at least 2 separate leads. Such leads running from the junction box

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or rectifier to the UST structures must be in separate saw-cuts, jumpering from one UST structure to the next. One lead shall connect to the first structure to be protected and continue on to all structures in the UST. The second lead will connect to the last structure to be protected. Such loop is to ensure that if one lead were to become cut or disconnected, the other lead would ensure the continued connection of the UST structures and the junction box or rectifier.

- C) All wiring from anodes shall terminate and be identified (as to location per approved site plan), in strategically located junction boxes, placed in and around the protected field. This will facilitate the testing of each anode.
 - D) Any additions or extensions done to the existing network must conform to Section 175.425(a).
- 5) Beginning May 1, 2003 for installation of cathodic protection systems, all wiring running outside of manholes or sumps shall be located at least 12 inches below the finished grade and installed in conduit approved for petroleum and/or hazardous installations.
- f) Operation and Maintenance of Cathodic Protection. Owners or operators of steel USTs with corrosion protection shall comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the UST is used to store regulated substances:
- 1) All corrosion protection systems shall be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances and are in contact with the ground, backfill or water.
 - 2) All USTs equipped with sacrificial anode or impressed current cathodic protection systems shall be regularly tested and inspected for proper operation, including when being first put into operation, by an OSFM-licensed contractor who has licensure in the cathodic protection module, using an employee who has successfully passed the International Code Council (ICC) certification exam module for cathodic protection. Such testing shall be in accordance with the following requirements:

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- A) Frequency.
- i) Sacrificial anodes shall be tested every 3 years as long as testing results are -850 millivolts or a higher negative number. In the event testing results do not meet the -850 millivolt requirement, the anodes shall be replaced. This requirement applies to all sacrificial anodes, including wristband and spike anodes.
 - ii) Impressed current systems shall be tested annually as long as testing results are -850 millivolts or a higher negative number. In the event testing results do not meet the -850 millivolt requirement, the impressed current system shall be repaired or upgraded as needed to meet the -850 millivolt requirement.
 - iii) All cathodic protection systems shall be re-tested no less than 24 weeks and no more than 28 weeks from the date of installation or repairs.
- B) Inspection Criteria. The criteria that are used to determine that cathodic protection is adequate as required by this subsection (f)(2)(B) shall be in accordance with NACE SP0285 and SP0169, incorporated by reference in 41 Ill. Adm. Code 174.210. Subject to the technical applicability of these criteria given actual site conditions, one or more of the following criteria shall apply for adequacy of cathodic protection. Cathodic protection shall be repaired or replaced if it fails to meet the standards provided in this subsection (f)(2)(B).
- i) A negative (cathodic) potential of -850 millivolts or a higher negative number with cathodic protection applied. This potential is measured with respect to a saturated copper/copper sulfate reference electrode contacting the electrolyte.
 - ii) A minimum 100 millivolt of cathodic polarization between the structure and a saturated copper/copper sulfate

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reference electrode contacting the electrolyte. Such polarization shall be determined from the taking of a valid "instant-off" test, that, for each testing point, determines the voltage reading at the second drop in voltage following the interruption in cathodic protection being applied, and determines if the voltage reading is at least 100 millivolts higher than either the native reading or any other reading after the structure has had time to depolarize with no cathodic protection applied.

- 3) USTs with impressed current cathodic protection systems shall be inspected every 30 days, to ensure the equipment is running properly.
- 4) For USTs using cathodic protection, records of the operation of the cathodic protection shall be maintained to demonstrate compliance with the performance standards in this Section. These records shall provide the following:
 - A) The results of 6-month testing for sacrificial anode systems must be maintained on site for 2 years;
 - B) All records from the last 2 cathodic protection total system tests by a qualified cathodic protection tester pursuant to a 3-year cycle must be maintained on site;
 - C) Impressed current systems must be inspected every 30 days and reports or a log maintained that shows date of inspection, initials of inspector, hour, volt and amp readings, and power on verification. A minimum of 2 years of records shall be kept on site; and
 - D) The records from the impressed current annual test conducted by an OSFM licensed contractor shall be kept on site for 2 years.
- 5) Alternative methods of corrosion protection may be used if approved in writing by OSFM, provided they are no less protective of human health or the environment.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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SUBPART F: RELEASE DETECTION

Section 175.610 General Release Detection Requirements for All USTs

- a) Owners or operators of new and existing USTs shall provide a method, or combination of methods, of release detection that:
 - 1) Can detect a release from the entire tank and any portion of the connected underground piping that routinely contains product;
 - 2) Is installed, calibrated, operated and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition;
 - 3) Meets the performance requirements in Sections 175.630, 175.640 or Subpart I, as applicable. All performance claims and the manner of determining the claims shall be described in writing by the equipment manufacturer or installer. In addition, methods used shall be capable of detecting the leak rate or quantity specified for that method in Section 175.630 and 175.640 with a probability of detection of 0.95 and a probability of false alarm of 0.05. Release detection for tanks and piping permitted on or after February 1, 2008 must also meet the interstitial monitoring requirements indicated in Sections 175.400 and 175.420; and
 - 4) Beginning October 13, 2018, is operated and maintained, and electronic and mechanical components are tested for proper operation, in accordance with manufacturer's instructions or a code of practice developed by a nationally recognized association or independent testing laboratory. As an alternative, another test method may be used that is determined by OSFM to be not less protective of human health and the environment. Before the utilization of any such method, it shall be submitted to OSFM in writing, and OSFM shall issue written approval.
 - A) A test of the proper operation must be performed at installation and at least annually thereafter and, at a minimum, as applicable to the facility, shall cover the following components and criteria:
 - i) Automatic tank gauge and other controllers: test alarm; verify system configuration; test battery backup;

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- ii) Probes and sensors: inspect for residual buildup; ensure floats move freely; ensure shaft is not damaged; ensure cables are free of kinks and breaks; test alarm operability and communication with controller;
 - iii) Automatic line leak detector: test operation to meet criteria in Section 175.640(a)(3) by simulating a leak;
 - iv) Vacuum pumps and pressure gauges: ensure proper communication with sensors and controller; and
 - v) Hand-held electronic sampling equipment associated with groundwater and vapor monitoring: ensure proper operation.
- B) All testing and inspections required by this Section shall be performed:
 - i) By an OSFM-licensed contractor that has licensure in the installation/retrofitting or inspection and testing of UST equipment~~tank and piping tightness testing~~ module; and
 - ii) Using an ~~ICC-certified~~ employee of the OSFM-licensed contractor for testing or inspection who is ~~also~~-certified in the installation-retrofitting or inspection and testing of UST equipment module~~by the manufacturer of the equipment being inspected and any testing equipment being utilized.~~
- b) All leak detection equipment must be evaluated and be listed in the NWGLDE publication "List of Leak Detection Evaluations for Storage Tank Systems", as referenced in 41 Ill. Adm. Code 174.210, or, may be utilized if approved by OSFM.
- c) When a release detection method operated in accordance with the performance standards in Sections 175.630 and 175.640 or Subpart I indicates a release may have occurred, owners or operators shall notify the Illinois Emergency Management Agency in accordance with 41 Ill. Adm. Code 176.300 through 176.330.

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- d) All leak detection equipment installed on a UST, whether required or not, shall be maintained. Self-diagnosing release detection systems may not be used to circumvent any testing required by 41 Ill. Adm. Code [172](#), 174, 175, 176 or 177.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 175.620 Release Detection Requirements for Hazardous Substance USTs

- a) Owners or operators of hazardous substance USTs, permitted prior to February 1, 2008, shall provide release detection that complies with Section 175.610 and 40 CFR 280.42, and shall be designed, constructed and installed to contain regulated substances released from the tank system until they are detected and removed, prevent the release of regulated substances to the environment at any time during the operational life of the UST, and be checked at least every 30 days for evidence of a release. Underground piping shall be equipped with secondary containment as allowed under subsections (a) and (b) and, if under pressure, be equipped with both an automatic line leak detector and interstitial monitoring meeting the requirements of Sections 175.640(a) and 175.630(f) and 40 CFR 280. Beginning October 13, 2028, all existing underground piping shall be of double-wall construction and equipped with interstitial monitoring that is fully functional and meets the applicable requirements of Section 175.630(f).
- b) The following existing systems installed before February 1, 2008 are allowed although piping shall be double-walled and equipped with interstitial monitoring by October 13, 2028:
- 1) Secondary containment systems with interstitial monitoring meeting the requirements of Section 175.630(f) and capable of detecting a failure from the inner and outer wall.
 - 2) Double-wall tanks which are able to detect the failure of the inner or outer wall.
 - 3) External liners (including vaults) that meet the requirements of 40 CFR 280.42.
 - 4) Other methods of release detection may be used if owners or operators:

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- A) Demonstrate to OSFM that an alternate method can detect a release of the stored substance as effectively as the method allowed in Section 175.630(f); written approval is required from OSFM to use the alternate release detection method before it can be used; and
 - B) Provide written information to OSFM on effective corrective action technologies, health risks and chemical and physical properties of the stored substance, and the characteristics of the UST site.
- c) Hazardous substance USTs permitted on or after February 1, 2008 shall be double-wall and shall have interstitial monitoring in compliance with Section 175.630(f). All pressurized piping shall have automatic line leak detectors. Hazardous substance USTs shall not be permitted unless all UST components are listed by a nationally recognized independent third party organization as compatible with the product being stored.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 175.640 Methods of and Requirements for Release Detection for Piping

Owners and operators of petroleum USTs shall provide release detection for all piping containing regulated substances. The release detection must meet the requirements specified in this Section.

- a) Pressurized piping systems shall comply with the following requirements:
 - 1) Every pressurized piping line installed after February 1, 2008 shall be equipped with interstitial monitoring sensors at all piping sumps, dispenser sumps, and piping junction sumps. For installations and replacements after September 1, 2010, these sensors must immediately shut off the submersible turbine pump (STP) supplying that line upon detection of a release, except for USTs serving emergency power generators. Sensors for USTs serving emergency power generators shall trigger a local alarm upon the detection of a release. The automatic shutoff shall be deactivated in any UST serving emergency power generators when that function has been previously installed. Pursuant to Sections 175.630(f) and 175.610(a)(4), all interstitial monitoring sensors shall be tested annually,

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and the sensors inspected for operability at least once per month and a record of the inspection results generated.

- 2) All new and existing sump sensors must be installed so as to detect liquid per manufacturer's specifications or, if not specified by the manufacturer, at the lowest point in the sump.
- 3) Both new and existing pressurized piping installations shall be equipped with automatic line leak detectors. Mechanical and electronic line leak detectors that alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or triggering an audible or visual alarm may be used only if they detect leaks of 3 gallons per hour at 10 pounds per square inch line pressure within one hour, except for USTs serving emergency power generators. All line leak detectors must have a functionality test performed annually pursuant to Section 175.610(a)(4). Self-diagnosing line leak detectors are not alone sufficient to meet the requirement for an annual functionality test. Automatic line leak detectors for USTs serving emergency power generators shall trigger a local alarm upon the detection of a release. Any automatic flow restriction or shutoff shall be deactivated in pressurized piping serving emergency generators when that function has been previously installed.
- 4) In addition to utilizing automatic line leak detectors, pressurized piping systems shall utilize either line precision testing pursuant to this subsection (a)(4) or monthly monitoring pursuant to subsection (c). Line precision testing requirements may be met by one of the following methods:
 - A) Pressurized lines must have an annual precision test that is capable of detecting a 0.1 gallon per hour leak rate at 1.5 times the operating pressure for 30 minutes. Use of an inert gas to pressurize piping is also acceptable. Use of air to pressurize piping that contains product is prohibited.
 - B) The use of electronic line leak detection that is able to detect a 0.1 gallon per hour leak at 1.5 times the operating pressure in an annual precision test of the line, with the records of the 2 most recent annual precision tests kept on site or available within 30

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minutes or before OSFM completes its inspection, whichever is later.

