

Table of Contents

18.01.63 - UNDERGROUND STORAGE TANK TECHNICIAN CERTIFICATION

000. LEGAL AUTHORITY.	2
001. TITLE AND SCOPE.	2
002. (RESERVED).	2
003. ADMINISTRATIVE APPEALS.	2
004. DEFINITIONS.	2
005. -- 010. (RESERVED)	3
011. EXEMPT TANKS.	3
012. REQUIREMENTS OF CERTIFICATION.	3
013. TYPES OF CERTIFICATION.	4
014. PROCEDURES FOR CERTIFICATION.	5
015. WAIVER OF EXAMINATION REQUIREMENTS.	5
016. CERTIFICATION BY COMITY.	5
017. TECHNICIAN EXAMINATION.	5
018. RENEWAL OF CERTIFICATION AND RETESTING REQUIREMENTS.	6
019. APPLICATION, EXAMINATION, AND RENEWAL FEES.	6
020. SUSPENSION, REVOCATION, OR DENIAL OF CERTIFICATION OR RENEWAL.	6
021. PENALTIES.	7
022. VALIDITY.	7
023. -- 999. (RESERVED).	7

18.01.63 - UNDERGROUND STORAGE TANK TECHNICIAN CERTIFICATION

000. LEGAL AUTHORITY.

This rule is promulgated pursuant to the authority granted by Section 41-280(1) and Chapter 52 of Title 67, Idaho Code. (7-1-93)

001. TITLE AND SCOPE.

01. Purpose. The purpose of this rule is to provide for the regulation of persons for hire to perform services for underground storage tank projects in order to assure that underground storage tank systems are being serviced in a manner which will protect the public health and welfare and the land and waters within the state of Idaho. (7-1-93)

02. Affect. The rule will affect any person, individual, partnership, joint venture, corporation, or any combination thereof, association, business trust, or organized group or persons, who by himself or through others, offers to undertake, represents himself as being able to undertake, or does undertake contracting for the installation, closure, modification, alteration, retrofitting, repair, replacement or testing of any underground storage tank system or its appurtenances. (7-1-93)

002. (RESERVED).

003. ADMINISTRATIVE APPEALS.

There is no appeal to the Attorney General from application of this rule. All such appeals must be instituted by written demand for a hearing before the Director of Insurance, per Idaho Code Section 41232. Further appeal from the Director's decision can be taken to district court, pursuant to Idaho Code Section 67-5270. (7-1-93)

004. DEFINITIONS.

01. Board. The underground storage tank technician certification board as created by Section 41-279, Idaho Code. (7-1-93)

02. Certificate. A document issued by the Board to a person who has met the certification requirements of this Rule. (7-1-93)

03. Installation. The work involved in placing an underground storage tank in position and preparing it to be placed in service or the movement of an underground storage tank to a new position and preparing it to be placed in service. (7-1-93)

04. National Certification. A program that can be used to complement state certification programs by simplifying the certification process through recognition of a national certification examination. Passing the national exam would demonstrate competence at the same or higher level as a state certification exam. (7-1-93)

05. Person. Any individual, partnership, association, corporation, joint venture or commercial entity, interstate body, consortium, municipality, county, state, or any agency or political subdivision of the state. (7-1-93)

06. Petroleum. And/or Petroleum products means crude oil, or any fraction thereof, which is liquid at standard conditions of temperature and pressure (i.e., at sixty (60) degrees Fahrenheit and fourteen and seven-tenths (14.7) pounds per square inch absolute). The term includes motor gasoline, gasohol, other alcohol blended fuels, diesel fuels, heating oil, and aviation fuel. (7-1-93)

07. Removal or Closure. Permanently taking an underground storage tank out of service either by closing it in place, or removing it from the ground, or converting it to store a substance other than petroleum or petroleum products. (7-1-93)

08. Repair or Retrofit. The correction, restoration, modification or upgrading of a tank system including, but not limited to, the addition of cathodic protection systems the replacement of piping, valves, fill pipes, or vents the lining of a tank through the application of materials such as epoxy resins; and other similar activities that may affect the integrity of the tank system. (7-1-93)

09. Testing. The performance of tests upon an underground storage tank including, but not limited to, the performance of a tank tightness test. (7-1-93)

10. Underground Storage Tank Technician. Any person who installs, repairs, removes, or tests an underground storage tank. (7-1-93)

005. -- 010. (RESERVED)

011. EXEMPT TANKS.

Tanks not subject to the requirements of this certification program are: (7-1-93)

01. Farm or Residential Tanks. Farm or residential tanks of one thousand one hundred (1,100) gallons or less capacity used for storing motor fuel for noncommercial purposes. (1-1-94)

02. Above Ground Heating Oil Tanks. Tanks located above the ground and used solely for storing heating oil for consumptive use on the premises where stored. (1-1-94)

03. Septic Tanks. (7-1-93)

04. Pipeline Facility. Pipeline facility including gathering lines regulated under: (7-1-93)

a. The natural gas pipeline safety act of 1968 (49 U.S.C. pp. 1671, et seq.); or (1-1-94)

b. The hazardous liquid pipeline safety act of 1979 (49 App U.S.C. Section 2001, et seq.); or (1-1-94)

c. State laws comparable to the provision of the law referred to in Subsections 011.04.a. and 011.04.b. as an intrastate pipeline facility. (1-1-94)

