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

PART 175
TECHNICAL REQUIREMENTS FOR UNDERGROUND STORAGE TANKS AND THE STORAGE, TRANSPORTATION, SALE AND USE OF PETROLEUM AND OTHER REGULATED SUBSTANCES

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

SOURCE: Adopted at 34 Ill. Reg. 13358, effective September 2, 2010; emergency amendment at 37 Ill. Reg. 5195, effective April 4, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 13443, effective August 1, 2013; amended at 42 Ill. Reg. 10476, effective October 13, 2018; amended at 47 Ill. Reg. 6837, effective May 2, 2023; amended at 48 Ill. Reg. _____, effective _____.

SUBPART B: MOTOR FUEL DISPENSING FACILITY REQUIREMENTS

Section 175.200 General Requirements for Motor Fuel Dispensing Facilities

a) Other than kerosene and except as otherwise provided in this Subpart B and 41 Ill. Adm. Code 180, all dispensing of flammable and combustible liquids at motor fuel dispensing facilities shall be from underground storage tanks.

b) All motor fuel dispensing facilities must abide by the operating and other requirements of this Subpart B.

c) Motor fuel dispensing facilities must hold a current and valid motor fuel dispensing permit, as evidenced by the affixing of a current green decal from the OSFM in accordance with 41 Ill. Adm. Code 177.115, for the particular type of facility involved in order to operate. No motor fuel dispensing facility shall open for business until inspected and approved by OSFM. Facilities operating under different classifications at any time shall submit a motor fuel dispensing facility application and obtain approval~~dispensing permits~~ for and meet the requirements for the classification with the most stringent requirements that apply~~all respective classifications that apply~~ to the facility. Approval for dispensing operations via the green decal will be granted upon compliance with 41 Ill. Adm. Code 172, 174, 175, 176 and 177. No owner or other person or responsible entity shall permit

any person to violate the provisions of this Subpart B. Violation of the requirements for motor fuel dispensing facilities of this Subpart B may subject the owner or operator to penalties that may include revocation of the right to dispense~~facility motor fuel dispensing permit issued~~ under this Subpart and the green decal issued under 41 Ill. Adm. Code 177 as required for operation of the facility. Failure to remain in compliance with UST rules may also result in OSFM's issuance of a red tag for the tanks at issue, prohibiting any further operation of the facility or further deposit of regulated substances into any tank subject to a red tag. Maintenance of equipment physically connected to the UST, including dispensers, hoses, emergency breakaways, electrical equipment directly tied to the UST, emergency stops and shear valves, are required items subject to red tag for noncompliance.

d) Applications for a Motor Fuel Dispensing Facility Permit

1) No construction of a motor fuel dispensing facility or modification of an existing motor fuel dispensing facility shall be commenced until applications and plans are given written approval in the form of a review letter by OSFM.

2) Only contractors currently licensed and certified in accordance with 41 Ill. Adm. Code 172 may submit motor fuel dispensing facility permit applications. A UST contractor portal for the on-line submission of the motor fuel dispensing permit application can be found at the UST Applications and Forms page for the DPCS at https://webapps.sfm.illinois.gov/USTPortal/Home/Login?ReturnUrl=%2fUSTPortal. The applications shall be those prescribed by OSFM and plans must be submitted for each motor fuel dispensing facility showing compliance with applicable OSFM rules. The plans shall be drawn to scale and shall, at a minimum, include the following:

A) Lot lines and dimensions.

B) Building lines and dimensions.

C) Location and size of tanks and dispensing devices or equipment.

D) Location of control station (if applicable).

E) Locations of all emergency stops.

3) After examining the submitted application and plans, OSFM shall issue a review letter valid for a period of 6 months. Submission of incomplete or illegible applications and/or plans shall be cause for denial of applications.

4) Motor fuel dispensing facility work of the following kinds requires application and plan submittal to OSFM prior to commencing the work:

A) A station being newly constructed.

B) A station being established in a building that previously contained a different occupancy.

C) Making substantial modifications to an existing facility. Substantial modification would include, but not be limited to:

i) Installation of new dispensing islands or dispensers in new locations.

ii) Relocation of an emergency stop.

D) Changing from one facility classification~~category~~ to another, as those classifications~~categories~~ are listed in Sections 175.210 through 175.250. The requirement to submit a motor fuel dispensing facility application and comply with the most stringent set of dispensing requirements~~obtain a permit for the change~~ will still apply even if only part of the facility is being changed, ~~(for example only one dispenser island)~~ or if the facility plans to operate under a different classification~~category~~ for only a portion of a 24-hour period.

E) Construction or relocation of buildings on the property, even if they are not the "primary" motor fuel dispensing facility station control buildings.

5) Motor fuel dispensing facility work of the following kinds does not require application and plan submittal to OSFM prior to commencing the work. This type of work or modifications will be inspected by OSFM when the facility is due for permit renewal:

A) Like-for-like replacement of existing equipment (e.g., replacement of existing dispensing cabinets or components not involving the shear valve or items below the shear valve; changing existing

dispensing nozzles, hoses or fittings; replacing an existing emergency stop in its current location).

B) Replacing (or installing additional) collision protection posts or guardrails.

C) Changing or replacing warning or instructional signs.

D) Replacing or adding to the complement of portable fire extinguishers.

6) In addition to the requirement for a motor fuel dispensing permit pursuant to this Subpart before any dispensing can occur, work affecting UST components or equipment shall also require a separate Section 175.300 permit to be obtained via the submittal of separate applications to OSFM pursuant to that Section.

e) Issuance and Renewal of Motor Fuel Dispensing Facility Permits

1) A motor fuel dispensing facility permit or permit renewal will be issued via the green decal by OSFM after an on-site inspection has been conducted by OSFM to verify compliance with all applicable OSFM administrative rules.