- C) A method meeting the requirements of the NWGLDE publication "List of Leak Detection Evaluations for Storage Tank Systems", as referenced in 41 Ill. Adm. Code 174.210, or, if unavailable, as approved by OSFM.
 - D) In the case of a suspected release, tracer elements and line testing using the automatic tank gauge (ATG) are not approved methods of line precision testing.
- b) Suction lines and systems must comply with the following requirements:
- 1) American Suction
 - A) For all installations and replacements after September 1, 2010, every American suction piping line shall be equipped with interstitial monitoring sensors at all piping sumps, dispenser sumps and piping junction sumps that will immediately shut off the product supply pump upon the detection of a release, except for USTs serving emergency power generators. Sensors for USTs serving emergency power generators shall trigger a local alarm upon the detection of a release. The automatic shutoff shall be deactivated in any UST serving emergency power generators when that function has been previously installed. All interstitial monitoring sensors shall be tested annually pursuant to the requirements of Sections 175.630(f) and 175.610(a)(4). All interstitial monitoring sensors shall be inspected for operability at least once per month and a record of the inspection results generated.
 - B) All American suction lines shall be precision tested annually or use a monthly monitoring method as approved by OSFM.
 - 2) European suction lines do not require line leak detection or a precision line test if they are designed and constructed to meet the following:
 - A) The below grade piping operates at less than atmospheric pressure;

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- B) The below grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released;
 - C) Only one check valve is included in each suction line;
 - D) The check valve is located directly below and as close as practical to the suction pump; and
 - E) A method is provided that allows compliance with subsections (b)(2)(B), (C) and (D) to be readily determined as of the time of OSFM inspection.
- 3) Suction systems that do not meet the requirements of subsections (b)(2)(A) through (E) shall be classified as American suction and subject to the requirements for American suction in subsection (b)(1). European suction piping meeting the requirements of subsections (b)(2)(A) through (E) remains subject to requirements for under-dispenser containment pursuant to Section 175.410.
- c) Any of the methods in Section 175.630(d) through (f) and (h) may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances, as approved by OSFM. SIR is not acceptable as a form of line leak detection. Precision testing is not a stand-alone method for line leak detection.
- d) Existing interstitial monitoring systems and sensors shall be maintained and, beginning September 8, 2008, may not be removed irrespective of whether the leak detection is secondary or redundant to other forms of leak detection. If the interstitial monitoring is not functional or not operating properly it shall promptly be repaired or replaced and any necessary measures to prevent false positive and false negative readings shall be implemented.
- e) [All annual piping leak detection testing shall be done at the same time or within 30 days of the earliest annual due date for such testing.](#)
- fe) One copy of an independent third-party evaluation and its protocol for each piping release detection method shall be submitted to OSFM as part of the permit application process. Any deviation from the third-party evaluation shall be

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submitted to OSFM for approval with the permit application, including but not limited to an evaluation by a licensed professional engineer finding that the release detection system as installed meets the performance requirements of 40 CFR 280 and this Part and the performance claims established by the independent third-party evaluation and its protocol. See also Section 175.415 regarding compatibility with product stored.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 175.650 Release Detection and Cathodic Protection Recordkeeping

UST owners or operators shall maintain records in accordance with 41 Ill. Adm. Code 176.430, demonstrating compliance with all applicable Sections of this Subpart F. Unless stated otherwise below, all records shall be maintained for at least the 2 most recent years and shall be kept on site or available within 30 minutes, or before OSFM completes its inspection, whichever is later, via fax, email or other transfer of information. The failure to maintain or produce the records required under this Section may result in OSFM's issuance of a red tag for the tank or tanks at issue pursuant to 41 Ill. Adm. Code 177 indicating non-compliance with the rules of OSFM and prohibiting any further deposit of regulated substances into the tank or tanks subject to a red tag in the event that testing with corresponding documentation is not forthcoming within 60 days. These records shall include the following:

- a) 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, shall be maintained for the life of the UST release detection equipment;
- b) The results of any sampling, testing or monitoring conducted or otherwise required shall be maintained for the required 2-year period, except that:
 - 1) The results of annual operation tests conducted in accordance with Section 175.610(a)(4) must be maintained for at least 3 years. At a minimum, the results must list each component tested, indicate whether each component tested meets criteria in Section 175.610(a)(3) or needs to have action taken, and describes any action taken to correct an issue;
 - 2) The results of tank precision testing conducted in accordance with Section 175.630(b) shall be retained until the next test is conducted; and

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- 3) The results of tank tightness testing, line tightness testing, and vapor monitoring using a tracer compound placed in the tank system conducted in accordance with Subpart I must be retained until the next test is conducted.
- c) Written documentation of all calibration, maintenance and repair of release detection equipment permanently located on site shall be maintained for 5 years after the date of installation, and thereafter for 3 years after the servicing work is completed. Any schedules of required calibration and maintenance provided by the release detection equipment manufacturer shall be retained for the life of the UST release detection equipment;
- d) All records from the last 2 cathodic protection total system tests by a qualified cathodic protection tester pursuant to a 3-year cycle must be maintained on site; and
- e) At the time of a certification ~~compliance inspection~~/audit, the following shall be verified:
 - 1) Corrosion Protection
 - A) Lining inspections records shall be maintained for the life of the UST, and the most recent inspection record shall be kept on site pursuant to Section 175.500(d).
 - B) All corrosion protection records must be maintained for the time periods required under Section 175.510.
 - 2) Tank Leak Detection
 - A) Manual Tank Gauging. Weekly inventory records, monthly reconciliation records, and related records shall be maintained.
 - B) Interstitial Monitoring. Records of interstitial monitoring of tanks and testing of interstitial monitoring systems must be maintained. The records can be from an ATG system showing the interstitial monitor's status (pass/normal/other) on a print out tape or by maintaining a log showing date of inspection, initials of inspector and status of system (pass/normal/other).

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- C) Inventory Control. Inventory control records for airport hydrant systems and field-constructed tanks shall be maintained for 2 years and tightness test records shall be maintained until the next tightness test is conducted.
 - D) Automatic Tank Gauge. A print out tape of the tank leak test showing one pass per tank per month must be kept.
 - E) SIR. Annual tank precision test results and monthly SIR monitoring reports shall be maintained. At the commencement of SIR monitoring, a lag time of 60 days is allowed for the compilation of data and the generation of the monthly report for that data.
 - F) Vapor and Groundwater Monitoring. No later than October 13, 2018, records of site assessments under Section 175.630(d) and (e) must be maintained for as long as the methods are used, and shall be redone if found to be missing. Records of site assessments developed after October 13, 2015 must be signed by a professional engineer or professional geologist. A monthly record must be taken on a log showing date of each monthly inspection, results/status (pass or fail), and the initials of the party doing the inspection for each vapor monitoring sensor or groundwater monitoring well with records maintained.
- 3) Line Leak Detection
- A) Unless otherwise indicated in this Part, all line leak detection records, including any required line precision testing results, shall be maintained for a period of at least 2 years.
 - B) Interstitial monitoring records for lines shall comply with the same requirements and be maintained in the same manner as interstitial monitoring for tanks.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART G: REPAIRS TO UNDERGROUND STORAGE TANKS

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Section 175.700 Repairs Allowed

Owners and operators of USTs shall ensure that repairs will prevent releases due to structural failure or corrosion as long as the UST is used to store regulated substances. Any hole or penetration made into a tank, including, but not limited to, any bung openings or any entrance way established for interior lining inspection, shall be installed and closed as per this Section.

- a) All repairs to USTs shall be properly conducted in accordance with manufacturer's recommended procedures and a code of practice developed by a nationally recognized association or an independent testing laboratory and 41 Ill. Adm. Code 172, 174, 175, 176 and 177~~174 through 176~~. For repairs involving tank penetration or tank entry, the vapor freeing and inerting procedures and related requirements of Sections 175.500(a) and (c) and 175.830(a) shall be followed. No welding or cutting will be allowed inside the tank in conducting repairs.
- b) Repairs to fiberglass-reinforced plastic tanks shall be made by the manufacturer's authorized representative or a representative of any fiberglass tank manufacturer in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory.
- c) Metal pipe sections and fittings that have released product as a result of corrosion or other damage shall be replaced. The entire pipe run shall be replaced upon finding a second corrosion-related piping leak in the wall of the same pipe run. Noncorrodible pipes and fittings may be repaired in accordance with the manufacturer's specifications. All repairs shall comply with the requirements of Section 175.420.
- d) Repairs to secondary containment areas of tanks and piping used for interstitial monitoring must have the secondary containment tested for tightness according to the instructions of the manufacturer of the tanks or piping, or a code of practice developed by a nationally recognized association or independent testing laboratory, prior to being brought back into use and within 30 days following the date of completion of the repair. All other repairs to tanks and piping must be precision tested in accordance with Sections 175.630(b) and 175.640(a)(4) prior to being brought back into use and within 30 days following the date of the completion of the repair,~~except as provided in subsections (d)(1) through (d)(3)~~

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~~of this Section: 1) The repaired tank is internally inspected in accordance with Section 175.500; 2) The repaired portion of the UST is monitored monthly for releases in accordance with a method specified in Section 175.630(c) through (g); or 3) Another test method is used that is determined by OSFM to be not less protective of human health and the environment than those listed in subsections (d)(1) and (2); before the utilization of any such method, it shall be submitted to OSFM in writing, and OSFM shall issue written approval.~~

- e) Within 6 months following the repair of any cathodically protected UST system, the cathodic protection system must be tested in accordance with Section 175.510(f) to ensure that it is operating properly.
- f) All repaired spill prevention equipment and all repaired containment sumps shall be tested for being liquid-tight before being put back into operation. All repaired overfill prevention equipment shall be inspected before being put back into operation to insure it is operating properly. The testing or inspection described in this subsection shall be done according to the respective requirements of Sections 175.405 and 175.410.
- g) UST owners or operators shall maintain records of each repair for the remaining operating life of the UST that demonstrate compliance with the requirements of this Section. The last 2 years of records shall be retained on site.
- h) All materials used to make necessary repairs shall comply with Subpart D of this Part.
- i) When a tank is determined to be leaking, it can be permanently abandoned-in-place (subject to Section 175.840), removed (subject to Section 175.830), replaced (subject to Section 175. Subpart D) or repaired (subject to this Section).
- j) Removal or abandonment-in-place of a leaking tank shall be in compliance with Sections 175.830 and 175.840. Leaking piping shall be removed or abandoned-in-place in compliance with these Sections.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 175.710 Emergency Repairs

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- a) An emergency consists of a defect in a UST that is causing or threatens to cause harm to human health or the environment, or presents a threat to fire safety, and contact of the regulated substance with the defect cannot be prevented. In the event of a release, release reporting, investigation and initial response shall be conducted pursuant to 41 Ill. Adm. Code [172](#), 174, 175 and 176. All emergency repairs shall meet the requirements of Section 175.700 and require a permit applied for [electronically](#) after-the-fact on the next business day and require a final inspection scheduled pursuant to Section 175.320 within 10 days after issuance of the permit. A UST contractor portal for the on-line submission of permit applications and the scheduling of permitted work can be found at <https://webapps.sfm.illinois.gov/USTPortal>.
- b) If minor or temporary repairs are required to correct the defect, only the defective area can be repaired.
- c) Economic loss or the threat of economic loss does not constitute an emergency.
- d) Minor or temporary repairs, as a result of an emergency, to tanks or piping may begin on weekends, holidays and after business hours, when the repairs would otherwise require a permit prior to being performed. Permit applications are required for this UST activity and shall be submitted to OSFM after-the-fact, on the next business day. All repairs shall be inspected and precision tested in accordance with Sections 175.630(b) and 175.640(a)(4) prior to the repaired UST being put back into operation and within 30 days following the completion of the repair, unless otherwise directed by OSFM.
- e) When the emergency prompting the need for repairs occurs on a business day, the contractor shall obtain authorization to proceed with the emergency repair by submitting an electronic Emergency Repair Request on-line or by calling OSFM. After obtaining authorization, the contractor shall apply for a permit on the next business day. A UST contractor portal for the on-line submission of an Emergency Repair Request and permit applications and other forms can be found at the website in subsection (a).
- f) Repairs completed in violation of 41 Ill. Adm. Code 172, 174, 175, 176 and 177 may be required to be removed, exposed or replaced at the discretion of OSFM.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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SUBPART H: REMOVAL, ABANDONMENT AND CHANGE-IN-SERVICE

Section 175.810 Out of Service~~Temporary Closure~~

- a) USTs may be put into an out of service~~a temporary closure~~ status provided they meet the performance standards for new UST systems or the upgrading requirements specified in 41 Ill. Adm. Code 174, 175 and~~through~~ 176 and 40 CFR 280, except that spill and overfill prevention equipment requirements do not have to be met. The USTs may continue in an out of service~~a temporary closure~~ status for a period of 5 years from the date of last use provided they meet the following requirements:
- 1) The tank and product lines shall be emptied immediately upon placing the UST in an out of service~~a temporary closure~~ status. The UST is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue, or 0.3% by weight of the total capacity of the UST system, remain in the system.
 - 2) Pursuant to Sections 175.500 and 175.510, all corrosion protection shall be maintained and operational for all tanks and lines, and tested as required, to include flex/pipe connectors. This will include any monthly logs that need to be maintained.
 - 3) OSFM must receive a written request, within 30 days after the date the tank was last used, requesting an out of service~~temporary closure~~ status. The request shall be submitted on a Notification for Underground Storage Tanks on OSFM forms (available at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>).
 - 4) Vent lines shall be left open and functioning.
 - 5) Within 7 days, the owner/operator shall cap and secure all product lines and secure all pumps, manways and ancillary equipment.
 - 6) Subject to all other applicable OSFM requirements, a UST may be put back in operation any time during the first 12 months, without meeting the

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requirements of subsection (d), subject to the requirement that OSFM be notified in writing on the Notification for Underground Storage Tanks form at least 10 days prior to operation. The form is available at the website cited in paragraph (a)(3).

- b) Failure to maintain impressed current system corrosion protection on any tank or piping systems at any point during the remaining 4-year out of service~~temporary closure~~ period referenced in subsection (d) shall require the removal of the USTs. When testing of anodes has been delayed past the regular 3-year testing interval, any anode system that fails testing shall require removal of the affected tanks or piping.
- c) Failure to empty tanks in an out of service status~~temporary closure~~ shall require the owner to remove all contents to less than an inch before proceeding with bringing the tanks back into service.
- d) Systems that have been out of use for over one year but less than 5 years may be put back in service provided that the following additional requirements are met:
 - 1) Tanks and lines shall be precision tested and proven sufficient.
 - 2) Tank and line release detection is tested and proven operational.
 - 3) Cathodic protection is tested and proven sufficient.
 - 4) A site assessment is conducted prior to bringing the UST back into service.
 - 5) All tests referenced in subsections (d)(1) through (d)(3) must be performed not more than 90 days and not less than 30 days before placing the tank back in service and submitted to OSFM at least 10 days prior to reopening so that a certification audit can be performed.
 - 6) Prior to a tank being put back in service, all requirements for return to service must be met, and all testing and inspections passed, and a Notification for Underground Storage Tanks Form placing the tanks "Currently in Use" must be submitted. The form is available at the OSFM website cited in paragraph (a)(3) above.

