



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

OCT 17 2005

D-8J

Mr. Stephen K. Woltz
State Fire Marshal
Ohio Department of Commerce
8895 East Main Street
Reynoldsburg, Ohio 43068-0687

OHIO END-OF-
YEAR REPORT

**Re: Ohio Underground Storage Tank Program
Cooperative Agreement No. L005056-05**

Dear Mr. Woltz:

Enclosed is the Ohio Fiscal Year 2005 (FY05) year end UST Program Evaluation Report for the period July 1, 2004, to May 31, 2005. The evaluation was conducted on June 14, 2005, in accordance with Title 40 of the Code of Federal Regulations, Section 35.115, and included discussions of commitments made by the Ohio Department of Commerce, Division of the State Fire Marshal, Bureau of Underground Storage Tank Regulations (BUSTR), as specified in the above-referenced FY05 Cooperative Agreement work plans.


Our conclusion, based on the results of the meeting and other factors, was that during the fiscal year Ohio BUSTR's UST Program has been successful. Two specific program areas are noted. One, BUSTR will be making changes to its approach for bringing non-compliant facilities into compliance. Some of the changes are a direct result of new UST rules which became effective on March 1, 2005. New outreach activities will also be initiated. Two, an important issue that was discussed during the year end evaluation was how the BUSTR inspectors record significant operational compliance (SOC) data and how BUSTR management reports the data to Region 5. Based on the discussions BUSTR will make changes in the way they collect and report data to the Region.

Any outstanding issues for either Ohio BUSTR or Region 5 have been summarized in the Action Items.

Please submit any comments within 30 days after receiving this summary report. The Region will respond formally to any comments received. The summary report and any subsequent comments will be added to the Official Cooperative Agreement file.

Please contact Delores Sieja, Ohio UST/LUST State Program Manager, at (312) 886-6038, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Margaret M. Guerriero".

Margaret M. Guerriero, Director
Waste, Pesticides and Toxics Division

Enclosure

cc: Peter Chace, Ohio BUSTR
Steve Krichbaum, Ohio BUSTR

FY 2005 Year End Report

State of Ohio

**Ohio Office of State Fire Marshal
UST Cooperative Agreement
Grant Number: L005056-05
July 1, 2004 - May 31, 2005**



Performed by:

**Underground Storage Tank Section
Program Management Branch**

on

June 14, 2005

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V
WASTE, PESTICIDES AND TOXICS DIVISION
77 WEST JACKSON BOULEVARD
CHICAGO, ILLINOIS 60604**

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**FY 05 Subtitle I
Underground Storage Tank Program
Year End Evaluation**

Executive Summary

FY04 was the first year Significant Operational Compliance (SOC) measures were fully implemented by all the States. Three categories of SOC information for UST facilities are requested: SOC #1: Percentage in compliance with UST Release Prevention; SOC #2: Percentage in compliance with UST Release Detection Requirements; and SOC #3: Percentage which will be a combination of SOC 1 and 2. For the period October 1, 2004, to March 31, 2005, BUSTR achieved a 96% for SOC #1; a 85% for SOC #2; and a 84% for SOC #3.

U.S. EPA Headquarters' goal in collecting the SOC data is to determine how the country is doing as a whole. Ohio's SOC percentages have been higher than many other states nationally. Therefore, the Region discussed with BUSTR how they record and report SOC data to Region 5. Based on these discussions, BUSTR will examine and make some changes to their SOC collection and reporting process.

Improving operational compliance continues to be a high priority for the UST Program. BUSTR's goals for bringing non-compliant facilities into compliance were outlined in a document entitled "Three Year Plan to Improve Operational Compliance". Some of the goals were met with mixed results. Therefore, during the reporting period the UST program began to change its compliance approach to increase the rate of operational compliance. Some of the changes are a direct result of the requirements in new UST rules which became effective on March 1, 2005. The compliance approach will include performing compliance inspections and giving the owner/operators (o/o's) an opportunity to correct the violation in a timely manner. Additionally, new outreach initiatives will be developed such as training to owners, operators and Certified Installers and Certified Inspectors. Several newsletters and seminars are being planned and by the end of 2005, BUSTR intends to issue an updated Compliance Guidance Document.

BUSTR has been successful in performing approximately 1200 compliance inspections a year. For the period July 1, 2004, to December 31, 2004, 703 inspections were performed. However, due to limitations in personnel resources, a lower number of compliance inspections will be performed in 2006 compared to previous years.

**FY05 Subtitle I
Underground Storage Tank Program
Year End Evaluation**

INTRODUCTION

Through an annual Cooperative Agreement with the U.S. EPA, the Ohio Bureau of Underground Storage Tanks (BUSTR) is responsible for implementing a regulatory release prevention Underground Storage Tank (UST) Program for petroleum-based product UST sites in Ohio. This year end evaluation report is based on information developed from the STARS Report, information submitted by Ohio BUSTR, and the year end meeting.

SOC MEASURES

FY04 is the first year Significant Operational Compliance (SOC) measures are being fully implemented by all the States. Three categories of SOC information for UST facilities are requested: SOC #1: Percentage in compliance with UST Release Prevention; SOC #2: Percentage in compliance with UST Release Detection Requirements; and SOC #3: Percentage which will be a combination of SOC 1 and 2. For the period October 1, 2004, to March 31, 2005, BUSTR achieved a 96% for SOC #1; a 85% for SOC #2; and a 84% for SOC #3.

U.S. EPA Headquarter's goal in collecting the SOC data is to determine how the country is doing as a whole. Ohio's SOC percentages have been higher than many states nationally. Therefore, during the year end evaluation the Region discussed with BUSTR management and the inspectors how the state records and reports SOC data to Region 5.

