

HB

196

2nd CS

6-0857H  
Lauterbach  
3/15/89

Original sponsors: Menard, M.Davis,  
Brown, et al.

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 196 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to persons who perform work relating  
7 to petroleum and chemical storage tanks; and provid-  
8 ing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 08 is amended by adding a new chapter to read:

11 CHAPTER 96. STORAGE TANK INSTALLERS.

12 Sec. 08.96.010. LICENSE REQUIRED. (a) A person may not in-  
13 stall, repair, test, or close a petroleum or chemical storage tank  
14 without a license issued under this chapter.

15 (b) A person may not offer to install, repair, test, or close a  
16 petroleum or chemical storage tank without a license issued under this  
17 chapter.

18 (c) A person may not employ another to install, repair, test, or  
19 close a petroleum or chemical storage tank unless the person employed  
20 is a contractor licensed under AS 08.18 and the contractor or the  
21 person employed by the contractor to do the work is licensed under  
22 this chapter.

23 (d) Violation of this section is a class A misdemeanor.

24 Sec. 08.96.020. APPLICATION FOR LICENSE. A person desiring to  
25 be licensed under this chapter shall apply in writing to the division  
26 of occupational licensing of the Department of Commerce and Economic  
27 Development.

28 Sec. 08.96.030. ISSUANCE OF LICENSE; RENEWAL. (a) The division  
29 shall issue a license authorizing a person to install, repair, test,

1 and close petroleum and chemical storage tanks if the applicant meets  
2 the requirements that the Department of Environmental Conservation  
3 establishes by regulation and pays the applicable fee.

4 (b) The Department of Environmental Conservation shall consult  
5 with the division when establishing requirements under (a) of this  
6 section. The requirements may include training, education, experi-  
7 ence, satisfactory performance on written, oral, or practical examina-  
8 tions, and other appropriate factors. The requirements must be de-  
9 signed to ensure that a person licensed under this chapter is quali-  
10 fied to install, repair, test, and close petroleum and chemical  
11 storage tanks in a manner that complies with regulations adopted by  
12 the Environmental Protection Agency and the Department of Environ-  
13 mental Conservation.

14 (c) A license issued under this chapter may be renewed upon  
15 satisfactory completion of continuing education requirements estab-  
16 lished by the Department of Environmental Conservation by regulation.

17 Sec. 08.96.040. FEES. The Department of Commerce and Economic  
18 Development shall set fees under AS 08.01.065 for licensing and li-  
19 cense renewal under this chapter.

20 Sec. 08.96.050. INVESTIGATIONS. The Department of Commerce and  
21 Economic Development, the Department of Environmental Conservation, or  
22 the Department of Labor may investigate alleged or apparent violations  
23 of this chapter. A department, upon showing proper credentials, may  
24 enter, during regular hours of work, a construction site where it  
25 appears that storage tank work governed by this chapter is being done.  
26 A department may make inquiries about the identity of the storage tank  
27 installer doing the work. Upon demand, a storage tank installer or  
28 that person's representative, shall produce evidence of current licen-  
29 sure.

1           Sec. 08.96.060. CEASE AND DESIST ORDER. (a) If the commissioner  
2 of commerce and economic development determines that a person is  
3 acting as a storage tank installer in violation of this chapter, the  
4 commissioner may issue a cease and desist order prohibiting further  
5 action by the person as a storage tank installer. The cease and  
6 desist order remains in effect until the person has submitted evidence  
7 acceptable to the commissioner showing that the violation has been  
8 corrected.

9           (b) A person affected by an order issued under (a) of this  
10 section may seek equitable relief preventing the commissioner of  
11 commerce and economic development from enforcing the order.

12           Sec. 08.96.070. GROUNDS FOR SUSPENSION, REVOCATION OR REFUSAL TO  
13 ISSUE A LICENSE. The division may, after a hearing, impose a disci-  
14 plinary sanction on a person licensed under this chapter when the  
15 division finds that the licensee

16           (1) secured a license through deceit, fraud, or intentional  
17 misrepresentation;

18           (2) engaged in deceit, fraud, or intentional misrepresenta-  
19 tion in the course of providing storage tank services;

20           (3) advertised storage tank services in a false or mislead-  
21 ing manner;

22           (4) has been convicted of a felony or other crime that  
23 affects the licensee's ability to continue to work competently and  
24 safely;

25           (5) failed to comply with this chapter, with a regulation  
26 adopted under this chapter, or with an order of the division.

27           Sec. 08.96.080. DISCIPLINARY SANCTIONS. (a) When it finds  
28 that a licensee under this chapter is guilty of an offense under  
29 AS 08.96.070, the division may impose the following sanctions singly

1 or in combination:

- 2 (1) permanently revoke the person's license;
- 3 (2) suspend the person's license for a determinate period
- 4 of time;
- 5 (3) censure the licensee;
- 6 (4) issue a letter of reprimand to the licensee;
- 7 (5) place the licensee on probationary status and require
- 8 the licensee to

9 (A) report regularly to the division upon matters

10 involving the basis of probation;

11 (B) limit authorized activities to those areas pre-

12 scribed by the division;

13 (C) continue professional education until a satisfac-

14 tory degree of skill has been attained in areas determined by the

15 division to need improvement;

16 (6) impose limitations or conditions on the licensee with

17 respect to the installation, repair, testing, or closure of storage

18 tanks.

