NOTICE OF PUBLIC HEARING

Notice is hereby given that the Division of State Fire Marshal, Bureau of Underground Storage Tank Regulations (BUSTR), pursuant to Section 119.03 of the Ohio Revised Code, has filed thirteen amended rules related to Ohio's underground storage tank (UST) program, found at Ohio Administrative Code Chapter 1301:7-9.

BUSTR intends to amend the following administrative rules:

1301:7-9-01	Applicability.
1301:7-9-02	Definitions.
1301:7-9-03	Reporting requirements for hazardous substances and list of hazardous substances.
1301:7-9-04	Registration of UST systems.
1301:7-9-09	Sensitive areas.
1301:7-9-10	Permits for UST systems.
1301:7-9-11	Underground storage tank installer certification and training.
1301:7-9-12	Out-of-service, closure-in-place, permanent removal, change-in-service, and closure assessment of UST systems.
1301:7-9-13	Petroleum UST corrective action.
1301:7-9-14	Voluntary corrective action.
1301:7-9-15	Delegation of authority to inspect UST systems.
1301:7-9-16	Petroleum contaminated soil.
1301:7-9-17	Sampling and analysis of excavated soil for the purpose of treatment and disposal.

The proposed amendments were developed in connection with the five-year review process, conducted pursuant to Ohio Revised Code section 119.032. All of the rules have had minor editorial and formatting changes made to them. A brief summary of the more substantive of the proposed amendments to each of the rules is as follows:

1301:7-9-01	A reference to the now-rescinded 1301:7-9-08 is deleted.
1301:7-9-02	One term is added, three are deleted, and nine are modified.

1301:7-9-03 The list of hazardous substances is amended to conform with the federal list.

1301:7-9-04 A late fee of $5 per UST is added for registrants who do not meet the annual registration deadline.

1301:7-9-09 References to the Federal Register are corrected.

1301:7-9-10 Definitions listed in this rule are removed because they already exist in rule 1301:7-9-02.

1301:7-9-11 Amended to clarify the duties of UST installers, to allow more time installers to renew their licenses, and to simplify training requirements.

1301:7-9-12 Amended to clarify UST out-of-service requirements and to allow deferral of closure sampling under specified conditions.

1301:7-9-13 Amended to increase the accuracy and utility of information submitted to the state fire marshal, to change the procedure for determining whether ground water is considered drinking water, to focus tightness testing on the component(s) known or suspected to be leaking, and to allow discontinuation of unneeded free product recovery and free product recovery reporting.

1301:7-9-14 Amended to remove rule language that described an application process for BUSTR to accept and review certain sites that are eligible for brownfields funding. U.S. EPA and Ohio EPA currently administer all brownfield-related funding in Ohio concerning petroleum-contaminated properties. The existing language is no longer necessary.

1301:7-9-15 Amended to clarify the duties of UST inspectors, to assess a background check fee for inspectors who wish BUSTR to perform that check, and to simplify training requirements.

1301:7-9-16 An option is added to remove and dispose of petroleum contaminated soil (PCS) as an alternative to the existing requirement to prepare a PCS Treatment Plan.

1301:7-9-17 Amendments are made to clarify the sampling procedures for excavated soil.

A public hearing regarding this proposed action is scheduled for:

Thursday, January 26, 2012, at 10:00 a.m.
State Fire Marshal-Bureau of Underground Storage Tank Regulations
8895 East Main Street
Reynoldsburg, Ohio 43068

Comments on the rules will be accepted until **5:00 p.m. on Thursday, January 26, 2012**, and may be addressed to:

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