

CHAPTER 13 OPERATOR TRAINING

The requirements of 40 CFR 280.240 through 280.245 as it existed on July 15, 2015 are adopted and incorporated by reference; and

001. REQUIREMENT OF DESIGNATION AND TRAINING UST OPERATORS

001.01 An owner or operator will designate Class A, Class B, and Class C operators for each underground storage tank system or facility that has underground storage tanks regulated by the State Fire Marshal, except for unstaffed facilities for which only Class A and B operators will be designated. A person may be designated for more than one Class of operator.

002. UST OPERATOR RESPONSIBILITIES

002.01 Class A Operator. Class A operators have the primary responsibility to operate and maintain the underground storage tank system and facility. The Class A operator's responsibilities include managing resources and personnel to achieve and maintain compliance with regulatory requirements

002.02 Class B Operator. A Class B operator will implement applicable underground storage tank regulatory requirements and standards in the field or at the tank facility in accordance with this code. A Class B operator will oversee and implement the day-to-day aspects of operation, maintenance, and recordkeeping for the underground storage tank facility. Each facility's Class B operator will visit each facility at least once every week during normal business hours. The Class B operator will be immediately available for telephone consultation with the Class C operator when a facility is in operation. The Class B operator must be geographically located such that the person can be on site within 2 hours of being contacted by the public, the owner or operator of the facility, or the State Fire Marshal.

002.03 Class C Operator. The Class C operator is an on-site employee who will be responsible for controlling and monitoring the dispensing or sale of regulated substances and is the first to respond to events indicating emergency conditions.

002.03A. The Class C operator will always be present at the facility during normal operating hours.

002.03B. The Class C operator will monitor product transfer operations to ensure that spills and overfills do not occur.

002.03C. The Class C operator will know how to properly respond to spills, overfills and alarms when they do occur.

002.03D. The Class C operator will have access to and provide records and documentation to the State Fire Marshal when a Class B operator is not at the facility.

002.03E. Within 6 months after the effective date of these rules, written basic operating instructions, emergency contact names and



phone numbers, and basic procedures specific to the facility will be provided to all Class C operators and be readily available on site. There may be more than one Class C operator at a facility, but not all employees of a facility need be Class C operators.

003. UST OPERATOR TRAINING REQUIREMENTS

003.01 Approval Standards. Class A and Class B operators will attend a State Fire Marshal approved training course covering material designated for each operator class. In determining whether to approve any trainer or training, the State Fire Marshal will consider the following:

003.01A. Whether the trainer is a third-party, in-house, educational institution or other;

003.01B. Whether the trainer will offer training in multiple locations throughout the state, regionally or locally; and

003.01C. How often the trainer will offer training and whether the trainer will offer classes only to employee or in-house operators, or to the general public. Training options may include live training sessions in a classroom setting or at a storage tank system; internet or computer training program; or another training method approved by the State Fire Marshal.

003.02 Application for Approval Trainers will apply to the State Fire Marshal for approval of trainers and training classes. An application for approval of trainer and training Class will include at a minimum:

003.02A. Name, address and contact information of the proposed trainer;

003.02B. Detailed description of the proposed trainer's experience, education and qualifications to conduct training;

003.02C. Agenda and materials to be used for the proposed class;

003.02D. Final tests or other proposed methods of evaluating attendee success;

003.02E. Copies of proposed documentation to indicate successful completion of training as required in this Chapter; and

003.02F. The proposed calendar for the proposed training classes that includes location and frequency.

The State Fire Marshal will evaluate applications for approval of trainers and training classes within 30 days of receipt of the application, and provide a written approval, denial or request for additional information.

The State Fire Marshal may periodically audit or review any training class, and the trainer will allow a maximum of 2 State Fire Marshal employees to attend any training Class on request without charge.

003.03 Documentation and Recordkeeping by Trainers: Approved trainers will provide written verification of successful completion of training that will include:

- 003.03A.** The operator's name;
- 003.03B.** The date and location where training was completed;
- 003.03C.** The facility name, address and State Fire Marshal facility identification number for each facility for which the operator is designated;
- 003.03D.** The name, address and phone number of the approved trainer that conducted the training; and
- 003.03E.** The date the certificate of training expires.

Approved trainers will maintain records of successful completion of training for each operator, including each operator's individual examination results, for at least 5 years, and will make the records available to the State Fire Marshal upon request.

If a trainer ceases to conduct training in Nebraska, all training records for operators pursuant to this Chapter, will be submitted to the State Fire Marshal prior to the discontinuation of training.