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- e) Single-wall USTs over 30 years old that have been in an out of service status~~temporary closure, formerly known as out of service~~, more than one year shall be removed rather than placed back into service.
- f) If a UST is not placed back into service within 5 years from the date of last use, the tank system shall be removed within 60 days after the conclusion of the 5-year period.
- g) USTs with double-walled tanks and piping ~~equipped with interstitial monitoring~~ shall not be subject to the 5-year limit during the period that is 30 years after the date of installation or while the tank manufacturer's warranty is in place, whichever is less, if all of the following requirements are met:
 - 1) Corrosion protection has been and continues to be maintained;
 - ~~2) A site assessment under Section 176.330 has been performed;~~
 - 23) Any UST components found to be defective are replaced in the 45 days prior to any return to active use; and
 - 34) All requirements for return to use under subsection (d) and this Section are met.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 175.820 Change-in-Service of USTs

- a) From a Regulated Substance to a Non-Regulated Substance. Continued use of a UST to store a non-regulated substance (so that it is no longer classified as a UST) is considered a change-in-service. Before a change-in-service, owners or operators shall empty and clean the tank by removing all liquid and accumulated sludge and conduct a site assessment. The minimum requirements for the site assessment will be the procedures and requirements of 41 Ill. Adm. Code 176.330. However, a change-in-service may only occur during the first 2 years, commencing with the date of installation of the tank. A tank system classified as a UST may not be re-classified as being a non-UST unless there has been a change-in-service as provided in this Section.

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- b) From a Regulated Substance to a Regulated Substance. A change-in-service also consists of a conversion of a petroleum UST to a non-compatible petroleum UST or a hazardous substance UST to a non-compatible hazardous substance UST or a petroleum UST to a hazardous substance UST and vice versa. Before a change-in-service, owners or operators shall empty and clean the tank by removing all liquid and accumulated sludge in accordance with the requirements of Sections 175.500(a) and (c) and 175.830(a), including API 2015, incorporated by reference in 41 Ill. Adm. Code 174.210. The owner or operator shall verify that the UST meets the requirements of a hazardous material system if being changed over to a hazardous material substance, including requirements for secondary containment with interstitial monitoring after December 22, 1998. (See Section 175.415 regarding when an existing UST is converted to a blended or alternative fuel.)
- c) From a Non-Regulated Substance to a Regulated Substance. A non-UST, which is used to store a non-regulated substance, may not be converted to a UST unless the tank has been re-certified and is in compliance with all applicable upgrade requirements for newly installed USTs. A ~~used~~~~waste~~ oil tank that is supplying fuel to a ~~used~~~~waste~~ oil furnace and is taken out of service shall be no longer classified as a heating oil tank. If the tank does not meet all upgrade requirements for release detection, spill, overfill and corrosion protection, the tank shall be removed.
- d) For all activity related to a change-in-service, the equipment must be compatible with the product being stored and notification of change-in-service must be submitted on the Notification for Underground Storage Tanks form (available at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>) to OSFM not less than 30 days prior to the change-in-service.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 175.830 Removal of USTs

- a) For tank removals, the following requirements and procedures shall be followed:
- 1) Compliance with subsections (a)(2) through (a)(18) is the responsibility of the licensed contractor.

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- 2) Except as otherwise provided in this Section, the procedures of API 1604, incorporated by reference in 41 Ill. Adm. Code 174.210, shall be followed for vapor freeing and inerting procedures.
- 3) Secure proper permitting and schedule removal date with OSFM. A new permit and fee will be required when there is a failure to meet the Date Certain schedule established under Section 175.320, including not showing for the inspection, not being completely ready for the inspection, allowing the permit to expire before the inspection, or not cancelling the job before 6:00 a.m. the morning of the scheduled activity. (See Section 175.300 for additional permit requirements.)
- 4) Maintain all combustible gas indicator equipment according to manufacturer's specifications.
- 5) Establish an exclusion zone within which smoking is prohibited, which shall include all hazardous (classified) locations/areas where work related to removal is being conducted. The use of spark producing/non-explosion proof equipment is prohibited in the vapor hazard area prior to removal of product and sludges and attaining the lower explosive limit (LEL)/oxygen levels required in subsection (a)(9).
- 6) Excavate to the top of the tank. Drain product from piping into the tank or into approved drums, being careful to avoid any spillage to the excavation area. Safely disconnect product piping from the tank, ~~and remove the piping. Pipe trenches shall remain open for inspection by an OSFM Storage Tank Safety Specialist (STSS).~~ Further excavation below the top of the tank is not allowed until STSS has verified that tank conditions meet the LEL/oxygen criteria of subsection (a)(9).
- 7) Remove all liquids from the tank using explosion-proof pumps or hand pumps. When suctioning product out of tanks, plastic pipes shall not be allowed as a suction tube.
- 8) Regularly monitor the tank atmosphere and the excavation area with a combustible gas indicator for flammable or combustible vapor concentration until the tank is removed from both the excavation and the site. Monitoring the UST shall be done at 3 levels in the tank: top, middle

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and bottom. A confined space entry permit shall be obtained prior to tank entry and Safety Data Sheets (SDS) must be on site.

- 9) Regularly monitor the tank to insure explosive conditions do not exist. A maximum of 5% of the LEL, or 5% or less oxygen concentration, shall be attained before the tank is considered safe for removal, instead of 10%, as required in the API 1604. Dry ice shall not be allowed as a method of inerting tanks as referred to in API 1604.
- 10) Bond all devices to the tank and ground the tank to a separate ground when vapor freeing the tank with compressed air or using inert gases under pressure. When using inert gases the cylinder shall be equipped with a pressure gauge, so that no more than 5 psi can be discharged into the tank during vapor freeing procedures. To ensure and maintain proper grounding and bonding, the connections shall be tested by the contractor for continuity. This testing shall be done with equipment designed for continuity testing. When vapor freeing of tanks, plastic pipes shall not be allowed as a vent tube on eductors.
- 11) Plug and cap all accessible tank holes. One plug should have an 1/8 inch vent hole.
- 12) Excavate around the tank to prepare for removal. This shall include excavation along one side and one end, from top to bottom.
- 13) A STSS shall be on site before any tanks and piping are removed~~before hot work can proceed.~~
- 14) With STSS on site, remove tank and piping from the ground. Equipment with sufficient lifting capacity shall be used to lift the tank from the excavation and must be rated as appropriate for the particular site and excavation.
- 15) Protective Equipment and Tank Cleaning Requirements
 - A) Cleaning procedures shall be in accordance with API 2015, incorporated by reference in 41 Ill. Adm. Code 174.210. Personal protection requirements for tank cleaning personnel shall, at a minimum, include the following:

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- i) protective respiratory equipment for tank cleaning personnel shall be the type that provides supplied positive air pressure to a full-face mask throughout the breathing cycle during all cleaning operations, in accordance with API 2015;
 - ii) level B personal protective equipment with body harness and tag line;
 - iii) protective booties;
 - iv) continual monitoring of LEL and oxygen during cleaning; and
 - v) attendant/observer.
- B) Requirements in subsection (a)(15)(A) shall not apply in the event that no physical entry is made into the tank.
- 16) Any UST removed from the excavation zone shall be properly cleaned on site the day of the removal and removed from the site within 24 hours.
- 17) Tanks larger than 2,000 gallons in capacity shall have holes or openings no less than 3 feet x 3 feet, one on each end or side, for cleaning. Tanks less than 2,000 gallons capacity shall have one entire side removed from end to end and shall be no less than 3 feet wide.
- 18) The use of spark producing/non-explosion proof equipment is prohibited in the vapor hazard area prior to attaining the LEL/oxygen levels required in subsection (a)(9).
- ~~19) The tank owner must submit an amended Notification for Underground Storage Tanks on OSFM forms (available at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>) to OSFM within 30 days after the tank removal.~~

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- ~~1920~~) If an STSS has observed evidence of a release, the owner, operator or designated representative of the UST owner/operator must notify the Illinois Emergency Management Agency. This is to be done at the site immediately following the field determination and the incident number shall be given to the STSS prior to his/her leaving the site.
- ~~2021~~) All removals require a site assessment pursuant to 41 Ill. Adm. Code 176.330.
- ~~2122~~) Any tank being removed without an OSFM permit will be required to be put back in the excavation and vented to 12 feet above grade if it has not been removed from the site and covered with backfill until a permit and licensed contractor can remove it properly.
- b) Bunker Tanks
- 1) A commercial heating oil or emergency power generator tank situated below grade, in a basement, on a floor, and enclosed in a masonry wall structure, with the tank completely or partially covered by sand, or otherwise not fully accessible to inspection, commonly referred to as a "bunker tank", meets the definition of a UST (see 41 Ill. Adm. Code 174.100). Removal of a bunker tank shall require the owner or operator to hire a licensed decommissioning contractor to secure proper permitting and schedule the removal pursuant to Section 175.320.
 - 2) That section of the enclosing masonry partition wall that is not part of the building's basement exterior wall will need to be dismantled, and all sand within the enclosure removed. Both masonry rubble and sand from the enclosure will be hauled off as special waste under manifest by a licensed waste hauler (see 35 Ill. Adm. Code 808 and 809).
 - 3) The exposed tank will be emptied as much as possible of any residual liquids, and the area will be monitored for vapors, and ventilation provided as needed to maintain LELs of 5% or less. No further work on the tank removal will be allowed unless the STSS is on site.
 - 4) With the STSS on site and LELs at a maximum of 5%, the tank will be accessed for cleaning. Tanks larger than 2,000 gallons in capacity shall have holes or openings no less than 3 feet x 3 feet, one on each end or

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side, for cleaning. Tanks less than 2,000 gallons capacity shall have one entire side removed from end to end and shall be no less than 3 feet wide.

- 5) Once cleaned, the tank will be cut up on site, the pieces removed from the building, and all parts of the tank scrapped.
- 6) Once the enclosure wall, sand and tank have been properly removed, the area where the bunker tank had been will be evaluated under the direction of the STSS on site.
 - A) For bunker tanks, soil sampling and a site assessment will be required if either of the following conditions are found:
 - i) Evidence indicating product may have migrated from the bunker tank to the environment beyond the floor or walls of the building it was located within, such as finding free product in a drain; or
 - ii) Evidence is seen of both leakage of product on the floor or building wall where the bunker tank was located, and the area of floor or wall associated with evidence of leakage of product from the bunker tank is deteriorated or cracked such that there is a possibility of the product having migrated beyond the enclosure confines.
 - B) In the event that any of the conditions described in subsection (b)(6)(A)(i) or (ii) are found, samples will be obtained from soil borings from beneath the floor or from outside the wall from areas where contamination is most likely to be present, based on the evidence discovered. Samples will be submitted for analysis, and a release shall be reported if indicated.
 - C) In the event that none of the conditions described in subsection (b)(6)(A)(i) or (ii) are found, no samples from soil borings will be required, and no incident shall be reported.
 - D) The STSS on site will clearly document his/her observations under "Remarks" on the Log of Removal, noting whether any of the conditions listed in subsections (b)(6)(A)(i) and (ii) were present.

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- 7) In addition to submitting the OSFM Site Assessment Results Report form, the following supplemental documentation shall also be submitted to OSFM to properly close the removal of a bunker tank. The form is available at the website cited in subsection (a)(19). In the event ~~A) If~~ there is "Contamination" being reported:

A~~i~~) The report from the lab, including analytical results derived from the soil samples showing locations of the samples taken, shall be attached to the OSFM Site Assessment Results Report;

B~~ii~~) The OSFM form indicating "Contamination" shall be signed by a Professional Engineer or a Professional Geologist;

C~~iii~~) The IEMA Incident Number from the release report shall be recorded on the OSFM form; and

D~~iv~~) The box indicating "Bunker Tank" shall be marked on the OSFM form.

