

PART B  
CERTIFICATION OF UST COMPLIANCE INSPECTORS

**567—134.6 (455B) Definition.**

*"UST compliance inspector"* means a person who inspects a regulated underground storage tank (UST) to satisfy the requirements of 567—135.20(455B) for compliance with UST technical standards in 567—Chapter 135.

**567—134.7 (455B) Certification requirements for UST compliance inspectors.** A person retained by an owner or operator of a UST facility for the purpose of establishing compliance with the annual UST compliance inspection required by the department under 567—135.20(455B) must hold a current UST compliance inspector certification issued by the department. Inspector certification will be issued by the department only to a person who:

1. Is an Iowa-licensed UST installer or installation inspector under 591—Chapter 15, except that the requirement as set forth under 591—subrule 15.3(4) shall not be applicable to a certified UST compliance inspector.
2. Attends the required training approved by the department as provided in 567—134.10(455B).
3. Achieves a passing grade of 85 percent on a certification examination administered or approved by the department as provided in 567—134.10(455B).
4. Submits an accurate and complete application.
5. Is not found to be in violation of this chapter and has not had a certification revoked by the department pursuant to 567—134.16(455B) or by the underground storage tank fund board pursuant to 591—Chapter 15.

**567—134.8 (455B) Temporary certification.**

**134.8(1)** Until training and testing procedures are developed, the department may issue a temporary inspector certification to any person who:

- a. Is an Iowa-licensed installer or installation inspector as provided in 567—134.7(455B), numbered paragraph "1."
- b. Completes the U.S. EPA UST Web-based training modules: "Introduction to the Underground Storage Tanks (UST) Program" and "Basic UST Inspector Training" with a minimum passing grade of 85 percent.

**134.8(2)** A person issued a temporary UST compliance inspector certification must complete the approved training and pass the examination in accordance with 567—134.10(455B) by April 1, 2007. Failure to achieve a passing grade on the examination before April 1, 2007, will result in revocation of temporary certification.

**567—134.9 (455B) Application for inspector certification.**

**134.9(1)** The applicant shall be an individual.

**134.9(2)** An applicant for inspector certification shall submit, in addition to all applicable fees, an application on forms provided by the department. The application shall contain the following information:

- a. Evidence that the applicant meets the experience and qualification prerequisites contained in 567—134.7(455B).
- b. The applicant's name, address and telephone number.
- c. Other information necessary for a determination of the applicant's qualifications.

**134.9(3)** Training and certification fees. An initial nonrefundable application fee of \$150 in the form of a check or money order payable to the Department of Natural Resources must accompany the initial application for certification and \$50 for each renewal application. The \$150 application fee covers the cost of the certification examination. The department will assess an additional fee for each training course based upon the cost of administration.

**134.9(4)** An application for certification must be received by the department no later than 60 days prior to the announced date of the certification examination.

**134.9(5)** An application must be complete upon submission.

**134.9(6)** An applicant meeting the requirements of this rule will be granted admission to the examination for inspector certification.

**567—134.10 (455B) Training and certification examination.**

**134.10(1)** Prior to taking the compliance inspector examination, the applicant must:

a. Complete the U.S. EPA UST Web-based training modules: “Introduction to the Underground Storage Tanks (UST) Program” and “Basic UST Inspector Training” with a minimum passing grade of 85 percent.

b. Attend the department’s inspector training course or designated approved course.

**134.10(2)** The department will establish administrative and technical content for the examination and the standards and criteria against which the department will evaluate candidates in determining the fitness of candidates for inspector certification.

**134.10(3)** At least once in each calendar year, the department will schedule a date and location for the examination for certification of inspectors.

**134.10(4)** Only applicants who have been authorized by the department to take an examination will be admitted to an examination or issued a certification as a result of passing an examination. Authorization to take an examination will be based on the applicant’s compliance with the requirements of this chapter.

**134.10(5)** To receive a passing grade on the examination, the applicant for certification must achieve a minimum score of 85 percent. An applicant who fails an initial examination may take a second examination.

**134.10(6)** The application of an applicant who fails the second examination will be terminated. An applicant who fails the second examination may reapply for inspector certification but may not retake the examination until the applicant has successfully completed a regularly scheduled course of instruction that is administered or approved by the department. Successful completion means attendance at all sessions of training and attainment of the minimum passing grade established by the department for the approved training course.

