

MARYLAND DEPARTMENT OF THE ENVIRONMENT
Land Management Administration • Oil Control Program
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September 1, 2010

RE: Trained Facility Operators

Dear Underground Storage Tank Owner and/or Operator:

This letter is to inform you of an important action recently undertaken by the Maryland Department of the Environment's (MDE) Oil Control Program (OCP) that requires the owner of an underground storage tank (UST) system to designate, train and certify UST operators.

***Amendments to the Maryland Regulations Governing Underground Storage Tank Systems
COMAR 26.10.16***

On April 19, 2010, amendments to the UST Code of Maryland Regulations (COMAR) 26.10.16, ***Trained Facility Operators*** became effective. A copy of the revised Regulations can be found on the MDE Oil Control Program UST Certification Program's website at:

<http://www.mde.state.md.us/assets/document/OilControl/Regulations.pdf>.

Based on the requirements set forth in COMAR 26.10.16, owners of UST facilities are to designate and identify by written list individuals to serve as Class A, B and C operator(s) for each facility. By **August 8, 2012**, operators must be designated, trained and certified. This is also a federal requirement from the 2005 Federal Energy Policy Act (EPACT). Owners of facilities that must comply include the owners of facilities that store motor fuel, used oil, and hazardous substances in UST systems, as well as facilities that have bulk storage or operate emergency generator USTs. Operator training does not apply to UST systems that store heating oil for direct consumptive use.

The purpose of operator training is to ensure that properly certified individuals are available to respond to operational and equipment alarms, warnings or alerts; are capable to detect and report storage system emergencies and to ensure that suspected releases, unusual operating conditions, and equipment failures are addressed and to make certain the facility is operated in a manner that complies with Maryland and federal storage tank laws and regulations.

- Class A Operator** - An individual having primary responsibility for the overall operation and maintenance of one or more UST system(s).
- Class B Operator** - An individual having responsibility and direct control over daily on-site operation, maintenance, testing and record keeping of an UST system(s).
- Class C Operator** - An individual, on-site employee having primary responsibility for controlling and monitoring the dispensing or sale of a regulated substance and addressing emergencies presented by a release from an UST system(s) such as, (situations posing an immediate danger or threat to the public or to the environment). A class C operator certification shall be facility-specific and is not valid at another regulated substance storage facility.

The OCP has approved several companies that provide both classroom and online training for Operators. You can view the approved training companies and obtain information on the UST Certification Program website at: http://www.mde.state.md.us/Programs/LandPrograms/Oil_Control/USThome/ustcertification_programs.asp, under the “**Underground Storage Tank Operator Certification Program**” heading. Please check the UST Certification Program website often as more companies are applying to be approved for Operator Training Programs.

All Operator Training Programs must also include as part of the OCP approval a “**Maryland Class C Underground Storage Tank Operator Facility Checklist**”. The purpose of the checklist is to document that a designated Class A or B Operator has shown the employee, facility specific components and procedures as required by Maryland Regulations. This checklist must be completed at the facility where the Class C operator will be working. A copy of the checklist is included with this letter and must be kept as part of the facility record retention.

Terms Defined—COMAR 26.10.16.02B

- (1) “Attended regulated substance storage facility” means a single location that has one or more UST systems storing a regulated substance as defined in COMAR 26.10.02.04B at which an attendant or an employee is on duty and available at the location.
- (2) “Certification program” means an informational course, class, or set of training instructions approved by the Department for educating and certifying a Class A, B, or C operator to comply with this chapter.
- (3) “Regulated substance storage facility” means a single location, either attended or unattended, that has one or more UST systems in which a regulated substance as defined in COMAR 26.10.02.04B is stored.
- (4) “Unattended regulated substance storage facility” means a single location that has one or more UST systems storing a regulated substance as defined in COMAR 26.10.02.04B at which no attendant or employee is on duty and available at the location.

Implementation—COMAR 26.10.16.03

A. This chapter establishes a Class A, B, and C operator with required knowledge, duties, skills, training, certifications, and availability.

B. By August 8, 2012, the owner of a regulated substance storage facility shall:

- (1) Identify by a written list one or more individuals to serve as the Class A, B, and C operator for the facility;
- (2) Ensure that an operator identified in §B(1) of this regulation is trained and certified in accordance with this chapter;
- (3) Provide written instructions for the facility's UST systems that are readily accessible at all times to an operator identified in §B(1) of this regulation that describe how to:
 - (a) Respond to operational or equipment alarms, warnings, or alert mechanisms;
 - (b) Implement the emergency shutoff process;
 - (c) Respond to a suspected or confirmed release, unusual operating conditions, emergencies, and equipment failures; and
- (d) Notify the Department of a release in accordance with:
 - (i) Environment Article, §4-410, Annotated Code of Maryland;
 - (ii) COMAR 26.10.01.03; and
 - (iii) COMAR 26.10.08.01—.04; and

- (4) Provide emergency telephone numbers for contacting persons responsible for the facility in the event of a suspected or confirmed release, unusual operating conditions, emergencies, and equipment failures that:
- (a) For an attended facility, are readily accessible on-site to Class A, B, and C operators and other facility personnel; or
 - (b) For an unattended facility, are conspicuously posted on a sign not less than 8 by 10 inches in size with lettering not less than one inch high and that is visible to the public.

