

LDEQ UST Operator Training Program

One of the major milestones for the Energy Policy Act of 2005 is the development of a UST operator training program. In general, LDEQ must develop an operator training program and all UST operators must be trained in accordance with this program by August 8, 2012.

The proposed LDEQ UST Operator Training Regulations (UT017) are available for review on the LDEQ website at <http://www.deq.louisiana.gov/portal/tabid/2920/Default.aspx>. The public comment period ended on November 5, 2009, and LDEQ has addressed the comments and has made several technical amendments to the regulations. The projected final date of this rule is February 20, 2010.

Below is a summary of the proposed rule and the operator training program that is currently under development.

Classes of UST Operators

UST Operators are divided into three classes (A, B and C), and there are specific training requirements for each class.

- Class A UST Operator – The tank owner, or a person designated by the tank owner to represent the owner's interest, who has the primary responsibility of maintaining compliance with all UST regulations.
- Class B UST Operator – Person(s) designated by the tank owner to implement all applicable requirements of the UST regulations in the field and to implement the day-to-day aspects of the operation and maintenance of a UST system at the facility. Class B UST operators can be employees of the UST owner or can be third party operators hired by the UST owner.
- Class C UST Operator – Person(s) designated by the tank owner that has the daily, on-site responsibility for addressing emergencies presented by a spill or release from a UST system (e.g., fueling attendants).

UST Operator Designation

UST owners are required to designate, for each UST facility, at least one named individual for each class of UST operator. UST owners can designate a different individual for each class of operator, or one individual for more than one operator class.

During hours of operation, UST facilities must have a least one certified UST operator (either a Class A, B or C) present at the facility, except when the facility is un-manned. A UST facility is considered un-manned when there is no attendant present at the facility who could respond to alarms or emergencies caused by spills or overfills from a UST system.

Beginning the effective date of the regulations, UST owners must designate their Class A and Class B UST Operators and provide these designations to LDEQ inspectors or LDEQ-contract inspectors during LDEQ compliance inspections.

Acceptable Training for Class A and Class B UST Operators

A workgroup consisting of LDEQ staff and UST industry stakeholders developed a UST operator training program that will provide class room training seminars to all Class A and B UST operators free of charge that will be held at various locations around the state. This program is modeled after the State of Kansas' operator training program. A co-operative agreement has been entered between LDEQ and Louisiana Compliance Services LLC (LACS), a wholly-owned subsidiary of the Louisiana Oil Marketers and Convenience Store Association (LOMCSA) that will allow LACS to administer and conduct the Department-sponsored UST operator training seminars. LDEQ has final approval of the material presented, the training contractors used and the training locations selected.

Department-sponsored UST operator training seminars will be held at various locations around the state. The funding source for the training is the Louisiana Motor Fuels UST Trust Fund. All Class A and Class B UST Operators will be able to attend the seminars at no charge, although there may be a fee for registrants that fail to cancel within 3 days of the seminar date and fail to show up.

All Class A and Class B UST Operators will be required to attend and complete a Department-sponsored UST operator training seminar. In order to evaluate operator knowledge, there will be an exam at the conclusion of each seminar.

Once the dates and locations of the seminars are finalized, they will be posted on the LDEQ website (www.deq.louisiana.gov), the LOMCSA web site (www.lomcsa.com), and the Petro Classroom web site (www.petroclassroom.net).

Requests for Site-Specific Training and Reciprocity with Other States

LDEQ has been approached by several companies requesting approval to allow companies to train their own employees with their own site-specific training programs. LDEQ applauds the efforts of companies that are providing site specific training for their staff, and certainly encourages this activity. However, under the current proposed plan, LDEQ will require all Class A and B UST Operators in Louisiana to attend the Department-sponsored UST operator training seminar.

Many different types of operator training programs were considered, including International Code Council (ICC) exams, on-line training, facility specific in-house training, LDEQ training seminars, and LDEQ-contracted operator training seminars. Several key factors that led to the decision of using LDEQ-contracted operator training seminars were the limited staffing of the LDEQ UST Division, the desire to minimize the cost of training for UST owners and operators, and the objective of having all operators trained with one complete and consistent training course. After all Class A and B UST operators have attended the same Department-sponsored UST operator training seminar, LDEQ may re-evaluate this requirement and may consider other operator training options as well as reciprocity with other states.

Acceptable Training for Class C UST Operators

Class A or B UST Operators must ensure that the UST facility's Class C UST Operators complete training in emergency procedures. Class C operator training programs may include in-class, hands-on, on-

line, or any other training format deemed acceptable by the facility's Class A or B UST Operator. Class C training information will be provided to all Class A and B UST Operators that attend the Department-sponsored UST operator training seminars.

The Class A or B UST Operator must ensure that a list of emergency procedures, which must include site-specific emergency procedures, the location of emergency shut-off devices, and appropriate emergency contact telephone numbers, is posted in a prominent area at the UST facility that is easily visible to the Class C UST Operator.

The Class A or B UST Operator must submit a list of all Class C UST Operators that they have ensured training for to LACS in order to obtain a certificate for the Class C UST Operators.

UST Operator Training Deadlines

Initial Training Before August 8, 2012:

Class A and Class B UST Operators

Beginning the effective date of the regulations, LDEQ and contract inspectors will ask UST owners who their Class A and Class B UST Operators are for the facility being inspected, and LDEQ will provide a notice to the UST owner that these UST Operators must be trained within 9 months of the inspection date. LDEQ is requiring this "phase-in" training schedule to ensure that all Class A and B UST Operators are trained by the mandatory August 8, 2012 training deadline.

Class A and B UST Operators that have not been notified during an inspection must be trained before August 8, 2012.

Class C UST Operators

All Class C UST Operators must be trained before August 8, 2012. There is no "phase-in" schedule for Class C UST Operators.

Training After August 8, 2012:

After August 8, 2012, Class A and B UST Operators must be trained within 30 days of assuming operation and maintenance responsibility of a UST system.

After August 8, 2012, Class C UST Operators must be trained before assuming unsupervised responsibility for responding to emergencies at a UST system facility.

UST Operator Training Frequency

Class A and Class B UST Operators

Certified Class A and B UST Operators must be re-trained every 3 years (re-trained within 3 years of the last training date).

Certified Class A and B UST Operators can work at any UST facility within Louisiana without having to be re-trained.

Whenever a UST system is found out of compliance, Class A and/or Class B UST Operators, as determined by LDEQ for that facility, must attend either the UST Expedited Penalty Seminar or the Department-sponsored UST operator training seminar, as determined by LDEQ.

Class C UST Operators

Certified Class C UST Operators must be re-trained prior to assuming responsibility at a facility owned by a different UST owner that did not provide the initial training.

Class C UST Operators do not have to be re-trained every 3 years.

Documentation of UST Operator Training

UST Owners must keep a training certificate for each person who is currently serving as a Class A, B, or C UST Operator for as long as that person serves as a UST Operator for that facility.

UST owners may keep the training certificates at either the UST facility or at an alternate location, such as a corporate office, as long as they are made available to LDEQ for review upon request.

A list of emergency procedures, which must include site-specific emergency procedures, the location of emergency shut-off devices, and appropriate emergency contact telephone numbers, must be posted in a prominent area at the UST facility that is easily visible to the Class C UST Operator.