**567—134.11 (455B) Renewal of certification.**

**134.11(1)** *Renewal period.* Certification shall be for a two-year period and must be renewed by January 1 of each odd-numbered year, beginning January 1, 2009. Applications for renewal must be submitted on a form provided by the department and no later than 60 days prior to the expiration date. If a certified inspector fails to renew the certification by the expiration date, the department may grant, upon a showing of good cause, a 30-day grace period during which the applicant may submit the application and payment of the renewal fee as provided in 134.9(3).

**134.11(2)** *Continuing education.* Certified inspectors must successfully complete eight hours of training approved by the department to maintain certification.

**134.11(3)** *Minimum inspections.* In order to renew certification, an inspector must have conducted at least 25 compliance inspections each year.

**567—134.12 (455B) Professional liability insurance requirements.** All certified compliance inspectors are required to have professional liability insurance with minimum liability limits of \$1 million per occurrence and in the aggregate. All persons covered by the certification provisions of this chapter shall provide written proof of coverage upon request of the department.

**567—134.13 (455B) Licensed company.** A company employing certified UST compliance inspectors shall be registered with the department as a licensed UST compliance company. A company shall lose its license if it fails to employ at least one certified inspector or if it employs uncertified individuals to do compliance inspections required by the department. The annual license fee is \$50.

**567—134.14 (455B) Compliance inspection.** The UST compliance inspector shall conduct a compliance inspection in accordance with the standards set out in this rule and with department written instructions and guidelines. The inspector shall notify the department of the date of a site inspection at least ten days prior to the inspection or another time frame approved by the department.

**134.14(1) Inspection process.** The inspector shall record the inspection on a form provided by the department and conduct the inspection to address all items contained on the inspection form. The department may approve an alternative inspection form if requested by the inspector. The completed inspection form must be maintained by the inspector or licensed company for five years. Upon completion of the site inspection, the inspector shall send an inspection report to the owner and operator within ten business days, except for the notice of a potential suspected or confirmed release as provided in paragraph “b.” At a minimum, the report shall satisfy the following:

*a.* The inspector shall notify the owner and operator of any compliance violations or deficiencies and those specific actions necessary to correct the violations or deficiencies in accordance with 567—Chapter 135.

*b.* The inspector shall immediately upon discovery notify the owner and operator of a suspected release as provided in 567—135.6(455B). The notice shall advise the owner and operator of their duty to report the condition to the department within 24 hours or within 6 hours if a hazardous condition exists as defined in 567—131.1(455B) and of their duty to take necessary steps to investigate and confirm suspected releases within the time frames specified in 567—135.6(455B). The inspector shall record in the inspection report submitted to the department the date and time of the notice to the owner and operator.

*c.* The inspector shall notify the owner and operator of applicable time frames to correct violations or deficiencies if established by rule, or within 60 days of receipt of the inspection report or another reasonable time period approved by the department.

*d.* The inspector may enter the initial site inspection results electronically as provided in 134.14(2) and complete a follow-up final electronic report as provided below or wait until completion of the follow-up activities to submit a final electronic report. In either case, a final electronic report shall be submitted to the department and a copy provided to the owner and operator as provided in 134.14(2), within the following time frames:

(1) Within 10 business days of the inspection, if the results of the inspection find no violations or deficiencies requiring corrective action.

(2) Within 10 business days of the inspector’s receipt of all necessary documentation of all action required to correct violations and deficiencies.

(3) In any case, no later than 90 days of the site inspection.

**134.14(2)** Electronic inspection reporting. The inspector shall prepare an electronic report in accordance with the following:

*a.* The inspector shall enter the results of the site inspection discovered at the time of the inspection and any actions taken to correct violations and deficiencies on an Internet-based electronic format developed by the department and in accordance with guidance. The department's software will be capable of generating an inspection report.

*b.* The department will develop a generally compatible electronic platform using XML language. The department will provide the XML schema file format to describe the data needed to allow an inspector to transfer multiple site inspection results in an electronic batch process over the Internet using the department's inspection Web site.

*c.* The inspector shall provide a print copy of the electronically generated inspection report to the owner and operator or an alternative report approved by the department.

**134.14(3)** Any evidence of violations or deficiencies observed during the inspection must be photographed using a digital camera with at least a 1-2 megapixel resolution. The digital photographs must be submitted as part of the electronic inspection report and maintained by the inspector for five years as part of the inspector's records.

