**Chapter 6: CERTIFICATION OF UNDERGROUND OIL STORAGE TANK INSPECTORS**

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**Chapter 6:** **CERTIFICATION OF UNDERGROUND OIL STORAGE TANK INSPECTORS**

 **SUMMARY**: This chapter establishes a certification program for underground oil storage tank inspectors. This program includes application, a written or oral examination, certification, and renewal. A reciprocity process is also included.

**1. Application**. An applicant applying for certification as an underground oil storage tank inspector shall file a written application on a form which is approved by the Board, showing to the Board that he or she meets the following requirements:

 **A. Individual**. An applicant must be an individual. Businesses or corporation may not be certified.

 **B. Residence**. An applicant need not be a resident of this State.

 **C. Character**. An applicant shall have demonstrated ethical practice. Such demonstration shall consist of providing to the Board written statements from three (3) personal references and three (3) business references attesting to the applicant's ethical practice. In addition, the Board may conduct a police check and checks with its own records, other certification or licensing boards with which the applicant is registered, and any other government agencies reasonably thought to have relevant information to confirm an absence of violation of Federal, State or local laws and regulations relating to the applicant's ability to practice underground oil storage tank inspection in an ethical and competent manner.

 **D. Experience**. An applicant shall provide the Board with a listing of his or her experience directly involving underground oil storage tank inspection.

 **E. Related Certifications**. An applicant shall provide the Board with valid demonstrations of any certifications he or she may have obtained from petroleum equipment manufacturers to inspect and/or maintain their equipment and any certifications he or she may have obtained which indicate the applicant's expertise in testing cathodic protection systems.

**2. Written examination.** All applicants for certification, except those for whom the written test has been substituted by oral examination pursuant to paragraph (5) of this subsection, shall pass a written examination testing the applicant's knowledge of the requirements of 38 M.R.S. Section 561, *et seq*., and rules promulgated thereunder by the Board of Environmental Protection concerning the inspection of underground oil storage tanks. Federal regulations relating to underground oil storage tank inspection, practical skills relating to underground oil storage tank inspection, and other subjects as the Board requires to determine the applicant's fitness to practice. Written examinations shall consist of no fewer than 100 multiple‑choice questions approved by the Board. The minimum passing score shall be 80% unless the Board determines that a higher standard is merited. Written examinations shall be given at least twice each year at such places as the Board determines, and supervised by one or more of the following: a member of the Board, a member of the staff, or a certified employee of the Department. All persons submitting completed applications since the date of the previous written examination shall be notified by mail at least fourteen (14) days in advance of the time and place of the examination. The Board shall assess a $250 nonrefundable fee for the conduct and processing of written examinations. This fee is due upon submittal of the application specified in Section 1 of this chapter. A person who fails the written examination may apply for re‑examination upon payment of the prescribed fee. The Board shall also establish a packet of materials to assist applicants in studying for the written examination. Such packets shall be furnished to applicants upon request at a cost which shall be due at the time of the request. The cost of the packets will be in addition to the written examination fee and will not exceed the actual cost of preparing such packets.

**3. Oral examination**. Only applicants who demonstrate to the Board that the written examination specified in Section 2 would not provide an equitable test of their underground oil storage tank inspection knowledge can take the oral examination. The circumstances under which the Board will consider substituting an oral examination for the written examination include but are not limited to physical disability or where English is not the applicant's first language. Such oral examination will test the applicant's knowledge of the requirements of 38 M.R.S. Section 561, *et seq*., any rules promulgated thereunder by the Board of Environmental Protection concerning the inspection of underground oil storage tanks, Federal regulations relating to underground oil storage tank removal, the practical skills relating to underground oil storage tank inspection, and other subjects as the Board requires to determine the applicant's fitness to practice. Such examination shall be scheduled and located by mutual consent between the qualified applicant and the Board. The oral examination shall be administered by at least one member of the Board. The test shall consist of 150 multiple‑choice questions identical to those developed for the written examination (Section 2 of this chapter), and a score of 80 percent or better shall be considered passing. The Board shall assess a nonrefundable fee of $250 for the conduct and processing of oral examinations. This fee is due upon scheduling of the examination. A person who fails the oral examination may apply for reexamination upon payment of the prescribed fee.

**3-A. Scores; review.** Applicants will be sent written notification by regular mail of their scores within ten (10) business days of their completion of the examination. At their request, applicants will be provided the opportunity to review the questions they answered incorrectly along with the correct answers. That review will be accomplished by appointment at the Board’s offices. Examination questions may not be retained or copied by the applicant. No other person may review an applicant’s examination.

**4. Reciprocity**. An applicant may receive certification as an underground oil tank inspector without having to meet the application and examination requirements governing new applicants provided that he or she files an application for certification by reciprocity demonstrating to the Board's satisfaction that:

 A. He or she is currently certified in another state as an underground oil storage tank inspector; and

 B. The qualifications for certification in the other state in which the applicant is certified are equivalent to those specified in 32 M.R.S. Section 10001, *et seq*., and these rules, unless the Board has previously determined that such equivalency exists. The Board will assess a nonrefundable $250 processing fee for a reciprocity request, due at the time such request is made.

**5. Renewal of certification**. Any certificate for underground oil tank inspector issued under these rules or prior to the adoption of these rules will expire two (2) years after issuance at which time it must be renewed. In order to receive certificate renewal, the applicant must submit an application for renewal on a form which is pre‑approved by the Board prior to the date of expiration of certification or, upon payment of a late fee of $10.00, up to thirty (30) days after the date of certification. Any person who submits an application for renewal more then thirty (30) days after the date of expiration of certification is subject to all application and examination requirements governing new applicants under this subsection, except that the Board may, for good cause and giving due consideration to the protection of the public, waive the requirements governing new applicants if the renewal application is made within two (2) years from the date of expiration. The application for renewal must provide evidence of continuing competency, consisting of at least eight (8) hours of Board approved continuing education which the underground oil storage tank inspector has satisfactorily completed since the last certificate was issued or renewed and prior to the submission of the application for renewal. The continuing education requirement is more fully described in 06‑481 CMR Chapter 1 Section 4.B. The Board may elect to conduct such continuing education and assess reasonable fees to attendees to recover costs of such training. If renewal of certification is granted by the Board, the payment of the certification fee pursuant to Section 7 of this chapter must be accompanied by the applicant's prior certificate identification number on the payment.

**6. Issuance of certification**. The Board shall issue a certificate and a certificate identification number to any person who meets the requirements of this subsection for certification as an underground oil tank inspector upon payment of a certification fee of $150.

**7. Severability**. Should any provision of this rule be declared invalid or ineffective by a court decision, the decision shall not invalidate any other provision of this rule.

STATUTORY AUTHORITY:

 32 M.R.S. §10004.2 as amended by PL 2001 Chapter 231, Sec. 7

EFFECTIVE DATE:

 June 19, 2002 – filing 2002-204

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