Title 159 – Underground Storage Tanks

CHAPTER 3 CONTRACTOR LICENSING AND CERTIFICATION

The requirements of 40 CFR 280.20(e)(2) as it existed on July 15, 2015 are adopted and incorporated by reference.

001. INSTALLER/CLOSER LICENSE

No person, association, partnership or corporation will contract for the installation or permanent closure of an UST system without first obtaining a license from the State Fire Marshal.

001.01 Every underground storage tank installation/closure contractor will employ at least one person certified by the State Fire Marshal as a tank installer/closer. A certified person will personally supervise all tank installations and closures.

001.02 Every underground storage tank installation/closure contractor will maintain a minimum of $500,000 of general liability insurance which includes coverage relating to the closure and/or installation of underground storage tanks.

002. INSTALLER/CLOSER CERTIFICATION

No person will install or close or supervise the installation or closure of an underground storage tank without prior certification by the State Fire Marshal as to the qualifications of such persons to install or close tanks.

002.01 Qualification for certification will be proved by successful completion of a written examination which measures the applicant's technical knowledge and familiarity with state regulations.

002.02 Certification will be renewed, and the certification examination will be successfully completed every 3 years from date of certification.

002.03 The tank installer and tank closer certification tests will be given monthly at different locations throughout the State. An applicant who has properly applied for an examination may take the examination unsuccessfully a maximum of 2 times. After two unsuccessful attempts, a person must wait a minimum of 6 months before re-applying for certification.

003. CATHODIC PROTECTION TESTER CERTIFICATION AND NOTIFICATION

003.01 All persons who conduct cathodic protection testing on underground storage tank systems will be certified in a manner acceptable to the State Fire Marshal and will be able to provide proof that the minimum requirements in the definition of a cathodic protection tester of Chapter 1 003. have been met.

003.01A. Qualification for certification will be proven by successful completion of an examination which measures the applicant's technical knowledge.

003.01B. In addition to the examination required in 003.01A, of this Chapter the applicant will successfully complete a written examination administered by the State Fire Marshal which measures the applicant's knowledge of state underground storage tank (UST) requirements.

003.01C. Proof of successful completion of the education requirement of 003.01 of this Chapter will be submitted to the State Fire Marshal prior to taking the examination required by 003.01B of this Chapter and prior to conducting any required cathodic protection testing on underground storage tanks and/or associated piping.

003.01D. Certification will be renewed, and the certification examination will be successfully completed at least every 3 years from date of last certification.

003.01E All certified testers will notify the State Fire Marshal Agency of all failed tests within 24 hours or the next business day.

003.02 The Cathodic protection test will be given monthly at different locations throughout the State. An applicant who has properly applied for an examination may take the examination unsuccessfully a maximum of 2 times. After two unsuccessful attempts, a person must wait a minimum of 6 months before re-applying for certification.

004. DENIALS AND REVOCATIONS

004.01 The State Fire Marshal may refuse to renew or may revoke or suspend a license or certificate for any of the following reasons:

004.01A. Gross incompetence or gross negligence in the installation or closure of an underground storage tank.

004.01B. Use of false evidence or misrepresentation in an application for a license or certificate.

004.01C. Knowingly violating the rule or regulations adopted and promulgated under Title 159, Nebraska Administrative Code.

004.02 Before the State Fire Marshal denies an application for a license or certificate, the affected person will be given notice and opportunity for a hearing under procedures established by the State Fire Marshal. Upon receipt of the notification, any person aggrieved by the denial or revocation of a license or certificate may request a hearing. Any person aggrieved by a final decision of the State Fire Marshal may appeal such action pursuant to State Statutes Sections 84-917 to 84-919.