19 (b) The division may withdraw probationary status of a licensee

20 if it finds that the deficiencies that required the sanction have been

21 remedied.

22 (c) The division may summarily suspend a license before final

23 hearing or during the appeals process if the division finds that the

24 licensee poses a clear and immediate danger to the public health and

25 safety if the licensee continues to perform work related to storage

26 tanks. A licensee whose license is suspended under this section is

27 entitled to a hearing by the division no later than seven days after

28 the effective date of the order. The licensee may appeal the suspen-

29 sion after a hearing to a court of competent jurisdiction.

1           Sec. 08.96.090.   FRAUDULENT LICENSE.   A person who obtains or  
2 attempts to obtain a license under this chapter by dishonest or fraud-  
3 ulent means, or who forges, counterfeits, or fraudulently alters a  
4 license is guilty of a class B misdemeanor.

5           Sec. 08.96.100.   EXEMPTION.   A license is not required under this  
6 chapter if the storage tank that is installed, repaired, tested, or  
7 closed is an underground storage tank with a capacity of 500 gallons  
8 or less or an above ground storage tank with a capacity of 1,100  
9 gallons or less.

10          Sec. 08.96.900.   DEFINITIONS.   In this chapter

11           (1)   "chemical" means a substance defined in 42 U.S.C.  
12 9601(14) (sec. 101(14) of the Comprehensive Environmental Response,  
13 Compensation, and Liability Act of 1980) as amended, and a substance  
14 having the characteristics identified or listed under 42 U.S.C. 6921  
15 (sec. 3001 of the Solid Waste Disposal Act), regardless of whether the  
16 substance is a solid waste;

17           (2)   "close" or "closure" means to remove all petroleum and  
18 chemical liquids and sludges from an underground storage tank and to  
19 either

20                   (A) fill the tank with inert material; or

21                   (B) remove the tank from the ground;

22           (3)   "division" means the division of occupational licens-  
23 ing, Department of Commerce and Economic Development;

24           (4)   "petroleum" means crude oil or any fraction of crude  
25 oil that is liquid at 60 degrees Fahrenheit and 14.7 pounds per square  
26 inch absolute; "petroleum" includes petroleum-based substances com-  
27 prised of a complex blend of hydrocarbons derived from crude oil  
28 through processes of separation, conversion, upgrading, and finishing,  
29 such as motor fuels, jet fuels, distillate fuel oils, residual fuel

1 oils, lubricants, petroleum solvents, and used oils;

2 (5) "storage tank" means one or a combination of stationary  
3 devices that are designed to contain an accumulation of petroleum or  
4 chemicals; are constructed of non-earthen materials such as concrete,  
5 steel, or plastic; and provide structural support; "storage tank" in-  
6 cludes pipes or piping connected to the storage tank;

7 (6) "underground storage tank" means a storage tank, the  
8 volume of which, including the volume of underground pipes connected  
9 to it, is 10 percent or more beneath the surface of the ground.

10 \* Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:

11 (31) regulation of storage tank installers under AS 08.96.

12 \* Sec. 3. AS 08.01.050(a) is amended to read:

13 (a) The department shall perform the following administrative  
14 and budgetary services when appropriate:

15 (1) collect and record fees;

16 (2) maintain records and files;

17 (3) issue and receive application forms;

18 (4) notify applicants of acceptance or rejection as deter-  
19 mined by the board or as determined by the department under AS 08.11  
20 for audiologists, under AS 08.45 for naturopaths, [OR] under AS 08.55  
21 for hearing aid dealers, or under AS 08.96 for storage tank install-  
22 ers;

23 (5) designate dates examinations are to be held and notify  
24 applicants;

25 (6) publish notice of examinations and proceedings;

26 (7) arrange space for holding examinations and proceedings;

27 (8) notify applicants of results of examinations;

28 (9) issue licenses or temporary licenses as authorized by  
29 the board or as authorized by the department under AS 08.11 for

1 audiologists, under AS 08.45 for naturopaths, [OR] under AS 08.55 for  
2 hearing aid dealers, or under AS 08.96 for storage tank installers;

3 (10) issue duplicate licenses upon submission of a written  
4 request by the licensee attesting to loss of or the failure to receive  
5 the original and payment by the licensee of a fee established by  
6 regulation adopted by the department;

7 (11) notify licensees of renewal dates at least 30 days  
8 before the expiration date of their licenses;

9 (12) compile and maintain a current register of licensees;

10 (13) answer routine inquiries;

11 (14) maintain files relating to individual licensees;

12 (15) arrange for printing and advertising;

13 (16) purchase supplies;

14 (17) employ additional help when needed;

15 (18) perform other services that may be requested by the  
16 board;

17 (19) provide inspection, enforcement, and investigative  
18 services to the boards and for the occupations listed in AS 08.01.010,  
19 regarding all licenses issued by or through the department;

20 (20) retain and safeguard the official seal of a board and  
21 prepare, sign, and affix a board seal, as appropriate, for licenses  
22 approved by a board;

23 (21) issue business licenses under AS 43.70.

24 \* Sec. 4. AS 08.18 is amended by adding a new section to read:

25 Sec. 08.18.024. STORAGE TANK INSTALLATION. (a) A contractor  
26 may not install, repair, test, or close a petroleum or chemical stor-  
27 age tank or submit a bid to do so unless the contractor or the person  
28 employed by the contractor to do the work is licensed under AS 08.96.