2) No motor fuel dispensing facility shall open for business until inspected and approved by OSFM, and until OSFM issues a green decal~~motor fuel dispensing facility permit~~, which must be prominently displayed at all times at the motor fuel dispensing facility. ~~When a facility is required to obtain more than one kind of permit, all the permits shall be displayed.~~

3) Motor fuel dispensing facility permits shall be issued via the green decal on a biennial basis. These permits (issued via the green decal) shall expire on December 31 of the year shown on the decal~~permit~~.

4) Any name or ownership change shall require completion of an electronic Notification of Ownership Change for Underground Storage Tanks under 41 Ill. Adm. Code 176.440(g) within 30 days, at the UST Applications and forms page for the DPCS at https://sfm.illinois.gov/about/divisions/petroleum-chemical-safety/applications-and-forms.html. Copies of proof of legal ownership, including, but not limited to, the current deed, contract or lease, shall be downloaded with this Notification.

f) Storage and handling of LP gases at motor fuel dispensing facilities shall be in accordance with 41 Ill. Adm. Code 200.

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

SUBPART C: PERMITS, FEES AND SCHEDULING

Section 175.300 Permitted UST Activity

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

a) Permit Requirements

1) Prior to the onset of UST activity, a completed permit application, including fee payment of $200 per permitted activity, shall be submitted to OSFM.

2) A separate fee is required for each type of activity.

3) This fee is to be paid by check or money order made payable to "Office of the State Fire Marshal", or electronic payment via the UST contractor portal (at https://webapps.sfm.illinois.gov/USTPortal/Home/Login?ReturnUrl=%2fUSTPortal) and is to be from the licensed contractor obtaining the permit.

4) Only contractors currently licensed and certified in accordance with 41 Ill. Adm. Code 172 may obtain permits. Contractors are required to be OSFM licensed and have at least one employee doing the work who shall be certified under 41 Ill. Adm. Code 172 for the UST activity that is being performed. A UST contractor portal for the on-line submission of permit applications and the scheduling of permitted work can be found at the website cited in subsection (a)(3).

5) Only licensed contractors, their employees or subcontractors may perform the permitted UST activity in accordance with 41 Ill. Adm. Code 172.

6) Permit applications denied or rejected the second time will require a new permit application and submission of a new fee.

7) Permit applications and issued permits are not transferable.

8) The owner of the UST must be identified on the permit application.

9) No permit may be issued when the current owner listed on the application owes fees pursuant to 41 Ill. Adm. Code 176.450 or 176.455 until the fees are paid in full.

10) No permit may be issued for UST activity unrelated to correcting existing violations while the violations continue to exist on that same site.

b) No UST activity requiring a permit may proceed without a granted permit.

c) No UST owners or operators may perform any UST activity, unless the owner complies with the licensing and certification requirements of 41 Ill. Adm. Code 172.

d) UST activity performed that is not in compliance with the conditions of a permit issued to a licensed contractor, or false information supplied to obtain a permit, is cause for permit revocation, or suspension or revocation of the license of the contractor to perform any UST activity.

e) For purposes of this Section, the following terms shall be considered interchangeable or equivalent: "installer" and "replacer"; "install" and "replace"; "repairer" and "a person who upgrades"; "repair" and "upgrade"; "remover" and "a person who abandons-in-place"; and "remove" and "abandon-in-place".

f) Actions Requiring a Permit. A permit is required to do any of the following to USTs:

1) install new underground tanks or piping;

2) remove tanks or piping;

3) abandon-in-place a UST or piping;

4) upgrade;

5) repair, including replacing flex connectors, risers or vents. If the work performed on risers or vents is done as a result of water ingress or a failed tank precision test, a subsequent tank precision test shall be performed after the work is completed;

6) line a double-walled tank for compatibility purposes;

7) inspect linings;

8) emergency repairs;

9) repair, install or remove cathodic or corrosion protection, including on flex connectors;

10) perform any hot work on a UST;

11) installation, upgrade or removal of the following (except for any like-for-like replacements listed in subsection (g)):

A) leak detection systems (see Section 175.630(f), providing that existing interstitial monitoring sensors and systems cannot be removed);

B) spill containment at the tank or remote fills; and

C) overfill prevention equipment;

12) dispenser activity that triggers the requirement to install under-dispenser containment under Section 175.410(e) and any new dispenser location;

13) submersible activity that triggers the requirement to install a tank containment sump under Section 175.410(c);

14) electronic enhancement of an automatic tank gauge (ATG) that requires work within the ATG control module;

15) connection of a new or existing bulk load-out to a new or existing UST at a motor fuel dispensing facility; and

16) reclassifying a regulated interstitial sensor to a non-regulated interstitial sensor.

g) Actions Not Requiring a Permit

1) No permit is required to do like-for-like replacements for the following:

A) submersible pumps, if already equipped with a tank containment sump;

B) spill containment devices (insert replacements shall be at least 3.5 gallons capacity; newly installed spill containment devices shall be a minimum of 5 gallons capacity);

C) drop tube valves;

D) ATG probes;

E) mechanical line leak detectors;

F) electronic line leak detectors;

G) wireless electronic line leak detectors;

H) rectifiers;

I) interstitial monitoring sensors; or

J) replacement of the bolted-on top section of a shear valve only (replacement of an entire shear valve requires a permit and under-dispenser containment).

