

**(Yellow shaded text reflects changes based on comments)**

1301:7-9-19      **Underground storage tank operator training.**

(A) Purpose and scope.

For the purpose of prescribing rules pursuant to section 3737.881 of the Revised Code, the state fire marshal hereby adopts this rule to establish underground storage tank (UST) operator training requirements. This rule is adopted by the state fire marshal in accordance with Chapter 119 of the Revised Code and shall not be considered part of the "Ohio Fire Code".

(B) Definitions.

For the purpose of this rule:

- (1) "Attended UST site" means an UST site that has an attendant on duty that authorizes the dispensing or transfer of regulated substance from the UST system; and
- (2) "Unattended UST site" means an UST site that, by design, has no attendant on duty that authorizes the dispensing or transfer of regulated substance from the UST system.

(C) Classes of operators.

- (1) The owner or operator of the UST system is responsible for ensuring that the Class A, Class B, and Class C operators fulfill their responsibilities under this rule. The owner or operator of an UST system shall designate a Class A, Class B, and Class C operator for an UST site as follows:
  - (a) Class A, Class B, or Class C operators may be, but are not required to be:
    - (i) "Owners" or "operators" as these terms are defined in rule 1301:7-9-02 of the Administrative Code;
    - (ii) Persons employed by owners or operators; or
    - (iii) Persons contractually obligated to owners or operators to perform the functions of a Class A, Class B, or Class C operator.
  - (b) An owner or operator may designate a person as a Class A, Class B, or Class C operator for more than one UST site.
  - (c) After successfully completing training in accordance with this rule, Class A, Class B, or Class C operators are not required to repeat training if the operator assumes responsibilities at another site except for Class B operators who are required to be retrained pursuant to paragraph (D)(6) of this rule.
  - (d) Attended UST Site. Either a Class A, or Class B, or Class C operator shall be present at an attended UST site during the operation of the UST system.

- (i) At the owner or operator's discretion, one person may be designated to fulfill the responsibilities of the Class A, Class B, and Class C operator for an attended site.
  - (ii) A Class A or Class B operator is not required to be present at an attended UST site.
  - (iii) A Class C operator shall be present at an attended UST site during the operation of the UST system.
- (e) Unattended UST Site. Owners or operators of unattended UST sites shall designate a Class A, Class B and Class C operator for each UST site.
- (i) A Class A, Class B, or Class C operator is not required to be present at an unattended UST site.
  - (ii) Unattended UST sites shall have a legible sign posted in a conspicuous place with the name and address of the UST site, the telephone number of the UST site owner or Class B operator, and emergency response procedures including an emergency contact name and telephone number.
- (2) A Class A operator has primary responsibility for achieving and maintaining compliance with statutory and regulatory requirements and standards necessary to operate and maintain the UST system at one or more UST sites.
- (a) The Class A operator ensures that appropriate individual(s):
    - (i) Properly operate and maintain the UST system;
    - (ii) Maintain appropriate records;
    - (iii) Are trained to operate and maintain the UST system and keep records;
    - (iv) Properly respond to emergencies caused by releases or spills from UST systems at the facility; and
    - (v) Make financial responsibility documents available to the state fire marshal as required.
  - (b) The Class A operator shall be trained in the following:
    - (i) A general knowledge of UST 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 these regulations regarding:
      - (a) Spill prevention;
      - (b) Overfill prevention;

- (c) Release detection of USTs, piping and containments;
- (d) Corrosion protection;
- (e) Emergency response; and
- (f) Product compatibility;

- (ii) Financial responsibility documentation requirements;
- (iii) UST registration and permit notification requirements;
- (iv) Release and suspected release reporting;
- (v) Recordkeeping requirements;
- (vi) Temporary and permanent closure requirements;
- (vii) Class C operator training requirements; **and**
- (viii) Delivery prohibition requirements; **and**

**(ix) Walkthrough inspections.**

(3) A Class B operator has primary responsibility for implementing applicable requirements and standards for UST systems at one or more UST sites.

(a) The Class B operator monitors, maintains, and ensures:

- (i) Release detection method, recordkeeping, and reporting requirements are met;
- (ii) Release prevention equipment, recordkeeping, and reporting requirements are met;
- (iii) All relevant equipment complies with performance standards; and
- (iv) Appropriate individuals are trained to properly respond to emergencies caused by releases or spills from UST systems at the UST site.