003.04 Training Requirement.

003.04A. Class A Operators. At a minimum, the Class A operator will successfully complete a State Fire Marshal approved training course that covers underground storage tank system requirements pursuant to Title 159. Training must also provide a general overview of the State Fire Marshal's UST program and purpose, public safety and administrative requirements, and the Department of Environment and Energy groundwater protection goals.

003.04A1. Federal regulations adopted by reference 40 CFR 280.242 (a)(1) and (a)(2).

003.04B. Class B Operators. At a minimum, the Class B operator will successfully complete a State Fire Marshal approved training course that provides **in-depth understanding** of UST system regulations. Training will also provide a general overview of the State Fire Marshal's UST program and purpose, public safety and administrative requirements, and the Department of Environment and Energy's groundwater protection goals. Training will also cover the operation and maintenance requirements of Title 159, including, but not limited to, the

following: Federal regulations adopted by reference 40 CFR 280.42 (b)(1) and (b)(2) at it exists on July 15, 2015 and the following:

003.04B1. Provisions for safe fuel handling and equipment maintenance procedures; such as...

Petroleum Equipment Institute PEI/RP900, Recommended Practices for the Inspection and Maintenance of UST Systems; and

Petroleum Equipment Institute PEI/RP500, Recommended Practices for Inspection and Maintenance of Motor Fuel Dispensing Equipment.

003.04B2. Components and materials of construction for UST systems;

003.04B3. Ensuring product delivery by proper labeling or identifying the contents stored in the UST systems;

003.04B4. Corrosion protection and related testing;

003.04B5. Requirement and content of State Fire Marshal compliance inspections;

003.04B6. Product and equipment compatibility, including the State Fire Marshal's ethanol compatibility guidance;

003.04B7. Notification of installation and storage tank registration requirements; and

003.04B8. Requirements to use State Fire Marshal-licensed companies for UST installation, corrosion testing, and closure.

003.05 Class C Operators. At a minimum, the Class C operators must receive training that includes a general overview of the State Fire Marshal's UST program and purpose; Nebraska Environment and Energy groundwater protection goals; public safety requirements; and action to be taken in response to an emergency condition or alarms caused by spills or releases from an UST system and requirements of 002.03 of this Chapter

003.05A. Training will include written procedures for the Class C operator, including reporting instructions necessary in the event of emergency conditions. The written instructions and procedures will be readily available on site. A Class A or Class B operator may provide Class C training.

004. EXAMINATION AND REVIEW REQUIREMENT

004.01 Class A and B operators will complete a State Fire Marshal approved training course and take an exam to verify their understanding and knowledge. The examination may include both written and practical (hands-on) testing activities.

004.01A. The trainer will follow-up the exam with a review of missed test questions with the Class or individual to ensure understanding of problem areas in a manner approved by the State Fire Marshal.

004.02 Upon successful completion of the training course and review session, applicants will be issued a certificate verifying training as a Class A, Class B or Class C operator which will include the date of issuance and the date of expiration.

005. RECIPROCITY

005.01 No reciprocity will be granted and no training from any other state or territory will qualify an operator to meet the requirements of this chapter, unless written documentation is provided to the State Fire Marshal showing the training requirements of this Chapter were met.

006. TIMING OF UST OPERATOR TRAINING

The requirements of 40 CFR 280.243 as it existed on July 15, 2015 are adopted and incorporated by reference.

007. RETRAINING

007.01 Class A and Class B operators will be retrained every 5 years. Class C operators will be retrained every 3 years. All will be retrained in the same manner as the original training required in this Chapter.

007.02 In addition to the retraining requirement, if an UST system is found to be out of compliance, the State Fire Marshal may require retraining of the designated Class A, Class B or Class C operator under a plan approved by the State Fire Marshal. The retraining must occur within 30 days from the State Fire Marshal notice for Class A or Class B operators and within 15 days for Class C operators.

007.03 Retraining may be required whenever a facility is determined to be out of compliance with any of following provisions of Title 159:

007.03A. Tank registration requirements of Chapter 2;

007.03B. Leak detection requirements of Chapter 7;

007.03C. Spill prevention requirements of Chapter 6;

007.03D. Overfill requirements of Chapter 6;

007.03E. Recordkeeping requirements of Chapters 5, 6, or 7; or

007.03F. Corrosion protection requirements of Chapter 4.

008. DOCUMENTATION OF OPERATOR TRAINING BY OWNERS

The owner of an underground storage tank facility will maintain a list of designated operators. The list will be made available to the State Fire Marshal upon request. The list will represent the current Class A, Class B and Class C operators for each underground storage tank facility

008.01 A copy of the certificates of training for Class A operators will be on file and readily available for inspection at each facility under their responsibility.

008.02 Class A and Class B operator contact information, including telephone numbers and any other emergency contact information, will be readily accessible to all staff and inspectors.

