**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. 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 47 Ill. Reg. 6837, effective May 2, 2023)