(b) The Class B operator shall be trained in the following design, construction, operation, and maintenance aspects of the UST system:

- (i) Design and construction of an UST system including the UST, piping, containments, secondary containment, spill prevention, and overfill prevention, and ancillary equipment;
- (ii) UST system components compatibility, corrosion protection, and corrosion resistance;
- (iii) Methods of release detection and release prevention applied to UST systems;

(iv) Operation and maintenance requirements of UST systems including but not limited to:

(a) Spill prevention;

(b) Overfill prevention;

(c) Release detection of USTs, piping and containments;

(d) Corrosion protection; and

(e) Emergency response;

(v) Release reporting and recordkeeping requirements;

(vi) Class C operator training requirements; **and**

(vii) Delivery prohibition requirements; **and**

**(viii) Walkthrough inspections.**

(4) A Class C operator is responsible for the initial response to alarms or other indications of emergencies caused by spills or releases from a UST system and notifying the Class A or Class B operator and appropriate emergency responders when necessary. Not all employees of the facility are required to be Class C operators.

(a) The Class C operator typically:

(i) Controls or monitors the dispensing or sale of regulated substances; and

(ii) Is responsible for initial response to alarms or releases associated with the UST system.

(b) The Class C operator shall be trained to:

(i) Take action in response to emergencies or alarms caused by spills, overfills, releases, or suspected releases from an UST system.

(D) Training and certification deadlines and schedules.

(1) No later than August 8, 2012, owners and operators shall:

(a) Maintain documentation identifying Class A, Class B, and Class C operators, and provide to the state fire marshal a list of all designated Class A, Class B, and Class C operators for an UST site upon request by the state fire marshal; and

(b) Maintain proof of training of Class A, Class B, and Class C operators for an UST site in the form of certificates issued pursuant to paragraphs (D)(2)(b) or (D)(3)(f) of this rule and shall provide copies of certificates to the state fire marshal upon request by the state fire marshal.

- (2) No later than August 8, 2012, all designated Class A and Class B operators shall be trained by a trainer approved pursuant to paragraph (E) of this rule.
- (a) Trainers approved pursuant to paragraph (E) of this rule shall administer an evaluation to Class A and Class B operators at the start of training and a second evaluation to Class A and Class B operators at the end of training. All evaluations shall be in a format designated by the state fire marshal.
  - (b) Trainers approved pursuant to paragraph (E) of this rule shall issue a certificate, on a form designated by the state fire marshal, to Class A and Class B operators who demonstrate successful completion of training.
- (3) No later than August 8, 2012, all designated Class C operators shall be trained in accordance with paragraphs (D)(3)(a) through (D)(3)(h) of this rule.
- (a) Owners or operators are responsible for ensuring that all Class C operators have completed operator training pursuant to this rule.
  - (b) Trainers of Class C operators shall use training materials that cover the topics identified in paragraph (C)(4)(b) of this rule. Training materials for Class C operator training may include, but not limited to, classroom, hands-on, paper, electronic, or internet based instructional media.
  - (c) Training materials for Class C operators shall be approved by a Class A or Class B operator.
  - (d) Trainers of Class C operators are not required to obtain approval of the training materials from the state fire marshal prior to providing training.
  - (e) Trainers of Class C operators shall administer an evaluation to Class C operators at the end of training. All evaluations shall be in a format designated by the state fire marshal.
  - (f) Trainers of Class C operators shall issue a certificate, on a form designated by the state fire marshal, to Class C operators who demonstrate successful completion of training.
  - (g) Upon request by the state fire marshal, owners or operators shall submit to the state fire marshal copies of the instructional materials used for Class C training for all currently designated Class C operators at an UST site.
  - (h) Upon request by the state fire marshal, owners or operators shall submit to the state fire marshal proof of training including, but not limited to, copies of evaluations or certificates for all currently designated Class C operators at an UST site.
- (4) After August 8, 2012, new operators shall be trained within the following timeframes:
- (a) Class A and Class B operators shall be trained within 60 days of assuming responsibilities as a Class A or Class B operator at an UST system; and

- (b) Class C operators shall be trained before assuming responsibility as a Class C operator.
- (5) Any person holding a valid license as a certified UST installer pursuant to rule 1301:7-9-11 of the Administrative Code automatically qualifies as a Class A, Class B, or Class C operator.
- (6) ~~The Class B operator of an UST site shall undergo retraining if an operating UST at the site is found to have a violation leading to the issuance of a red tag pursuant to rule 1301:7-9-18 of the Administrative Code.~~

~~(a) Retraining by the Class B operator shall occur within 60 days of the issuance of the red tag and shall cover topics addressed in paragraph (C)(3)(b) of this rule.~~

The state fire marshal may require Class A or Class B operators to undergo retraining for violations of rule 1301:7-9-06 or rule 1301:7-9-07 of the Administrative Code. Retraining by the Class A or Class B operator shall cover topics addressed in paragraphs (C)(2)(b) or (C)(3)(b) of this rule, respectively.

(E) Approval of Class A and Class B trainers and training.