~~B) If there is "No Contamination" being reported:~~

~~i) A letter from the contractor shall be submitted, attesting to the proper handling of the debris generated by the removal and a description of the condition of the floor and building walls of the former enclosure (see subsection (b)(6)(A)(ii));~~

~~ii) A copy of the hauler's manifests for the sand and masonry rubble shall be submitted;~~

~~iii) The box indicating "Bunker Tank" shall be marked on the form; and~~

~~iv) The OSFM form indicating "No Contamination" shall be submitted, and may be signed by the property owner.~~

- c) Disposal of Tanks

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- 1) If a tank is to be scrapped as junk, it shall be retested for combustible or flammable vapors and, if necessary, rendered gas free.
- 2) If the tank last contained leaded gasoline, an unknown petroleum product or a hazardous substance, it may only be scrapped or junked, recertified, or discarded at a special waste or hazardous waste landfill as designated by Illinois EPA regulations. If tanks are being re-certified, the [licensed](#) contractor must give written notice to OSFM on the removal permit as to the intent to re-certify and re-use the tanks being removed. The re-certified tank must be re-installed within 6 months from removal.
- 3) Removed tanks may not be reused for any purpose other than those allowed by OSFM rules (proper disposal at an approved landfill, scrapped or junked after proper cleaning, or recertified pursuant to OSFM rules).
- 4) Compliance with this subsection (c) is the responsibility of the [licensed](#) contractor.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 175.840 Abandonment-in-Place

- a) No tank or piping may be abandoned-in-place unless the permit applicant demonstrates eligibility for a waiver of the removal requirement for the tank and/or piping. The waiver shall be granted only in the following instances:
 - 1) it would be infeasible to remove the UST due to loss of adjacent or subjacent support of nearby structures, such as railroad tracks, streets (as defined in Section 1-201 of the Illinois Vehicle Code [625 ILCS 5/1-201]), and other USTs;
 - 2) removal is infeasible because of inaccessibility, as determined by OSFM; or
 - 3) in unusual situations in which removal is infeasible due to other reasons, as determined by OSFM.
- b) In the event there is a delegation of authority to the City of Chicago to enforce UST rules and regulations, pursuant to the Gasoline Storage Act [430 ILCS 15/2],

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subject to the terms of such agreement, the City has the authority to modify subsection (d) of this Section, to issue permits to abandon in-place USTs located within the jurisdiction of the City and request records of abandonment-in-place; however, any criteria for abandonment-in-place shall be as stringent as that of OSFM. Tanks, inside the jurisdiction of the City of Chicago, which were abandoned-in-place prior to July 28, 1989 (the date of repeal of home rule by the City over USTs) in accordance with City laws, regulations or ordinances, need not be removed so long as a condition under subsection (a) allowing abandonment continues to exist.

- c) Tanks abandoned prior to October 1, 1985. Tanks, outside the jurisdiction of the City of Chicago, filled with inert material, as described in subsection (d)(13), prior to October 1, 1985, need not be removed so long as a condition under subsection (a) allowing abandonment exists; however, the owners shall provide documentation of fill material and date of fill, upon request by OSFM. The documentation shall be a receipt or a written statement from the licensed or non-licensed contractor who did the fill, a statement from the inspector who inspected the tank or a written statement from anyone designated by the State Fire Marshal or the Director of the Division of Petroleum and Chemical Safety.
- d) For UST or piping abandonment-in-place, the following requirements and procedures shall be followed:
 - 1) An OSFM permit under Section 175.300 shall be obtained and the work scheduled with OSFM.
 - 2) Except as otherwise provided in this Section, the procedures of API 1604 shall be followed for vapor freeing and inerting procedures.
 - 3) All health and safety monitoring equipment shall be maintained according to manufacturer's specifications.
 - 4) An exclusion zone shall be established, within which smoking is prohibited. The exclusion zone shall include all hazardous (classified) locations/areas where work related to abandonment-in-place is being conducted. The use of spark producing/non-explosion proof equipment is prohibited in the vapor hazard area prior to removal of product and sludges and attaining the LEL/oxygen levels required in subsection (d)(9).

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- 5) Upon excavating to the top of the tank, on-site personnel shall drain product into approved drums or other approved receptacles ~~and remove all piping except the vent line~~. Any associated piping to be abandoned-in-place shall be properly secured or capped ~~and have prior approval by OSFM. Pipe trenches shall remain open for inspection by OSFM Storage Tank Safety Specialist (STSS)~~. Any piping removal shall adhere to Section 175.830. Further excavation below the top of the tank is not allowed until STSS is present and has verified that tank conditions meet the LEL/oxygen criteria of subsection (d)(9).
- 6) All liquids shall be removed from the tank using explosion-proof pumps or hand pumps.
- 7) The tank atmosphere and the excavation area shall be regularly monitored with a combustible gas indicator for flammable or combustible vapor concentration. Monitoring the UST shall be done at 3 levels in the tank: top, middle and bottom. A confined space entry permit shall be obtained prior to tank entry and SDS must be on site.
- 8) Vapor freeing shall be done in accordance with API 1604, except that dry ice shall not be allowed as a method of inerting tanks. When vapor freeing the tank with compressed air or using inert gases under pressure, all devices shall be bonded to the tank and the tank shall be grounded to a separate ground. When using inert gases, the cylinder shall be equipped with a pressure gauge so that no more than 5 psi can be discharged into the tank during vapor freeing procedures. To ensure and maintain proper grounding and bonding, the connections shall be tested by the licensed contractor for continuity. This testing shall be done with equipment designed for continuity testing. When vapor freeing a tank, plastic pipes shall not be allowed as a vent tube on eductors.
- 9) The tank shall be regularly monitored to insure that explosive conditions do not exist. A maximum of 5% of the LEL, or 5% or less oxygen concentration, shall be attained before the tank is considered safe for abandonment.
- 10) An STSS shall be on site before any tanks and piping are abandoned in place or before any hot work can proceed.

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- 11) A sufficient number of holes or openings shall be made in the tank for abandonment-in-place procedures if existing openings are not adequate.
- 12) Cleaning procedures shall be in accordance with API 2015, incorporated by reference in 41 Ill. Adm. Code 174.210. Protective respiratory equipment for tank cleaning personnel shall be the type that provides positive air pressure to a full-face mask throughout the breathing cycle, in accordance with API 2015.
- 13) After cleaning, on-site personnel shall proceed to introduce an OSFM-approved, inert material through openings in the top of the tank to minimize any surface settling subsequent to abandonment of the tank in place. Allowed inert material shall be limited to sand, gravel, clay, bentonite or inert material mixed with portland cement to increase flowability. The portland cement concentration may not exceed 50 lbs. per cubic yard of mixed material. Tripolymer foam may only be used on compartment tanks where at least 1 compartment is not being abandoned in place and will remain in use. Any other materials must be approved by OSFM during the permit process. The procedure for filling shall be in accordance with API 1604.
- 14) After the tank is filled with inert material, all tank openings shall be plugged or capped unless it was necessary to cut open the tank top. The vent line shall be disconnected, capped and removed.
- ~~15) The tank owner must submit an amended Notification for Underground Storage Tanks on OSFM forms (available at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>) to OSFM within 30 days after the abandonment-in-place.~~
- ~~16) If an STSS has observed evidence of a release, the owner, operator or designated representative of the UST owner/operator must notify IEMA. This is to be done at the site immediately following the field determination and the incident number shall be given to the STSS prior to his/her leaving the site.~~
- 1517) Every abandonment-in-place requires a site assessment (see 41 Ill. Adm. Code 176.330).

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- 1618) When a UST is abandoned-in-place, the owner of the UST shall keep a permanent record of the UST location, the date of abandonment-in-place and the procedure used for abandonment-in-place.
- e) When a UST is allowed to be abandoned-in-place, as specified in this Section, the abandoned-in-place UST shall be removed when the condition for issuing the abandonment permit no longer exists. The removal procedures shall be followed and a removal permit is required.
- f) Compliance with subsections (d)(1) through (d)(14) is the responsibility of the licensed contractor.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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Section 175. APPENDIX A UST Activity that Cannot Proceed Without an OSFM Inspector on Site

In addition to obtaining a permit pursuant to 41 Ill. Adm. Code 175.300, the UST activities listed in this Appendix A will require that the inspection be scheduled with OSFM as an OSI, meaning under circumstances where the work cannot proceed in the absence of having an STSS on site. (See Section 175.320, regarding scheduling of UST activity.) Proceeding without completion of the required OSFM inspection is a violation of OSFM rules.

Removal of a UST or UST system, or removal of an entire underground pipe run
Abandonment-in-place, tanks or piping
UST hot work/tank entry (if cutting or penetration of tank shell or work capable of providing a source of ignition or heat is involved) (See definition of "hot work" at 41 Ill. Adm. Code 174.100)
Lining and lining inspection
Lining and lining inspection Installation of a UST or UST system, or installation of an entire underground pipe run (See Section 175.320(c))

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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Section 175.APPENDIX B The Type of OSFM Permit Required for Specific Permitted UST Activities

Pursuant to Section 175.300 and 41 Ill. Adm. Code 174.440 and 174.450, the UST activities listed in this Appendix B will require the kinds of permits listed in this chart. A UST contractor portal for the on-line submission of permit applications and the scheduling of permitted work can be found at <https://webapps.sfm.illinois.gov/USTPortal>.

<u>Type of UST Activity</u>	<u>Permit Required</u>
Installation of a complete UST with all components, or installation of just the tank	Installation permit and motor fuel dispensing permit pursuant to Section 175.200
Installation of any portion of a UST (except corrosion protection or lining)	Upgrade permit and motor fuel dispensing permit pursuant to Section 175.200 as may be applicable
Removal of a UST or UST system, or removal of an entire underground pipe run	Removal permit
Abandonment-in-place of any tank or piping	Abandonment-in-place permit
UST repair to make an existing UST part functional, but not including lining or corrosion protection	Upgrade permit
Tank lining or tank lining inspections	Lining or interior lining inspection permit
Emergency repairs (excluding corrosion protection)	Upgrade permit (see the procedures of Section 175.710)
Repair or install cathodic protection or corrosion protection, including on flex connectors	Cathodic protection permit
Manway installation (no separate upgrade or entry permit for a manway is required where the original lining permit or lining inspection permit includes the installation of a manway)	Hot work/tank entry permit
UST activity requiring the cutting or penetration of the tank shell in any way (no separate hot work permit required where a lining or lining inspection permit is being issued)	Hot work/ tank entry permit
Installation, upgrade or removal of leak detection systems	Upgrade permit

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New spill containment (except that replacement of spill containment is a like-for-like replacement that requires only notification to OSFM pursuant to Section 175.300)	Upgrade permit
Installation or replacement of a remote fill	Upgrade permit
New or replaced overfill prevention equipment (except that replacement of drop tube valves are like-for-like replacements that require only notification to OSFM pursuant to Section 175.300)	Upgrade permit
Installation or replacement of dispensers where piping or any other transitional components at or below the shear valve (including the shear valve) are replaced at the same time	Upgrade permit
Installation or replacement of an ATG unit (except that replacement of ATG probes are like-for-like replacements that require only notification to OSFM pursuant to Section 175.300)	Upgrade permit
Installation or replacement of a flex connector (only)	Upgrade permit
Installation of wristband anodes or spike anodes on an existing flex connector (only)	Cathodic protection permit
Installation or replacement of a flex connector <u>and</u> wristband anodes or spike anodes on the flex connector (only)	Cathodic protection permit (shall also be licensed in the retrofitting/installation module)
Connecting a new or existing bulk load-out to a new or existing UST at a motor fuel dispensing facility	Upgrade permit (Installation permit if an entire UST is being installed)
Construction of a building or structure where loading or unloading or dispensing operations will occur	Motor fuel dispensing permit pursuant to Section 175.200
Site for the mobile fueling of commercial vehicle fleets (pursuant to Section 2(1)(d)(C) of the Gasoline Storage Act [430 ILCS 15/2(1)(d)(C)])	Mobile fueling site permit (pursuant to 41 Ill. Adm. Code 174.440 and 174.450)
Tank vehicle to be used for the mobile fueling of commercial vehicle fleets (pursuant to	Mobile fueling vehicle permit (pursuant to 41 Ill. Adm. Code 174.440 and 174.450)

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Section 2(1)(d)(C) of the Gasoline Storage Act [430 ILCS 15/2(1)(d)(C)]	
Person, company, or other entity proposing to conduct mobile fueling using tank vehicles to be used for the mobile fueling of commercial vehicle fleets (pursuant to Section 2(1)(d)(C) of the Gasoline Storage Act [430 ILCS 15/2(1)(d)(C)])	Mobile fueling contractor permit (pursuant to 41 Ill. Adm. Code 174.440 and 174.450)

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Administrative Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances
- 2) Code Citation: 41 Ill. Adm. Code 176
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
176.220	Amendment
176.330	Amendment
176.360	Amendment
176.430	Amendment
176.440	Amendment
176.450	Amendment
176.455	Amendment
176.470	Amendment
176.510	Amendment
176.575	Amendment
176.580	Amendment
176.660	Amendment
- 4) Statutory Authority: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will revise the Illinois administrative and technical requirements for underground storage tank systems ("USTs"). Provides that for precision testing of tanks and piping or inspection and testing of other UST equipment, the employee of the OSFM-licensed contractor must be ICC certified in the appropriate module or be certified by the manufacturer in the testing of the equipment being evaluated for its operation in accordance with manufacturer's specifications. This rulemaking also updates and streamlines current practices, including the electronic submission of reporting forms and various applications. Makes non-substantive changes.
- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: Standards adopted by the National Fire Protection Association for installation and use of flammable and combustible liquids available at <http://www.nfpa.org> and portions of federal regulations at 40 CFR 280. Also various other codes as cited in the incorporations by reference Section (174.210) by such entities as the American Petroleum Institute, the American Society for Testing and Materials, the National Work Group on Leak Detector Evaluation, and the Petroleum Equipment

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Institute. Also, portions of US EPA UST rule requirements were reviewed and in part relied upon in promulgating these amendatory rules. These are posted on the US EPA web site at www.epa.gov/oust and are also available in the Office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, IL 62703.

- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. A variety of codes and standards developed by independent national associations and work groups have been incorporated and are available for public inspection at:

Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

Facsimile: (217) 524-9284

- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking could have an impact on local government to the extent that local government units might own or operate an underground storage tank system.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

Tom Andryk
Division of Legal Counsel
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

(217) 785-5758
Facsimile: (217) 524-5487

- 13) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking could have an impact on those small businesses, not for profit entities, and small municipalities that own and operate UST systems.
- B) Reporting, bookkeeping or other procedures required for compliance: UST system installations and upgrades have various reporting and permitting requirements as described in Parts 174, 175, and 176 (41 Ill. Adm. Code 174, 175, and 176). Typically the contractor obtains the permit on behalf of the owner/operator.
- C) Types of professional skills necessary for compliance: Owners and operators of USTs must ensure that all persons installing and doing work on UST systems have been trained appropriately and licensed by OSFM.
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed rule:
- 11 Agriculture, Forestry, Fishing and Hunting
 - 21 Mining
 - 22 Utilities
 - 23 Construction
 - 31-33 Manufacturing
 - 42 Wholesale Trade
 - 44-45 Retail Trade
 - 48-49 Transportation and Warehousing
 - 51 Information
 - 52 Finance and Insurance
 - 53 Real Estate Rental and Leasing
 - 54 Professional, Scientific, and Technical Services
 - 55 Management of Companies and Enterprises
 - 56 Administrative and Support and Waste Management and Remediation Services
 - 61 Educational Services
 - 62 Health Care and Social Assistance
 - 71 Arts, Entertainment, and Recreation
 - 72 Accommodation and Food Services
 - 81 Other Services (except Public Administration)

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92 Public Administration

B) Categories that the agency reasonably believes the rulemaking will impact, including:

- ii. regulatory requirements;
- iii. purchasing;
- iv. equipment and material needs;
- vii. training requirements;
- viii. record keeping;

15) Regulatory Agenda on which this rulemaking was summarized: July 2022

The full text of the Proposed Amendments begins on the next page:

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TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 176

ADMINISTRATIVE REQUIREMENTS FOR UNDERGROUND STORAGE TANKS
AND THE STORAGE, TRANSPORTATION, SALE AND USE OF
PETROLEUM AND OTHER REGULATED SUBSTANCES

SUBPART A: DEFINITIONS

Section

176.100 Incorporation of Definitions

SUBPART B: FINANCIAL ASSURANCE

Section

176.200 Definitions
176.205 Applicability
176.210 Amount
176.215 Mechanisms of Financial Responsibility
176.220 Proof of Financial Responsibility
176.225 Substitution of Financial Responsibility Mechanisms by an Owner or Operator
176.230 Cancellation or Non-Renewal by a Provider of Financial Assurance
176.235 Reporting by Owner or Operator (Repealed)
176.240 Recordkeeping
176.245 Release from the Requirements
176.250 Bankruptcy or Other Incapacity of Owner, Operator or Provider of Financial Assurance

SUBPART C: RELEASE REPORTING AND SITE ASSESSMENT

Section

176.300 Reporting of Suspected Releases
176.310 Release Investigation Reporting and Site Assessment
176.320 Initial Response and Reporting of Confirmed Releases
176.330 Procedures for Site Assessments
176.340 Reporting and Cleanup of Spills and Overfills
176.350 Initial Release Abatement Measures
176.360 Assessing the Site at Removal of, Previously Removed, [Abandonment-in-Place](#) or

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Change-in-Service of USTs

SUBPART D: GENERAL TECHNICAL REQUIREMENTS,
INCLUDING REPORTING, RECORDKEEPING AND NOTIFICATION

Section

176.400	Delegation of Authority to Enforce UST Rules and Regulations
176.410	General Requirement to Maintain All Equipment
176.420	Requirement that UST Components Be Third Party Listed
176.430	Reporting and Recordkeeping
176.440	Notification Requirements for Purposes of UST Registration
176.450	UST Registration Fees
176.455	Payment of 1988 Annual UST Fee
176.460	Pre-'74 and Heating Oil USTs
176.470	Requirements for Conducting Precision Testing of Tanks and Piping, Cathodic Protection Testing, and Testing of Other UST Equipment

SUBPART E: HEARINGS AND ENFORCEMENT PROCEDURES

Section

176.500	Definitions
176.505	Enforcement Action
176.510	Grounds and Time for Appeal
176.515	Notice of Hearing
176.520	Continuances
176.525	Appearances
176.530	Service of Papers and Computation of Time
176.535	Stipulations
176.540	Evidence
176.545	Official Notice
176.550	Authority of Hearing Officer
176.555	Default
176.560	Post-Hearing Submissions
176.565	Transcripts
176.570	Final Order
176.575	License Suspension or Revocation and Assessment of Civil Monetary Fines Against a Contractor
176.580	Assessment of Penalties
176.585	Subpoena – Fees and Mileage of Witnesses

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176.590 Paper Hearings

SUBPART F: OPERATOR TRAINING

Section

176.600	Purpose
176.605	Scope
176.610	Definitions
176.615	Class A, B and C Operator Classifications
176.620	Training
176.625	Minimum Training Requirements
176.630	Examination Frequency
176.635	Approval of Required Training and Examination Location
176.640	Examination Fees
176.645	Recordkeeping
176.650	Out-of-Compliance Retraining
176.655	Periodic Operation and Maintenance Walkthrough Inspections and Plan; Class A, B and C Operator Responsibilities
176.660	Violations

176.APPENDIX A Derivation Table (Repealed)

AUTHORITY: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].

SOURCE: Adopted at 34 Ill. Reg. 13485, effective September 2, 2010; amended at 36 Ill. Reg. 3187, effective February 15, 2012; amended at 42 Ill. Reg. 10621, effective October 13, 2018; amended at 46 Ill. Reg. _____, effective _____.

SUBPART B: FINANCIAL ASSURANCE

Section 176.220 Proof of Financial Responsibility

- a) Proof of financial responsibility for Section 176.215(a), (b), (c), (d) or (e) shall be maintained on the respective OSFM forms, which may be complemented by industry customs and practices so long as the OSFM form language is utilized. The forms are available at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>. Any requirement to submit original documents to OSFM on third party instruments

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shall be governed by ISP 98 Form 11.1 (Model Government Standby Form), incorporated by reference in 41 Ill. Adm. Code 174.210.

- b) Proof of financial responsibility for Section 176.215(f) or (g) shall be documented by written proof from the appropriate financial institution that is at all times current, as reflected by copies of the same records on file with the financial institution.
- c) The forms referenced in subsection (a) shall be renewed on an annual basis.
- d) A completed Certificate of Financial Responsibility indicating the financial responsibility mechanism chosen under Section 176.215 by the owner or operator, on forms provided by OSFM (available at the website cited in subsection (a)) shall be submitted electronically to OSFM on an annual basis, at the forms page for the Division of Petroleum and Chemical Safety at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>.
- e) If a self-insurance mechanism (under Section 176.215(b)) is chosen, the facility shall submit copies of the required proof to OSFM on an annual basis, which shall include:
 - 1) the annual Certificate of Financial Responsibility under subsection (d), indicating the financial responsibility mechanism chosen;
 - 2) a letter by the owner's/operator's Chief Financial Officer that may include the items specified for this letter as stated in 40 CFR 280.95, but must demonstrate at least a tangible net worth equal to or greater than \$200,000;
 - 3) a statement prepared by an independent public accountant that may include the financial criteria and requirements of 40 CFR 280.95, but must demonstrate at least a tangible net worth equal to or greater than \$200,000.
 - 4) Facilities that choose a self-insurance mechanism and are owned and operated by the US Government or the State of Illinois shall complete the annual Certificate of Financial Responsibility but shall not be required to provide the documentation described in subsections (e)(2) and (e)(3).

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- f) The forms referenced in subsections (a), (b) and (c) shall include the name, address and facility identification number for each facility, as applicable.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART C: RELEASE REPORTING AND SITE ASSESSMENT

Section 176.330 Procedures for Site Assessments

- a) All site assessments and related reports must be conducted or prepared under the supervision of a Licensed Professional Engineer or Licensed Professional Geologist. All site assessment work shall meet accepted engineering standards or accepted standards for the practice of professional geology and be conducted according to the best professional judgment and diligence of the supervising Licensed Professional Engineer or Licensed Professional Geologist, as the case may be.
- b) Owners or operators shall measure for the presence of a release where contamination is most likely to be present at the UST site by conducting sampling in the same manner and following the same procedures as required under the Board's Petroleum Underground Storage Tanks rules at 35 Ill. Adm. Code 734.210(h)(1) and (2). Samples must be analyzed for the same applicable indicator contaminants as required under 35 Ill. Adm. Code 734.405. All sampling must meet the same data quality and certification requirements as set forth in 35 Ill. Adm. Code 734.415 and 734.420. If soil borings are involved the owner or operator must follow the same requirements as set forth in 35 Ill. Adm. Code 734.425 and 734.435. For all UST ~~removals, decommissioning (both removal and abandonment in place)~~, samples shall be taken in native soil with the excavation for the removal ~~or abandonment~~ still open and prior to backfill and with the STSS still on site. For abandonment-in-place, samples may be taken prior to or on the day of abandonment-in-place and shall meet the requirements of this Section. In selecting sample types, sample locations and sample measurement methods, owners or operators shall also consider the nature of the stored substance, the type of initial alarm or cause for suspicion, if any, the method of tank removal or abandonment-in-place, the types of backfill, the depth of groundwater and other factors appropriate for identifying the presence and source of a release. Packaging for shipping or delivery should be done in a manner that will preserve the sample and prevent deterioration or dilution, as for example, putting samples in sealed containers in ice.

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- c) Within 45 days after receipt of lab results from a full site assessment pursuant to subsection (b), owners or operators must designate and [electronically](#) submit to OSFM, on OSFM [electronic](#) forms (titled "Site Assessment Results" form and available at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>), a "contamination" or "no contamination" result indicating whether a release has occurred, along with associated lab results. This determination shall be based upon an evaluation of lab results to determine whether any contamination has been found. The determination must be certified by a Licensed Professional Engineer or Licensed Professional Geologist. Even if "no contamination" is being reported, the analytical report with tables and a site map showing sampling/boring locations shall be submitted to OSFM. In the event a suspected release was previously called into IEMA and is being confirmed by site assessment, the "contamination" or "no contamination" result on the Site Assessment Results form shall be provided to IEPA in addition to OSFM.
- d) In the event that sampling or other site observations disclose evidence of a release or site assessment lab results show site contamination, the owner or operator shall immediately notify IEPA and any other required entities of a suspected release, as required by Section 176.320, and begin corrective action pursuant to 35 Ill. Adm. Code 734.
- e) Records generated from site assessments and related activity shall be kept at the site (or available within 30 minutes or before OSFM completes its inspection, whichever is later) and may not be discarded or destroyed unless and until a No Further Remediation (NFR) letter is issued by IEPA or until the site permanently ceases the activity involved in using the USTs and any site assessments required under this Part are completed and show no evidence of contamination. Owners or operators claiming that required records were destroyed, discarded or lost prior to September 1, 2010 or by a prior owner of the subject UST property shall conduct a new site assessment when the assessment is required by OSFM rules for continued or future use of the USTs.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 176.360 Assessing the Site at Removal of, Previously Removed, [Abandonment-in-Place](#) or Change-in-Service of USTs

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- a) Before the STSS leaves the site for the day and while the excavation for a removal ~~or abandonment-in-place~~ is still open (prior to any backfill placed back into the excavation), prior to submitting a permit for abandonment-in-place or up through the day of the abandonment-in-place, or prior to a change in service from a regulated product to an unregulated product, the following procedures shall be conducted:
- 1) The owner or operator shall perform a site assessment using the procedures and requirements of Section 176.330;
 - 2) The owner or operator, or his or her designated representative, shall immediately report a release or suspected release, based upon a visual observation by STSS or upon a site assessment showing the existence of a release, to IEMA and any other entities required under Section 176.320 and secure an incident number. If confirmation of the release is via a visual observation by STSS or otherwise confirmed while STSS is still on site, the incident number shall be provided to STSS at the conclusion of the removal and prior to the departure of STSS.
 - 3) If contaminated soils, contaminated groundwater or free product as a liquid or vapor, resulting from a UST release is discovered, the owner or operator shall begin initial response and initial abatement procedures in accordance with Sections 176.310, 176.320 and 176.350 and begin corrective action pursuant to 35 Ill. Adm. Code 734.
- b) When directed in writing by OSFM, the owner or operator of a UST previously removed shall assess the excavation zone (including, if so ordered, re-excavating and assessing the site where the tank had been located) in accordance with Section 176.330. The owner of the UST may also be required to submit a completed Notification for Underground Storage Tanks form in accordance with Section 176.440.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART D: GENERAL TECHNICAL REQUIREMENTS,
INCLUDING REPORTING, RECORDKEEPING AND NOTIFICATION

Section 176.430 Reporting and Recordkeeping

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- a) Reporting. Owners and operators must submit the following information to OSFM:
- 1) Notification for all USTs (Section 176.440), which includes notification when any person assumes ownership of a UST system (Section 176.440(g));
 - 2) Notification prior to UST systems switching to certain regulated substances (41 Ill. Adm. Code 175.415(b));
 - 3) Certification of installation for USTs (Section 176.430(f));
 - 4) Reports of all releases, including suspected releases (Section 176.300), spills and overfills (Section 176.340), and confirmed releases (Section 176.320);
 - 5) Initial response, including leak abatement, site characterization, and fire and explosion mitigation (40 CFR 280, subpart F, incorporated by reference in 41 Ill. Adm. Code 174.210) when requested by OSFM;
 - 6) A notification related to ~~removal, abandonment in place or~~ change-in-service (41 Ill. Adm. Code 175.820(d), ~~175.830(a)(19) and 175.840(d)(15)~~);
 - 7) A completed Site Assessment Results form (Section 176.330(c)), to be submitted to OSFM within 45 days after the receipt of laboratory data in connection with a site assessment; and
 - 8) Proof of financial responsibility on an annual basis (Section 176.220).
- b) Recordkeeping. Owners and operators must maintain the following information for the life of the UST (unless a shorter or longer period is provided in this subsection (b) or by the applicable Section cited or by other OSFM rule):
- 1) Documentation of operation of corrosion protection equipment and methods (see 41 Ill. Adm. Code 175.500 and 175.510).
 - 2) Documentation of UST repairs (see 41 Ill. Adm. Code 175.700 and 175.710).

