

## Summary of October 1, 2007, Changes to Comm 5

Chapter Comm 5 contains the Department's rules for issuing numerous credentials that businesses and individuals are either mandated or permitted to obtain. These credentials include certifications and registrations that relate to safe storage of flammable, combustible, and hazardous liquids, and to cleanup of properties contaminated by petroleum-product discharges.

The October 1, 2007, rule changes primarily modify chapter Comm 5 by creating (1) a certification category for individuals who conduct cathodic protection testing of any tank system that will hold flammable, combustible, or hazardous liquids which are regulated by chapter Comm 10; and (2) a certification category for individuals who design or install cathodic protection systems for those tank systems. The rules also limit this testing, design, and installation to individuals who are certified under these rules.

Other substantive changes relating to chapter **Comm 10** will (1) modify several specialty credential responsibilities by deleting outdated activities, and adding activities that have proven to better reflect the nature of the work; (2) remove references to past dates that have no relationship to current-day credential qualifications or administration; (3) eliminate continuing-education requirements from three specialties because the corresponding technical aspects do not change appreciably, and continuing-education opportunities within the industry are limited; (4) shorten the approval duration for continuing-education courses, from five years to three, unless otherwise specified in an approval letter; (5) require departmental notification if an approved, continuing education course is discontinued or modified; (6) no longer allow renewal of credentials after they expire, except by complying with all of the requirements for new applicants; (7) expand the reasons for denial, suspension or revocation of a credential to include failure to maintain required records, denial of Departmental access to requested records, failure to submit a required notice or report to the Department within a required time period, and submittal of false or routinely inadequate reports to the Department; (8) directly link all credentials for storage of flammable, combustible, and hazardous liquids to the corresponding requirements in chapter Comm 10; (9) modify the site assessor specialty credential terminology to better reflect the scope of the credential; (10) require contractor liability insurance coverage for firms that install, remove, test, line, clean, or perform assessment, for tank systems; and (11) require that same liability coverage for tank system removers and cleaners.

Two sets of changes relate to chapter **Comm 47**. The first set consists of expanding the reasons for denial, suspension or revocation of a credential to include (1) submittal of false or routinely inadequate reports to the Department; (2) performance of activities that result in both exceeding a cost cap established by the department, and submittal of a claim to the department for the cost in excess of that cost cap; and (3) failure to pay a financial penalty assessed under chapter Comm 47 for a grossly ineligible cost. The second set of changes expands a current requirement for PECFA consultants and consulting firms to have liability coverage, by requiring consultants and firms to submit proof of that coverage when applying for or renewing a credential.

A complete, section-by-section listing of each of the actual rule changes is available at <S:\ER\Rule changes\Comm 5 2007.doc>.