

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL
PART 172
PETROLEUM EQUIPMENT CONTRACTOR LICENSING

Section

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- 172.20 Three Year Phase-In (Repealed)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- 172.80 Licensure of Out-of-State Contractors (Repealed)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- 172.130 Review Panel (Repealed)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

172.APPENDIX A Contractor Violations (Repealed)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. 6755, effective May 2, 2023; amended at 48 Ill. Reg. _____, effective _____.

Section 172.40 Licensure Requirements

- a) No person shall engage in any UST activity without first applying for and obtaining a license from the OSFM. 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 contractor must comply with the Petroleum

43 Equipment Contractors Licensing Act [225 ILCS 729] as evidenced by the
44 licensure submissions required by this Section.

45
46 b) An application for a new contractor license shall be made on-line at the UST
47 Applications and Forms page for OSFM's Division of Petroleum and Chemical
48 Safety (DPCS) at the following link:
49 <https://webapps.sfm.illinois.gov/USTPortal/Contractor/Application>. Renewal of
50 licenses shall be applied for at the UST Portal after the licensee logs in to their
51 secure account at the UST Applications and Forms page for DPCS at
52 <https://webapps.sfm.illinois.gov/USTPortal/Home/Login?ReturnUrl=%2fUSTPor>
53 tal. The licensure application shall include the following submissions:

- 54
55 1) If seeking a license as a contractor:
- 56
57 A) the State license application and licensing fee required by Section
58 172.70;
 - 59
60 B) the names of all of the contractor's certified employees, on the
61 OSFM prescribed form, stating any UST module in which the
62 employee is certified. Contractors are required to be certified if a
63 sole proprietor, or have a certified employee, for each UST module
64 for which they are applying to be licensed;
 - 65
66 C) an original annual certificate of general liability insurance in a
67 minimum of \$1,000,000 for each occurrence, with the OSFM as
68 certified holder;
 - 69
70 D) evidence of a passing score on the required OSFM approved exam
71 for the module for which licensure is being sought. The evidence
72 must be an original certification that includes a photo of the
73 individual taking the exam, supplied by the exam provider, or other
74 copy of the certification as approved by OSFM;
 - 75
76 E) proof of successful completion of initial 40-hour OSHA training
77 and subsequent 8-hour refresher course; and
 - 78
79 F) evidence of current registration and proof of status of good
80 standing with the Illinois Secretary of State, as applicable for the
81 form of business entity applying for licensure, or if a sole
82 proprietor, evidence of compliance with the Assumed Business
83 Name Act [805 ILCS 405].
- 84

- 85 2) If seeking a license as a tank or line precision tester, in lieu of a passing
86 score on the required OSFM approved exam for the tank or line precision
87 testing module, the certified employee may designate the testing methods
88 for which a license is sought and provide proof that he/she, or any certified
89 employee conducting testing, is certified by the manufacturer of the
90 testing equipment. Such proof shall be submitted at the time of license
91 application and shall reflect certification for the license period and the
92 equipment being used, or that the applicant has passed an OSFM approved
93 exam; and
- 94
- 95 3) If seeking a license in the module that authorizes lining or internal
96 inspections of tank linings, the applicant additionally shall provide proof
97 that the applicant has designated at least one certified employee
98 conducting lining activity, that is approved by the manufacturer of the
99 lining material as qualified and trained in the application of the material
100 and has adequate equipment to perform the interior lining safely. The
101 applicant must also possess licensure in the decommissioning module. The
102 certified employees designated by the applicant shall possess the
103 qualifications required for both the lining and the decommissioning
104 modules. Such proof shall be submitted at the time of license application
105 and reflect certification for the license period and the equipment being
106 used.
- 107
- 108 4) If seeking a license in the module that authorizes inspection and testing of
109 UST equipment, the applicant shall designate the testing methods for
110 which a license is sought and provide proof that the certified employee has
111 a passing score on the required OSFM-approved exam for the
112 installation/retrofitting module or is certified by having a letter submitted
113 by the employing licensed contractor establishing that the certified
114 employee has the credentials and training as required by the
115 manufacturer's recommended procedures and instructions~~by the~~
116 ~~manufacturer of the equipment being inspected or tested~~. Such proof shall
117 be submitted at the time of license application and shall reflect
118 certification for the license period and the equipment being inspected or
119 tested.

120 (Source: Amended at 48 Ill. Reg. _____, effective _____)

121

122

123 **Section 172.50 Licensed Contractor's Employee Certifications**

124

- 125 a) A certified employee is an individual who performs a UST activity for a licensed
126 contractor and has successfully completed OSFM prescribed exams for the

- 127 module in which the employee is conducting the UST activity, or meets other
128 requirements under Section 172.40(b).
129
- 130 b) A contractor shall have at least one employee certified for the permitted UST
131 activity, unless the contractor itself is an individual contractor who is so certified.
132
- 133 c) A contractor shall have at least one employee certified in the UST activity for
134 which the permit was issued actively supervising the UST activity being
135 performed on the job site, unless the contractor itself is an individual who is so
136 certified and supervises the work. At all times during UST operations, there shall
137 be a certified employee or certified individual contractor on the job site;
138 subcontractors are not employees.
139
- 140 d) Certified employees of licensed contractors shall possess a wallet card or proof of
141 certification verifying successful passage of OSFM approved exams, or for
142 precision testing or inspection and testing of ~~other~~ UST equipment, proof of
143 certification by the manufacturer. The wallet card or proof of certification must
144 be carried by the certified employee on UST job sites at all times and shall be
145 available upon request by any OSFM representative.
146
- 147 e) Licensed contractors and any of their employees performing a UST activity shall
148 possess OSHA Identification Cards or proof of certification, described in Section
149 172.60, on UST job sites at all times that shall be made available upon request by
150 any OSFM representative.
151
- 152 f) Licensed contractors in all UST activity modules are required to follow the
153 scheduling requirements for date certain and/or time certain schedules established
154 by DPCS. For all permitted inspections, scheduling with OSFM shall be done in
155 advance by the contractor on-line via the UST contractor portal, located at the
156 UST Applications and Forms page for the DPCS at
157 [https://webapps.sfm.illinois.gov/USTPortal/Home/Login?ReturnUrl=%2FUSTPor](https://webapps.sfm.illinois.gov/USTPortal/Home/Login?ReturnUrl=%2FUSTPortal)
158 [tal](https://webapps.sfm.illinois.gov/USTPortal/Home/Login?ReturnUrl=%2FUSTPortal). Submission of any completed testing forms required by OSFM rule shall also
159 be submitted on-line at the UST portal.
160
- 161 g) UST activities may be shut down by any OSFM DPCS manager, supervisor, or
162 STSS if individual contractors or their employees are not in compliance with
163 subsections (a) through (f) ~~of this Section~~. Such work shall not resume until
164 approval is granted by the OSFM.
165

166 (Source: Amended at 48 Ill. Reg. _____, effective _____)