29 (b) This section does not apply to the installation, repair,

1 testing, or closure of an underground storage tank with a capacity of  
2 500 gallons or less or an above ground storage tank with a capacity of  
3 1,100 gallons or less.

4 (c) In this section, "chemical," "close," "petroleum," "storage  
5 tank," and "underground storage tank" have the meanings given in  
6 AS 08.96.900.

7 \* Sec. 5. This Act takes effect January 1, 1990.  
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**DEPT. OF ENVIRONMENTAL CONSERVATION**

POSITION PAPER  
CSHB 196

March 9, 1989

Contact: Lynn Kent 465-2630

Title

An Act relating to persons who perform work relating to petroleum and chemical storage tanks; and providing for an effective date.

Effect of the Bill

The Legislation would require the Department of Environmental Conservation to develop requirements, including education, experience, training, a written test, and other appropriate measures, for persons who install, repair and test tanks. The Department of Commerce and Economic Development would review applicants, give tests, and provide the endorsement.

Department Position

The Department supports this legislation.

It is the Department's belief that many of the pollution problems associated with storage tanks can be attributed to poorly installed and tested tanks. Because many of these tanks are underground, where they cannot be observed for leaks, it is critical that they be properly placed in the ground meeting all manufacturers requirements and specifications, be surrounded by the correct amount and type of backfill, be anchored when there is a high water table, and that adequate corrosion protection, and leak detection be applied. Additionally, the piping attached to an aboveground or underground tank may be as much a source of leaks as the tank itself, and much care must be taken to assure that the correct types of piping are used and that they are properly installed.

The Alaskan climate and environment, such as freeze/thaw conditions and high water tables, can play havoc on even the most durable tanks. All tank installers must be able to understand not only the installation requirements for a specific tank, but the way that the

Alaskan environment and climate will affect that tank.

The Department's main concern with storage tanks is that they be installed in such a way that they (and their piping) do not leak or spill and thereby endanger the soil, water and drinking water of the state. Endorsing those persons who install, test and repair tanks is a step in that direction.

#### Suggested Revisions

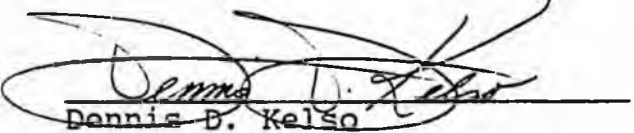
The Department would recommend that endorsement also include persons who close tanks. Too many tanks are "shut down" without site assessments, adequate evaluation of possible leaks, and health and safety precautions. Removal of tanks can be a very dangerous business because of the explosive nature of vapors which may be remaining in the tanks. Unqualified persons should not be allowed to close tanks.

One additional concern of the Department is the requirement that installers may not test the tanks they have installed. This requirement is listed in Section 1(e). The Department agrees with the basic concept of this requirement; however, we believe that it may be an unnecessary burden on the tank owners, particularly in small communities and rural areas. In some cases there is only one person who can test the tank and that is the same person who installed it. It may be expensive to bring in another tank tester. If installers are allowed to test the tanks they installed they should be required to have an endorsement, and meet all qualifications, for both installers and testers.

#### Fiscal Effect

The Department is requesting \$25,000 for FY 90 which would fund a consultant to develop a checklist of requirements for persons who install, repair and test tanks. The consultant would also be required to develop written tests to be taken by these people.

Department staff would be required to manage this contract and review and approve all materials produced. Additionally, the Department would need to write regulations which specified the requirements of the bill. It is estimated that .5 FTE (\$35,000) would be needed during FY 90 to accomplish this purpose.

  
Dennis B. Kelso  
Commissioner  
Department of Environmental  
Conservation

## FISCAL NOTE

**REQUEST:**

Revision Date: 3/14/89  
 Title: An Act relating to person who perform work relating to petroleum & chemical tanks  
 Sponsor: Menard, M. Davis, Brown, et al  
 Requestor: House Resources  
 Agency Affected: Environmental Conservation  
 ARU: Environmental Quality  
 Components: Environmental Quality

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		26.0				
TRAVEL		3.5				
CONTRACTUAL		27.5				
SUPPLIES		5				
EQUIPMENT		2.5				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>60.0</b>				
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND		60.0				
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<b>60.0</b>				

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY		5				

**ANALYSIS :** (Attach a separate page if necessary)

See Attached

Prepared by: Lynn Kent, Section Chief OHSSR Phone: 465-2630  
 Division: Environmental Quality Date: 3/9/89  
 Approved by Commissioner: [Signature] Date: March 14, 1989  
 Agency: Environmental Conservation

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

ANALYSIS:

To implement HB 196 the Department of Environmental Conservation would be required to establish requirements for endorsement of persons who install, repair and test tanks. There may be requirements for training experience and satisfactory performance on a test. A consultant would be hired to make a checklist of qualifications and develop a written test. This information should be available from other states and tank manufacturers. The Department estimates that \$25,000 would be required to fund the consultant's time, costs and associated materials.