05. Surface Impoundment. Surface impoundment, pit, pond, or lagoon. (1-1-94)

06. Storm Water. Storm water or wastewater collection system. (1-1-94)

07. Flow-Through Tank. (1-1-94)

08. Liquid Trap. Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations. (7-1-93)

09. Special Underground Tanks. Storage tanks situated in an underground area (such as a basement, cellar, mine working, drift, shaft, or tunnel). (1-1-94)

10. Tanks One Hundred Ten (110) Gallons or Less Capacity. Tanks with a capacity of one hundred ten (110) gallons or less. The term "underground storage tank" does not include any pipes connected to any tank which is described in Subsections 011.01 through 011.09 of these definitions. (1-1-94)

012. REQUIREMENTS OF CERTIFICATION.

01. Effective Date. After July 1, 1991 no person shall offer or perform underground storage tank services in the State of Idaho without having first been certified by the Board. (1-1-94)

02. Certification Required. After the required date, any technician offering to perform underground storage tank services must be certified by the Board. Proof of certification must be available at all times a technician is performing tank services. (1-1-94)

03. Additional Requirements. Any underground storage tank technician certified by the Board under the provision of these rules shall: (1-1-94)

- a. Comply with the provisions of Sections 001 through 012 of this Rule. (1-1-94)
- b. Maintain a current address on file with the Board. (7-1-93)
- c. Perform underground storage tank services in a manner which conforms with all local, state, and federal statutes and regulations applicable at the time services are being performed. (7-1-93)
- d. If an applicant meets the financial insurance requirements delineated in Section 014.04 of this rule as a result of his employment only, certification is contingent upon the applicant's continued employment by that employer. The applicant has a duty to notify the Department of termination within seven (7) days of the effective date of that termination. If the applicant is unable to establish compliance with Subsection 014.04 of this rule subsequent to the termination by his previous employer, his certificate will be suspended retroactive to the date of termination of employment. (1-1-94)

04. When A Certified Technician Must Be Present. After July 1, 1991, a certified underground storage technician must be present when the following project tasks are being performed: (1-1-94)

- a. Preparation of the excavation immediately prior to receiving backfill and the placement of the tank into the excavation. (7-1-93)
- b. Any movement of the tank vessel, including but not limited to transferring the tank vessel from the vehicle used to transport it to the project site. (7-1-93)
- c. Setting of the tank and its associated piping into the excavation, including placement of any anchoring devices, backfill to the level of the tank and strapping, if any. (7-1-93)
- d. Placement and connection of the piping system to the tank vessel. (7-1-93)
- e. Installation of cathodic protection. (7-1-93)
- f. All pressure testing of the underground storage tank system, including associated piping, performed during the installation or retrofitting. (7-1-93)
- g. Completion of the backfill and filling of the installation. (7-1-93)
- h. Preparation for and installation of tank lining systems. (7-1-93)
- i. Tank excavation. (7-1-93)
- j. Tank purging or inerting. (7-1-93)
- k. Removal and disposal of tank contents from cleaning. (7-1-93)
- l. Conducting any tank test. (7-1-93)

05. Requirements Not Exclusive. The requirements of this Rule are in addition to and not in lieu of any other licensing and registration imposed by law. (1-1-94)

013. TYPES OF CERTIFICATION.

- 01. Certification Types. The Board may issue the following types of certification: (1-1-94)
 - a. Tank installation/retrofit; (7-1-93)

b. Tank closure/remover; (7-1-93)

c. Tank tester. (7-1-93)

02. Eligibility for Certification. Certification will be issued to individuals who meet the qualification requirements, submit an application, and pay the required fees. (1-1-94)

014. PROCEDURES FOR CERTIFICATION.

The Board shall certify as an underground storage tank technician any person who meets the following requirements: (7-1-93)

01. Application. Has filed a written application on a form prescribed by the Board containing all required information, including whether he has ever been disciplined for an action relating to the installation, repair, removal or testing of an underground storage tank in any other state or jurisdiction. (7-1-93)

02. Fee. Has paid a nonrefundable application fee as specified in Section 018 or 019 of this rule. (1-1-94)

03. Examinations. Has passed a written examination, either an exam offered by the Board or a Board approved national certification exam, and paid any required examination fee as specified or has met the requirements for an examination waiver delineated in Sections 015, 018, or 019 of this rule. (1-1-94)

04. Insurance. The applicant or his employer has general liability insurance, surety bonds, or liquid company assets, which in combination, represents a value of not less than five hundred thousand dollars (\$500,000). The general liability insurance requirement shall be in force for the full year of certification. If the insurance should lapse, the certification of the technician will lapse automatically. This requirement shall not be applicable to applicants employed by the state of Idaho, or any city, county, or other political subdivision of the state, or the United States. If the Board finds liability insurance is not generally available at a reasonable cost, it may waive this requirement for all applicants. (7-1-93)

