Petroleum and Chemical Safety Division Fact Sheet
UST Rules Update for UST Contractors

The Office of the State Fire Marshal (OSFM) is proposing changes to the underground storage tank (UST) program that may affect petroleum equipment contractors.

What changes can UST Contractors expect to see because of this rulemaking?

New licensing module created.

- A new module will cover the triennial testing of spill containment equipment and containment sumps, and annual leak detection certification testing, as well as the triennial inspection of overfill prevention equipment. Contractors who have been performing this type of testing and/or inspection under the precision testing module will be allowed to continue until their current license expires. After that, contractors must apply under the new module ("Inspection and Testing of UST Equipment").

Certifications by the manufacturer as proof of employee competency.

- For a contractor seeking licensure in the module authorizing precision testing of tanks and lines, and seeking to have its certified employee do this precision testing, the certified employee may obtain a passing score on the ICC exam for precision testing of tanks and lines OR provide proof of his or her certification by the manufacturer of the UST equipment being tested.
- If a contractor is seeking licensure in the new module for the testing and inspection of UST equipment (spill prevention, sumps, overfill prevention, etc), the certified employee must provide proof of his or her certification by the manufacturer of the UST equipment being tested.

Proof of OSHA 40-hour ID card or ICC exam card.

- This rulemaking will allow workers to carry copies and electronic proof of required cards, rather than only originals. Certified and non-certified employees and workers may 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, will allow certified employees to carry, in lieu of a wallet card, a certification or other proof of passage of OSFM-required exams.

Penalties or fines involving UST contractors.

- This rulemaking will implement Public Act 102-0020 by providing rules for citations (that impose a monetary penalty) which may be issued to petroleum equipment contractors when a petroleum equipment contractor violates a requirement of the Act or rules. The penalties will be primarily aimed at addressing repeat violators and serious public safety

violations. For most violations (Administrative or Quality Control), a penalty will not be issued until the 4th violation occurs within a rolling 12-month period. Safety violations, however, 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 or issuance of an administrative citation for any safety violation. OSFM may also consider property damage or personal injury caused by a violation of regulatory requirements in categorizing a violation as being a safety violation.

Illinois continues to phase in requirements for double-walled underground storage tank components.

After March 1, **2023**:

- new and replaced spill containment equipment and sumps must be double-walled;
- new linings for compatibility purposes will only be allowed for double-walled tanks;
- tank installation or replacement will require that any existing single-walled piping be upgraded to double-walled piping; and
- manifolded piping above a shear valve must be removed at the time of dispenser replacement.

After October 13, **2028**:

- all existing underground product piping at UST facilities must be double-walled.

Existing single-walled tanks may continue to be used if they comply with OSFM rules.

This rulemaking further streamlines and simplifies forms and processes. For example, this rulemaking will:

- Allow approved backfill material to be used instead of earth to provide cover for steel tanks. This provides more flexibility in these UST installations.

- After installing a wristband or spike anode for cathodic protection in a containment sump, or a spill or overfill prevention device, or when an interstitial sensor is being reclassified from regulated to non-regulated, a licensed contractor must schedule the final Performance Assurance (Time and Date Certain) inspection, but a licensed contractor representative will not be required to be on site during that final inspection. Likewise, a licensed contractor must schedule the final Operational Safety (Date Certain) inspection on a lining/interior inspection, but a licensed contractor representative will not be required to be on site.

- Provide that emergency repair permits may be obtained electronically, saving valuable time in the emergency circumstances that call for such a permit (which can be obtained from OSFM up to and through the next business day).

- Contractor's portal will require submission of completed testing result forms in addition to the completed notification form prior to scheduling the final inspection for a new tank installation, which will limit the number of unforeseen delays.

- Remove 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.

- Eliminate a 10-foot setback for points where electrical conduit crosses the path of UST product piping, simplifying design for piping installs.

- Clarify that it is permissible to disable only the ball float when a ball float vent valve has failed, leaving the remainder of the ball float vent valve in place--the owner will be allowed to ensure that the overfill prevention equipment used after that point limits or alarms at least 90%, avoiding a more complicated retrofit of a failed piece of equipment.

- Narrow the circumstances under which an inactive UST taken out of service will have to be removed due to the failure to maintain corrosion protection. USTs will only have to be removed for the failure to maintain (1) corrosion protection via an impressed current system, or (2) corrosion protection via an anode system, but only if the anode fails the testing done for corrosion protection purposes. For example, a tank would not need to be removed if corrosion protection during the out of service period was needed only for the associated piping, or, if anodes on the tank subsequently pass the required testing.

- Eliminate the requirement to do a site assessment for a UST that has double-walled tanks and piping in order to remain out of service. A site assessment will be needed on a double-walled UST with double walled piping only when it is brought back into service, or when it is removed.

- Eliminate the requirement for additional documentation from the UST contractor in the event no contamination is found in conjunction with the removal of a bunker tank (typically a heating oil tank located in a basement vault that is filled with sand and partitioned off from the rest of the basement).

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