The bill requires the Department to write regulations associated with the endorsement of persons who work on tanks. In order to administer the contract mentioned above and review the products produced from that contract, as well as prepare regulations, the Department would need .5 FTE. This person should be an Ecologist (Range 16) and funds would be used in the following way:

26.0	Personal Services
3.5	Travel
2.5	Contractual
.5	Supplies
2.5	Equipment
<hr/>	
35.0	TOTAL

1st CS

6-0857E  
Lauterbach  
3/7/89

Original sponsors: Menard, M.Davis,  
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1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 196 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to persons who perform work relating  
7 to petroleum and chemical storage tanks; and provid-  
8 ing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 08.18 is amended by adding a new section to read:

11 Sec. 08.18.035. ENDORSEMENT ON REGISTRATION. (a) The depart-  
12 ment may issue a registration endorsement authorizing a registered  
13 contractor to install, repair, and test petroleum and chemical storage  
14 tanks if the applicant for endorsement meets the requirements that the  
15 Department of Environmental Conservation establishes by regulation and  
16 pays the applicable fee.

17 (b) The Department of Environmental Conservation shall consult  
18 with the department when establishing requirements under (a) of this  
19 section. The requirements may include training, education, experi-  
20 ence, satisfactory performance on written, oral, or practical examina-  
21 tions, and other appropriate factors. The requirements must be de-  
22 signed to ensure that a person with an endorsement issued under this  
23 section is qualified to install, repair, and test petroleum and chemi-  
24 cal storage tanks in a manner that complies with regulations adopted  
25 by the Environmental Protection Agency and the Department of Environ-  
26 mental Conservation.

27 (c) An endorsement issued under this section expires at the same  
28 time as the certificate of registration to which it attaches. An  
29 endorsement may be renewed upon satisfactory completion of continuing

1 education requirements established by the Department of Environmental  
2 Conservation by regulation.

3 (d) A person may not install, repair, or test or offer to in-  
4 stall, repair, or test a petroleum or chemical storage tank without an  
5 endorsement issued under this section. A person who violates this  
6 subsection is guilty of a class A misdemeanor.

7 (e) If a person who installs or repairs a petroleum or chemical  
8 storage tank later tests that tank, that test does not satisfy the  
9 requirements of any state law or regulation requiring the testing of  
10 tanks.

11 (f) In this section,

12 (1) "chemical" means a substance defined in 42 U.S.C.  
13 9601(14) (sec. 101(14) of the Comprehensive Environmental Response,  
14 Compensation, and Liability Act of 1980) as amended, and a substance  
15 having the characteristics identified or listed under 42 U.S.C. 6921  
16 (sec. 3001 of the Solid Waste Disposal Act), regardless of whether the  
17 substance is a solid waste;

18 (2) "petroleum" means crude oil or any fraction of crude  
19 oil that is liquid at 60 degrees Fahrenheit and 14.7 pounds per square  
20 inch absolute; "petroleum" includes petroleum-based substances com-  
21 prised of a complex blend of hydrocarbons derived from crude oil  
22 through processes of separation, conversion, upgrading, and finishing,  
23 such as motor fuels, jet fuels, distillate fuel oils, residual fuel  
24 oils, lubricants, petroleum solvents, and used oils;

25 (3) "storage tank" means one or a combination of stationary  
26 devices that are designed to contain an accumulation of petroleum or  
27 chemicals; are constructed of non-earthen materials such as concrete,  
28 steel, or plastic; and provide structural support; "storage tank" in-  
29 cludes pipes or piping connected to the storage tank.

1 \* Sec. 2. AS 08.18.041 is amended to read:

2       Sec. 08.18.041. FEES. The department shall set [REGISTRATION  
3 AND RENEWAL] fees under AS 08.01.065 for the following:

- 4           (1) registration and renewal for a general contractor;  
5           (2) registration and renewal for a specialty contractor;  
6           (3) registration and renewal for a mechanical contractor;  
7           (4) endorsement and renewal under AS 08.18.035.

8 \* Sec. 3. AS 08.18.035(a) and (b), enacted by sec. 1 of this Act take  
9 effect immediately under AS 01.10.070(c).

10 \* Sec. 4. Except as provided in sec. 3 of this Act, this Act takes  
11 effect January 1, 1990.

(b) *Piping.* The piping that routinely contains regulated substances and is in contact with the ground must be properly designed, constructed, and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified below:

(1) The piping is constructed of fiberglass-reinforced plastic; or

Note: The following codes and standards may be used to comply with paragraph (b)(1) of this section:

(A) Underwriters Laboratories Subject 971, "UL Listed Non-Metal Pipe";

(B) Underwriters Laboratories Standard 67, "Pipe Connectors for Flammable and Combustible and LP Gas";

(C) Underwriters Laboratories of Canada Guide ULC-107, "Glass Fiber Reinforced Plastic Pipe and Fittings for Flammable Liquids"; and

(D) Underwriters Laboratories of Canada Standard CAN 4-S033-M81, "Flexible Underground Hose Connectors."

(2) The piping is constructed of steel and cathodically protected in the following manner:

(i) The piping is coated with a suitable dielectric material;

(ii) Field-installed cathodic protection systems are designed by a corrosion expert;

(iii) Impressed current systems are designed to allow determination of current operating status as required in § 280.31(c); and

(iv) Cathodic protection systems are operated and maintained in accordance with § 280.31 or guidelines established by the implementing agency; or

Note: The following codes and standards may be used to comply with paragraph (b)(2) of this section:

(A) National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code";

(B) American Petroleum Institute Publication 1615, "Installation of Underground Petroleum Storage Systems";

(C) American Petroleum Institute Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems"; and

(D) National Association of Corrosion Engineers Standard RP-01-69, "Control of External Corrosion on Submerged Metallic Piping Systems."