- (1) Any person wishing to sponsor a Class A or Class B operator training program shall submit an application to the state fire marshal, on a form prescribed by the state fire marshal, accompanied by a non-refundable fee of two hundred dollars. All applications shall include, without limitation, all of the following:
  - (a) A program description and syllabus;
  - (b) Lesson plans for each training program;
  - (c) Study materials and hand-outs;
  - (d) Names, addresses, and qualifications of all faculty;
  - (e) Pre-training and post-training evaluations; and
  - (f) The method of attendance verification.
- (2) Training applications for Class A operators shall include lesson plans that cover the topics identified in paragraph (C)(2)(b) of this rule. Training applications for Class B operators shall include lesson plans that cover the topics identified in paragraph (C)(3)(b) of this rule. Training materials for Class A and Class B operator training may include, but not limited to, classroom, paper, electronic, or internet based instructional media.
- (3) The state fire marshal may amend or require the applicant to modify any aspect of a program prior to certifying the program sponsor.
- (4) The state fire marshal may certify a person to sponsor a Class A or a Class B operator training program if the person has complied with paragraphs (E)(1) through (E)(2) of this rule.

- (5) State fire marshal personnel shall be allowed access to all operator training program sessions certified under paragraph (E)(4) of this rule.
- (6) Certifications issued by the state fire marshal pursuant to paragraph (E)(4) of this rule and renewals issued by the state fire marshal pursuant to paragraph (E)(7) of this rule shall be valid for one year, beginning on the first day of September of each year.
- (7) Persons seeking to renew a certificate to sponsor an operator training program shall submit an application no later than the first day of July of each year to the state fire marshal, on a form prescribed by the state fire marshal, accompanied by a non-refundable fee of one hundred fifty dollars. The application shall include, without limitation, a description of any changes in the certified program proposed by the sponsor. The state fire marshal may amend or require the sponsor to modify any aspect of a program prior to issuing an operator training program certificate renewal to the sponsor. All programs for which a sponsor obtains an operator training program certificate renewal shall comply with paragraph (E)(1) through (E)(6) of this rule.
- (8) An application to sponsor a Class A or Class B operator training program or renewal thereof shall be denied by the state fire marshal pursuant to Chapter 119. of the Revised Code when any of the following occur:
  - (a) The applicant failed to provide all the information required by the application form prescribed by the state fire marshal;
  - (b) The applicant failed to provide the fee required for application;
  - (c) The applicant made a misrepresentation or submitted false statements with the application;
  - (d) The training program submitted by the sponsor is determined by the state fire marshal to not comply with a provision of paragraphs (C)(2)(b) or (C)(3)(b) of this rule; or
  - (e) The applicant failed to submit a renewal application on or before the first day of July of each year.
- (9) A certificate or renewal issued to sponsors a Class A and Class B operator training program pursuant to this rule may be suspended or revoked by the state fire marshal pursuant to Chapter 119. of the Revised Code. Such suspension or revocation may occur for any of the following reasons:
  - (a) The person obtained his certification through fraud or misrepresentation;
  - (b) The training program offered by the sponsor is determined by the state fire marshal to not comply with a provisions of paragraphs (C) through (E) of this rule; or
  - (c) The sponsor failed to retain records required by paragraphs (E)(12) and (E)(13) of this rule.
- (10) After expiration of a certification to sponsor training, any application for renewal will be considered as a new application and the applicant shall be required submit all information required by paragraph (E) of this rule.

- (11) The state fire marshal may grant a variance from the timely submittal of a renewal application if the applicant provides good cause as determined by the state fire marshal.
- (12) Training sponsors shall retain copies of Class A and Class B operator instructional materials for a period of five years and shall submit copies of the instructional materials to the state fire marshal upon request by the state fire marshal.
- (13) Training sponsors shall retain copies of Class A and Class B operator evaluations and attendance sheets for every person trained for a period of five years and shall submit copies of these documents to the state fire marshal upon request by the state fire marshal.
- (14) The state fire marshal may conduct operator training programs. Such programs shall be closely related to those topics listed in paragraph (C) of this rule or related technical information.
- (15) No reciprocity with other states or entities shall be allowed for Class A or Class B operator training. Any person wishing to sponsor a Class A or Class B operator training program shall comply with the application requirements defined in paragraphs (E)(1) and (E)(2) of this rule.

(F) Alternative options.

Other operator training requirements and methods may be used in place of any requirements or methods described in this rule if an owner or operator demonstrates that the alternative method meets the intent of the methods or requirements specified in this rule, and the state fire marshal, at his discretion, approves the alternative method in writing prior to the use of the method. If the alternative method is approved, the owner or operator shall comply with any terms and conditions imposed on its use by the state fire marshal.