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- 3) All records required to show compliance with release detection requirements (see 41 Ill. Adm. Code 175.600 through 175.650), with all tank and piping precision test results kept for 2 years or at least until the next precision test, whichever is longer.
- 4) 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.
- 5) Written documentation of all calibration, maintenance and repair of release detection equipment permanently located on site, including schedules of required calibration and maintenance provided by the release detection equipment manufacturer.
- 6) Documentation of compliance with testing, inspection and recordkeeping for spill and overfill prevention equipment and containment sumps used for interstitial monitoring of piping (see 41 Ill. Adm. Code 175.405 and 175.410).
- 7) The results of any sampling, testing or monitoring not specified in subsections (a), (b), (f) and (g).
- 8) The results of the vapor and groundwater monitoring site assessments conducted pursuant to 41 Ill. Adm. Code 175.650(e)(2)(F).
- 9) Results of the site assessment conducted at removal, abandonment-in-place or change-in-service (see 41 Ill. Adm. Code 175.800) and copies of the results of any other site assessment conducted pursuant to OSFM rules with all completed Site Assessment Results forms submitted to OSFM pursuant to Section 176.330.
- 10) Proof of financial responsibility submitted under Section 176.220.
- 11) Copies of all records submitted to OSFM under subsections (a), (f) and (g).
- 12) Copies of the records required by Sections 176.645 and 176.655.

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- 13) Tank Installation information, including all paperwork relating to the manufacturer's instructions and warranty, final tank and line precision test results and the contractor's certification of UST installation and the related documentation required by subsection (f).
 - 14) Copies of annual release detection operation tests required by 41 Ill. Adm. Code 175.610(a)(4), including the annual ATG configuration test results.
 - 15) Documentation of compatibility for UST systems (see 41 Ill. Adm. Code 175.415).
- c) Availability and Maintenance of Records. Owners or operators shall keep the records required in subsection (b) at the UST site or available to the OSFM inspector within 30 minutes or before OSFM completes its inspection, whichever is later, via fax, email or other transfer of information. Financial responsibility records may be maintained at the owner or operator's principal place of business and shall be produced within 10 days after OSFM request.
 - d) Owners or operators of unmanned sites will be given prior notification of ~~certification~~~~inspection~~ audit of those sites.
 - e) Failure to maintain or produce the records required under this Section may result in OSFM's issuance of a red tag or revocation of a ~~facility operating permit~~ (green decal) for the tank or tanks or facility at issue (see 41 Ill. Adm. Code 177), prohibiting any further operation of the facility or further deposit of regulated substances into a tank subject to a red tag.
 - f) Certification of UST Installation and Related Documentation
 - 1) ~~Licensed contractors~~~~Contractors~~ shall certify, on the ~~electronic~~ Notification for Underground Storage Tanks form provided by OSFM at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx> , that:
 - A) The installer has been certified or licensed by OSFM. If applicable, the contractor shall also certify that the installer has been certified by the tank and piping manufacturers.

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- B) The installation has been performed in accordance with 41 Ill. Adm. Code 172 through 176.
- C) All work listed in the manufacturer's installation checklist has been completed and submitted in accordance with this subsection (f), 41 Ill. Adm. Code 175.400 and 175.465, Section 176.420 (or compliance with applicable third-party standards or codes cited in OSFM rules as of the date of installation), and Section 176.440(f), if applicable.
- 2) Licensed contractors~~Contractors~~ shall complete the manufacturer's installation checklist for USTs, which shall be available at the time of final inspection. The owner and operator shall maintain a copy of the checklist on-site for the life of the UST.
- 3) In lieu of the licensed~~contractor's~~ certification, an owner or operator may provide OSFM with a certification from a licensed professional engineer with education and experience in UST installation stating that the UST installation was inspected by that engineer and that the UST installation was properly installed in accordance with manufacturer's recommendations and OSFM rules.
- 4) OSFM shall not issue a green decal pursuant to 41 Ill. Adm. Code 177.115 for the UST until OSFM has received the completed certification of UST installation by the licensed contractor or the certification of proper installation from a licensed professional engineer.
- g) Results from tank and piping precision testing, cathodic protection testing, containment sump testing, functionality testing of automatic or mechanical line leak detectors, interstitial sensor~~release-detection sensors~~ testing, automatic tank gauge certification, and overflow equipment inspections~~interior lining testing~~ shall be handled as follows:
- 1) All ~~test~~ results are to be issued to the facility and owner.
- 2) Results~~Test results~~ that fail must be submitted electronically to OSFM by the licensed testing contractor within 3 working days.

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- 3) ~~All test results required due to Notice of Violation must be kept at the facility and available to OSFM upon request.~~
- 34) All ~~test~~ results ~~shall required to~~ be submitted to OSFM. ~~The results~~ must be submitted with ~~an electronic~~ form provided by OSFM. The ~~electronic~~ form is available at the forms page of the OSFM's Division of Petroleum and Chemical Safety at the website cited in subsection (f)(1).

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 176.440 Notification Requirements for Purposes of UST Registration

- a) For any UST, with the exception of a UST containing heating oil for consumptive use on the premises where stored:
- 1) Any owner of a UST in operation at any time after January 1, 1974, and in the ground as of September 24, 1987, shall submit immediately a notice of existence of the tank system to OSFM, on the [electronic](#) Notification for Underground Storage Tanks form [and the accompanying Authorization to Submit](#) provided by OSFM, available at the forms page for the Division of Petroleum and Chemical Safety at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>.
 - 2) Any owner of a UST brought into operation on or after April 21, 1989 shall submit, within 30 days before bringing the tank into operation, a notice of existence of the tank system to OSFM, on the [electronic](#) Notification for Underground Storage Tanks form provided by OSFM at the website cited in subsection (a)(1). This applies even if the UST was subject to a change-in-service under 41 Ill. Adm. Code 175.820(a) or (b) within the 30-day time period.
 - 3) OSFM shall use the information required to be submitted under this subsection (a) to determine whether a UST must be registered.
- b) For a UST containing heating oil for consumptive use on the premises where stored:

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- 1) Any owner of a heating oil UST greater than 1,100 gallons in capacity and in the ground as of July 11, 1990 shall submit immediately a notice of existence of the tank system to OSFM, on the [electronic](#) Notification for Underground Storage Tanks form provided by OSFM.
 - 2) Any owner of a heating oil UST greater than 110 gallons and less than or equal to 1,100 gallons in capacity and in the ground as of September 6, 1991 shall submit immediately a notice of existence of the tank system to OSFM, on the [electronic](#) Notification for Underground Storage Tanks form provided by OSFM.
 - 3) Any owner of a heating oil UST greater than 110 gallons in capacity installed after September 6, 1991 shall submit, within 30 days after bringing the tank into operation, a notice of existence of the tank system to OSFM, on the [electronic](#) Notification for Underground Storage Tanks form provided by OSFM. This applies even if the UST was subject to a change-in-service under 41 Ill. Adm. Code 175.820(a) or (b) within the 30-day time period.
 - 4) A heating oil tank used exclusively for storing heating oil for consumptive use on a farm or residence is not classified as a UST.
 - 5) OSFM shall use the information required to be submitted by this subsection (b) to determine whether a UST must be registered.
- c) Owners required to submit notices under subsection (a) or (b) shall provide notice for each tank they own. Owners may provide notice for more than one tank using one notification form, but owners who own tanks located at more than one facility shall file a separate notification form for each separate facility. The owner shall provide the proper street address for the owner and for each facility.
 - d) Owners shall provide all of the information required in subsections (a) and (b), on the [electronic](#) Notification for Underground Storage Tanks forms provided by OSFM, including any certification required of the owner by this Part.
 - e) Any owner of a UST newly installed on or after April 21, 1989 shall certify compliance with the following requirements (in the [electronic Certification of Compliance/Installation Oath and in the electronic](#) Notification for Underground Storage Tanks form found at the website cited in subsection (a)(1)):

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- 1) Installation of tanks under 41 Ill. Adm. Code 175.400, 175.405, 175.410 and 175.465, Sections 176.420 (or compliance with applicable third-party standards or codes as cited in OSFM rules as of the date of installation) and 176.430(f) and installation of piping under 41 Ill. Adm. Code 175.420;
 - 2) Cathodic protection of steel tanks and piping under 41 Ill. Adm. Code 175.400(b), 175.420(a) and 175.510;
 - 3) Release detection under 41 Ill. Adm. Code 175.610, 175.620, 175.630 and 175.640; and
 - 4) Financial responsibility in accordance with Subpart B of this Part. The green decal ~~(facility operating permit)~~ shall not be issued for a new tank installation until the notification required by this Section has been received by OSFM.
- f) Beginning January 1, 1989, all owners and operators of USTs being installed shall ensure that the licensed contractor certifies in the electronic Notification for Underground Storage Tanks form that the methods used to perform the UST activity comply with the requirements of 41 Ill. Adm. Code 172, 174, 175, 176 and 177~~174 through 176~~, and the contractor shall complete the certification. The notification form (found at the website cited in subsection (a)(1)) is to be submitted to OSFM prior to the final installation inspection with OSFM~~within 30 days after completion of the activity requiring certification~~.
- g) Any change in information stated in the form as described in subsections (a) and (b) is to be submitted to OSFM on an electronic Notification for Underground Storage Tanks~~an amended form~~ (found at the website cited in subsection (a)(1)) within 30 days, commencing from the date of the change. This includes, but is not limited to, ~~removal, abandonment in place and temporary~~ out-of-service status. A change in ownership is considered a change in information and each subsequent owner is required to report that change within 30 days after acquisition. ~~When the only change is a change in ownership, the one page form entitled Notification of Ownership Change for Underground Storage Tanks shall be used (found at the website cited in subsection (a)(1)).~~ The new owner shall electronically complete the Notification for Underground Storage Tanks form, the accompanying Authorization to Submit, and provide the Property Identification Number (PIN)

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for the facility property when completing ~~these forms~~~~this one-page form~~. Copies of proof of legal ownership, including, but not limited to the current deed, property tax record, contract or lease, shall be downloaded at the OSFM website cited in subsection (a)(1) above when completing this electronic Notification for Underground Storage Tanks forms~~applied to OSFM with this Notification upon OSFM's written request~~.

- h) Commencing April 1, 1995, any person who sells a new or re-certified tank intended to be used as a UST shall notify the purchaser of the owner's notification obligations under this Section. The electronic Notification for Underground Storage Tanks form provided by OSFM (found at the website cited in subsection (a)(1)) shall be used to comply with this requirement.
- i) Whenever a Notification for Underground Storage Tanks form is required under this Part or Parts 174 or 175, the form shall be completed and submitted electronically, and shall include the completed Authorization to Submit. These forms will require the owner to include the Property Identification Number (PIN) for the facility property.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 176.450 UST Registration Fees

- a) For USTs, with the exception of USTs containing heating oil for consumptive use on the premises where stored, the owner of any petroleum or hazardous substance UST required to be registered with OSFM prior to September 24, 1987, and who did not do so, shall register and pay OSFM a registration fee of \$500 per tank. ~~Within 90 days after the date on the invoice requesting payment of the fee. This fee~~~~The payment~~ is to be paid by check or money order made payable to Office of the State Fire Marshal, or electronic payment via the electronic Notification for Underground Storage Tanks form, available at the forms page for the Division of Petroleum and Chemical Safety at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>. For purposes of this subsection, "owner" refers only to the last owner as of September 23, 1987.
- b) For USTs containing heating oil greater than 110 gallons for consumptive use on the premises where stored:

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- 1) The owner of any heating oil UST in the ground as of September 6, 1991 who first registered the tank with OSFM prior to July 2, 1992 shall pay to OSFM a registration fee of \$100 per tank ~~with 90 days after the date on the invoice requesting payment of the fee. This fee~~ The payment is to be paid by check or money order made payable to Office of the State Fire Marshal, or electronic payment via the electronic Notification for Underground Storage Tanks form, available at the forms page for the Division of Petroleum and Chemical Safety at the website cited in subsection (a) or electronic payment via the electronic Notification for Underground Storage Tanks form, available at the forms page for the Division of Petroleum and Chemical Safety at the website cited in subsection (a).
- 2) The owner of any heating oil UST in the ground as of September 6, 1991 who first registered the tank with OSFM on or after July 2, 1992 (never having been registered) shall pay to OSFM a registration fee of \$500 per tank ~~with 90 days after the date on the invoice requesting payment of the fee. This fee~~ The payment is to be paid by check or money order made payable to Office of the State Fire Marshal, or electronic payment via the electronic Notification for Underground Storage Tanks form, available at the forms page for the Division of Petroleum and Chemical Safety at the website cited in subsection (a).
- 3) The owner who first registers a heating oil UST is responsible for the fee under either subsection (b)(1) or (b)(2), whichever is applicable, but not both.
- 4) The owner of any heating oil UST in the ground as of July 11, 1990, but removed prior to September 6, 1991, although regulated, is not required to pay a registration fee.
- 5) The owner of any heating oil UST installed in the ground on or after July 2, 1992, although regulated, is not required to pay a registration fee.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 176.455 Payment of 1988 Annual UST Fee

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The owner of any registered underground petroleum storage tank (excluding heating oil USTs for consumptive use on the premises where stored) in the ground at any time in 1988 and in operation at any time after January 1, 1974 shall pay a 1988 annual fee of \$100 per tank ~~on or before 90 days from the date on the invoice requesting payment of the fee. This fee~~ The payment is to be paid by check or money order made payable to "Office of the State Fire Marshal", or electronic payment via the electronic Notification for Underground Storage Tanks form, available at the forms page for the Division of Petroleum and Chemical Safety at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 176.470 Requirements for Conducting Precision Testing of Tanks and Piping, Cathodic Protection Testing, and Testing of Other UST Equipment

Employees of an OSFM-licensed contractor ~~Persons~~ conducting ~~precision testing of tanks and piping, cathodic protection testing, and testing of other UST equipment~~ shall be ICC certified in the appropriate module and be licensed by OSFM pursuant to 41 Ill. Adm. Code 172. All employees of an OSFM-licensed contractor ~~persons~~ conducting precision testing of tanks and piping shall be ICC certified in the appropriate module or ~~must~~ be certified by the manufacturer of the testing equipment being used. All employees of an OSFM-licensed contractor conducting inspection and testing of UST equipment (only) shall be certified by the manufacturer of the testing equipment being used.

