

**SUBCHAPTER J: LEAKING PETROLEUM STORAGE TANK CORRECTIVE ACTION  
SPECIALIST REGISTRATION AND PROJECT MANAGER LICENSING  
§§334.451, 334.454, 334.455  
Effective December 17, 2001**

**§334.451. Applicability of Subchapter J.**

(a) When referring to corrective action project managers within this chapter, the terms “registered” and “licensed” have the same meaning.

(b) All corrective action services covered by this chapter must be performed by or be coordinated by a person or entity registered as a corrective action specialist.

(c) All corrective action services covered by this chapter must be supervised by a licensed corrective action project manager according to Subchapter E of Chapter 30 of this title (relating to Leaking Petroleum Storage Tank Corrective Action Project Managers and Specialists).

Adopted November 20, 2001

Effective December 17, 2001

**§334.454. Exception for Emergency Abatement Actions.**

(a) An owner or operator or other person may undertake such corrective action as may be necessary to abate any immediate threat to human health and safety or the environment caused by a release or threatened release without a registered corrective action specialist or a licensed corrective action project manager; and a person who is not registered under §30.190 of this title (relating to Qualifications for Initial Registration), or §30.180 of this title (relating to Qualifications for Initial License) may provide or perform such services provided that the action is in compliance with this section.

(b) For this section to apply, the owner or operator or other person must:

(1) demonstrate that the actions taken were necessary to protect against imminent danger to human health and safety by mitigating fire, explosion, and vapor hazards, by removing free product from structures, basements, sumps, etc., or performing other actions as deemed necessary by the executive director;

(2) notify the executive director of the emergency occurrence within 24 hours of commencing emergency abatement action;

(3) notify the local fire marshal (or state fire marshal if no local authority is available) within 24 hours of commencing emergency abatement action; and

(4) obtain the services of a registered corrective action specialist within ten days of commencing emergency action.

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**§334.455. Notice to Owner or Operator.**

(a) A notice of corrective action must be provided by the corrective action specialist, in accordance with this section for any corrective action services which are commenced on or after October 1, 1994.

(b) The notice requirements of this section apply regardless of whether or not the person offering the services is working directly for an owner or operator. The notice of corrective action must be given to the owner or operator prior to the time when the offer to perform corrective action services is accepted.

(c) The notice must contain the following:

(1) whether the person or entity is registered in accordance with Chapter 30 of this title (relating to Occupational Licenses and Registrations);

(2) the person or entity's registration number;

(3) proof of commercial liability insurance required in §30.190 of this title (relating to Qualifications for Initial Registration); and

(4) the disclaimer required in subsection (f) of this section; and

(5) a statement signed by the owner or operator and by a representative of the corrective action specialist which indicates both parties are aware of the registration requirements for corrective action specialists and licensing requirements for corrective action project managers set forth in Chapter 30 of this title, and that reimbursement will be in accordance with the provisions of Subchapter H of this chapter (relating to Reimbursement Program) and in accordance with the published agency reimbursable cost guidelines.

(d) The notice of corrective action must be on a form provided by the executive director. The person contracting with the owner or operator shall provide the owner or operator with a copy of the signed notice of corrective action.

(e) Within 15 days of the date on which the offer to perform corrective action services is accepted, the corrective action specialist shall submit to the executive director a copy of such written notice signed by the authorized representative of the corrective action specialist and by the owner or operator or their duly authorized agent.

(f) Any bid, proposal, or offer that indicates a company or person is a corrective action specialist must reproduce in its entirety the following disclaimer. The disclaimer must be a part of any notice required by this section.

(1) The registration of a corrective action specialist with the agency does not constitute endorsement, licensing, or promotion of any corrective action specialist. Registration does not imply that the agency guarantees the quality of the work performed or that the cost of the work may be reimbursed.

(2) Reimbursement for approved work is subject to the eligibility requirements set forth in Subchapter H of this chapter and the agency's reimbursable cost guidelines. Charges exceeding the amount determined as reimbursable for that particular work item shall not be reimbursed by the agency.

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