

OFFICE OF THE STATE FIRE MARSHAL
ADOPTED AMENDMENTS
Effective May 2, 2023

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 172
PETROLEUM EQUIPMENT CONTRACTOR LICENSING

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172.APPENDIX A	Contractor Violations (Repealed)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 47 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 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 47 Ill. Reg. _____, effective _____)

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Section 172.20 Three Year Phase-In (Repealed)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.~~

- e) ~~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 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~~

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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 47 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~~ an OSFM-licensed UST contractor and has successfully completed ~~and filed proof with OSFM of completion of ICC or other OSFM approved~~ 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~~ 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~~.

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"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.

~~"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.

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~~"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 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.~~

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~~"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;~~

~~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 47 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

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<https://webapps.sfm.illinois.gov/USTPortal/Home/Login?ReturnUrl=%2fUSTPortal>. ~~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;
 - 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 ~~precision/tightness~~ 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

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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

- 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 the certified employee 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 47 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 be a certified employee or certified individual contractor on the job site; subcontractors are not employees.

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- 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/Home/Login?ReturnUrl=%2FUSTPortal>. 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 47 Ill. Reg. _____, effective _____)

Section 172.60 Possession of OSHA Identification Cards

- 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

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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.

(Source: Amended at 47 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.~~
- ~~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 <http://webapps.sfm.illinois.gov/USTPortal/Home/Login?Returnurl=%2fUSTPortal>, 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) Fee Schedule~~schedule~~:

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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>	\$0100
<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

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 47 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 47 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

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issuance and of expiration. Each licensee shall prominently display ~~the 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, 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 ~~the his~~ name appearing on the license, 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 a new license application and payment of the license fee~~complete new licenses~~.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 172.100 Reporting Reports

- a) As a condition of renewal of a license, the ~~OSFM State Fire Marshal~~ may require the licensee to report information pertaining to ~~the licensee's 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:

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- 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 contractor's OSFM-issued license, including which module the contractor or certified employee is authorized to perform UST activity under.

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

(Source: Amended at 47 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)+ 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;

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- 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
 - 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 a 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 a UST system. 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 tank prior to installation, or other violations of requirements for construction and installation of a UST;
 - 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 a UST system. 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 a UST system. 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 for a UST system or 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 for a UST system, including removal, abandonment-in-place and change in service.
 - G) The failure to comply with compliance certification requirements for a UST. 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 administrative 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~~ ENOV. 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:
- 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.

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- 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 administrative 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 47 Ill. Reg. _____, effective _____)

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:

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- a) All CNOV²s 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 May 2, 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 shall 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 violation Violation:	\$250 1000
Fifth violation Violation:	\$500 2000
Sixth violation Violation:	\$750 3000
Seventh violation Violation:	\$1,000 4000 and a 30-day license suspension in all modules where the violations occurred.
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.

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~~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 violation <u>Violation</u> with no property damage or no personal injury:	\$1,000 <u>1500</u>
First violation <u>Violation</u> with property damage but no personal injury:	\$2,500 <u>3000</u> and a 30-day license suspension in the module where the violation occurred.
First violation <u>Violation</u> with personal injury:	\$5,000 and a <u>review for a possible 60-day license suspension or revocation in 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 <u>a review for a possible the contractor's license suspension or revocation in any or all in the modules held by the licensee</u> 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 47 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.~~

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- 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 47 Ill. Reg. _____, effective _____)

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

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. (See also 225 ILCS 729/80(a)(3))

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- 2) Payment of the administrative citation penalty does not absolve the 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.
- 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] [225 ILCS 729/73(a)].
- 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 47 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 47 Ill. Reg. _____, effective _____)

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~~

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~~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 ~~the 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 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

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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~~ 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)]*
- g) The execution of a written Order of the State Fire Marshal will become effective immediately and will constitute a final administrative decision subject to the Administrative Review Law [735 ILCS 5].

(Source: Amended at 47 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(e)(5).)~~
- ~~B) Contractor failed to have completed notification form. (See 41 Ill. Adm. Code 170.420(e)(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(e).)~~
- ~~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).)~~
- ~~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).)~~

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- ~~I) Contractor failed to provide OSFM with written proof of re-certification 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).)~~
 - ~~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).)~~

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- 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~~
 - 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~~

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- 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~~
 - 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 overflow 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(c)(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).)~~

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- 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).)~~
 - L) ~~Contractor failed to install containment under dispensers of existing sites when pipe is replaced. (See 41 Ill. Adm. Code 170.420(e)(19).)~~
 - M) ~~Contractor failed to meet the hydrostatic testing requirements on all containment before backfilling. (See 41 Ill. Adm. Code 170.420(e)(19).)~~
 - N) ~~Contractor failed to provide adequate lighting to be able to continue working after sunset. (See 41 Ill. Adm. Code 170.420(e)(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).)~~

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- 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 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(e)(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).)~~
 - 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).)~~

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- 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).)~~
 - 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).)~~

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- ~~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).)~~
- ~~O) 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).)~~
- ~~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).)~~

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- ~~Y) Contractor failed to regularly monitor the excavation area with a CGI. (See 41 Ill. Adm. Code 170.430(e)(7).)~~
- ~~Z) Contractor failed to maintain the levels of 5% LEL (lower explosive limits) or O₂. (See 41 Ill. Adm. Code 170.430(e)(7).)~~
- ~~AA) Vapor freeing not done in accordance with API 1631 Section 2.4. (See 41 Ill. Adm. Code 170.430(e)(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(e)(8).)~~
- ~~CC) Contractor failed to have the tank grounded to a separate ground when vapor freeing. (See 41 Ill. Adm. Code 170.430(e)(8).)~~
- ~~DD) Contractor failed to have a pressure gauge on the cylinder for inert gas. (See 41 Ill. Adm. Code 170.430(e)(8).)~~
- ~~EE) Contractor failed to have an operational pressure gauge on the cylinder for inert gas. (See 41 Ill. Adm. Code 170.430(e)(8).)~~
- ~~FF) Contractor used higher than 5 psi discharge into the tank for vapor freeing. (See 41 Ill. Adm. Code 170.430(e)(8).)~~
- ~~GG) Contractor did not test grounding and bonding for continuity. (See 41 Ill. Adm. Code 170.430(e)(8).)~~
- ~~HH) Contractor commenced cutting/opening procedures/cleaning procedures before STSS arrived. (See 41 Ill. Adm. Code 170.430(e)(9).)~~
- ~~I) Contractor used plastic tile or plywood for manway access to the surface—neither are non-collapsible structures. (See 41 Ill. Adm. Code 170.430(e)(10).)~~
- ~~J) Personal protective equipment was not provided for personnel in accordance with API 1631. (See 41 Ill. Adm. Code 170.430(e)(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(e)(15).)~~

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- ~~LL) Contractor failed to provide continuous monitoring during the operation. (See 41 Ill. Adm. Code 170.430(e)(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).)~~
 - ~~C) 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).)~~

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- 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).)~~
 - 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.~~
 - ~~Level B personal protective equipment with body harness and tag line.~~
 - ~~Protective booties.~~~~

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~~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(e)(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(e)(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(e).)~~
- 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).)~~
- 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).)~~

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- 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 47 Ill. Reg. _____, effective _____)