(3) The piping is constructed of metal without additional corrosion protection measures provided that:

(i) The piping is installed at a site that is determined by a corrosion expert to not be corrosive enough to cause it to have a release due to corrosion during its operating life; and

(ii) Owners and operators maintain records that demonstrate compliance with the requirements of paragraph

(b)(3)(i) of this section for the remaining life of the piping; or

Note: National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code"; and National Association of Corrosion Engineers Standard RP-01-69, "Control of External Corrosion on Submerged Metallic Piping Systems," may be used to comply with paragraph (b)(3) of this section.

(4) The piping construction and corrosion protection are determined by the implementing agency to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than the requirements in paragraphs (b) (1) through (3) of this section.

(c) *Spill and overflow prevention equipment.* (1) Except as provided in paragraph (c)(2) of this section, to prevent spilling and overfilling associated with product transfer to the UST system, owners and operators must use the following spill and overflow prevention equipment:

(i) Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin); and

(ii) Overfill prevention equipment that will:

(A) Automatically shut off flow into the tank when the tank is no more than 95 percent full; or

(B) Alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high-level alarm.

(2) Owners and operators are not required to use the spill and overflow prevention equipment specified in paragraph (c)(1) of this section if:

(i) Alternative equipment is used that is determined by the implementing agency to be no less protective of human health and the environment than the equipment specified in paragraph (c)(1) (i) or (ii) of this section; or

(ii) The UST system is filled by transfers of no more than 25 gallons at one time.

(d) *Installation.* All tanks and piping must be properly installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions.

Note: Tank and piping system installation practices and procedures described in the following codes may be used to comply with the requirements of paragraph (d) of this section:

(i) American Petroleum Institute Publication 1615, "Installation of Underground Petroleum Storage System"; or

(ii) Petroleum Equipment Institute Publication RP100, "Recommended Practices for Installation of Underground Liquid Storage Systems"; or

(iii) American National Standards Institute Standard B31.3, "Petroleum Refinery Piping," and American National Standards Institute Standard B31.2 "Liquid Petroleum Transportation Piping System."

~~(e) Certification of Installation.~~ All owners and operators must ensure that one or more of the following methods of certification, testing, or inspection is used to demonstrate compliance with paragraph (c) of this section by providing a certification of compliance on the UST notification form in accordance with § 280.22.

(1) The installer has been certified by the tank and piping manufacturers; or

(2) The installer has been certified or licensed by the implementing agency; or

(3) The installation has been inspected and certified by a registered professional engineer with education and experience in UST system installation; or

(4) The installation has been inspected and approved by the implementing agency; or

(5) All work listed in the manufacturer's installation checklists has been completed; or

(6) The owner and operator have complied with another method for ensuring compliance with paragraph (d) of this section that is determined by the implementing agency to be no less protective of human health and the environment.

#### § 280.21 Upgrading of existing UST systems.

(a) *Alternatives allowed.* Not later than December 22, 1990, all existing UST systems must comply with one of the following requirements:

(1) New UST system performance standards under § 280.20;

(2) The upgrading requirements in paragraphs (b) through (d) of this section; or

(3) Closure requirements under Subpart G of this part, including applicable requirements for corrective action under Subpart F.

(b) *Tank upgrading requirements.* Steel tanks must be upgraded to meet one of the following requirements in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory:

(1) *Interior lining.* A tank may be upgraded by internal lining if:

(i) The lining is installed in accordance with the requirements of § 280.33, and



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

P.O. Box Y, State Capitol  
Juneau, Alaska 99811-3100  
Mail Stop 3100  
(907) 465-3991

March 8, 1989

MEMORANDUM

TO: Representative Curt Menard

ATTN: Marilyn Heiman

FROM: Brad Pierce *BP*  
Legislative Analyst

RE: Certification of Underground Storage Tank Installers, Testers and Removers  
Research Request 89.282

You requested information on how other states regulate underground storage tank (UST) installers, testers and removers. You asked that we provide a summary list of practices in various states as well as statutes, regulations and certification materials (e.g., study packets and test booklets) from other states.

I have been unable to locate a survey of all UST installer/tester/remover certification programs. Attached is a compilation of the characteristics of state UST installer certification programs in 21 states, two New York Counties, the city of Cheyenne, Wyoming, five Canadian Provinces and eight independent training programs. The information was provided by Beth Lockwood, of the Minnesota Pollution Control Agency. Minnesota is presently in the process of developing a training program for UST installers, testers and removers. Ms. Lockwood included a list of state contacts and their phone numbers and provided a draft of her considerations for developing a certification program.

To date, I have supplied you with laws, regulations and certification materials from Maine, Florida and Minnesota. Similar materials have been requested from Oregon and California and will be forwarded to your office as soon as they are received. Additionally, I have subscribed to LUST-Line, a monthly newsletter--produced by the New England Interstate Water Pollution Control Commission--on national developments concerning leaking underground storage tanks. Jenny Bridge of the commission is sending back issues of LUST-Line containing articles on certification procedures. These will be forwarded as soon as they are received.

I hope we have provided enough information for your purposes. If you have questions about individual state programs, I suggest you phone the appropriate contact person provided in the attachments to this memorandum. Please call if we can be of further service in this matter.