2) The exceptions listed in subsection (g)(1) are the only exceptions from the permit requirement. If the equipment is not present or another type of equipment is to be used, a permit shall be required. Any pipe or flex connector work requires a permit. However, merely disconnecting a fitting, coupling or union without replacing that fitting, coupling or union to accomplish the replacement of the like-for-like equipment on the list in subsection (g)(1) will not by itself trigger the requirement for a permit. Although a permit is not required for like-for-like replacements, the work must still be performed by a licensed contractor. When product piping is broken or disconnected to perform a like-for-like replacement, the piping line must be precision tested as tight prior to putting the piping line back into service. Replacing any of the equipment listed in subsection (g)(1) must be reported electronically, within 24 hours after the activity, to OSFM, on a Like-for-Like Replacement Report form provided by OSFM (available at the website cited in subsection (a)(3)), listing the make, model and manufacturer of the equipment as applicable, and indicating where the equipment is being installed. For a list of the types of OSFM permits required for specific permitted UST activities, see Appendix B.

h) Expiration and Extension of Permits. Permits expire 6 months from the date they are issued. The applicant may apply for additional 6-month extensions. Permit extensions that circumvent newly adopted technical requirements will not be allowed. If a party submits evidence of non-cancelable contracts executed in reliance on the permit sought to be extended, or if work has commenced, a party

will not be viewed as circumventing the technical requirement. Each extension request must be submitted electronically or in writing before the permit lapses and must be accompanied by a $200 fee.

i) Amended Permits. Granted permits may be amended twice without a new application fee. For all permit amendments, each change that requires a new licensed contractor, more than minor changes to the site plan, or another engineering review to determine acceptability will require submission of a new permit application and $200 fee. Drawings related to any amendment must be submitted to OSFM with the amendment. Permit amendments that circumvent newly adopted technical requirements will not be allowed.

j) Site plans showing setback distances shall be submitted by the licensed contractor listed on the permit application, to OSFM, along with any motor fuel dispensing permit application required by Section 175.200. Site plans are subject to approval by OSFM before any new construction, addition or remodeling that alters building size, when encroachment on required setbacks would occur; dispenser locations; or locations or sizes of vehicle service area or storage tanks. Removals, lining and upgrades that involve replacing equipment with that of identical manufacture and model do not require submission of site plans.

k) Miscellaneous

1) In the event that equipment requiring a permit is installed without a permit or in violation of the terms of the permit, the owner/operator shall be required to do the following:

A) Hire an OSFM licensed contractor other than the person and company who did the unauthorized/non-permitted work.

B) Submit the proper permit application to OSFM and obtain approval from OSFM.

C) The work shall be uncovered as necessary to allow proper inspection of the UST installation or modification at issue and OSFM may require any changes necessary to bring the installation into compliance with 41 Ill. Adm. Code 160, 172, 174, 175, 176, 177 and 180.

D) If a safety issue is presented by the circumstances, a work site or UST may also be temporarily shut down to protect public safety.

2) When removed piping exceeds 20 feet or 50% of the total piping run at a site, both a removal and an upgrade permit are required. Whenever a removal permit is issued, a site assessment pursuant to 41 Ill. Adm. Code 176.330 is required to be conducted as part of the removal work. When there are indications of a leak that are not contained to the UST system, owners and operators shall follow the procedures and requirements of 41 Ill. Adm. Code 176.Subpart C.

3) A valid permit does not remedy the technical compliance aspects of a violation until the work is completed and does not allow for any extensions of time for compliance. Completion of the work and a satisfactory OSFM final inspection does not preclude OSFM enforcement action against the person who illegally installed the equipment without a permit.

l) Permits for Marinas. Due to the unique characteristics of the site at marina locations, additional information will be required as specified in this subsection (l) and as determined to be necessary by OSFM.

1) Additional statements will be required as requested by OSFM to substantiate ownership or consent from authorities having jurisdiction over the waterway.

2) Site Plans and Drawings. Detailed site plans and drawings shall be supplied as requested by OSFM to show length, width, location and configuration of the dock, type of construction, dispenser location and dispensing area, along with profiles of the UST indicating differences in elevation between tanks, piping and dispensers showing all valves, manholes, sumps, location of leak detection equipment, anti-siphon devices, pressure relief valves, pipe chases, sewage lines, etc. High water, low water and normal pool elevations shall also be given in relation to tank, piping and dispensers, along with any pertinent site characteristics.

m) Permits for Abandonment-in-Place

1) An on-site waiver request or evaluation establishing the existence of at least one of the eligibility criteria of Section 175.840(a) shall be submitted by the OSFM-licensed contractor and must include accurate site plans. A complete plan or diagram of the area shall be provided and show the location of tanks, fill pipes, vent lines, sewers, streets, product lines, utilities and buildings. The facility name and location and the number and size of USTs involved shall also be included in the site plans.

2) A description of the specific inert material to be used shall be indicated on the permit application. Allowed inert material shall be limited to sand, gravel, clay, bentonite or inert material mixed with portland cement to increase flowability. The portland cement concentration may not exceed 50 lbs. per cubic yard of mixed material. Any other materials must be approved by OSFM during the permit process. Tripolymer foam may only be used on compartment tanks where at least 1 compartment is not being abandoned-in-place and will remain in use. If tripolymer foam is to be used, the permit application must include buoyancy calculations based upon the particular tripolymer foam to be used. Information must also be included that verifies the methods and materials that will be used to protect against UST floatation once abandoned-in-place. PEI/RP-100 addresses the issue of floatation and anchorage calculations that may be of assistance to the submitting contractor relative to determining ballast needs.

3) If the ability to abandon-in-place is questioned, a third-party professional structural engineer may be used to determine the feasibility of removal in order to verify that the tank is or is not eligible to be abandoned in place under Section 175.840(a).

n) For permits applicable to mobile fueling sites and related contractors, see 41 Ill. Adm. Code 174.440 and 174.450.

