

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE VI. GENERAL HEALTH AND SAFETY

CHAPTER 245. ADMINISTRATION OF THE STORAGE TANK AND

SPILL PREVENTION PROGRAM

Subchapter E. TECHNICAL STANDARDS FOR UNDERGROUND

STORAGE TANKS

UNDERGROUND STORAGE TANK SYSTEMS: DESIGN, CONSTRUCTION,
INSTALLATION AND NOTIFICATION

§ 245.422. Upgrading of existing underground storage tank systems.

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(e) *Under dispenser containment.* When a vertical riser, dispenser and interconnected piping and fittings are added to a storage tank system or **a dispenser is replaced involving major modification**, the dispenser must have containment (liquid-tight dispenser pan) meeting requirements in § 245.421(b)(4)(ii).

GENERAL OPERATING REQUIREMENTS

§ 245.435. Reporting and recordkeeping.

* * * * *

(b) Owners and operators shall maintain required records either onsite at the underground storage tank facility or at a readily available alternative site. Records maintained at the underground storage tank facility shall be immediately available for inspection by the Department and certified inspectors. If records are maintained offsite, the records shall be easily obtained and provided for inspection or for review by the Department upon request.

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(3) **Temporary recordkeeping. Owners and operators shall retain current temporary records for a minimum of 1 year after the tank system has been removed.**

Temporary records shall be maintained as follows:

* * * * *

(iv) Documentation of the last ~~two~~ **three** impressed current cathodic protection system inspection checks for each 60-day test period **in accordance with** [(§ 245.432)].

(v) The last **two** cathodic protection **[survey] surveys**, done at 3-year intervals, on impressed current and galvanic cathodic protection systems in accordance with [(§ 245.432)].

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(ix) **Documentation of operator training, including verification of training for current Class A, Class B and Class C operators, current list of operators and written instructions or procedures for Class C operators in accordance with § 245.436 (relating to operator training).**

§ 245.436. Operator training.

(a) **Requirement for trained operators.**

(1) **An owner shall designate Class A, Class B and Class C operators for each underground storage tank system or facility that has underground storage tanks permitted to operate by the Department.**

(2) **A facility may not operate after August 8, 2012, unless operators have been designated and trained as required in this section, unless otherwise agreed upon by the Department.**

(3) **Trained operators shall be readily available to respond to suspected/confirmed releases, other unusual operating conditions and equipment shut-offs or failures.**

(i) **The Class A or Class B operator shall be available for immediate telephone consultation when a facility is in operation. A Class A or Class B operator must be able to be onsite at the storage tank facility within 24 hours.**

(ii) ~~**[For manned facilities, a Class C operator shall be onsite whenever the facility is in operation, such as when dispensing a regulated substance at a retail sales facility]**~~ **FACILITIES THAT DISPENSE MOTOR FUEL FOR RETAIL SALES TO THE GENERAL PUBLIC SHALL BE MANNED BY AN ONSITE CLASS C OPERATOR WHEN OPEN FOR BUSINESS WITH THE PUBLIC IN ACCORDANCE WITH 37 PA. CODE CHAPTER 13, §§ 13.115 AND 13.117(RELATING TO ATTENDED SELF-SERVICE STATIONS; AND SUPERVISION OF DISPENSING). DURING AN UNEXPECTED ABSENCE OF A CLASS C OPERATOR, SUCH AS EMPLOYEE NO-**

SHOWS OR CALL-OFFS, AN ONSITE CLASS A OR CLASS B OPERATOR MAY FILL-IN OR TEMPORARILY SUBSTITUTE FOR THE CLASS C OPERATOR. FACILITIES THAT DO NOT DISPENSE MOTOR FUEL TO THE GENERAL PUBLIC MAY BE MANNED BASED ON THE FACILITY OWNER'S REQUIREMENTS AND ROUTINE OPERATIONAL NEEDS.

(iii) For unmanned facilities, a Class C operator shall be available for immediate telephone consultation and shall be able to be onsite within 2 hours of being contacted. Emergency contact information shall be prominently displayed at the site. Emergency procedures for users of unmanned facilities shall also be prominently posted at the site.

(4) Designated operators shall successfully complete required training under subsection (c) not later than August 8, 2012.

(5) A person may be designated for more than one class of operator.

(b) Operator classes.