Attachment

## STATE INSTALLER CERTIFICATION PROGRAMS

Agency	Law/Regs.	Fees	Reg. Population	Training Req.
1. Alabama	None			
2. California	Law/Reg - 1983	\$300,\$5000 bond	Indiv.-4 classes of contractor.	Exam + 4 years of tank related experience.- Study packet
3. Cheyenne, Wyo.	Ordinance	\$200 initial, \$35 renewal	Indv.;Inst.,Rem.,Repair	No exam required yet.
4. Connecticut	None			
5. Florida	Law/Reg.	\$50 appl.,\$200 exam,\$100 renew	Indiv.; Instal., Remove;Testers-regis.	Exam & experience; no formal training course required.
6. Iowa	None			
7. Kentucky	None			
8. Maine	Law/Reg	\$130+	Indv.;Inst.,Rem.,Insp.,Trainer	test & 2 yr exper. or on-site exam/8 hr refresher.-Study packet
9. Manatoba	Law/weak Reg.	None	Indiv.;Inst.,Repair,Tester	
10. Maryland	Law/Propsd Regs	\$100	Indv;Inst.,Repair	100 ques. exam(90% score=cert., 70-90% temp. cert)
11. Massachusetts	Law - ?			
12. Montana	Pend. Law	Proposed	Indiv.;Inst.,Rem.,Repair	exam & 1 day training
13. Nassau County, NY	Fire Mar. Rules	\$20 Tester;\$50 Firm	Indiv. Testers; Installation Firms	Written exam (also on-site test for testers)
14. New Brunswick, Can.	Law/Reg - 1987	\$25	Indv.;Inst.,Rem.,Repair,Tester	1 week course w/ hands-on & exam
15. New Hampshire	Law	Provisions for		
16. New Mexico	Law/Reg Pending	100Firm;250Indv;100-500Trainer	Firm & Indv.;Inst.,Repair	Written exam & on-site exam & experience(training,eng. degree)
17. New York	Pending	\$50 training fee	Installers	exam & 2 days training(all optional pend. leg.)
18. North Carolina	None			
19. North Dakota	Law - 1988			
20. Nova Scotia, Can.	Law/Reg-Feb. '88	None	Indiv.;Inst.,Rem.,Repair;Testers-regis	Written exam. Self-study packet. 2 day course begins Spring '89.
21. Ontario, Can.	Law/Reg	\$60 Indv.	Indv.;Inst.,Rem.,Repr.(not testers)	Registration application & personal interview
22. Oregon	Law/Reg Pending	\$100 firm;\$50 supv.	Firms & site supervisors	Multiple choice exam must be taken every 2 years.-Study packet
23. Prince Edward Island, Can	Law/Reg - 1986	None	Indv.;Inst.,Rem.,Repair	exam (70%) & 1 day training
24. Rhode Island	None		Testers	
25. Suffolk County, NY	New Code	\$50 Firm; \$50 Indv.	Indv. & Firm;Inst.,Rem.,Rep.,Tester	Now manuf. & on-site test. Soon exam & course
26. Utah	Law/Reg.	None yet	Indv.;Inst.,Rem.,Repr.(Insp. Pending)	8hrs training & state exam. Comm. Coll. devel. 3 1/2-day course
27. Vermont	None			
28. Wisconsin	Pend. Law	No charge for list	Indv.; ?	5 day course by Univ. of Wisconsin w/exam
29. Wyoming	None			

## INDEPENDENT TRAINING PROGRAMS

COMPANY	TRAINING	FEES
1. Owens/Corning Fiberglas Corp.	3-4 hours by sales representative	None to customers
2. MN Health Dept.-Plumbing Unit	Exam + 4 yrs(Journeyman) or 5 yrs(Master) exper.	\$30 Exam;\$45 Jour;\$80 Mast;\$15 Appr.
3. Steel Tank Institute	2 day course w/exam-"Corr., Cath. Prot. & Tank Monit."-1988	\$350
4. Fiberglass Petro. Tank & Pipe Inst.	No formal seminar schedule. Do training when requested.	Will train MN enforcement staff free
5. Univ. of Wisconsin-Madison	5-day classroom training w/multiple choice exam.	\$750; 4.0 CEU's
6. Colorado School of Mines - Golden,CO	4-day course w/o exam. 2/3 classroom, 1/3 tank training facility.	Yes
7. Georgia Tech Research Inst.-Atlanta	4-day course w/optional exam. Classroom & hands-on training.	Course: \$495, Exam: \$65
8. Petcon	1-day course.	\$200

Agency	Renewal Period	Comments
1. Alabama		
2. California	2 years	No formal training. License not specific to tank work.
3. Cheyenne, Wyo.	1 year	1 year apprenticeship and insurance required.
4. Connecticut		Something to look at in the future.
5. Florida	2 years	Mr. Ruebon-904/359-6313 handles certification - always busy
6. Iowa		
7. Kentucky		Conducting feasibility study of such a program.
8. Maine	2 years	Init. train. by state. Now self-study & refresher training.
9. Manitoba	?	Currently sending registration regs out for public comment.
10. Maryland	2 years	1-day seminar by community college-not required.
11. Massachusetts		Looking at developing a program. Survey + checklists now.
12. Montana	?, not >3 years	Will require testers to be certified by manufacturers.
13. Nassau County, NY	1 year	Exam not required at recertification if company stays active
14. New Brunswick, Can.	1 year	New Brun. Comm. Coll. offers course (12 persons;\$6-700)
15. New Hampshire		Hcpe to develop a cert. program in 1989.
16. New Mexico	2 years	Underground only. Tank removers may not be included.
17. New York		Contracted w/ comm. colleges to develop course & train.
18. North Carolina		
19. North Dakota		Plan to begin cert. program development in mid-1989.
20. Nova Scotia, Can.	None	Certification, not license. Under & aboveground tanks.
21. Ontario, Can.	1 year	Registration, not certification (no course or exam).
22. Oregon	2 years	Also \$25 registration fee for firms. \$10 study guide.
23. Prince Edward Island, Can	None, as yet	100% inspec. of installations. Cert. includes piping.
24. Rhode Island		Sending a list of acceptable testers.
25. Suffolk County, NY	3 years	License testers now. New code for Inst., Rem. & Repairers
26. Utah	2 years	Comm. Coll. developing 3.5 day course & will administer state exam.
27. Vermont		Current law allows for licensing of tank testers. They don't.
28. Wisconsin	?	Looking at PEI Model Cert. Program for legislation.
29. Wyoming		

