

**Chapter 13 – OPERATOR TRAINING****001. REQUIREMENT OF DESIGNATION AND TRAINING UST OPERATORS**

**001.01.** An owner or operator shall 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 shall be designated. A person may be designated for more than one class of operator.

**001.02.** Designated operators must successfully complete required training no later than December 31, 2015.

**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 shall 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 shall 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 shall visit each facility at least once every week during normal business hours. The Class B operator shall 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 two 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 shall 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 shall be present at the facility at all times during normal operating hours.

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

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

**002.03D.** The Class C operator shall 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 six 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 shall 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 shall 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 shall 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;

**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 shall apply to the State Fire Marshal for approval of trainers and training classes. An application for approval of trainer and training class shall 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 shall 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 shall allow a maximum of two State Fire Marshal employees to attend any training class on request without charge.

**003.03. Documentation and Recordkeeping by Trainers** Approved trainers shall provide written verification of successful completion of training that shall 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 shall maintain records of successful completion of training for each operator, including each operator's individual examination results, for at least five years, and shall 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, shall 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 must 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 Environmental Quality's groundwater protection goals. The training must include, but is not limited to, general discussion of the following:

**003.04A1.** Underground storage tank system requirements so he or she can make informed decisions regarding compliance and ensure appropriate individuals are fulfilling operation, maintenance, and recordkeeping requirements and standards of Title 159 regarding:

**003.04A1(a).** Spill prevention

**003.04A1(b).** Overfill prevention

**003.04A1(c).** Release detection

**003.04A1(d).** Corrosion protection

**003.04A1(e).** Emergency response

**003.04A1(f).** Product compatibility

**003.04A1(g).** Financial responsibility documentation requirements.

**003.04A1(h).** Notification requirements.

**003.04A1(i).** Release and suspected release reporting.

**003.04A1(j).** Temporary and permanent closure requirements.

**003.04A1(k).** Operator training requirements.

**003.04B. Class B operators.** At a minimum, the Class B operator must successfully complete a State Fire Marshal approved training course that provides **in-depth understanding** of UST system regulations. 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 Environmental Quality's groundwater protection goals. Training shall also cover the operation and maintenance requirements of this Title, including, but not limited to, the following:

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

*[Note: The following may be used to comply with this subsection:]*

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.** Spill and overfill prevention;

**003.04B4.** Ensuring product delivery by proper labeling or identifying the contents stored in the UST systems;

**003.04B5.** Methods of release detection and related reporting requirements;

**003.04B6.** Corrosion protection and related testing;

**003.04B7.** Benefits of monthly or frequent self-inspections and content and use of inspection checklists. Training materials for operators shall include, but not be limited to:

The State Fire Marshal guidance entitled "Operating and Maintaining Underground Storage Tanks in Nebraska" or another checklist acceptable to the State Fire Marshal.

**003.04B8.** Requirement and content of State Fire Marshal compliance inspections;

**003.04B9.** Emergency response, reporting, and investigating releases;

**003.04B10.** Product and equipment compatibility, including the State Fire Marshal's ethanol compatibility guidance;

**003.04B11.** Financial responsibility, including detailed explanation of liability, notice and claim procedures as applicable;

**003.04B12.** Notification of installation and storage tank registration requirements;

**003.04B13.** Requirements to use State Fire Marshal-licensed companies for UST installation, corrosion testing, and closure;

**003.04B14.** Specific UST reporting and recordkeeping requirements; and

**003.04B15.** Overview of Class C operator training requirements.

**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; NDEQ's 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.

**003.05A.** Training shall include written procedures for the Class C operator, including reporting instructions necessary in the event of emergency conditions. The written instructions and procedures must 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 shall 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 shall 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 shall be issued a certificate verifying training as a Class A, Class B or Class C operator which shall include the date of issuance and the date of expiration.

## **005. RECIPROCITY**

**005.01.** No reciprocity shall 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**

**006.01.** An owner shall ensure that Class A, Class B, and Class C operators are trained as soon as practicable after the effective date of these rules contingent upon availability of approved training providers, but not later than December 31, 2015.

**006.02.** When a Class A or Class B operator is replaced, a new operator must be trained within 30 days of assuming duties for that class of operator.

**006.03.** Class C operators must be trained before assuming the duties of a Class C operator.

Within six 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 shall be provided to all Class C operators and this information shall be readily available on site.

## **007. RETRAINING**

**007.01.** Class A and Class B operators shall be retrained every five years. Class C operators shall be retrained every three years. All shall 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 60 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 shall 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 5

**007.03D.** Overfill requirements of Chapter 5

**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**

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

**008.01A.** The name of each operator and the operator's class(s);

**008.01B.** Contact information for the Class A and Class B operators;

**008.01C.** The date each operator successfully completed initial training and re-training, if any;

**008.01D.** The date the certificate expires; and

**008.01E.** The name of the company providing the training and the name of the trainer.

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

**008.03.** A copy of the certificates of training for Class B and Class C operators shall be conspicuously posted at each facility under their responsibility.

**008.04.** Class A and Class B operator contact information, including telephone numbers and any other emergency contact information, shall be conspicuously posted at unstaffed facilities near the dispensers and the station building.

Legal Citation: Title 159, Chapter 13  
Nebraska State Fire Marshal