

Agricultural Advisory Committee Presentation

Division of Storage Tanks
Bureau of Waste Management

Proposal to amend Chapter 245
and add Operator Training provisions to
Subchapter E. Technical Standards for
Underground Storage Tanks (USTs)

Ray Powers

Environmental Group Manager

Purpose for the Proposed Rulemaking

- Add comprehensive Operator Training provisions to correct on-going problems with the routine operation, maintenance, monitoring and performance of release detection practices at regulated UST facilities.
- Proposal will help to preclude releases or reduce the impact of releases of regulated substances from USTs and protect water resources, the environment, and citizens of the Commonwealth.
- It is necessary to comply with Federal Statute and related Environmental Protection Agency (EPA) Guidelines.

Background Information on Pennsylvania's Storage Tank Program

- Storage Tank and Spill Prevention Act of 1989, as amended
 - Storage Tank Advisory Committee (STAC)
 - > Includes Farm Bureau Member and Alternate
 - > Department consults with STAC on Regulations
 - > STAC reviews and prepares a report to the EQB
- Current Regulations (Chapter 245) contain:
 - Training approval process (245.141)
 - Mandatory training (or retraining) provisions when USTs are found noncompliant during operations inspection (245.411(d))
 - Reporting and recordkeeping requirements for USTs (245.435)
- There are currently 27 farms with 38 regulated USTs operating in the Commonwealth

Federal UST Requirements

- 40 CFR Part 280 Underground Storage Tanks: Technical Requirements
- Energy Policy Act of 2005, Underground Storage Tank Compliance Act Provisions
 - Amends Subtitle I of the Solid Waste Disposal Act
 - Provides Direction to EPA on Grant Guidelines and addresses Federal Program Funding to States
- EPA Grant Guidelines to States for Implementing Operator Training Requirements, Dated: Aug. 8, 2007

EPA Grant Guidelines to States for Implementing Operator Training

- States Receiving Funding
 - UST Grant
 - LUST Grant
- Deadlines
 - Aug. 8, 2009
 - Aug. 8, 2012
- Classes of Operators
 - Three Classes
 - Required Training
 - Training Frequency
- Program Development
 - Existing Programs
 - Stakeholder Involvement
 - Communicate Req'm'ts
- Document Training
 - Verification / Testing
 - Maintain Records
- States Must Ensure All Operators are Trained
- Enforcement Authority

Proposed Rulemaking – Chapter 245

Amendments to existing Rule

- Provide clarification on when containment is needed when replacing an existing dispenser.
- Address Temporary records minimum retention period and correct errors on Cathodic Protection documents in existing Temporary recordkeeping.
- Add retention for Operator Training documentation to existing Temporary recordkeeping.

Proposed Rulemaking – Chapter 245

New Comprehensive Operator Training Provisions (245.436)

- Establish general requirements for designation and availability of operators.

- Establish three classes of operators
 - A person may be designated for one or more classes of operator.
 - No limit on how many operators may be designated.

Proposed Rulemaking – Chapter 245

- Class A Operator – Has primary responsibility for USTs, includes managing resources and personnel.
 - Generally focuses on broader aspects of statutory and regulatory requirements and operating standards.

- Class B Operator – Has daily on-site responsibility for operation, maintenance and implementation of rules.
 - Has more in-depth knowledge of technical requirements.
 - Focuses on release detection, detailed operation, maintenance & recordkeeping.

- Class C Operator – Has daily on-site responsibility for addressing emergencies, such as spills or releases.
 - Generally first line of response to emergency event or condition.
 - Written instructions must be readily available.

Proposed Rulemaking – Chapter 245

- Specifies minimum training required for each class of operator. (Does not prohibit combined training)
- Formal training for Class A and Class B operators.
 - May include in-class, on-line or hands-on training.
 - Must include testing or practical demonstration of the operator's knowledge.
 - Allows for use of DEP-certified UST installer, inspector or company to provide training or perform as contracted operator.
 - Reciprocity for other state training programs.
- In-house training for Class C operators.
 - Must include written emergency procedures appropriate for the facility.

Proposed Rulemaking – Chapter 245

- Timing of training
 - Class A and Class B operators by August 8, 2012.
 - New Class A and Class B operators (30 days).
 - Class C operators 6 months after final rule.
 - > Includes written emergency procedures.
 - New Class C operators prior to performing duties.
- Documentation
 - List of operators, training certificates, emergency instructions and contact information.
 - On-site or readily available.

Summary

- The proposal will provide comprehensive Operator Training requirements that help to solve on-going UST operation and maintenance problems, and satisfy federal statute and guidelines.
- The STAC has voted to support the proposal and recommended consideration by the EQB for publication in the *Pa. Bulletin*.
- It is anticipated that storage tank industry groups, associations and professionals will undertake the mission to train UST operators to comply with these requirements.
- The Department will work with industry associations, organizations, groups and individuals to implement operator training requirements when they become final.