~~o) In the event there is a delegation of authority to any municipality having a population over 500,000 to enforce UST rules and regulations, pursuant to the Gasoline Storage Act [430 ILCS 15/2] and subject to the terms of that agreement, that municipality and its employees may directly conduct permitting, inspections and enforcement regarding UST activities within the jurisdiction of that municipality. Permitting, inspections and enforcement may include biennial audits and other inspections, the completion and issuance of inspections forms and notices, issuing permits, and assessing and collecting permit fees for that municipality's own use which are otherwise to be assessed and collected by OSFM under subsections (a)(1) through (a)(10). Subject to the terms of that agreement, when OSFM is expressly authorized to initiate enforcement action, that municipality has concurrent authority pursuant to Section 2(1)(a) of the Gasoline Storage Act [430 ILCS 15/2(1)(a)]. In conducting permitting, inspections and enforcement activities, the municipality shall strictly follow the administrative rules of OSFM promulgated pursuant to the Gasoline Storage Act [430 ILCS 15] and the Petroleum Equipment Contractors Licensing Act [225 ILCS 729].~~

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

Section 175.320 Scheduling of UST Activity

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

b) No permitted and scheduled OSI or PAI activity can be performed outside the schedule unless changes have been approved in advance by OSFM. Notice of cancellation must be received by OSFM no later than 6:00 a.m. of the scheduled date and the revised date of the work must be at least one complete working day after OSFM receipt of the revised job schedule request. The day of receipt is not included in the advance notice/receipt calculation. A new permit and fee will be required when there is a failure to meet any of the schedules. This includes not being present for inspection, not being completely ready for inspection, violation of any technical requirements for the permitted work, allowing permit to expire before completing the final inspection, or not canceling the job within the allowed time frame. Failure to meet the schedules also includes a failure to complete all UST work and site preparation necessary for the STSS inspection, including any necessary testing and related corrections, prior to the time the STSS is scheduled to first arrive. Upon these events, the permit is considered void and no work may commence until a new permit is issued and the work scheduled pursuant to this Section.

c) OSI (Date Certain) Activity. OSI activity includes UST installations, installation or removal of over 20 feet or 50% of the total piping run or an entire pipe run, tank removal, abandonment-in-place, lining and lining inspection, tank entry and any hot work. Regarding UST installation, scheduled OSFM inspections are required for an air test on the tank prior to installation, tank installation, air test on primary lines, air test on secondary containment, hydrostatic test on containments prior to backfill, and final inspection. Regarding installation of an entire pipe run, OSFM inspections are required for both the primary and secondary air test on the piping and a hydrostatic test on containments prior to backfill, and final inspection. Any additional inspection in follow-up to tank penetration via hot work,

including a final lining inspection and tank precision testing, shall be scheduled as a PAI inspection. For a listing of OSI activities, see Appendix A to this Part.

1) For OSI activity, the licensed contractor shall have a granted permit before scheduling with OSFM to establish a specific date and time that is not less than one complete working day before the anticipated date of the permitted activity. A UST contractor portal for the on-line submission of permit applications and the scheduling of permitted work can be found at the UST Applications and Forms page for the DPCS at https://webapps.sfm.illinois.gov/USTPortal/Home/Login?ReturnUrl=%2fUSTPorta.

2) Only the licensed contractor or an employee of the contractor (this does not include subcontractors) may schedule the work with OSFM.

3) For OSI activity, the work will not be allowed to be done unless an STSS is on site.

4) At the final OSI (Date Certain) inspection on a lining, a licensed contractor representative is not required to be on site but scheduling of the final inspection is required.

d) PAI (Time and Date Certain) Activity. PAI permitted activity includes upgrades not involving piping installation, repairs not involving hot work, or cathodic protection activity. PAI activities will be scheduled for a period of at least 2 working hours (between 8:30 a.m. and 3:30 p.m. on State business days) and subsequent activities that interfere with the ability to inspect will not proceed until the time period is over. Tank and line precision testing and cathodic protection testing following permitted activity must be scheduled with OSFM pursuant to subsection (d)(2). For a listing of OSI activities, see Appendix A.

1) Permitted PAI Activity. The licensed contractor shall have a granted permit before scheduling the permitted activity with OSFM not less than one complete working day before the anticipated date of work. A UST contractor portal for the on-line submission of permit applications and the scheduling of permitted work can be found at the website cited in subsection (c)(1). The Division of Petroleum and Chemical Safety (DPCS) will transmit an e-mail confirmation of scheduling approval back to the contractor within one working day. Work shall not commence until the contractor receives this confirmation. Only the licensed contractor or an employee of the contractor (this does not include subcontractors) may schedule the work with OSFM.

2) Non-permitted PAI Activity. Non-permitted PAI activity includes tank and line precision testing and cathodic protection testing following permitted activity. The licensed contactor or contractor's employee shall schedule the activity with OSFM in advance of the anticipated work. Only the contractor or an employee of the contractor (this does not include subcontractors) may schedule the work with OSFM. A UST contractor portal for the on-line scheduling of non-permitted work can be found at the website cited in subsection (c)(1).

3) When only installing a bag, wristband or spike anode for cathodic protection in a containment sump, or a spill containment device with or without a riser replacement, or an overfill prevention device, or when an interstitial sensor is being reclassified from regulated to non-regulated, at the final PAI (Time and Date Certain) inspection, a licensed contractor representative is not required to be on site, but scheduling of the final inspection is required.