C. On and after August 8, 2012, a regulated substance storage facility may not:

- (1) Dispense or store a regulated substance unless Class A, B, and C operators have been designated, trained, and certified as required by this chapter; and
- (2) For an attended regulated substance storage facility, dispense a regulated substance unless at least one Class A, B, or C operator is present at the facility.

D. On and after August 8, 2012, the owner of a regulated substance storage facility shall ensure that:

- (1) The facility continuously has one or more individuals designated, trained, and certified to serve as the Class A, B, and C operator as required by this chapter;
- (2) New or replacement Class A and Class B operators are trained and certified within 30 days after assuming duties and responsibilities of these classes;
- (3) A new or replacement Class C operator is trained and certified before assuming duties and responsibilities of this class; and
- (4) The following documents are updated within 10 business days of a change:
 - (a) The written list set forth in §B(1) of this regulation;
 - (b) The written instructions set forth in §B(3) of this regulation; and
 - (c) The emergency telephone numbers set forth in §B(4) of this regulation.

E. On and after August 8, 2012, the owner of an unattended regulated substance storage facility shall ensure that:

- (1) A Class A, B, or C operator inspects the facility for a suspected or confirmed release, unusual operating conditions, emergencies, and equipment failures once every 30 days or at a frequency approved by the Department; and
- (2) A written record of the inspection is maintained by the owner and made available upon request by the Department or its certified inspectors.

Operator Classes—COMAR 26.10.16.04

A. A person may be designated, trained, and certified to serve in more than one operator class.

B. A Class A operator shall have the knowledge, skills, and training to execute duties that shall include:

- (1) Primary responsibility for operating and maintaining one or more UST systems at a regulated substance storage facility;
- (2) Routine management of resources and personnel, which may include establishing work assignments;
- (3) Ensuring that, in accordance with COMAR 26.10.02—.11:
 - (a) An UST system is repaired by a qualified person;
 - (b) An upgraded, new, or replacement UST system is installed by a certified technician;
 - (c) A qualified person is implementing the operation, maintenance, testing, and record-keeping requirements for an UST system that shall include:
 - (i) Spill and overfill prevention;
 - (ii) Release detection, reporting, and emergency response;
 - (iii) Corrosion protection;
 - (iv) Product and equipment compatibility;
 - (v) Financial responsibility;
 - (vi) UST notification and registration;

- (vii) UST temporary and permanent closure; and
- (viii) Operator training and certification; and
- (d) Records required to demonstrate compliance are maintained and made available upon request by the Department or its certified inspectors;
- (4) Maintaining knowledge of the skills and training requirements for a Class B and a Class C operator;
- (5) Successfully completing operator training required by this chapter and approved by the Department; and
- (6) Being available to respond to a suspected or confirmed release, unusual operating conditions, emergencies, and equipment failures at a regulated substance storage facility by meeting the following requirements:
 - (a) Be immediately accessible for consultation by telephone when the facility is operating; and
 - (b) Be on-site within 24 hours of a request to respond to the facility by emergency response personnel or the Department or within a time approved by the Department.

C. A Class B operator shall have the knowledge, skills, and training to execute duties that shall include:

- (1) Primary responsibility for implementation of COMAR 26.10.02—.11 through the daily operation, maintenance, testing, and record keeping of an UST;
- (2) Ensuring that, in accordance with COMAR 26.10.02—.11:
 - (a) UST release detection methods and release prevention equipment are operational and testing is performed;
 - (b) Release detection reporting requirements are met;
 - (c) Spill prevention, overfill prevention, and corrosion protection equipment are inspected for proper operation;
 - (d) UST system equipment tests are performed;
 - (e) UST equipment manufacturer and third-party performance standards, manuals, and instructions are available and followed;
 - (f) Records required to demonstrate compliance are maintained and made available upon request by the Department or its certified inspectors; and
 - (g) A Class C operator is trained to respond properly to a suspected or confirmed release, unusual operating conditions, emergencies, and equipment failures in accordance with the requirements in §D of this regulation;
- (3) Maintaining knowledge of the skills and training requirements for a Class C operator;
- (4) Successfully completing operator training required by this chapter and approved by the Department; and
- (5) Being available to respond to a suspected or confirmed release, unusual operating conditions, emergencies, and equipment failures at a regulated substance storage facility by meeting the following requirements:
 - (a) Be immediately accessible for consultation by telephone when the facility is operating; and
 - (b) Be on-site within 24 hours of a request to respond to the facility by emergency response personnel or the Department or within a time approved by the Department.