(1) Class A operator. A Class A operator has primary responsibility to operate and maintain the underground storage tank system and facility. The Class A operator's responsibilities [routinely] TYPICALLY include managing resources and personnel, such as establishing work assignments, to achieve and maintain compliance with regulatory requirements. In general, this person focuses on the broader aspects of the statutory and regulatory requirements and standards necessary to properly operate and maintain the underground storage tank system and facility.

(i) A Class A operator assists the owner by ensuring that underground tank systems are properly installed and expeditiously repaired, and records of system installation, modification and repair are retained and made available to the Department and certified IUM inspectors.

(ii) A Class A operator shall be familiar with training requirements for each class of operator and may provide required training for Class C operators.

(iii) A Class A operator may prepare site drawings that indicate equipment locations for Class C operators and routine maintenance checklists for Class B operators. (See PEI RP 900 – "Recommended Practices for the Inspection and Maintenance of UST Systems.")

(iv) Department-certified companies, installers and inspectors with CURRENT underground storage tank UMX or IUM certification categories may perform Class

A operator duties when employed or contracted by the tank owner to perform these functions.

(A) Department-certified-installers, inspectors and companies identified in this subparagraph are excluded from required training under subsection (c), unless required by the Department to successfully complete mandatory operator training under § 245.411(d) (relating to inspection frequency).

(B) A certified IUM inspector may not perform a facility operation inspection for a facility where the inspector is also the designated Class A operator. (See § 245.106 (relating to conflict of interest).)

(2) Class B operator. A Class B operator implements applicable underground storage tank regulatory requirements and standards in the field or at the storage tank facility. This person oversees and implements the day-to-day aspects of operations, maintenance and recordkeeping for the underground storage tanks at one or more facilities. For example, the operator ensures that release detection methods, release prevention equipment and related recordkeeping and reporting requirements are met, relevant equipment manufacturer's or third-party performance standards are available and followed, and appropriate persons are trained to properly respond to potential emergencies caused by releases or spills from underground storage tank systems at the facility.

(i) A Class B operator checks spill prevention and overfill control equipment and corrosion protection equipment to ensure that they are functioning properly and that any required system tests are performed at required intervals.

(ii) A Class B operator assists the owner by ensuring that release detection equipment is operational, release detection is performed at the proper intervals and release detection records are retained and made available to the Department and certified IUM inspectors.

(iii) A Class B operator shall be totally familiar with Class B and Class C operator responsibilities, and may provide required training for Class C operators.

(iv) Department-certified companies, installers and inspectors with CURRENT underground storage tank UMX or IUM certification categories may perform Class B operator duties when employed or contracted by the tank owner to perform these functions.

(A) Department-certified installers, inspectors and companies identified in this subparagraph are excluded from required training under subsection (c), unless required by the Department to successfully complete mandatory operator training under § 245.411(d).

(B) A certified IUM inspector may not perform a facility operation inspection for a facility where the inspector is also the designated Class B operator. (See § 245.106.)

(3) Class C operator. A Class C operator is the first line of response to events indicating emergency conditions. This person is responsible for responding to alarms or other indications of emergencies caused by spills or releases from underground storage tank systems and equipment failures. The Class C operator shall notify the Class A or Class B operator and appropriate emergency responders when necessary, BASED ON THE NATURE OR TYPE OF EMERGENCY.

(i) A Class C operator may control or monitor the dispensing or sale of regulated substances.

(ii) After _____, (Editors Note: The blank refers to a date, 6 months after the effective date of adoption of this regulation.) written instructions or procedures shall be provided and visible at manned storage tank facilities, and be readily available for unmanned facilities for persons performing duties of the Class C operator to follow and to provide notification necessary in the event of emergency conditions.

(iii) There may be more than one Class C operator at a storage tank facility, but not all employees of a facility are necessarily Class C operators.

(c) Required training.

(1) Class A operators. A Class A operator shall successfully complete a training course approved under § 245.141 (relating to training approval) or recognized by the Department under paragraph (5) that includes a general knowledge of underground storage tank system requirements. Training must provide information that should enable the operator to make informed decisions regarding compliance and to ensure that appropriate persons are fulfilling operation, maintenance and recordkeeping requirements and standards of this chapter or Federal underground storage tank requirements in 40 CFR Part 280 (relating to technical standards and corrective

action requirements for owners and operators of underground storage tanks (UST)), or both, including the following:

- (i) Spill and overfill prevention.
- (ii) Release detection and related reporting requirements.
- (iii) Corrosion protection.
- (iv) Emergency response.
- (v) Product and equipment compatibility.
- (vi) Financial responsibility.
- (vii) Notification and storage tank registration requirements.
- (viii) Temporary and permanent closure requirements.
- (ix) Operator training requirements.