4) Any time an emergency repair permit is issued, the licensed contractor shall electronically schedule and complete the final inspection within 10 days after issuance of the permit.

e) UST Installation.

1) For all UST installations, the final inspection shall not be scheduled without prior submission of:

A) the completed electronic Notification for Underground Storage Tanks form and its accompanying Authorization to Submit (available at https://sfm.illinois.gov/about/divisions/petroleum-chemical-safety/applications-and-forms.html);

B) the completed OSFM on-line forms for all required testing; and

C) if applicable, the completed motor fuel dispensing permit application.

2) Other kinds of permitted work do not require submission of this Notification form.

f) There shall be no transfer or sale of product from a UST until the UST is in compliance with OSFM rules and any required final inspection has been completed. Any request to fill a required minimal amount of fuel necessary to perform compliance testing must be submitted electronically by an OSFM-licensed

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

~~g)~~ ~~In the event there is a delegation of authority to any municipality having a population over 500,000 to enforce UST rules and regulations, pursuant to the Gasoline Storage Act [430 ILCS 15/2], subject to the terms of that agreement, that municipality and its employees may, under this Section, supervise the above-referenced activities in place of OSFM and its employees, regarding UST activities within the jurisdiction of that municipality. In supervising such permitted UST activity, the municipality shall strictly follow OSFM administrative rules promulgated pursuant to the Gasoline Storage Act [430 ILCS 15] and the Petroleum Equipment Contractors Licensing Act [225 ILCS 729].~~

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

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

Section 175.810 Out of Service

a) USTs may be put into an out of service status provided they meet the performance standards for new UST systems or the upgrading requirements specified in 41 Ill. Adm. Code 174, 175 and 176 and 40 CFR 280, except that spill and overfill prevention equipment requirements do not have to be met. The USTs may continue in an out of service status for a period of 5 years from the date of last use provided they meet the following requirements:

1) The tank and product lines shall be emptied immediately upon placing the UST in an out of service status. The UST is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue, or 0.3% by weight of the total capacity of the UST system, remain in the system.

2) Pursuant to Sections 175.500 and 175.510, all corrosion protection shall be maintained and operational for all tanks and lines, and tested as required, to include flex/pipe connectors. This will include any monthly logs that need to be maintained.

3) OSFM must receive a written request, within 30 days after the date the tank was last used, requesting an out of service status. The request shall be submitted on a Notification for Underground Storage Tanks on OSFM

forms (available at https://sfm.illinois.gov/about/divisions/petroleum-chemical-safety/applications-and-forms.html).

4) Vent lines shall be left open and functioning.

5) Financial Responsibility shall be maintained until such time as the UST is removed or abandoned-in-place in accordance with OSFM rules (see 41 Ill. Adm. Code 176.245).

6~~5~~) Within 7 days, the owner/operator shall cap and secure all product lines and secure all pumps, manways and ancillary equipment.

7~~6~~) Subject to all other applicable OSFM requirements, a UST may be put back in operation any time during the first 12 months, without meeting the requirements of subsection (d), subject to the requirement that OSFM be notified in writing on the Notification for Underground Storage Tanks form at least 10 days prior to operation. The form is available at the website cited in subsection (a)(3).

b) Failure to maintain impressed current system corrosion protection on any tank or piping systems at any point during the remaining 4-year out of service period referenced in subsection (d) shall require the removal of the USTs. When testing of anodes has been delayed past the regular 3-year testing interval, any anode system that fails testing shall require removal of the affected tanks or piping.

c) Failure to empty tanks in an out of service status shall require the owner to remove all contents to less than an inch before proceeding with bringing the tanks back into service.

d) Systems that have been out of use for over one year but less than 5 years may be put back in service provided that the facility meets all the applicable requirements in Parts 172, 174, 175, 176 and 177 and the following additional requirements are met:

1) Tanks and lines shall be precision tested and proven sufficient.

2) Tank and line release detection is tested and proven operational.

3) Cathodic protection is tested and proven sufficient.

4) A site assessment is conducted prior to bringing the UST back into service.

5) All tests referenced in subsections (d)(1) through (d)(3) must be performed not more than 90 days and not less than 30 days before placing the tank back in service and submitted to OSFM at least 10 days prior to reopening so that a certification audit can be performed.

6) Prior to a tank being put back in service, all requirements for return to service must be met, and all testing and inspections passed, and a Notification for Underground Storage Tanks Form placing the tanks "Currently in Use" must be submitted. The form is available at the OSFM website cited in subsection (a)(3) above.

e) Single-wall USTs over 30 years old that have been in an out of service status more than one year shall be removed rather than placed back into service.

f) If a UST is not placed back into service within 5 years from the date of last use, the tank system shall be removed within 60 days after the conclusion of the 5-year period.

g) USTs with double-walled tanks and piping shall not be subject to the 5-year limit during the period that is 30 years after the date of installation or while the tank manufacturer's warranty is in place, whichever is less, if all of the following requirements are met:

1) Corrosion protection has been and continues to be maintained;

2) Any UST components found to be defective are replaced in the 45 days prior to any return to service~~active use~~; and

3) All requirements for return to service~~use~~ under subsection (d) and this Section are met.

h) For purposes of this Section, "back in service" means that all regulatory requirements for a return to service have been met, and that the facility has begun regular dispensing operations typical for the location and is compliant with all leak detection, corrosion protection, and operator training requirements.

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

Section 175.830 Removal of USTs

a) For tank and piping removals, the following requirements and procedures shall be followed:

1) Compliance with subsections (a)(2) through (a)(18) is the responsibility of the licensed contractor.

2) Except as otherwise provided in this Section, the procedures of API 1604, incorporated by reference in 41 Ill. Adm. Code 174.210, shall be followed for vapor freeing and inerting procedures.

