

Sec. 9. (a) The department shall maintain a record of all receipts and expenditures of the fund.

(b) The department shall maintain performance and attendance records of inspectors enrolled in departmental programs that may be used in any voluntary accreditation program of the department or a provider. *(Fire Prevention and Building Safety Commission; 675 IAC 12-11-9; filed Feb 1, 1990, 5:00 p.m.: 13 IR 1050, eff Mar 1, 1990 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #89-115 was filed Feb 1, 1990.]; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA)*

Rule 12. Underground Storage Tank Certification Program

675 IAC 12-12-1 Authority; definitions

Authority: IC 13-23-3-1; IC 13-23-3-2; IC 13-23-3-3; IC 13-23-3-4

Affected: IC 13-11-2-241; IC 13-23-3

Sec. 1. (a) This section is adopted in accordance with IC 13-23-3-1 through IC 13-23-3-4.

(b) The following definitions apply throughout this rule:

(1) "Examination" means a written set of questions approved by the division.

(2) "Decommissioning" means the removal or closure of an underground storage tank.

(3) "Owner" has the meaning set forth in 675 IAC 22.

(4) "Performance bond" means a document that establishes a guaranty obligation in a stated dollar amount to pay the costs of the:

(A) installation;

(B) retrofitting;

(C) testing;

(D) cathodic protection; or

(E) decommissioning;

of one (1) or more underground storage tanks.

(5) "Person" has the meaning set forth in 675 IAC 22.

(6) "Underground storage tank" has the meaning set forth in IC 13-11-2-241.

(Fire Prevention and Building Safety Commission; 675 IAC 12-12-1; filed Sep 13, 1990, 4:00 p.m.: 14 IR 286; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1006; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2111; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA)

675 IAC 12-12-2 Purpose

Authority: IC 13-23-3-1; IC 13-23-3-2; IC 13-23-3-3; IC 13-23-3-4

Affected: IC 13-23-3

Sec. 2. The purpose of this rule is to establish procedures for the division to administer a certification program for persons who supervise, manage, or direct underground storage tank:

(1) installation or retrofitting;

(2) testing;

(3) cathodic protection procedures; or

(4) decommissioning.

(Fire Prevention and Building Safety Commission; 675 IAC 12-12-2; filed Sep 13, 1990, 4:00 p.m.: 14 IR 286; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1007; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2111; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA)

675 IAC 12-12-3 Application for certification

Authority: IC 13-23-3-1; IC 13-23-3-2; IC 13-23-3-3; IC 13-23-3-4

Affected: IC 13-23-3

Sec. 3. (a) A person who supervises, manages, or directs the installation, retrofitting, testing, cathodic protection, or

decommissioning of underground storage tanks shall submit evidence to the division that the person has successfully completed applicable examinations administered by either of the following:

- (1) The International Fire Code Institute.
- (2) Another independent testing agency whose examinations have been approved by the state fire marshal as being substantially similar.
- (b) Renewal procedures pertaining to the certification examinations shall be as set forth in IC 13-23-3-4(a). A certificate expires two (2) years from the date a person successfully completes the examination referenced in subsection (a).

(c) Passing scores and retest requirements for the certification examinations shall be as set forth in section 3.1 of this rule.

(d) Examination subjects are those as set forth in section 2 of this rule. (*Fire Prevention and Building Safety Commission; 675 IAC 12-12-3; filed Sep 13, 1990, 4:00 p.m.: 14 IR 286; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1007; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2112; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1009; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA*)

675 IAC 12-12-3.1 Certification examination

Authority: IC 13-23-3-1; IC 13-23-3-2; IC 13-23-3-3; IC 13-23-3-4

Affected: IC 13-23-3

Sec. 3.1. (a) The passing score for each module shall be seventy percent (70%).

(b) There shall be no limit on the number of times a person may be examined on any module, nor any waiting period required before reapplying for examinations for any module. (*Fire Prevention and Building Safety Commission; 675 IAC 12-12-3.1; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1007; filed Apr 22, 1996, 3:00 p.m.: 19 IR 2287; errata filed Feb 2, 1998, 8:30 a.m.: 21 IR 2129; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; readopted filed Sep 21, 2007, 9:20 a.m.: 20071010-IR-675070388RFA; readopted filed Oct 10, 2007, 9:16 a.m.: 20071031-IR-675070388RFA*)

675 IAC 12-12-4 Issuance of certificate

Authority: IC 13-23-3-1; IC 13-23-3-2; IC 13-23-3-3; IC 13-23-3-4

Affected: IC 13-23-3

Sec. 4. (a) Unless grounds exist to deny a certificate under IC 13-23-3-3(b), the state fire marshal shall issue a certificate to a person who does the following:

(1) Passes one (1) or more of the certification examination subjects under section 2 of this rule.

