

May 17, 2010

H 1760. UST OPERATOR TRAINING PROGRAM. Filed 5/17/10. *TO REQUIRE TRAINING OF OPERATORS OF UNDERGROUND STORAGE TANKS (USTS) IN ORDER TO COMPLY WITH A REQUIREMENT OF THE FEDERAL ENERGY POLICY ACT OF 2005, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.*

Enacts new Part 2D, Training of Underground Storage Tank Operators, to Article 21A of GS Chapter 143. Provides that new Part 2D applies to underground storage tank systems that are regulated under Subtitle 1 of the Resource Conservation and Recovery Act of 1976, Public Law 94-580, 90 Stat. 2795, 42 USC § 6901 et. seq., as amended. Declares an exception for underground storage tank systems that are excluded by regulation at 40 CFR 280.10(b) and those that are deferred by regulation at 40 CFR 280.10(c).

Provides that the definitions in GS 143-212, GS 143-215.94A, and GS 143-215.94L apply in proposed Part 2D unless (1) a different meaning is required from the context or (2) a different meaning is indicated in the definitions section of Part 2D. Defines the following terms: (1) primary operator, (2) emergency response operator, (3) underground storage tank, and (4) underground storage tank system.

Provides criteria for designating the operators of an underground storage tank system who are subject to the training requirements provided in proposed Part 2D. Directs the Department of Environment and Natural Resources (DENR) to develop and implement training programs for primary operators and for emergency response operators. Specifies the training requirements for primary operators and emergency response operators. Provides minimal requirements that the operators are to demonstrate upon completion of the respective training requirements.

Provides for enforcement under specified statutes. Designates that the requirements of new Part 2D are to be *in addition to*, and not in lieu of any other requirements that apply to an underground storage tank owner or operator as defined in 40 CFR Part 280.

Requires that each designated primary operator and emergency response operator complete the required training by August 8, 2012. Directs the owner of an underground storage tank system to notify DENR of any persons designated as primary operators after August 8, 2012, and to ensure that the primary operator receives training within 30 days after assuming responsibility for the operation and maintenance of the underground storage tank system. Provides that after August 8, 2012, no person may be designated as an emergency response operator without having satisfactorily completed emergency response operator training. And designates the primary operator with the responsibility of ensuring that no person acts as an emergency response operator without having satisfactorily completed the required training.

Intro. by Gibson, Harrison, Tucker.

GS 143