3) Secure a removal permit~~proper permitting~~ and schedule removal date with OSFM. When removed piping exceeds 20 feet or 50% of the total piping run at a site, a removal permit is required (in addition to any other permit that would normally be required). A new permit and fee will be required when there is a failure to meet the Date Certain schedule established under Section 175.320, including not showing for the inspection, not being completely ready for the inspection, allowing the permit to expire before the inspection, or not cancelling the job before 6:00 a.m. the morning of the scheduled activity. (See Section 175.300 for additional permit requirements.)

4) Maintain all combustible gas indicator equipment according to manufacturer's specifications.

5) Establish an exclusion zone within which smoking is prohibited, which shall include all hazardous (classified) locations/areas where work related to removal is being conducted. The use of spark producing/non-explosion proof equipment is prohibited in the vapor hazard area prior to removal of product and sludges and attaining the lower explosive limit (LEL)/oxygen levels required in subsection (a)(9).

6) Excavate to the top of the tank. Drain product from piping into the tank or into approved drums, being careful to avoid any spillage to the excavation area. Safely disconnect product piping from the tank. Further excavation below the top of the tank is not allowed until STSS has verified that tank conditions meet the LEL/oxygen criteria of subsection (a)(9).

7) Remove all liquids from the tank using explosion-proof pumps or hand pumps. When suctioning product out of tanks, plastic pipes shall not be allowed as a suction tube.

8) Regularly monitor the tank atmosphere and the excavation area with a combustible gas indicator for flammable or combustible vapor concentration until the tank is removed from both the excavation and the site. Monitoring the UST shall be done at 3 levels in the tank: top, middle

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

9) Regularly monitor the tank to insure explosive conditions do not exist. A maximum of 5% of the LEL, or 5% or less oxygen concentration, shall be attained before the tank is considered safe for removal, instead of 10%, as required in the API 1604. Dry ice shall not be allowed as a method of inerting tanks as referred to in API 1604.

10) Bond all devices to the tank and ground the tank to a separate ground when vapor freeing the tank with compressed air or using inert gases under pressure. When using inert gases the cylinder shall be equipped with a pressure gauge, so that no more than 5 psi can be discharged into the tank during vapor freeing procedures. To ensure and maintain proper grounding and bonding, the connections shall be tested by the contractor for continuity. This testing shall be done with equipment designed for continuity testing. When vapor freeing of tanks, plastic pipes shall not be allowed as a vent tube on eductors.

11) Plug and cap all accessible tank holes. One plug should have an 1/8 inch vent hole.

12) Excavate around the tank to prepare for removal. This shall include excavation along one side and one end, from top to bottom.

13) A STSS shall be on site before any tanks and piping are removed.

14) With STSS on site, remove tank and piping from the ground. Equipment with sufficient lifting capacity shall be used to lift the tank from the excavation and must be rated as appropriate for the particular site and excavation.

15) Protective Equipment and Tank Cleaning Requirements

A) Cleaning procedures shall be in accordance with API 2015, incorporated by reference in 41 Ill. Adm. Code 174.210. Personal protection requirements for tank cleaning personnel shall, at a minimum, include the following:

i) protective respiratory equipment for tank cleaning personnel shall be the type that provides supplied positive air pressure to a full-face mask throughout the breathing

cycle during all cleaning operations, in accordance with API 2015;

ii) level B personal protective equipment with body harness and tag line;

iii) protective booties;

iv) continual monitoring of LEL and oxygen during cleaning; and

v) attendant/observer.

B) Requirements in subsection (a)(15)(A) shall not apply in the event that no physical entry is made into the tank.

16) Any UST removed from the excavation zone shall be properly cleaned on site the day of the removal and removed from the site within 24 hours.

17) Tanks larger than 2,000 gallons in capacity shall have holes or openings no less than 3 feet x 3 feet, one on each end or side, for cleaning. Tanks less than 2,000 gallons capacity shall have one entire side removed from end to end and shall be no less than 3 feet wide.

18) The use of spark producing/non-explosion proof equipment is prohibited in the vapor hazard area prior to attaining the LEL/oxygen levels required in subsection (a)(9).

19) If an STSS has observed evidence of a release, the owner, operator or designated representative of the UST owner/operator must notify the Illinois Emergency Management Agency. This is to be done at the site immediately following the field determination and the incident number shall be given to the STSS prior to his/her leaving the site.

20) All removals require a site assessment pursuant to 41 Ill. Adm. Code 176.330.

21) Any tank being removed without an OSFM permit will be required to be put back in the excavation and vented to 12 feet above grade if it has not been removed from the site and covered with backfill until a permit and licensed contractor can remove it properly.

b) Bunker Tanks

1) A commercial heating oil or emergency power generator tank situated below grade, in a basement, on a floor, and enclosed in a masonry wall structure, with the tank completely or partially covered by sand, or otherwise not fully accessible to inspection, commonly referred to as a "bunker tank", meets the definition of a UST (see 41 Ill. Adm. Code 174.100). Removal of a bunker tank shall require the owner or operator to hire a licensed decommissioning contractor to secure proper permitting and schedule the removal pursuant to Section 175.320.

2) That section of the enclosing masonry partition wall that is not part of the building's basement exterior wall will need to be dismantled, and all sand within the enclosure removed. Both masonry rubble and sand from the enclosure will be hauled off as special waste under manifest by a licensed waste hauler (see 35 Ill. Adm. Code 808 and 809).

3) The exposed tank will be emptied as much as possible of any residual liquids, and the area will be monitored for vapors, and ventilation provided as needed to maintain LELs of 5% or less. No further work on the tank removal will be allowed unless the STSS is on site.