COMPANY	RENEWALS	COMMENTS
1. Owens/Corning Fiberglas Corp.	3 yrs. or <50% of employees have training	Contractors under agreements have periodic installation audits
2. MN Health Dept.-Plumbing Unit	None	Must register as an apprentice.
3. Steel Tank Institute	No formal schedule for seminars.	Developing a 1-day installer course this winter. Improving STI video.
4. Fiberglass Petro. Tank & Pipe Inst.	No formal training	Developing a checklist for fiberglass pipe installation.
5. Univ. of Wisconsin-Madison	Developing a schedule.	1st course offered Sept. 1988
6. Colorado School of Mines - Golden, CO	1989 schedule: late April, June, Sept.	Field:2-550gal. part. buried 2-wall tanks(steel/fiber),1-single fiber.
7. Georgia Tech Research Inst.-Atlanta	Next course April 11-14, 1989	"Leaking Underground Storage Tank Workshop"
8. Petcon	No formal schedule.	Course that Rafa E. attended...Fall, 1988. Does have "hands-on" work.

## STATE CONTACTS

Agency	Contact	Tele. #
Alabama	Sonja Massey	205/271-7832
California	Dick Reed	916/366-5207
Cheyenne, Wyo.	Connie Cook	307/637-6258
Connecticut	Scott Deshefy	203/566-4630
Florida	John Svec	904/488-0300
Iowa	Jim Horn	515/281-8964
Kentucky	Jim Jarman	502/564-6716
Maine	George Seel	207/289-2651 ✓
Manatoba	Dave Ediger	204/945-7039
Maryland	Bernie Bigham	301/974-2105
Massachusetts	Deirdre Doherty	612/292-5886
Montana	Jean Riley	406/444-2821
Nassau County, NY	David Bartow	516/566-5817
New Brunswick, Can.	Dr. Jim Shaffner	506/453-2861
New Hamshire	Jack Chwasciai	603/271-3503
New Mexico	(Gary Lasswell)-City	(505/768-2600)
New York	Russell Brauksieck	518/457-7363
North Carolina	Eric Motzno	919/733-3221
North Dakota	Gary Berreth	701/224-2366
Nova Scotia, Can.	Philip Nunn	902/424-5300
Ontario, Can.	Al MacIver	416/234-6030
Oregon	Larry Frost	503/229-5826 5769 ✓
Prince Edward Island, Can	Don Jardine	902/892-0311
Rhode Island	Leslie Gerundio	401/277-2234
Suffolk County, NY	Jim Pim	516/451-4634
Utah	Bob Ford	801/538-6170
Vermont	Paul Van Hollenbeke	802/244-8702
Wisconsin	Rex Colvin	608/266-7605
Wyoming		307/777-7781

## INDEPENDENT CONTACTS

COMPANY	CONTACT	TELEPHONE #
Owens/Corning Fiberglas Corp.	Steve Macy	419/248-6362
Health Dept.-Plumbing Unit	Linda _____	612/623-5328
Steel Tank Institute	Jim Wisuri	312/498-1980
Fiberglass Petro. Tank & Pipe Inst.	E.C. Nieshoff	419/247-5412
Univ. of Wisconsin-Madison	John Quigley	608/262-0920
Colorado School of Mines - Golden, CO	Tom Zamis	303/273-3639
Georgia Tech Research Inst.-Atlanta	Dave Mayer	404/894-3806
Petcon	Alex Ralston	800/852-8374

Storage Tank Certification Program  
Training Considerations

*Broad -  
These are just my  
thoughts for our program.  
I hope they help you.  
- Beth L.*

General Program Questions:

- 1) Should we just concentrate on underground tanks at this time and develop aboveground tank training in the future?
- 2) Define REPAIR, CONSTRUCT.
- 3) Possible exemptions: aboveground tanks; field constructed; tank testers; farm chemicals;

Training Options:

- 1) Different courses for different disciplines? For example: plumbers, installers, removers, repairers, aboveground vs. underground, piping installation vs. tank installation. (A similar procedure was used for certifying asbestos contractors, but the population to be certified was much larger.)
- 2) The same course for all disciplines (one certification class)
- 3) One week of courses with various distinct certification classes within the week. For example; to be certified as a remover you attend only the first day & take an exam at the end of the day. To be only an installer you attend only the last four days and take an exam covering only those days. To be certified as both an installer and a remover you attend all five days and take each of the exams.
- 4) Should there be some type of hands-on experience required during the training course?

(\* Hands-on training is currently being offered by Georgia Tech and Colorado School of Mines)

- 5) If certification renewal is required every 2 years, should there be a shorter refresher course required for renewal?
- 6) Number of days for the training course?

