

EFFECTIVE DATES OF CERTIFICATES OF COVERAGE SET BY LAW

The 2002 Program Year was the first year of the Petroleum UST Board's (the Board) joint registration with the Bureau of Underground Storage Tank Regulations (BUSTR) and the State Emergency Response Commission (SERC). BUSTR had the responsibility to collect the tank detail information and then disseminate this registration information to SERC and the Board. The Board's database was designed to check the information received from BUSTR's database. If an entry on the BUSTR database appeared incorrect or was missing, the Board's database "flagged" the incorrect or missing information and a "Notice of Pending Denial" was issued along with registration forms that could be corrected by an owner.

This registration process was an extraordinary task, both time consuming and labor intensive. As an example, the initial check of BUSTR's database indicated a 90% failure rate of the 2002 registrations. As a result, the Board issued over 2,100 pending denials due to erroneous or missing information or for tank systems that were truly out of compliance. As owners corrected the information, the Board forwarded a copy of the corrected registration to BUSTR to enable that agency to correct its records.

Some owners have questioned why the date set as the effective date of their Certificate(s) of Coverage was not July 1st (the first date of the program year of coverage). The Board offers the following explanations of how effective dates are determined.

The effective date of a Certificate of Coverage is set by law. Pursuant to Ohio Revised Code §3737.91(D), the Board is to issue a Certificate of Coverage when an owner has complied with all of the following:

Paid all fees owed, demonstrated financial responsibility (with the added requirement that if the financial test of self-insurance is utilized the owner must provide the Board an affidavit that certifies the information is true and accurate), and certified that each UST is in compliance with the rules of the State Fire Marshal.

Furthermore, Ohio Administrative Code 3737-7-04(E) adds payment of all past fees owed as an additional requirement to receiving a Certificate of Coverage.

When all of the above criteria are satisfied *on or before* July 1st, the Certificate of Coverage is made effective July 1st (i.e., the entire program year is covered). When all of the above criteria are satisfied after July 1st, the Certificate of Coverage is made effective on the date all criteria are met (i.e., part of the program year is covered).

While verifying tank owner information has been a long and tedious process, the result is beneficial to owners, the Board, and BUSTR. Many owners have benefited from the process because they now know how to better operate and maintain their systems. The Board can make more informed decisions regarding assurability issues for both the issuance of Certificates of Coverage and Applications for Eligibility. BUSTR will have an up-to-date database with correct tank information for each facility in the state.