4) With the STSS on site and LELs at a maximum of 5%, the tank will be accessed for cleaning. Tanks larger than 2,000 gallons in capacity shall have holes or openings no less than 3 feet x 3 feet, one on each end or side, for cleaning. Tanks less than 2,000 gallons capacity shall have one entire side removed from end to end and shall be no less than 3 feet wide.

5) Once cleaned, the tank will be cut up on site, the pieces removed from the building, and all parts of the tank scrapped.

6) Once the enclosure wall, sand and tank have been properly removed, the area where the bunker tank had been will be evaluated under the direction of the STSS on site.

A) For bunker tanks, soil sampling and a site assessment will be required if either of the following conditions are found:

i) Evidence indicating product may have migrated from the bunker tank to the environment beyond the floor or walls of the building it was located within, such as finding free product in a drain; or

ii) Evidence is seen of both leakage of product on the floor or building wall where the bunker tank was located, and the area of floor or wall associated with evidence of leakage of product from the bunker tank is deteriorated or cracked such that there is a possibility of the product having migrated beyond the enclosure confines.

B) In the event that any of the conditions described in subsection (b)(6)(A)(i) or (ii) are found, samples will be obtained from soil borings from beneath the floor or from outside the wall from areas where contamination is most likely to be present, based on the evidence discovered. Samples will be submitted for analysis, and a release shall be reported if indicated.

C) In the event that none of the conditions described in subsection (b)(6)(A)(i) or (ii) are found, no samples from soil borings will be required, and no incident shall be reported.

D) The STSS on site will clearly document his/her observations under "Remarks" on the Log of Removal, noting whether any of the conditions listed in subsections (b)(6)(A)(i) and (ii) were present.

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

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

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

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

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

c) Disposal of Tanks

1) If a tank is to be scrapped as junk, it shall be retested for combustible or flammable vapors and, if necessary, rendered gas free.

2) If the tank last contained leaded gasoline, an unknown petroleum product or a hazardous substance, it may only be scrapped or junked, recertified, or discarded at a special waste or hazardous waste landfill as designated by Illinois EPA regulations. If tanks are being re-certified, the licensed contractor must give written notice to OSFM on the removal permit as to the intent to re-certify and re-use the tanks being removed. The re-certified tank must be re-installed within 6 months from removal.

3) Removed tanks may not be reused for any purpose other than those allowed by OSFM rules (proper disposal at an approved landfill, scrapped or junked after proper cleaning, or recertified pursuant to OSFM rules).

4) Compliance with this subsection (c) is the responsibility of the licensed contractor.

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

Section 175.840 Abandonment-in-Place

a) No tank or piping may be abandoned-in-place unless the permit applicant demonstrates eligibility for a waiver of the removal requirement for the tank and/or piping. The waiver shall be granted only in the following instances:

1) it would be infeasible to remove the UST due to loss of adjacent or subjacent support of nearby structures, such as railroad tracks, streets (as defined in Section 1-201 of the Illinois Vehicle Code [625 ILCS 5/1-201]), and other USTs;

2) removal is infeasible because of inaccessibility, as determined by OSFM; or

3) in unusual situations in which removal is infeasible due to other reasons, as determined by OSFM.

b) ~~In the event there is a delegation of authority to any municipality having a population over 500,000 to enforce UST rules and regulations, pursuant to the Gasoline Storage Act [430 ILCS 15/2] and subject to the terms of such agreement, that municipality and its employees may, for USTs located within the jurisdiction of that municipality, (i) directly issue abandonment-in-place permits, and assess and collect abandonment-in-place permit fees for its own use which would~~

~~otherwise be assessed and collected by the OSFM under subsections 175.300(a)(1) through (a)(10) and subsection (d) of this Section, (ii) request records of abandonment-in-place, and (iii) supervise the activities of subsection (d) of this Section; however, any criteria for abandonment-in-place shall be identical to those found in OSFM administrative rules at 41 Ill. Adm. Code 172, 174, 175, 176 and 177.~~ Tanks, inside the jurisdiction of the City of Chicago, which were abandoned-in-place prior to July 28, 1989 (the date of repeal of home rule by the City over USTs) in accordance with City laws, regulations or ordinances, need not be removed so long as a condition under subsection (a) allowing abandonment continues to exist.

c) Tanks abandoned prior to October 1, 1985. Tanks, outside the jurisdiction of the City of Chicago, filled with inert material, as described in subsection (d)(13), prior to October 1, 1985, need not be removed so long as a condition under subsection (a) allowing abandonment exists; however, the owners shall provide documentation of fill material and date of fill, upon request by OSFM. The documentation shall be a receipt or a written statement from the licensed or non-licensed contractor who did the fill, a statement from the inspector who inspected the tank or a written statement from anyone designated by the State Fire Marshal or the Director of the Division of Petroleum and Chemical Safety.

d) For UST or piping abandonment-in-place, the following requirements and procedures shall be followed:

1) An OSFM permit under Section 175.300 shall be obtained and the work scheduled with OSFM.

2) Except as otherwise provided in this Section, the procedures of API 1604 shall be followed for vapor freeing and inerting procedures.

3) All health and safety monitoring equipment shall be maintained according to manufacturer's specifications.

4) An exclusion zone shall be established, within which smoking is prohibited. The exclusion zone shall include all hazardous (classified) locations/areas where work related to abandonment-in-place is being conducted. The use of spark producing/non-explosion proof equipment is prohibited in the vapor hazard area prior to removal of product and sludges and attaining the LEL/oxygen levels required in subsection (d)(9).

