

APA-1
11/96

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-6-15-.46
Rule Title: Operator Training

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of section 41-22-23, Code of Alabama 1975.

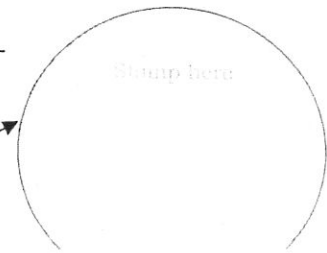
Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Maury Elliott

Date 11-7-13

Date Filed



APA-2
11/96

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION**

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RULE NO. & TITLE: 335-6-15-.46 Operator Training (Amend)

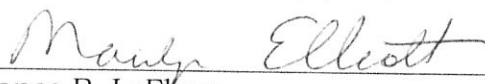
INTENDED ACTION: The Alabama Department of Environmental Management proposes to amend Administrative Code Rule 335-6-15-.46.

SUBSTANCE OR PROPOSED ACTION: A revision is being proposed to this rule to clarify the meaning of two paragraphs by adding the word "or".

TIME, PLACE, MANNER OF PRESENTING VIEWS: Comments may be submitted in writing or orally at a public hearing to be held at 1:00 p.m., January 9, 2014, in the ADEM Main Hearing Room, 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: January 9, 2014

CONTACT PERSON AT AGENCY: Sonja Massey (334) 271-7832



Lance R. LeFleur
Director

335-6-15-.46 Operator Training.

(1) Owners and operators of underground storage tank systems shall designate a Class A, Class B, and Class C operator as defined in rule 335-6-15-.02(pp) through (rr). All persons designated as a Class A, B, or C operator shall be trained in accordance with paragraphs (3), (4) and (5) of this rule. Different persons may be designated for each classification or a person may be designated to more than one classification. A person who is designated to more than one operator classification shall be trained in each classification for which the person is designated. Training programs that qualify a participant in more than one operator classification are allowed.

(2) Owners and operators shall identify, for each underground storage tank system or group of underground storage tank systems at a facility, at least one person for each class of operator. Class A and Class B operator training records shall be maintained either at the underground storage tank facility or at an alternative site. Documentation of training shall be provided to the Department upon request. Class C operator training records shall be maintained at the underground storage tank facility so that they are immediately available upon inspection by the Department.

(3) Operator training shall satisfy the following minimum requirements for each operator classification.

(a) Class A operator training shall provide a general knowledge of underground storage tank system requirements so the operator can make informed decisions regarding compliance and ensure responsible persons are fulfilling operation, maintenance, and recordkeeping requirements and standards in accordance with this chapter regarding underground storage tank:

1. Spill prevention;
2. Overfill prevention;
3. Release detection;
4. Corrosion protection;
5. Emergency response;
6. Product compatibility;
7. Documentation of financial responsibility;
8. Notification and registration;
9. Release and suspected release reporting;
10. Temporary and permanent closure; and
11. Operator training.

(b) Class B operator training shall provide a more in-depth understanding of operation and maintenance aspects than Class A training, but may cover a more narrow breadth of regulatory requirements. Class B operators may obtain either site-specific operator training, which is focused only on equipment used at the underground storage tank facility, or training in broader regulatory requirements. At a minimum, Class B operator training shall encompass the following:

1. Components of underground storage tank systems;
2. Materials of underground storage tank system components;
3. Methods of release detection and release prevention applied to underground storage tank components; and
4. Underground storage tank operation and maintenance requirements including:
 - (i) Spill prevention,
 - (ii) Overfill prevention,
 - (iii) Release detection,
 - (iv) Corrosion protection,
 - (v) Emergency response,
 - (vi) Product compatibility,
 - (vii) Reporting and recordkeeping, and
 - (viii) Class C operator training.

(c) Class C operator training shall provide, at a minimum, instruction on:

1. Immediate actions required to be taken in response to emergencies, such as situations posing an immediate danger or threat to the public or to the environment; and
2. Actions required to be taken in response to alarms caused by spills or releases from an underground storage tank system.

(4) The training requirements of this rule may be satisfied by any one or combination of the following:

(a) An operator training program conducted by the Department; or the owner, the operator or a third party, that has received prior Department approval. The program may include in-class, on-line, or hands-on training, and shall include an evaluation of operator knowledge. Examples of evaluation

include testing, practical demonstration, or other tools acceptable to the Department.

(b) An examination designed to measure operator knowledge and administered by the Department; or the owner, the operator, or a third party, acceptable to the Department. The examination shall reasonably determine that the person tested has the necessary knowledge and skills to be considered competent to operate underground storage tanks.

(c) Class C operators may be trained by Class A and Class B operators that are employed by the same tank owner as the C operator.

(d) Operator training received outside the State of Alabama that is verified by and acceptable to the Department.

(5) All persons designated as Class A, Class B, or Class C operators shall satisfy the training requirements of this rule no later than August 8, 2012. After August 8, 2012, operators shall be trained as follows:

(a) Class A and Class B operators shall be trained within 30 days after assuming operation and maintenance responsibilities for an underground storage tank system.

(b) Class C operators shall be trained before assuming responsibility for responding to emergencies.

(6) In the event the Department determines that an underground storage tank system is not in compliance with the requirements of this chapter, the responsible operator(s) shall be retrained. The Department may determine that any one Class A, B, or C operator be retrained, or any combination of Class A, B, or C operators be retrained. Operators shall be retrained within a reasonable time established by the Department. At a minimum, retraining shall include training in the areas determined not in compliance with the requirements of this chapter.

Author: Sonja Massey.

Statutory Authority: Code of Alabama 1975, § 22-36-3.

History: November 24, 2009; January 16, 2012; XXXXXX, 2014.