

DEPARTMENT OF ENVIRONMENTAL QUALITY

UNDERGROUND STORAGE TANK DIVISION

UNDERGROUND STORAGE TANK INSPECTION DELEGATION AND CERTIFICATION

(By authority conferred on the state fire safety board by section 3c of Act No. 207 of the Public Acts of 1941, as amended, and section 8 of Act No. 423 of the Public Acts of 1984, as amended, being SS29.3 and 299.708 of the Michigan Compiled Laws)

R 29.2071 Applicability.

Rule 1. These rules establish criteria for the delegation of authority to enforce the act and rules promulgated under the act and to establish qualifications for certification of individuals as underground storage tank inspectors. The department may delegate enforcement responsibilities. Delegation shall be based on minimum staffing requirements, regulated tank population within the area of jurisdiction, and the level of support provided by the local unit of government.

History: 1993 ACS.

R 29.2072 Definitions.

Rule 2. (1) As used in these rules:

- (a) "Act" means Act No. 423 of the Public Acts of 1984, as amended, being S299.701 et seq. of the Michigan Compiled Laws.
 - (b) "Approved" means acceptable to the department.
 - (c) "Certified inspector" means an employee who successfully completes the requirements of R 29.2075 and R 29.2076 and who is certified by the department as an underground storage tank system inspector.
 - (d) "Employee" means a person who is employed full or part-time by a local unit of government, but who is not a subcontractor, vendor, or other third party.
- (2) Terms defined in the act have the same meanings when used in these rules.

History: 1993 ACS.

R 29.2073 Application for delegation.

Rule 3. (1) A local unit of government may make application, to the department, for the delegation of authority to enforce the act and rules promulgated under the act pursuant to the provisions of section 8(2) of the act.

(2) The local unit of government that requests delegation shall submit a completed application on a form provided by the department. The form shall include all of the following information:

- (a) The name of the local unit of government.
- (b) The address of the local unit of government.
- (c) The telephone and facsimile numbers of the local unit of government.
- (d) The contact person.
- (e) The name and resume, if available, of any employee who would perform an inspection.
- (f) The geographic area, designated by the name of the local unit of government for which delegation is being requested.

(3) The local unit of government that requests delegation of authority from the department shall submit a resolution of the local governing body that approves the application for delegation.

(4) The submittal of a resolution that is executed pursuant to the provisions of subrule (3) of this rule and the application for delegation that is approved by the local governing body shall be considered a formal request for delegation under the act.

(5) The execution of the application and resolution does not obligate either the local unit of government or the department.

History: 1993 AACCS.

R 29.2074 Inspection contracts; duration; content; execution.

Rule 4. (1) The department may contract with local units of government to perform inspections.

(2) An initial contract with a local unit of government shall be for a period of 1 year and a subsequent contract shall not be for more than 3 years.

(3) A contract shall contain all of the following information:

- (a) The amount of payment.
- (b) The time of payment.
- (c) The terms and conditions.
- (d) The cancellation or termination provisions.
- (e) The duration of the contract.
- (f) The quarterly and annual reporting requirements.
- (g) The responsible authority in charge for the local unit of government.
- (h) The scope of the work.
- (i) The conflict of interest provisions.
- (j) The geographic area for which authority is delegated.

(4) Signing a contract in compliance with the provisions of this rule executes the formal delegation of authority to a local unit of government.

History: 1993 AACCS.

R 29.2075 Inspector qualifications.

Rule 5. (1) To be minimally qualified as an inspector, a person shall be not less than 18 years of age and shall have a high school diploma or general education development certificate from the department of education.

(2) In addition to the requirements of subrule (1) of this rule, a person shall successfully complete a training course, an underground storage tank inspector test, and a field evaluation. The training course and the test shall be approved by the department. At a minimum, the curriculum for the course shall consist of all of the following underground storage tank system categories:

- (a) Design and construction of tanks and piping.
- (b) Installation.
- (c) Corrosion protection.
- (d) Upgrading.
- (e) Repairs.
- (f) Release detection of tanks and piping.
- (g) Closure of tanks and piping.
- (h) Service station equipment and operations.
- (i) Chemistry.
- (j) Health and safety for underground storage tank inspectors.
- (k) The specific requirements of R 29.4101 et seq. of the Michigan Administrative Code.

(3) The underground storage tank inspector test shall consist of modules designed to test the competency of a person in each of the categories referenced in subrule (2) of this rule. A minimum score of 70% is required in each module.

(4) The field evaluation shall consist of department personnel observing and monitoring inspections conducted by the person to determine that the provisions of the underground storage tank regulatory act and the administrative rules for underground storage tanks are enforced in a manner acceptable to the department.

History: 1993 AACCS.

R 29.2076 Inspector certification.

Rule 6. (1) The department may designate an individual who has all of the following qualifications as a certified underground storage tank inspector:

(a) The individual shall have successfully completed the requirements of R 29.2075 within 5 years before certification.

(b) The individual shall be an employee of a local unit of government that has been delegated authority pursuant to the act.

(c) The request for certification of the individual shall be made by the local unit of government.

(2) A certified inspector shall attend and satisfactorily complete a minimum of 8 hours of training each year as administered by the department.

(3) The department shall issue a certificate to an individual who is designated as a certified inspector.

History: 1993 AACCS.

R 29.2077 Revocation of certification.

Rule 7. The department may revoke certification of a certified inspector under any of the following conditions:

(a) Failure to maintain a valid certification.

(b) Conflict of interest.

(c) Conviction of a misdemeanor or felony in the performance of duty.

(d) Failure to carry out assigned duties, as determined by the department, in a satisfactory manner.

History: 1993 AACCS.