05. Testing Equipment. An individual making application as a tank tester shall submit, with his application, the type of testing equipment, proof of training on that type of testing equipment and documentation that the tank testing equipment meets all standards for testing equipment adopted by the Environmental Protection Agency. Notice shall be given in advance to the Board of any change of the type of testing equipment made during the course of the certification period. The notice shall include a description of the new testing equipment, proof of training on that type of testing equipment and documentation that the testing equipment meets all of the environmental protection agency standards. (1-1-94)

015. WAIVER OF EXAMINATION REQUIREMENTS.

Examination requirements will be waived for certification of persons meeting the qualifications provided in regulations of the Environmental Protection Agency, code of federal regulations, Title 40, part 280, for cathodic protection tester and corrosion expert. Examination requirements will also be waived for engineers certified by the Board of Engineers and for geologists certified by the Professional Board of Geologists. Application shall be made following procedures outlined in Section 014 of this rule. (7-1-93)

016. CERTIFICATION BY COMITY.

The Board may provide certification by comity of underground storage tank technicians who have successfully completed examinations and are otherwise qualified for a license or certification in another state pursuant to requirements substantially equivalent to those specified in Chapter 2, Title 41, Idaho Code and upon payment of any fees associated with this Rule. Application seeking comity shall be made by following procedures outlined in Section 014 of this rule. (7-1-93)

017. TECHNICIAN EXAMINATION.

01. Frequency of Examinations. At least once prior to July 1, 1991 and at least twice a year thereafter, the Board shall offer a qualifying examination for any person who wishes to become certified to install/retrofit,

remove/close or test an underground storage tank. (1-1-94)

02. Study Materials. The Board shall determine the course of study required to prepare for the certification examination, including what study materials shall be used. (1-1-94)

018. RENEWAL OF CERTIFICATION AND RETESTING REQUIREMENTS.

01. Initial Certification and Renewal. A certificate issued pursuant to this Rule shall be valid for a period of one (1) year and may be renewed by paying the appropriate nonrefundable renewal application fee of twenty-five dollars (\$25) and submitting an application to the Board as required by Section 014.01 of this rule. (1-1-94)

02. Two (2) Years. After a person has been certified for a period of two (2) years, to renew the certification, he must comply with the requirements of Subsection 018.01 and must also pass the written examination required by the Board and pay the required examination fee. (1-1-94)

03. Time Limitations. A certification renewal application submitted to the Board no later than sixty (60) days prior to the expiration date of the current certification shall be acted upon by the Board prior to the expiration date. (1-1-94)

019. APPLICATION, EXAMINATION, AND RENEWAL FEES.

Fees shall be assessed to provide revenues to operate the underground storage tank certification program. Fees are assessed as follows. (7-1-93)

01. Application Fee. A nonrefundable application fee of twenty-five dollars (\$25) must be submitted with all applications for certification. (1-1-94)

02. Examination Fee. A nonrefundable examination fee of fifty dollars (\$50) must be submitted prior to being allowed to sit for an examination or re-examination. (1-1-94)

03. Renewal Fee. A nonrefundable renewal fee of twenty-five dollars (\$25) must be submitted with applications for renewal of certification. (7-1-93)

020. SUSPENSION, REVOCATION, OR DENIAL OF CERTIFICATION OR RENEWAL.

The Board may deny an application for certification or renewal of a certificate or suspend or revoke a certificate on any of the following grounds: (7-1-93)

01. Fraud or Misrepresentation in Application Process. The practice of any fraud or material misrepresentation or aiding or abetting another in the practice of any fraud or material misrepresentation in obtaining or attempting to obtain a certificate pursuant to the provision of this Rule. (1-1-94)

02. Fraud or Misrepresentation After Certification. The practice of any fraud or material misrepresentation or an attempt to practice any fraud or material misrepresentation with respect to any activity covered by the provision of this Rule. (7-1-93)

03. Standards of Practice. Any act or omission failing to meet the standards of practice determined by the Board for the performance of storage tank projects or the testing or inspection of underground storage tanks. Certificate holders will be notified of standards of practice by Bulletins issued by the Board and mailed to the certificate holder at the address on file with the Board. (1-1-94)

04. General. Violation of any of the provisions of this Rule. (1-1-94)

05. Administrative Procedures Act Applies. Action to revoke or suspend any certificate shall be conducted by the Board pursuant to the provisions of Chapter 52, Title 67, Idaho Code, for any contested cases. (1-1-94)

021. PENALTIES.

In addition to suspension, revocation or denial of certification or renewal as delineated in Section 020 of this rule any person who violates any provision of this Rule or other provisions provided in Sections 41-276 through 41-285, Idaho Code, upon conviction, shall be guilty of a misdemeanor and shall be sentenced to a fine not to exceed one thousand dollars (\$1,000) or to a term not to exceed one (1) year in the county jail, or to both such fine and imprisonment.
(7-1-93)

022. VALIDITY.

If any provision of this Rule or the application thereof to any person or circumstance is held invalid, the remainder of the rule and the application of such provision to other persons or circumstances shall not be affected thereby.(7-1-93)

023. -- 999. (RESERVED).