D. A Class C operator shall have the knowledge, skills, and training to execute duties that shall include:

- (1) Controlling and monitoring the dispensing or sale of a regulated substance;
- (2) Immediately responding to alarms, equipment failures, or other indications of emergencies caused by a release or spill from an UST system;
- (3) Notifying a Class A or a Class B operator, appropriate emergency response personnel, and the Department in accordance with the written instructions provided by the owner as set forth in Regulation .03B(3) of this chapter;
- (4) Successfully completing operator training required by this chapter and approved by the Department; and
- (5) Being available to respond to a suspected or confirmed release, unusual operating conditions, emergencies, and equipment failures at a regulated substance storage facility by meeting the following requirements:
 - (a) For an attended facility, be on-site and readily available whenever the facility is operating; or
 - (b) For an unattended facility:
 - (i) Be immediately accessible for consultation by telephone with emergency response personnel or the Department; and

(ii) Be on-site within 2 hours of a request to respond to the facility by emergency response personnel or the Department or within a time approved by the Department.

E. A Class C operator certification shall be facility-specific and is not valid at another regulated substance storage facility.

Certification—COMAR 26.10.16.06

A. Except for certification received under §C of this regulation, successful completion of training for a Class A or a Class B operator shall include:

- (1) Attendance of 100 percent during the certification program; and
- (2) A score of 80 percent or better on a written competency test of the information presented.

B. Except for certification received under §C of this regulation, successful completion of training for a Class C operator shall include:

- (1) Attendance of 100 percent during the certification program;
- (2) A score of 80 percent or better on a written competency test of the information presented;
- (3) Demonstrating to a Class A or a Class B operator of the facility an understanding of the written instructions required by Regulation .03B(3) of this chapter; and
- (4) Written verification from the Class A or the Class B operator of compliance with §B(3) of this regulation that shall be maintained with the Class C operator's certificate and the owner's records.

C. An operator serving at only one regulated substance storage facility may participate in an operator certification program conducted on-site at the operator's facility by completing training that shall include:

- (1) For a Class A operator, demonstrating to the trainer:
 - (a) Knowledge of regulatory compliance requirements for an UST system;
 - (b) Competence in the knowledge, duties, and skills described in Regulation .04B of this chapter;
 - (c) Knowledge of the operation, maintenance, and testing requirements for the UST system equipment at the facility; and
 - (d) The ability to make informed decisions on regulatory compliance for an UST system;
- (2) For a Class B operator, demonstrating to the trainer:
 - (a) Knowledge of regulatory compliance requirements for an UST system;
 - (b) Competence in the knowledge, duties, and skills described in Regulation .04C of this chapter; and
 - (c) Knowledge of the operation, maintenance, and testing requirements for an UST system at the facility, including:
 - (i) Ancillary equipment and components;
 - (ii) Construction materials; and
 - (iii) Release prevention and detection methods; and
- (3) For a Class C operator, demonstrating to the trainer:
 - (a) Competence in the knowledge, duties, and skills described in Regulation .04D of this chapter; and
 - (b) An understanding of the written instructions required by Regulation .03B(3) of this chapter.

D. A certified Class A or Class B operator for a regulated substance storage facility may train and certify a Class C operator for that facility without approval by the Department by meeting the following requirements:

- (1) The training meets the minimum requirements established by the Department for a Class C operator;
- (2) The successful completion of the training requires a Class C operator to meet the requirements of §C(3) of this regulation; and
- (3) Upon successful completion, the Class A or the Class B operator provides a dated certificate to the Class C operator and the owner for that facility.

During UST facility inspections, the MDE and Third Party UST inspectors will inspect for the written list of individuals designated as Class A, B and C operators, training and certificate documentation and for Class C Maryland UST operator facility checklist. The UST owner must maintain records for a period of 5 years and make records available to the Department or its certified inspectors upon request.

If you have any questions regarding operator training and certification requirements, please contact the Oil Control Program at (410) 537-3442.

Sincerely,



Thomas L. Walter, Acting Program Manager
Oil Control Program

TLW/sd

Enclosure

cc: Mr. Richard Lego
Mr. Michael Frank
Mr. Horacio Tablada