5) Upon excavating to the top of the tank, on-site personnel shall drain product into approved drums or other approved receptacles. Any associated piping to be abandoned-in-place shall be properly secured or

capped. Any piping removal shall adhere to Section 175.830. Further excavation below the top of the tank is not allowed until STSS is present and has verified that tank conditions meet the LEL/oxygen criteria of subsection (d)(9).

6) All liquids shall be removed from the tank using explosion-proof pumps or hand pumps.

7) The tank atmosphere and the excavation area shall be regularly monitored with a combustible gas indicator for flammable or combustible vapor concentration. Monitoring the UST shall be done at 3 levels in the tank: top, middle and bottom. A confined space entry permit shall be obtained prior to tank entry and SDS must be on site.

8) Vapor freeing shall be done in accordance with API 1604, except that dry ice shall not be allowed as a method of inerting tanks. When vapor freeing the tank with compressed air or using inert gases under pressure, all devices shall be bonded to the tank and the tank shall be grounded to a separate ground. When using inert gases, the cylinder shall be equipped with a pressure gauge so that no more than 5 psi can be discharged into the tank during vapor freeing procedures. To ensure and maintain proper grounding and bonding, the connections shall be tested by the licensed contractor for continuity. This testing shall be done with equipment designed for continuity testing. When vapor freeing a tank, plastic pipes shall not be allowed as a vent tube on eductors.

9) The tank shall be regularly monitored to insure that explosive conditions do not exist. A maximum of 5% of the LEL, or 5% or less oxygen concentration, shall be attained before the tank is considered safe for abandonment.

10) An STSS shall be on site before any tanks and piping are abandoned in place or before any hot work can proceed.

11) A sufficient number of holes or openings shall be made in the tank for abandonment-in-place procedures if existing openings are not adequate.

12) Cleaning procedures shall be in accordance with API 2015, incorporated by reference in 41 Ill. Adm. Code 174.210. Protective respiratory equipment for tank cleaning personnel shall be the type that provides positive air pressure to a full-face mask throughout the breathing cycle, in accordance with API 2015.

13) After cleaning, on-site personnel shall proceed to introduce an OSFM-approved, inert material through openings in the top of the tank to minimize any surface settling subsequent to abandonment of the tank in place. Allowed inert material shall be limited to sand, gravel, clay, bentonite or inert material mixed with portland cement to increase flowability. The portland cement concentration may not exceed 50 lbs. per cubic yard of mixed material. Tripolymer foam may only be used on compartment tanks where at least 1 compartment is not being abandoned in place and will remain in use. Any other materials must be approved by OSFM during the permit process. The procedure for filling shall be in accordance with API 1604.

14) After the tank is filled with inert material, all tank openings shall be plugged or capped unless it was necessary to cut open the tank top. The vent line shall be disconnected, capped and removed.

15) Every abandonment-in-place requires a site assessment (see 41 Ill. Adm. Code 176.330).

16) When a UST is abandoned-in-place, the owner of the UST shall keep a permanent record of the UST location, the date of abandonment-in-place and the procedure used for abandonment-in-place.

e) When a UST is allowed to be abandoned-in-place, as specified in this Section, the abandoned-in-place UST shall be removed when the condition for issuing the abandonment permit no longer exists. The removal procedures shall be followed and a removal permit is required.

f) Compliance with subsections (d)(1) through (d)(14) is the responsibility of the licensed contractor.

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

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

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

Removal of a UST or UST system, or removal of over 20 feet or 50% of the total piping run or an entire underground pipe run
Abandonment-in-place, tanks or piping
UST hot work/tank entry (if cutting or penetration of tank shell or work capable of providing a source of ignition or heat is involved) (See definition of "hot work" at 41 Ill. Adm. Code 174.100)
Lining and lining inspection
Installation of a UST or UST system, or installation of over 20 feet or 50% of the total piping run or an entire underground pipe run (See Section 175.320(c))

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

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

Pursuant to Section 175.300 and 41 Ill. Adm. Code 174.440 and 174.450, the UST activities listed in this Appendix B will require the kinds of permits listed in this chart. A UST contractor portal for the on-line submission of permit applications and the scheduling of permitted work can be found at https://webapps.sfm.illinois.gov/USTPortal/Home/Login?ReturnUrl=%2fUSTPortal.

Type of UST Activity	**Permit Required**
Installation of a complete UST with all components, or installation of just the tank	Installation permit and motor fuel dispensing permit pursuant to Section 175.200
Installation of any portion of a UST (except corrosion protection or lining)	Upgrade permit and motor fuel dispensing permit pursuant to Section 175.200 as may be applicable
Removal of a UST or UST system, or removal of over 20 feet or 50% of the total piping run or an entire underground pipe run	Removal permit
Abandonment-in-place of any tank or piping	Abandonment-in-place permit
UST repair to make an existing UST part functional, but not including lining or corrosion protection	Upgrade permit
Tank lining or tank lining inspections	Lining or interior lining inspection permit
Emergency repairs (excluding corrosion protection)	Upgrade permit (see the procedures of Section 175.710)
Repair or install cathodic protection or corrosion protection, including on flex connectors	Cathodic protection permit
Manway installation (no separate upgrade or entry permit for a manway is required where the original lining permit or lining inspection permit includes the installation of a manway)	Hot work/tank entry permit
UST activity requiring the cutting or penetration of the tank shell in any way (no separate hot work permit required where a lining or lining inspection permit is being issued)	Hot work/tank entry permit
Installation, upgrade or removal of leak detection systems	Upgrade permit
New spill containment (except that replacement of spill containment is a like-for-like replacement that requires only notification to OSFM pursuant to Section 175.300)	Upgrade permit

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

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