(2) Class B operators. A Class B operator shall successfully complete a training course approved under § 245.141 or recognized by the Department under paragraph (5) that includes an in-depth understanding of operation and maintenance aspects of underground storage tank systems and related regulatory requirements. Training must provide specific information on the components of underground storage tank systems, materials of construction, methods of release detection and release prevention applied to underground storage tank systems and components. Training must address operation and maintenance requirements of this chapter or Federal underground storage tank requirements in 40 CFR Part 280, or both, including the following:

- (i) Spill and overfill prevention.
- (ii) Release detection and related reporting requirements.
- (iii) Corrosion protection and related testing.
- (iv) Emergency response.
- (v) Product and equipment compatibility.
- (vi) Reporting and recordkeeping requirements.
- (vii) Class C operator training requirements.

(3) Class C operators. At a minimum, training provided by the tank owner or Class A or Class B operator must enable the Class C operator to take action in response to emergencies, such as situations posing an immediate danger or threat to the public or to the environment and that require immediate action, caused by spills or releases and alarms from an underground storage tank system. Training must include written

instructions or procedures for the Class C operator to follow and to provide notification necessary in the event of emergency conditions.

(4) Class A and Class B operators. Successful completion for Class A and Class B operators means attendance for the entire training course and demonstration of knowledge of the course material as follows:

(i) Receipt of a passing grade under § 245.141 (b)(4), on an examination of material presented in the training course, or demonstration through practical (hands-on) application to the trainer, operation and maintenance checks of underground storage tank equipment, including performance of release detection at the underground storage tank facility, at the conclusion of onsite training.

(ii) Receipt of a training certificate by an approved trainer upon verification of successful completion of training under this paragraph.

(5) Reciprocity. The Department may also recognize successful completion of Class A and Class B operator training on regulatory standards consistent with 40 CFR Part 280, which is recognized by other state or implementing agencies and which is approved by the EPA as meeting operator training grant guidelines published by the EPA.

(6) Costs of training. The tank owner or operator shall incur the costs of the training.

(d) Timing of training.

(1) An owner shall ensure that Class A, Class B and Class C operators are trained as soon as practicable after _____, (Editor's Note: The blank refers to the effective date of adoption of this regulation.) contingent upon availability of approved training providers, but not later than August 8, 2012.

(2) When a Class A or Class B operator is replaced, after August 8, 2012, a new operator shall be trained within 30 days of assuming duties for that class of operator.

(3) Class C operators shall be trained before assuming duties of a Class C operator. After _____, (Editor's Note: The blank refers to a date, 6 months after the effective date of adoption of this regulation.) written instructions or procedures shall be provided to Class C operators to follow and to provide notification necessary in the event of emergency conditions. Class C operators shall be briefed on these instructions or procedures at least annually (every 12 months), which may be concurrent with annual safety training required under Occupational Safety and Health

Administration, 29 CFR Part 1910 (relating to Occupational Safety and Health Standards).

(e) Documentation.

(1) The owner of an underground storage tank facility shall prepare a list of designated operators. The list must represent the current Class A, Class B and Class C operators for the underground storage tank facility and include:

(i) The name of each operator, class of operation trained for and the date each operator successfully completed initial training and refresher training, if any.

(ii) For Class A and Class B operators that are not permanently onsite or assigned to more than one facility, telephone numbers to contact the operators.

(2) A copy of the certificates of training for Class A and Class B operators shall be on file and readily available and a copy of the facility list of Class A, Class B and Class C operators and Class C operator instructions or procedures shall be kept onsite and immediately available for manned storage tank facilities and readily available for unmanned facilities. (See § 245.435(b)(3)(ix) (relating to reporting and recordkeeping).)

(3) Class C operator [~~and~~] OR owner contact information, including names and telephone numbers, and emergency [~~information~~] PROCEDURES, shall be conspicuously posted at unmanned facilities.