Based on the SOC discussions, BUSTR will make some changes to the way they collect and report the data. Specific areas that BUSTR will review are: 1) how the state examines the scope of temporary closure and its relationship to SOC; 2) how the state looks at the way data is entered into the OTTER database; and 3) how the state reviews the way the data is presented to the Region.

Region 5 found the SOC meeting very informative and appreciated the time the time and effort of the inspectors and BUSTR management in discussing this issue with the Region. The Region looks forward to seeing how the changes that BUSTR will implement will affect the SOC data presented to the Region in the future. During the next evaluation the Region will discuss how the actual SOC data percentages have changed.

STAFFING/TRAINING

BUSTR has a total number of six inspectors funded under the Federal UST grant.

During the year end evaluation the Region asked BUSTR management about specific training needs for the UST program. BUSTR indicated that it would be helpful to have automatic tank gauging representatives provide BUSTR's inspectors with a brief training session on their products. Region 5 representatives will also work with BUSTR to provide the inspectors with additional training.

Region 5 is currently researching these training needs.

COMPLIANCE MONITORING AND ENFORCEMENT

Improving operational compliance continues to be a priority for the UST Program.

BUSTR's goals for bringing non-compliant facilities into compliance were outlined in a document entitled "Three Year Plan to Improve Operational Compliance". Some of the goals were met with mixed results. Therefore, during the reporting period the UST program began to change its compliance approach to increase the rate of operational compliance. Some of the changes are a direct result of the requirements in new UST rules which became effective on March 1, 2005. The compliance approach will include performing compliance inspections and giving the owner/operators (o/o's) an opportunity to correct the violation in a timely manner. During May a series of three seminars was offered to consultants and contractors to discuss the new rules. The seminars were very well received. New outreach initiatives will be developed such as training to owners, operators and Certified Installers and Certified Inspectors. Several newsletters and seminars are being planned, and by the end of 2005 BUSTR intends to issue an updated Compliance Guidance Document.

BUSTR has been successful in performing approximately 1200 compliance inspections a year. For the period July 1, 2004, to December 31, 2004, BUSTR performed 703 new compliance inspections. However, due to limitations in personnel resources, and the active outreach efforts, a lower number of compliance inspections will be performed in 2006 compared to previous years.

Specific compliance inspection data are provided for the time period July 1, 2004, through December 31, 2004. A total of 703 compliance inspections were performed. Of this number, 110 compliance inspections led to the documentation of violations of the BUSTR rules. Thirty-nine compliance inspections resulted in issuance of Notices of Violation (NOV). One hundred compliance inspections resulted in pending violations that were resolved without a NOV. Ninety-nine facilities were cited for violations relating to leak detection requirements. Thirty facilities were cited for violations relating to upgrade requirements. The remainder of the violations were mostly for registration, financial responsibility and closure related violations.

The Region supports BUSTR's efforts to continually improve operational compliance. The Region is hopeful that the outreach efforts will be beneficial and a positive approach to improving operational compliance. During the next evaluation this issue will be discussed.

POLICY DEVELOPMENT

During the reporting period BUSTR completed the process of amending all Ohio Administrative Code regulations pertaining to underground storage tanks containing regulated substances. The rule changes will become effective on March 1, 2005. Significant changes to the UST rules include: streamlining the permitting process; preventing releases from pumping and sumps; and specifying requirements for certified UST installers after January 1, 2006.

The Region acknowledges all the time and effort BUSTR has put in the rules review process.

OTHER CHALLENGES/SUCSESSES

The Region acknowledges the many positive steps the UST program has made to make it a successful and streamlined program with a small number of staff. The Region is impressed with BUSTR's continuous efforts to look at ways to improve operational compliance and its efforts in performing approximately 1200 inspections a year. The Region also acknowledges the time and effort involved in the rules revision process. The new UST rules became effective on March 1, 2005.

During the reporting period the UST program began to change its compliance approach to increase the rate of operational compliance. Some of the changes are a direct result of the new UST rules. The compliance approach will include performing compliance inspections and initiating new outreach activities such as: training to owners, operators and Certified Installers and Inspectors and issuing an updated Compliance Guidance Document. During FY06 the Region looks forward to being apprised how the implementation of the new rules and the other program elements impact program efficiency.

BUSTR will be making some changes to the way it records and reports SOC data to the Region. Specific areas BUSTR will review are: 1) how the state examines the scope of temporary closure and its relationship to SOC; 2) how the state looks at the way data is entered into the OTTER database; and 3) how the state reviews the way the data is presented to the Region.

RECOMMENDATIONS

The Region believes that Ohio BUSTR successfully met the requirements of the UST Cooperative Agreement during the reporting period.

The Region supports BUSTR's efforts to continually look into new ways to achieve success through its compliance efforts. The Region looks forward to being apprised of the effectiveness of these changes at the next formal UST evaluation.

BUSTR will also be making some changes to the way it records and reports SOC data to the Region. The Region notes that because the STARS reporting cycle is every six months it may take a few reporting cycles before a significant change is seen in the SOC data that is submitted to the Region. Nonetheless, the Region looks forward to seeing the data in the next STARS report that is submitted in October.

Region 5 appreciates the cooperative nature of BUSTR in working with the Region.

Attachment:

- List of Action Items

OHIO BUSTR/U.S. EPA FY05 ACTION ITEMS

FY05 Action Items

Responsibility	Action Items
U.S.EPA	The Region will work with BUSTR to provide training to the OH inspectors.
BUSTR	BUSTR will examine how they collect and report SOC data to the Region. Specific areas that BUSTR will review are: 1) examining the scope of temporary closure and how it relates to SOC; 2) looking at the way data is entered in the OTTER data base, and 3) looking at the way the data is presented to the Region.