

26.10.16 Trained Facility Operators

(EFFECTIVE DATE IS APRIL 19, 2010)

.01 Scope.

A. This chapter applies to a regulated substance storage facility having one or more UST systems that shall comply with the requirements of COMAR 26.10.02—11.

B. This chapter:

- (1) Does not apply to an UST system that stores only heating oil for direct consumptive use;
- (2) Does not alter the definitions of an operator set forth in COMAR 26.10.01.01B and COMAR 26.10.02.04B;
- (3) Does not apply to an individual defined as an operator under COMAR 26.10.01.01B or COMAR 26.10.02.04B unless the owner of a regulated substance storage facility identifies that individual to serve as a Class A, B, or C operator for the facility;
- (4) Does not relieve an owner or an operator of a regulated substance storage facility of the duty to comply with the legal responsibilities under:
 - (a) 40 CFR Part 280;
 - (b) Environment Article, Title 4, Annotated Code of Maryland; or
 - (c) COMAR 26.10.02—11;
- (5) Does not alter the legal responsibilities under:
 - (a) 40 CFR Part 280;
 - (b) Environment Article, Title 4, Annotated Code of Maryland; or
 - (c) COMAR 26.10.02—.11 for, between, or among owners and operators of regulated substance storage facilities; and
- (6) Does not transfer the legal responsibilities under:
 - (a) 40 CFR Part 280;
 - (b) Environment Article, Title 4, Annotated Code of Maryland; or
 - (c) COMAR 26.10.02—.11 for, between, or among owners and operators of regulated substance storage facilities.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (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.

.03 Implementation.

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.

.04 Operator Classes.

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 recordkeeping 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.

.05 Certification Programs.

A. The Department shall:

- (1) Establish and make available the minimum requirements for any certification programs;
- (2) Review and approve certification programs for Class A, B, and C operators; and
- (3) Make available a list of approved certification programs.

B. A person implementing a certification program shall:

- (1) Provide operator training in accordance with:
 - (a) The minimum requirements established by the Department;

- (b) The requirements of this chapter; and
- (c) A Department-approved certification program;
- (2) Obtain in writing from the Department approval for a change to an approved program;
- (3) For a Class A and a Class B operator, provide a dated certificate to an operator that has successfully completed a program;
- (4) Maintain the following records:
 - (a) Date and location of training;
 - (b) Names of trainers providing services to the program;
 - (c) Names of trainees in attendance;
 - (d) Names of trainees certified as Class A, B, or C operators; and
 - (e) A copy of the dated certificate identified in §B(3) of this regulation;
- (5) Make records available upon request by the Department or its certified inspectors; and
- (6) Allow the Department to audit an operator training certification program.

C. Reciprocity.

- (1) The Department may allow a Class A or a Class B operator certification from another state to satisfy the requirements of this chapter.
- (2) The individual requesting reciprocity shall demonstrate to the satisfaction of the Department that the operator certification requirements and the UST regulations where the individual is presently certified are at least as stringent as COMAR 26.10.02—.11.

.06 Certification.

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.

.07 Sanctions.

A. Owners.

- (1) If the Department determines a regulated substance storage facility is not in compliance with COMAR 26.10.02—.11 the Department shall document the deficiency.
- (2) The Department shall require the owner of the facility to implement one or more of the following for a listed operator specified by the Department:
 - (a) Retraining and recertification under this chapter;
 - (b) Partial retraining in certain duties, skills, and knowledge areas in a manner specified by the Department; and
 - (c) On-site retraining in certain duties, skills, and knowledge areas by a Department representative.
- (3) The owner shall submit written verification to the Department within 60 days of the Department's directive that retraining under §A(2) of this regulation is completed.

B. Operators.

- (1) An operator certification obtained under this chapter may be suspended or revoked in accordance with State Government Article, §10-226(a) and (c), Annotated Code of Maryland.
- (2) The Department may suspend or revoke the certification of a Class A, B, or C operator if one or more of the following occurs:
 - (a) The regulated substance storage facility where the operator is assigned demonstrates repeated violations and noncompliance with COMAR 26.10.02—.11; or
 - (b) The operator:
 - (i) Demonstrates noncompliance with Regulation .04 of this chapter;
 - (ii) Demonstrates disregard or repeated violations of COMAR 26.10.02—.11; or
 - (iii) Submits false information to the Department.

C. Certification Programs.

- (1) The Department may deny an application for a certification program if the applicant

has demonstrated a history of noncompliance with the provisions of COMAR 26.10.02—.11.

(2) The Department may suspend or revoke approval of a certification program if the program or a trainer for the program does one or more of the following:

- (a) Demonstrates disregard or repeated violations of COMAR 26.10.02—.11; or
- (b) Submits false information to the Department.

D. Revocation.

(1) An operator whose certification is revoked may not apply for a new certification for 2 years from the date of revocation.

(2) An owner shall surrender an operator certification document to the Department upon notification of suspension or revocation.

E. In addition to the sanctions provided by this regulation, a person violating a provision of this chapter shall be subject to sanctions under Environment Article, Title 4, Subtitle 4, Annotated Code of Maryland, and any other sanctions provided by law.

.08 Record Keeping.

The owner of a regulated substance storage facility shall maintain for 5 years at a location designated by the owner, and make available upon request by the Department or its certified inspectors, the following records:

A. A list of certified Class A, B, and C operators currently employed by the owner and required by Regulation .03B(1) of this chapter, which includes:

- (1) The operator's name, mailing address, and emergency contact number;
- (2) The name of each facility to which the operator is assigned; and
- (3) The names and dates of any certification programs completed by the operator;

B. Copies of operator training certificates; and

C. Copies of the inspection records required in Regulation .03E(2) of this chapter.

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