Training Provider/Location:

- 1) Should the training be offered once each winter in 3-4 different locations around the state or should it be offered a few times each winter in just one central location?

Renewals:

- 1) How often? (\* avg. = 2 years)

Experience/Apprenticeship:

- 1) How many months/years/# of installations or removals?
- 2) What criteria should be used to "grandfather in" persons already in

- the business?
- 3) What type of proof will they need to supply the agency for the agency to be able to make the decision that the experience is enough and applicable?

#### Bonding/Insurance?

- 1) Should it be required for certification?
- 2) Is it available?

#### Reciprocity:

- 1) Partial or complete acceptance of other courses offered by other states or organizations?
- 2) If we only require training based on a certain number of hours from "approved" courses, how do we decide what courses are approved?
- 3) Need to consider the possibility that if we're too lenient with the reciprocity we may not only be jeopardizing our goal to have qualified installers, but also spreading the target population so thin that it would no longer be cost effective for the Vo. Tech.s to provided training. Then we would be left with people trying to get training wherever they can find it.

#### Fees:

- 1) What costs are considered recoverable? The program must be self supporting.
- 2) Different charge for initial vs. renewal?

#### Advisory Board:

- 1) License revocation procedures(?)

#### Installer Obligations/Code of Ethics:

(\* New Mexico and Maine both address this.)

Department of Commerce  
& Economic Development / POSITION PAPER

CSHB 196 (Res.): An Act relating to persons who perform work relating to petroleum and chemical storage tanks.

HB 196 requires that a construction contractor, before that contractor can install, repair, or test petroleum or chemical storage tanks, must have received an endorsement on his or her registration authorizing such work on storage tanks.

It has been identified by state and federal environmental protection officials that there is an increasing potential for contamination of the country's ground water from aging, leaking underground storage tanks. In addition, it has become clear that damage is also occurring as a result of improperly installed tanks.

This bill will require contractors interested in providing installation, repair, or testing services to owners of storage tanks to first meet the training, education, and experience standards set by the Department of Environmental Conservation. These standards will be set by the Department of Environmental Conservation in regulation and will be developed in consultation with the Department of Commerce and Economic Development.

In addition, the bill requires that installation, repair, or testing of petroleum or chemical storage tanks must be performed by a construction contractor who has received the endorsement on his or her contractor registration. A person who violates this requirement is guilty of a class A misdemeanor.

The seriousness of the potential harm to Alaska's environment through contamination from aging or improperly installed storage tanks mandates the kind of protection provided for in this bill. We support passage of CSHB 196 (Res.).



Larry Merculieff, Commissioner  
Department of Commerce and Economic  
Development

Date: 3-8-1989

LM/; S/dgl3489D  
030: 89c

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_ Agency Affected: Commerce & Econ. Dev.  
 Title: An Act relating to persons who BRU: Occupational Licensing  
perform work relating to petroleum and chemical storage tanks;  
 Sponsor: House Resources Committee Components: Administration  
 Requester: House Resources Committee

**EXPENDITURES / REVENUES : (Thousands of Dollars)**

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	0	3.1	3.1	3.1	3.1	3.1
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	.8	.8	.8	.8	.8
SUPPLIES	0	0	0	0	0	0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>3.9</b>	<b>3.9</b>	<b>3.9</b>	<b>3.9</b>	<b>3.9</b>

CAPITAL	0	0	0	0	0	0
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REVENUE	0	3.8	0	3.8	0	3.8
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**FUNDING: (Thousands of dollars)**

GENERAL FUND	0					
FEDERAL FUNDS						
OTHER	0	3.9	3.9	3.9	3.9	3.9
<b>TOTAL</b>	<b>0</b>	<b>3.9</b>	<b>3.9</b>	<b>3.9</b>	<b>3.9</b>	<b>3.9</b>

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

**ANALYSIS: (Attach a separate page if necessary.)**

The bill requires a construction contractor to obtain an endorsement on his or her certificate of registration prior to installing, repairing, or testing petroleum or chemical storage tanks.

(Continued on attached)

Prepared by: Jennifer Strickler, Administrative Officer Phone: 465-2144  
 Division: Occupational Licensing Date: March 8, 1989

Approved by Commissioner: Larry Merculieff, Commissioner Phone: 465-2500  
 Agency: Department of Commerce & Economic Development Date: 3-8-89

**Distribution (by preparer):**

Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

## CONTINUATION OF FISCAL NOTE ANALYSIS

### CSHB 196 (Res.)

Although the responsibility to establish requirements for the endorsement is given primarily to the Department of Environmental Conservation, the review of applications to determine eligibility in accordance with Department of Environmental Conservation requirements and the administration of the examination provided by the Department of Environmental Conservation is anticipated to be conducted by the Department of Commerce and Economic Development staff. Therefore, calculations in this fiscal note assume that licensees seeking the endorsement requirement, like all other licensing programs, will be responsible for sharing in the administrative costs of the division.

Based on 50 licensees, as provided by the Department of Environmental Conservation, the licensees seeking the endorsement will be responsible for covering .019% of the administrative costs. The .019% is derived by dividing the anticipated number of licensees (50) into the total number of licensees (26,995), not including business licensing.

The contractual costs will provide funding for public notices of the examinations; printing of applications, examinations and other material; and communication costs.

Revenues are based on the assumption that each applicant seeking the endorsement will pay an endorsement fee of \$75.00 ( $50 \times \$75.00 = \$3.8$ ).