*** DRAFT - NOT YET FILED ***

3737-1-04.1 **Coverage reinstatement.**

(A) Where the board has not issued a valid certificate of coverage to a responsible person for a given underground storage tank, for the prior two or more consecutive fiscal years, the responsible person shall:

(1) Comply with the requirements of rule 3737-1-04 of the Administrative Code; and

(2) Certify that, prior to payment, there has been no suspected release or release required to be reported to the fire marshal from the underground storage tank system for which coverage is being sought, or any known release is in compliance with the requirements of rule 1301:7-9-13 of the Administrative Code.

(B) The director shall verify the responsible person is in compliance with applicable rules for petroleum underground storage tank systems adopted by the fire marshal under section 3737.88 of the Revised Code for each tank for which a valid certificate of coverage has not been issued for the prior two or more consecutive fiscal years. Where the director determines that the responsible person is not in compliance with the fire marshal's rules for the underground storage tank system for which coverage is being sought, the certificate of coverage shall be denied in accordance with paragraph (E)(4) of rule 3737-1-04 of the Administrative Code.

(C) Nothing in any part of this rule shall be interpreted to allow retroactive coverage for suspected releases or releases required to be reported to the fire marshal prior to the effective date of a valid certificate of coverage.

(D) The rights, limitations, responsibilities, and requirements of rule 3737-1-04 of the Administrative Code in acquiring and maintaining a valid certificate of coverage apply to any certificate of coverage sought and obtained under this rule.