**134.14(4)** The inspector must provide any inspection records provided by the owner and operator to the department upon request.

**134.14(5)** Inspection technical requirements. An inspector of a UST system must check for compliance with the technical standards of 567—Chapter 135 following the department's guidance. The inspection of a UST system currently in operation shall include, but not be limited to, the following:

*a.* The material currently stored in the UST.

*b.* The type of tank and lines currently at the site as compared to the registered information on the department's database.

*c.* Checking site records demonstrating operational compliance, 567—subrule 135.4(5).

*d.* Checking release detection records, 567—subrule 135.5(6).

*e.* Visually checking for releases or other violations by opening covers of dispensers, manways, and containment sumps for submersible pumps and other piping connections for:

(1) Indications of a product release and leaking equipment.

(2) Deteriorating product lines or excessive bends in product lines or flex connectors.

(3) Proper anchoring of breakaways (dispensers only).

*f.* Current operating status of cathodic protection system, if present.

*g.* Presence and operational condition of spill and overfill equipment, 567—paragraph 135.3(1) "c."

Any problems observed during the inspection must be photographed using a digital camera with at least a 1-2 megapixel resolution.

**134.14(6)** Conflict of interest. A compliance inspector shall not conduct a compliance inspection if the compliance inspector is the owner or operator of the UST system, an employee of the owner or operator of the UST system, or a person having daily on-site responsibility for the operation and maintenance of the UST system.

#### **567—134.15 (455B) Disciplinary actions.**

**134.15(1)** The department may impose disciplinary actions which may include, but are not limited to, notices of deficiency, probationary notices, suspension of a certification or license and, pursuant to 567—134.16(455B), revocation of a certification or license.

**134.15(2)** A notice of deficiency or probationary notice shall not be an appealable decision. The recipient of a notice may contest the basis for the notice in writing, and such response shall be made part of the certification record. A person subject to a notice to suspend or revoke a certification may appeal the notice as provided in 567—Chapter 7.

**134.15(3)** The department may suspend the certification of a certified inspector or licensed company for good cause, and based on a single act or omission or repeated acts or omissions. The suspension may require the certified inspector to take remedial measures intended to correct or prevent future acts and omissions. Good cause includes, but is not limited to:

- a.* A violation of these rules.
- b.* Negligent misrepresentation of material facts in a compliance report.
- c.* Negligent failure to identify a material violation of UST operation and maintenance standards set out in 567—134.14(455B).
- d.* Repeated failure to conduct compliance inspections and submit reports in accordance with the standards set out in 567—134.14(455B).
- e.* Incompetence on the part of the certified inspector as evidenced by errors in the performance of duties and activities for which the certification was issued.
- f.* Repeated failure to submit reports of inspection activities to the department or the owner and operator as provided in 567—134.14(455B).

**134.15(4)** The suspension of a company license or inspector certification shall prevent the company or person from engaging in activities for which certification or licensure is required.

**134.15(5)** The department may require that the certified inspector successfully complete a special training program, examination or other remedial measures sponsored or approved by the department and designed to strengthen the specific weakness in the certified inspector's performance of duties as identified in the suspension order.

**134.15(6)** A certified inspector or licensed company shall immediately surrender the certificate or license, as applicable, to the department as of the effective date of a suspension order. The department may reinstate the certification or license if it is determined the person has satisfied the terms of the suspension order and the certification has not expired.

**567—134.16 (455B) Revocation of inspector certification or company license.**

**134.16(1)** The department may revoke the inspector certification or company license for one or more of the following:

- a.* Willful disregard of, or willful or repeated violations of, this chapter or 567—Chapter 135.
- b.* Fraudulent omissions or misstatements of material facts in a compliance inspection report or in other written or oral communications with the department.
- c.* A knowing and willful failure to detect and report a material violation of UST operation and maintenance standards as part of a compliance inspection required by 567—135.20(455B).
- d.* Acts or omissions warranting suspension after having certification or license previously suspended.
- e.* The revocation of a certification as an installer or installation inspector under 591—Chapter 15.

**134.16(2)** A certified inspector or licensed company shall immediately surrender certification or licensing documents after the effective date of a revocation decision. These rules are intended to implement Iowa Code section 455B.474.