

R311-201-12. UST Operator Training and Registration.

(1) To meet the Operator Training requirement (42 USC Section 6991i) of the Solid Waste Disposal Act as amended by the Energy Policy Act of 2005, each UST facility shall have UST facility operators that are trained and registered according to the requirements of this section. Each facility shall have three classes of operators: A, B, and C.

- (a) A facility may have more than one person designated for each operator class.
- (b) An individual acting as a Class A or B operator may do so for more than one facility.

(2) The UST owner or operator shall provide documentation to the Director to identify the Class A, B, and C operators for each facility. If an owner or operator does not register and identify Class A, B, and C operators for a facility, the certificate of compliance for the facility may be revoked for failure to demonstrate substantial compliance with all state and federal statutes, rules and regulations.

(3) New Class A and B operators shall be trained and registered within 30 days of assuming responsibility for an UST facility. New Class C operators shall be trained before assuming the responsibilities of a Class C operator.

(4) The Class A operator shall be an owner, operator, employee, or individual designated under Subsection R311-201-12(d)(2). The Class A operator has primary responsibility for the broader aspects of the statutory and regulatory requirements and standards necessary to operate and maintain the UST system.

- (a) The Class A operator shall:
 - (i) have a general knowledge of UST systems;
 - (ii) ensure that UST records are properly maintained according to 40 CFR 280;
 - (iii) ensure that yearly UST fees are paid;
 - (iv) ensure proper response to and reporting of emergencies caused by releases or spills from USTs;
 - (v) make financial responsibility documents available to the Director as required; and
 - (vi) ensure that Class B and Class C operators are trained and registered.

(b) An owner or operator may designate a third-party Class B operator as a Class A operator if:

(i) the UST owner or operator is a financial institution or person who acquired ownership of an UST facility solely to protect a security interest in that property and has not operated the USTs at the facility;

(ii) all USTs at the facility are properly temporarily closed in accordance with 40 CFR 280.70 and Section R311-204-4; and

(iii) all USTs at the facility are empty in accordance with 40 CFR 280.70(a).

(5) The Class B operator shall implement routine daily aspects of operation, maintenance, and recordkeeping for UST systems. The Class B operator shall be an owner, operator, employee, or third-party Class B operator. The Class B operator shall:

- (a) ensure that on-site UST operator inspections are conducted according to the requirements of Section R311-203-7;
- (b) ensure that UST release detection is performed according to 40 CFR 280 subpart D;
- (c) ensure that the status of the UST system is monitored for alarms and unusual operating conditions that may indicate a release;
- (d) document the reason for an alarm or unusual operating condition identified in Subsection R311-201-12(e)(3), if it is not reported as a suspected release according to 40 CFR 280.50;

(e) ensure that appropriate release detection and other records are kept according to 40 CFR 280.34 and 280.45, and are made available for inspection;

- (f) ensure that spill prevention, overfill prevention, and corrosion protection requirements are met;
- (g) be on site for facility compliance inspections, or designate another individual to be on site for inspections;
- (h) ensure that suspected releases are reported according to the requirements of 40 CFR 280.50; and
- (i) ensure that Class C operators are trained and registered, and are on-site during operating hours.

(6) Any individual providing services as a third-party Class B operator shall be trained and registered in accordance with Subsection R311-201-12(h) and shall:

(a) be certified in accordance with Rule R311-201 as:

- (i) a UST Tester, or
- (ii) a UST installer as either a general installer or service/repair technician, or

(b) meet the training requirements of a certified UST inspector and document comprehensive or general liability insurance with limits of \$250,000 minimum per occurrence.

(7) The Class C operator is an employee and is generally the first line of response to events indicating emergency conditions. A Class C operator shall:

- (a) be present at the facility at all times during normal operating hours;
- (b) monitor product transfer operations according to 40 CFR 280.30(a), to ensure that spills and overfills do not occur;
- (c) properly respond to alarms, spills, and overfills;
- (d) notify Class A and/or Class B operators and appropriate emergency responders when necessary; and
- (e) act in response to emergencies and other situations caused by spills or releases from an UST system that pose an immediate danger or threat to the public or to the environment, and that require immediate action.

(8) Operator Training and Registration

(a) Training and testing.

(i) Applicants for Class A and B operator registration shall successfully complete an approved operator training course within the six-month period prior to application.