- a) Tank precision test methods shall be evaluated and listed by an independent third-party. Proof of evaluation and listing shall be demonstrated by the methods being published in the NWGLDE publication "List of Leak Detection Evaluations for Storage Tank Systems", incorporated by reference in 41 Ill. Adm. Code 174.210(a). All tank tightness methods are subject to approval by OSFM.
- b) A certified employee of the OSFM-licensed contractor shall be on site and actively supervising the work at all times. For cathodic protection, that employee must be ICC certified in the cathodic protection module exam. For precision testing of tanks and piping, the employee of the OSFM-licensed contractor must be ICC certified in the appropriate module specified at 41 Ill. Adm. Code 172.60(b) or be certified by the manufacturer in the testing of the equipment being evaluated for its operation in accordance with manufacturer's specifications. For inspection and testing of other UST equipment, the employee of the OSFM-licensed contractor must be certified by the manufacturer in the testing of the

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equipment being evaluated for its operation in accordance with manufacturer's specifications. ~~UST equipment (including all equipment other than that listed in subsection (a)). To qualify as a tester under this subsection, an individual must be an employee of an OSFM-licensed contractor with at least one employee who is ICC-certified in the appropriate module, with that ICC-certified employee on-site and actively supervising the work at all times. All testers must also be certified by the manufacturer in the testing of the equipment being evaluated for its operation in accordance with manufacturers' specifications.~~

- e) ~~For purposes of this Section, "license" (or any comparable variation of the term) is synonymous with "registration" (or any comparable variation of the term).~~
- d) Each tester shall also abide by any other applicable requirements found in 41 Ill. Adm. Code 172.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART E: HEARINGS AND ENFORCEMENT PROCEDURES

Section 176.510 Grounds and Time for Appeal

An Administrative Order issued pursuant to the Gasoline Storage Act, ~~the Petroleum Equipment Contractors Licensing Act [225 ILCS 729],~~ or OSFM rules promulgated pursuant to that Act~~those Acts~~ may be appealed in accordance with this Subpart. An appeal of an Administrative Order issued pursuant to this Section may only be requested within 10 days after receipt and must be in writing. (See Section 2(3)(e) of the Gasoline Storage Act.)

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 176.575 License Suspension or Revocation and Assessment of Civil Monetary Fines Against a Contractor

- a) The violation by a licensed contractor of a provision of 41 Ill. Adm. Code 172, 174, 175, 176 or 177, ~~or this Part,~~ including standards incorporated by reference, may result in a suspension, ~~or revocation~~ or refusal to issue or renew ~~of~~ that contractor's license, in addition to any other discipline authorized under Section 80(a) of the Petroleum Equipment Contractors Licensing Act [225 ILCS 729/80(a)]. ~~for the following durations:~~

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- 1) ~~For the first violation committed, the license of any contractor may be suspended or revoked for up to one year.~~
 - 2) ~~For the second violation committed, the license of any contractor may be suspended for up to one year or may be revoked for up to two years.~~
 - 3) ~~For the third violation, and any violation thereafter, the license of any contractor may be suspended for up to one year or revoked permanently.~~
- b) ~~The violation by a contractor of a provision of 41 Ill. Adm. Code 172, including standards incorporated by reference, may result in a suspension or revocation of that contractor's license for the following durations:~~
- 1) ~~For the first violation, the license of any contractor may be suspended for up to six months.~~
 - 2) ~~For the second violation, the license of any contractor may be suspended or revoked for up to one year.~~
 - 3) ~~For the third violation, the license of any contractor may be suspended for up to one year or revoked for up to two years.~~
 - 4) ~~For the fourth violation, and any violation thereafter, the license of any contractor may be revoked for up to 5 years.~~
- be) Effects of Suspension or Revocation
- 1) A contractor whose license was suspended or revoked as a result of a violation involving one or more licensed activities is also prohibited, in a like manner, for a like duration, from performing any other activity the contractor was licensed to perform.
 - 2) During the period of a suspension or revocation, the contractor whose license was suspended or revoked may not be licensed to perform any other activity related to USTs.
 - 3) A contractor whose license is suspended or revoked, may not perform any activity requiring a license under a permit issued prior to the suspension or revocation. In such a case, the contractor is not entitled to a refund of the

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permit fee and is not entitled to amend the permit or permit application to list another contractor.

- 4) A contractor whose license has been suspended or revoked may not continue to perform UST work requiring a license issued by OSFM during the period of suspension or revocation.
- 5) A contractor whose license has been suspended or revoked may not be employed as an agent or subcontractor of a licensed contractor to perform any activity for which a license is required.
- 6) Any officer of a corporation having a suspended or revoked license, or any owner or co-owner of any other business entity having a suspended or revoked license, shall not use alternative names or licenses to continue to do UST work requiring an OSFM issued license.
- 7) Upon conclusion of the revocation period, a contractor whose license was revoked may perform any activity the contractor was licensed to perform only by re-licensing (assuming the applicant is not otherwise prohibited from re-licensing).
- 8) If the period of suspension ends prior to the termination of any license period, the suspended contractor may resume performing the activity the contractor was licensed to perform for the remainder of any license period. If the period of suspension ends subsequent to the termination of any license period, the suspended contractor may not perform the activity the contractor was licensed to perform until the suspension period has ended and the contractor has been re-licensed (assuming the applicant is not otherwise prohibited from re-licensing).

cd) The violation by a licensed contractor or an employee of a licensed contractor of a provision of 41 Ill. Adm. Code 172, 174, 175, 176, 177, 160 or 180, including standards incorporated by reference, may result in the issuance of an administrative citation for the assessment of civil monetary fines against that contractor ~~or employee~~.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 176.580 Assessment of Penalties

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Any person who violates any of the provisions of 41 Ill. Adm. Code 172, 174, 175, 176, 177, 160 and 180 shall be subject to penalties or any other remedies as provided~~as determined~~ by statute or rule ~~OSFM~~.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART F: OPERATOR TRAINING

Section 176.660 Violations

A facility may not operate ~~after August 8, 2012~~ unless Class A, B and C Operators have been designated and trained for each UST that is being operated at each facility. Trained Operators may be assigned to more than one facility at a time as long as the requirements of this Subpart F are met, including requirements under Section 176.655(a) that a Class A, B or C Operator be on site at all times at manned (attended) facilities. Failure to comply with this Subpart shall be sufficient reason for the summary revocation of the OSFM-issued green tag providing authority to operate an underground storage tank facility whose Class A, B and C Operators have not been designated and trained. Failure to remain in compliance with UST rules may also result in OSFM's issuance of a red tag for the tanks or facility at issue, prohibiting any further operation of the facility or further deposit of regulated substances into any tank subject to a red tag. An approved training and testing program may be decertified by OSFM in the event of provider fraud, misrepresentation, negligence or noncompliance with OSFM rules, or with an OSFM certification audit recommendation, in conducting the training or testing.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Compliance Certification for Underground Storage Tanks
- 2) Code Citation: 41 Ill. Adm. Code 177
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
177.115	Amendment
177.120	Repealed
- 4) Statutory Authority: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Sections 2 and 3.5 of the Gasoline Storage Act [430 ILCS 15/2 and 3.5].
- 5) A Complete Description of the Subjects and Issues Involved: Updates existing underground storage tank system (UST) rules concerning the compliance certification required to be issued by OSFM under Section 3.5 of the Gasoline Storage Act. Implements subsections 3.5(b) and 3.5(c) of the Gasoline Storage Act by providing that when a Notice of Violation (NOV) for one or more technical violations of OSFM UST rules is not complied after 60 days, another NOV will be written to require the application of red tags to all other USTs at the facility if the original violations remain non-compliant at the end of the additional 60-day period. Makes non-substantive changes.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rule replace any emergency rule currently in effect? No
- 8) Does this rule contain an automatic repeal date? No
- 9) Does this proposed rule contain incorporations by reference? No
- 10) Are there other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These rules could have an impact on local government to the extent that local government units might own or operate a UST system.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

OFFICE OF THE STATE FIRE MARSHAL

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Tom Andryk
Division of Legal Counsel
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

(217) 785-5758
Fax: (217) 524-5487

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking could have an impact on those small businesses, not for profit entities, and small municipalities that own and operate UST systems.
- B) Reporting, bookkeeping or other procedures required for compliance: The text of this proposed Part 177 requires compliance with technical requirements for UST systems. UST system installations and upgrades have various reporting and permitting requirements as described in Parts 174, 175 and 176 (41 Ill. Adm. Code 174, 175 and 176). Typically, the contractor obtains the permit on behalf of the owner/operator.
- C) Types of professional skills necessary for compliance: Owners and operators of USTs must ensure that all persons installing and doing work on underground storage tank systems have been trained appropriately and licensed by the OSFM.

14) Small Business Impact Analysis:

- A) Types of businesses subject to the proposed rule:
 - 11 Agriculture, Forestry, Fishing and Hunting
 - 21 Mining
 - 22 Utilities
 - 23 Construction
 - 31-33 Manufacturing
 - 42 Wholesale Trade
 - 44-45 Retail Trade
 - 48-49 Transportation and Warehousing

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- 51 Information
- 52 Finance and Insurance
- 53 Real Estate Rental and Leasing
- 54 Professional, Scientific, and Technical Services
- 55 Management of Companies and Enterprises
- 56 Administrative and Support and Waste Management
and Remediation Services
- 61 Educational Services
- 62 Health Care and Social Assistance
- 71 Arts, Entertainment, and Recreation
- 72 Accommodation and Food Services
- 81 Other Services (except Public Administration)
- 92 Public Administration

B) Categories that the agency reasonably believes the rulemaking will impact, including:

- ii. regulatory requirements;
- iii. purchasing;
- vi. equipment and material needs;
- vii. training requirements;
- viii. record keeping;

15) Regulatory Agenda on which this rulemaking was summarized: July 2022

The full text of the Proposed Amendments begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 177

COMPLIANCE CERTIFICATION FOR UNDERGROUND STORAGE TANKS

Section

177.100	Definitions
177.105	Deposit Prohibited
177.110	Inspection of UST Facilities
177.115	Evidence of Compliance Status for UST Facilities
177.120	Certificate of Exemption (Repealed)
177.125	Missing, Damaged or Destroyed Evidence of Compliance Status
177.130	Expiration of Certificates

177.APPENDIX A Derivation Table (Repealed)

AUTHORITY: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Sections 2 and 3.5 of the Gasoline Storage Act [430 ILCS 15/2 and 3.5].

SOURCE: Adopted at 34 Ill. Reg. 13531, effective September 2, 2010; amended at 42 Ill. Reg. 10670, effective October 13, 2018; amended at 46 Ill. Reg. _____, effective _____.