(2) Pays a certificate issuance fee of twenty-five dollars (\$25) payable to the fire and building services fund.

(b) A person who had a certificate revoked under IC 13-23-3-3(b) may obtain a certificate from the state fire marshal only if the person files a performance bond in an amount prescribed in section 6 of this rule.

(c) A certificate:

(1) shall identify which certification examination subjects were passed; and

(2) is valid only for work within the scope of those subjects.

(d) A certificate issued under subsection (a) expires two (2) years from the date the person successfully completes the examination to qualify to obtain a certificate.

(e) Upon payment of the required fee, as specified in subsection (a), any person who is certified or licensed to supervise, manage, or direct underground storage tank installation, retrofitting, testing, cathodic protection, or decommissioning in another state shall, without examination, be granted a certificate, provided the following:

(1) The person submits an application for reciprocity.

(2) No such person shall be granted a certificate in a category the person is not certified for in another state.

(3) The requirements for licensing in the other state are substantially similar to the requirements in force in Indiana.

(f) The department shall submit to the state fire marshal documented evidence that the certification or licensing is substantially similar to Indiana's underground storage tank certification examination. The state fire marshal shall grant or deny the certification. Application forms for reciprocity shall be provided by the division. (*Fire Prevention and Building Safety Commission; 675 IAC 12-12-4; filed Sep 13, 1990, 4:00 p.m.: 14 IR 286; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1008; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2112; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA*)

675 IAC 12-12-5 Orders; sanctions; appeals

Authority: IC 13-23-3-1; IC 13-23-3-2; IC 13-23-3-3; IC 13-23-3-4
Affected: IC 4-21.5-3-7; IC 22-12-7

Sec. 5. (a) The state fire marshal may issue orders under IC 22-12-7-4 to require a person to cease and correct any violation of the laws and rules pertaining to the:

- (1) installation;
- (2) retrofitting;
- (3) testing;
- (4) cathodic protection; or
- (5) decommissioning;

of underground storage tanks.

(b) The state fire marshal may impose sanctions, with respect to certificates issued under section 4 of this rule, as described in IC 22-12-7-7 and IC 13-23-3-3.

(c) A person who is aggrieved by an order of the state fire marshal may do either of the following:

- (1) Request an informal hearing under IC 22-12-7-12.
- (2) Appeal by filing a petition for review of the order under IC 4-21.5-3-7.

(Fire Prevention and Building Safety Commission; 675 IAC 12-12-5; filed Sep 13, 1990, 4:00 p.m.: 14 IR 287; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1008; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2113; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA)

675 IAC 12-12-6 Performance bond

Authority: IC 13-23-3-1; IC 13-23-3-2; IC 13-23-3-3; IC 13-23-3-4
Affected: IC 13-23-3-3

Sec. 6. If a person files a performance bond with an application for a certificate under IC 13-23-3-3(c), the amount of the bond shall be equal to the dollar value of a single contract awarded to the person for the installation, retrofitting, testing, cathodic protection, or decommissioning of one (1) or more underground storage tanks at a particular location. The division shall:

- (1) act only as a custodian; and
- (2) not be obligee of the bond.

(Fire Prevention and Building Safety Commission; 675 IAC 12-12-6; filed Sep 13, 1990, 4:00 p.m.: 14 IR 287; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1009; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2113; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA)

675 IAC 12-12-7 Display of certificate

Authority: IC 13-23-3-1; IC 13-23-3-2; IC 13-23-3-3; IC 13-23-3-4
Affected: IC 13-23-3

Sec. 7. The person who supervises, manages, or directs the:

- (1) installation;
- (2) retrofitting;
- (3) testing;
- (4) cathodic protection; or
- (5) decommissioning;

of an underground storage tank shall display or produce a valid certificate or copy thereof that was issued by the state fire marshal under this rule. *(Fire Prevention and Building Safety Commission; 675 IAC 12-12-7; filed Sep 13, 1990, 4:00 p.m.: 14 IR 287; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1009; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2114; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: 20060927-IR-675050108FRA)*

Rule 13. Conversion of Existing Buildings