(ii) The training course shall be approved by the Director, and shall include instruction in the following: notification, temporary and permanent closure, installation permitting, underground tank requirements of the 2005 Energy Policy Act, Class A, B, and C operator responsibilities, spill prevention, overfill prevention, UST release detection, corrosion protection, record-keeping requirements, emergency response, product compatibility, Utah UST rules and regulations, UST financial responsibility, and delivery prohibition.

(iii) Applicants for Class A and B operator registration shall successfully pass a registration examination authorized by the Director. The Director shall determine the content of the examination.

(iv) An individual applying for Class A or B operator registration may be exempted from meeting the requirements of Subsections R311-201-12(h)(1)(A) and (C) by completing the following within the six-month period prior to application:

(A) successfully passing a nationally recognized UST operator examination approved by the Director, and

(B) successfully passing a Utah UST rules and regulations examination authorized by the Director. The Director shall determine the content of the examination.

(v) Class C operators shall receive instruction in product transfer procedures, emergency response, and initial response to alarms and releases.

(b) Registration application.

(i) Applicants for Class A and B operator registration shall submit a registration application to the Director, shall document proper training, and shall pay any applicable fees.

(ii) Class C operators shall be designated by a Class B operator. The Class B operator shall maintain a list identifying the Class C operators for each UST facility. The list shall identify each Class C operator, the date of training, and the trainer. Identification on the list shall serve as the operator registration for Class C operators.

(iii) A registered Class A or B operator may act as a Class C operator by meeting the training and registration requirements for a Class C operator.

(iv) Class A and B registration shall be effective for a period of three years, and shall not lapse or become inactive if the registered operator leaves the employment of the company under which the registration was obtained.

(9) Renewal of registration.

(a) Class A and B operators shall apply for renewal of registration not more than six months prior to the expiration of the registration by:

(i) submitting a completed application form;

(ii) paying any applicable fees; and

(iii) documenting successful completion of any re-training required by Subsection R311-201-12(i).

(b) If the Director determines that the operator meets all the requirements for registration, the Director shall renew the applicant's registration for a period equal to the initial registration.

(c) Any applicant for renewal who has a registration that has been expired for more than two years prior to submitting a renewal application shall successfully satisfy the training and examination requirements for initial registration under Subsection R311-201-12(h)(1) before receiving the renewal registration.

(d) Re-training.

(i) A Class A operator shall be subject to re-training requirements if any facility for which the Class A operator has oversight is found to be out of compliance due to:

(ii) lapsing of certificate of compliance;

(iii) failure to provide acceptable financial responsibility; or

(iv) failure to ensure that Class B and C operators are trained and registered.

(e) A Class B operator shall be subject to re-training requirements if a facility for which the Class B operator has oversight is found to be out of compliance due to:

(i) failure to document significant operational compliance, as determined by the EPA Release Prevention Compliance Measures Matrix and Release Detection Compliance Measures Matrix, both incorporated by reference in Subsection R311-206-10(b)(1);

(ii) failure to perform UST operator inspections required by Section R311-203-7; or

(iii) failure to ensure that Class C operators are trained and registered, and are on-site during operating hours.

(f) To be re-trained, Class A and Class B operators shall successfully complete the appropriate Class A or B operator training course and examination, or shall complete an equivalent re-training course and examination approved by the Director.

(g) Class A and B operators shall be re-trained within 90 days of the date of the determination of non-compliance, and shall submit documentation showing successful completion of the re-training to the Director within 30 days of the re-training. If the documentation is not received by the Director within 120 days of the date of the determination of non-compliance, the Class A or B operator's registration shall lapse. To re-register, the operator shall meet the requirements of Subsection R311-201-12(h)(1) and (2).

(h) If a facility for which a Class A or B operator has oversight is found to be out of compliance under Subsections R311-201-12(i)(1) or (2), re-training shall not be required if the Class A or B operator successfully completes and documents re-training under Subsections R311-201-12(i)(3) and (4) for a prior determination of non-compliance that occurred during the previous nine months.

(10) Reciprocity.

(a) If the Director determines that another state's operator training program is equivalent to the operator training program provided in this rule, he may accept an applicant's Class A or Class B registration application, provided that the applicant:

(i) submits a completed application form;

(ii) passes the Utah UST rules and regulations examination referenced in Subsection R311-201-12(h)(1)(D)(ii), and

(iii) submits payment of any applicable registration fees.

(b) The Class A or Class B registration shall be valid until the Utah registration expiration described in Subsection R311-201-12(h)(2)(D).