**Section 172.110 Disciplinary Actions Related to Contractor Notice of Violations (CNOV)**

Disciplinary actions and administrative citations result from the issuance of a CNOV. The CNOV is issued by an STSS and copies are provided to the licensed contractor. CNOVs result from violations in one or both of two categories:

a) Administrative or quality control violations are minor when taken individually, but have a major impact when recurring within the preceding 12 months.

1) Administrative violations include, but are not limited to, a failure to abide by the regulatory requirements found at 41 Ill. Adm. Code 172, 174, 175, 176, and 177 in regards to permitting, scheduling, licensing, technical oversight, or submission of documentation. Examples include:

A) the failure to have an active permit authorizing the specific permitted activity, or other violations of permit conditions, terms, or permitting requirements;

B) the failure to be ready for a date certain/time certain activity or final inspection, or other violations of scheduling requirements;

C) the failure to have an employee certified in the specific required module on site actively supervising the work, or other violations of licensing requirements or related administrative requirements;

D) the failure to submit a completed OSFM like-for-like replacement form following a like-for-like replacement, the failure to submit a completed OSFM test results form where required, or other violations of requirements for submission of completed OSFM forms by the licensed contractor; and

E) the failure to comply with any OSFM rule governing the work being done by a licensed contractor.

2) Quality control violations include, but are not limited to, a failure to abide by the technical requirements found at 41 Ill. Adm. Code 174, 175, 176, and 177 for a UST design, construction, installation, repair, upgrade, inspection, removal or abandonment in place. Examples include:

A) The failure to comply with motor fuel dispensing facility requirements for a UST system. Examples include: a failure to install a sufficient number of E-stops or the failure to install E-stops within the correct distances.

B) The failure to comply with requirements for UST design, installation and construction. Examples include:

i) a failure to have pipe trenches wide enough or deep enough or sloped to tanks properly, or to have pipes spaced properly;

ii) a failure to test the UST tank prior to installation, or other violations of requirements for construction and installation of a UST;

iii) the failure to use appropriate backfill material for UST installation; or

iv) the failure to have electrical equipment installed in accordance with NFPA 70.

C) The failure to comply with requirements for corrosion protection for a UST system. Examples include: a licensed contractor's failure to di-electrically protect all steel risers, vents, and fill pipes in contact with the ground, backfill, or water.

D) The failure to comply with requirements for release detection for a UST system. Examples include: a failure to have a release detection system installed and calibrated according to manufacturer specifications and instructions.

E) The failure to comply with requirements for repairs for a UST system or defective UST equipment. Examples include: a failure to repair or replace system components using correct equipment or materials or to conduct repairs in accordance with manufacturers recommended procedures and specifications.

F) The failure to comply with requirements for permanent closure for a UST system, including removal, abandonment-in-place and change in service.

G) The failure to comply with compliance certification requirements for a UST. Examples include the removal of a red tag by any licensed contractor to fill a UST for testing or other reasons.

H) The failure to comply with containment requirements. Examples include a failure to install required containment under dispensers or perform testing on containment prior to backfilling.

I) The failure to comply with requirements for piping, venting, and pumps. Examples include installation of vents and pipes at unapproved locations.

J) The failure to comply with an applicable technical code or any OSFM administrative rule governing the work being done by a licensed contractor.

b) Safety violations pose a potential or imminent grave danger to the environment and the health and safety of the citizens of Illinois and are of such a grave nature as to result in the immediate shut-down of the job site, issuance of an administrative citation and possible suspension of contractor activity in any or all OSFM-licensure modules. OSFM may also consider property damage or personal injury caused by a violation of regulatory requirements, found at 41 Ill. Adm. Code 174, 175, and 176, in categorizing a violation as being a safety violation. Examples include the following:

1) Licensed contractor failed to provide excavation sloping, benching, stepping, or shoring sides or to abide by 29 CFR 1926.

2) Licensed contractor failed to have sufficient equipment, for example, with sufficient lifting capacity for the intended UST activity.

3) Licensed contractor failed to maintain the required exclusion zone while working on the UST system.

4) Licensed contractor failed to comply with UST tank entry procedures outlined in API 2015.

5) Licensed contractor failed to follow API 1604, including the failure to remove all petroleum or hazardous substance from the tank or connecting lines prior to the removal or abandonment-in-place process.

6) Licensed contractor failed to install anchoring and the tank or tanks floated.

7) Licensed contractor failed to vapor free in accordance with API 1631.

8) The licensed contractor excavated along the side or end of a tank prior to vapor freeing or inerting the tank itself, or without having STSS on site.

9) The licensed contractor did not use explosion-proof pumps to remove liquids from the tank or tanks prior to a UST removal, abandonment-in-place or lining inspection process.

10) The failure to comply with any OSFM administrative rule, causing the work being done by a licensed contractor to jeopardize public health or safety.

c) The failure to comply with the Act or this Part by any licensee may subject the licensee to administrative action, including, but not limited to, suspension, revocation or refusal to issue or renew a license and the assessment of fines.

(Source: Amended at 47 Ill. Reg. 6755, effective May 2, 2023)