Section 177.115 Evidence of Compliance Status for UST Facilities

- a) Evidence of compliance status for UST facilities shall consist of a tag or decal issued by OSFM. The tag or decal shall be either:
 - 1) Red: indicating non-compliance; or
 - 2) Green: indicating compliance. ~~or~~
 - 3) ~~Yellow: indicating exempt (see Section 177.120).~~
- b) Evidence of compliance status (green decal) shall be affixed as follows:
 - 1) for motor fuel dispensing facilities, to the window closest to the main entry of the motor fuel dispensing facility or, if such a window is not available, to the inside window of the dispenser cabinet;

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- 2) for non-motor fuel dispensing facilities, ~~to the fill pipe of the UST or~~ near the fill pipe at a location agreed to by the representative of OSFM.
- c) If more than one UST is located at the facility, and some but not all USTs are in compliance, OSFM, in its discretion, may issue a green decal that shall be affixed as provided in subsection (b) and will issue individual red tags for each of the non-compliant USTs that shall be affixed directly onto the fill pipe of the non-compliant UST or near the fill pipe of the non-compliant UST at a location approved by OSFM. When an NOV for one or more technical violations of OSFM UST rules is not complied after 60 days, another NOV will be written to require the application of red tags to all USTs at the facility (pursuant to Sections 3.5(b) and 3.5 (c) of the Gasoline Storage Act [430 ILCS 15/3.5(b) and (c)]).
- d) Evidence of compliance status may also be a notice or letter issued by OSFM indicating the facility status. The letter or notice shall be valid for 30 days from the date of the notice or letter.
- e) No decal or tag shall be removed by anyone other than an employee of OSFM. Upon reaching full compliance with the requirements of 41 Ill. Adm. Code 172, 174, 175 and 176 and this Part, OSFM shall issue a green decal to a facility as soon as practicable. Upon reaching full compliance for a particular tank, OSFM shall remove any red tag prohibiting deposit into a particular UST as soon as practicable. Any request to fill a UST with a required minimal amount of fuel necessary to perform precision testing must be submitted electronically ~~in writing~~ and approved by OSFM in advance. A depositor may make one deposit of a regulated substance to a newly installed or newly lined tank to provide ballast. That regulated substance shall not be sold or dispensed until the required decal is obtained.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 177.120 Certificate of Exemption (Repealed)

- a) ~~Owners and operators of underground and above ground tanks not defined as USTs may request a Certificate of Exemption (i.e., yellow tag) from the requirements of this Part. The yellow tag shall be affixed directly onto the fill pipe of the exempt UST or near the fill pipe of the exempt UST at a location approved~~

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~~by OSFM. The yellow tag shall serve to avoid any confusion as to whether evidence of compliance status is required for the UST and, therefore, avoid unintended denial of a delivery of petroleum, petroleum product, regulated substances or hazardous substances.~~

- b) ~~The owner or operator must make a written request for a yellow tag to OSFM. A representative of OSFM may inspect the tank or tank system.~~

(Source: Repealed at 46 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Underground Storage Tank Fund Eligibility and Deductible Determinations by the Office of the State Fire Marshal
- 2) Code Citation: 41 Ill. Adm. Code 178
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
178.100	New Section
178.110	New Section
178.120	New Section
178.130	New Section
- 4) Statutory Authority: Implementing Title XVI of the Illinois Environmental Protection Act [415 ILCS 5/57] and authorized by Section 57.9 of the Illinois Environmental Protection Act [415 ILCS 15/9].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking describes the statutory criteria for determinations of eligibility and the required deductible for access to the State Underground Storage Tank Fund from which reimbursement of corrective action expenses for petroleum underground storage tank releases may occur. Also describes how owners and operators may request such eligibility and deductible determinations by the Office of the State Fire Marshal (OSFM) and provides for appeal of such OSFM determinations if filed with the Pollution Control Board within 35 days.
- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this proposed rule replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rule contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or enlarge a State mandate.

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

Tom Andryk
Division of Legal Counsel
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

(217) 785-5758
Facsimile: (217) 524-5487

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: No economic impact is anticipated.
- B) Reporting, bookkeeping or other procedures required for compliance: To access the State's Underground Storage Tank Fund established for the reimbursement of corrective action expenses, the owner or operator of the underground storage tank system must first apply to OSFM for an eligibility and deductible decision.
- C) Types of professional skills necessary for compliance: Owners and operators of USTs must ensure that all such corrective action work is done under the supervision of a licensed professional engineer or licensed professional geologist.

- 14) Small Business Impact Analysis: No economic impact expected.

- 15) Regulatory Agenda on which this rulemaking was summarized: July 2022

The full text of the Proposed Rules begins on the next page:

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NOTICE OF PROPOSED RULES

TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 178

UNDERGROUND STORAGE TANK FUND ELIGIBILITY AND DEDUCTIBLE
DETERMINATIONS BY THE OFFICE OF THE STATE FIRE MARSHAL

Section

178.100	Definitions
178.110	Requirements for Eligibility
178.120	Deductible Amounts
178.130	Request for Eligibility and Deductible Determinations

AUTHORITY: Implementing Title XVI of the Illinois Environmental Protection Act [415 ILCS 5/57] and authorized by Section 57.9 of the Illinois Environmental Protection Act [415 ILCS 15/9].

SOURCE: Adopted at 46 Ill. Reg. _____, effective _____.

Section 178.100 Definitions

The following definitions shall apply to this Part concerning eligibility and deductible determinations made pursuant to Title XVI of the Illinois Environmental Protection Act [415 ILCS 5/57 through 5/57.19]:

"Agency" means the Illinois Environmental Protection Agency.

"Ancillary Equipment" means any devices including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps used to distribute, meter, or control the flow of regulated substances to and from an UST.

"Confirmed release" means a release that has been confirmed according to the procedures found at 41 Ill. Adm. Code 176.330.

"Corrective action" means activities associated with compliance with the provisions of Sections 57.6 and 57.7 of Title XVI of the Illinois Environmental Protection Act [415 ILCS 5/57.6 and 5/57.7]. [415 ILCS 5/57.2]

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"Farm" or "Agricultural Site" is a tract of land devoted to the production of crops or raising of animals, including fish. "Farm" includes all contiguous land and structures and other appurtenances and improvements; also, fish hatcheries, rangeland and nurseries with growing operations. "Farm" does not include agribusiness (as defined in 20 ILCS 3501/801-10(z)), laboratories where animals are raised, land used to grow timber, and pesticide aviation operations. Moreover, this definition does not include retail stores or garden centers where nursery farm products are marketed, but not grown.

"Farm Tank" means a motor fuel UST located on a farm and used exclusively for farm purposes.

"Flow-through Process Tank" is a tank that forms an integral part of a production process through which there is a steady, variable, recurring or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction to the process or for the storage of finished products or by-products from the production process. When the process is shut down, flow-through process tanks do not store product to be used once the process is resumed and may contain no more than a de minimis amount of product.

"Fund" means the Underground Storage Tank Fund. [415 ILCS 5/57.2]

"Heating Oil" means petroleum that is No. 1, No. 2, No. 4 - light, No. 4 - heavy, No. 5 - light, No. 5 - heavy or No. 6 technical grades of fuel oil; and other residual fuel oils including Navy Special Fuel Oil and Bunker C. [415 ILCS 5/57.2]

"Indemnification" means indemnification of an owner or operator for the amount of any judgment entered against the owner or operator in a court of law, for the amount of any final order or determination made against the owner or operator by an agency of State government or any subdivision thereof, or for the amount of any settlement entered into by the owner or operator, if the judgment, order, determination, or settlement arises out of bodily injury or property damage suffered as a result of a release of petroleum from an underground storage tank owned or operated by the owner or operator. [415 ILCS 5/57.2]

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"Occurrence" means an accident, including continuous or repeated exposure to conditions, that results in a sudden or nonsudden release from an underground storage tank. [415 ILCS 5/57.2]

"Operator" means any person in control of, or having responsibility for, the daily operation of the underground storage tank. (42 U.S.C. 6991(3))

"Owner" means:

In the case of an underground storage tank in use on November 8, 1984, or brought into use after that date, any person who owns an underground storage tank used for the storage, use or dispensing of regulated substances; and

In the case of any underground storage tank in use before November 8, 1984, but no longer in use on November 8, 1984, any person who owned such tank immediately before the discontinuation of its use. (42 U.S.C. 6991(4))

The term "owner" shall also mean any person who has submitted to the Agency a written election to proceed under this Title and has acquired an ownership interest in a site on which one or more registered tanks have been removed, but on which corrective action has not yet resulted in the issuance of a "no further remediation letter" by the Agency pursuant to Title XVI of the Illinois Environmental Protection Act. [415 ILCS 5/57.2]

"OSFM" means the Office of the State Fire Marshal.

"Release" means any spilling, leaking, emitting, discharging, escaping, leaching or disposing of petroleum from an underground storage tank into groundwater, surface water or subsurface soils. [415 ILCS 5/57.2]

"Residential Tank" is a tank located on property used primarily for dwelling and not commercial purposes.

"Site" means any single location, place, tract of land or parcel of property including contiguous property not separated by a public right-of-way. [415 ILCS 5/57.2]

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"Underground storage tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of the underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. The term "underground storage tank" shall not include any pipes connected to any tank which is excluded from this definition. The term underground storage tank does not include any of the following:

Farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;

Septic tank;

Pipeline facility (including gathering lines):

That is regulated under chapter 601 of title 49; or

That is an intrastate pipeline facility regulated under state laws as provided in chapter 601 of title 49, and which is determined by the U.S. Department of Transportation to be connected to a pipeline, or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline;

Surface impoundment, pit, pond or lagoon;

Storm-water or wastewater collection system;

Flow-through process tank;

Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations; or

Storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft or tunnel) if the storage tank is situated upon or above the surface of the floor. (42 U.S.C. 6991(10))

The term "underground storage tank" shall also mean an underground storage tank used exclusively to store heating oil for consumptive use on the

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premises where stored and which serves other than a farm or residential unit [415 ILCS 5/57.2].

"UST system" or "Tank system" or "related tank system" means an underground storage tank, connected underground piping, underground ancillary equipment, and containment system, if any.

Section 178.110 Requirements for Eligibility

The Underground Storage Tank Fund shall be accessible by owners and operators who have a confirmed release from an underground storage tank or related tank system of a substance listed in this Section. The owner or operator is eligible to access the Underground Storage Tank Fund for reimbursement of corrective action or indemnification costs if the eligibility requirements of Title XVI of the Illinois Environmental Protection Act are satisfied and:

- a) *Neither the owner nor the operator is the United States Government;*
- b) *The tank does not contain fuel which is exempt from the Motor Fuel Tax Law [35 ILCS 505];*
- c) *The costs were incurred as a result of a confirmed release of any of the following substances:*
 - 1) *"Fuel" as defined in Section 1.19 of the Motor Fuel Tax Law [35 ILCS 505/1.19];*
 - 2) *Aviation fuel;*
 - 3) *Heating oil;*
 - 4) *Kerosene; or*
 - 5) *Used oil which has been refined from crude oil used in a motor vehicle, as defined in Section 1.3 of the Motor Fuel Tax Law [35 ILCS 505/1.3];*
- d) *The owner or operator registered the tank and paid all fees in accordance with the statutory and regulatory requirements of the Gasoline Storage Act [430 ILCS 15];*

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- e) *The costs were incurred after the owner or operator notified the Illinois Emergency Management Agency of a confirmed release (costs of corrective action or indemnification incurred before providing that notification shall not be eligible for payment);*
- f) *The costs have not already been paid to the owner or operator under a private insurance policy, other written agreement, or court order; and*
- g) *The costs were associated with corrective action as defined in Section 178.100. [415 ILCS 5/57.9(a)]*

Section 178.120 Deductible Amounts

- a) *For releases reported prior to June 8, 2010, an owner or operator may access the Underground Storage Tank Fund for costs associated with an Agency approved plan and the Agency shall approve the payment of costs associated with corrective action after the application of a \$10,000 deductible, except in the following situations:*
 - 1) *A deductible of \$15,000 shall apply when one or more, but not all, of the underground storage tanks were registered prior to July 28, 1989, and the State received notice of the confirmed release on or after July 28, 1989.*
 - 2) *A deductible of \$50,000 shall apply if any of the underground storage tanks were registered prior to July 28, 1989, and the State received notice of the confirmed release prior to July 28, 1989.*
 - 3) *A deductible of \$100,000 shall apply when none of the underground storage tanks were registered prior to July 28, 1989, except in the case of underground storage tanks used exclusively to store heating oil for consumptive use on the premises where stored and which serve other than farms or residential units, a deductible of \$100,000 shall apply when none of these tanks were registered prior to July 1, 1992. [415 ILCS 5/57.9(b)]*
- b) *For releases reported on or after June 8, 2010, an owner or operator may access the Underground Storage Tank Fund for costs associated with an Agency approved plan, and the Agency shall approve the payment of costs associated with corrective action after the application of a \$5,000 deductible. [415 ILCS 5/57.9(b)]*

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- c) *A deductible shall apply annually for each site at which costs were incurred under a claim submitted pursuant to Title XVI of the Illinois Environmental Protection Act, except that if corrective action in response to an occurrence takes place over a period of more than one year, in subsequent years, no deductible shall apply for costs incurred in response to such occurrence. [415 ILCS 5/57.9(b)]*

Section 178.130 Request for Eligibility and Deductible Determinations

- a) Once notice of the existence of a UST has been submitted to OSFM, along with payment of any required fees pursuant to 41 Ill. Adm. Code 176.450 and 176.455, any owner or operator of a UST in operation at any time after January 1, 1974 may submit an application seeking an eligibility and deductible determination from OSFM. The application shall be submitted electronically, and an Authorization to Submit Eligibility and Deductible Application shall be completed and submitted as part of the application. The application is available at the forms page for the Division of Petroleum and Chemical Safety at <https://www2.illinois.gov/sites/sfm/About/Divisions/Petroleum-Chemical-Safety/Pages/Applications-and-Forms.aspx>.
- b) Within 60 days of receipt of the electronic application for an eligibility and deductible determination, OSFM shall issue its eligibility and deductible decision. Pursuant to 415 ILCS 5/57.9(c) and 35 Ill. Adm. Code 105.504(b), such decision (or failure to issue an eligibility and deductible determination within the time prescribed) may be appealed to the Pollution Control Board (PCB) if filed by the applicant owner or operator within 35 days of issuance of the OSFM decision.