

May 19, 2010

**S 1337. UST OPERATOR TRAINING PROGRAM (=H 1760).** Filed 5/19/10. *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.*

Identical to H 1760, filed 5/17/10.

**Intro. by Davis.**

GS 143

June 1, 2010

**S 1337. UST OPERATOR TRAINING PROGRAM.** Filed 5/19/10. Senate committee substitute makes the following changes to 1st edition. Amends proposed GS 143-215.94OO to remove the provision stating that the definitions in GS 143-215.94L apply to Part 2D. Also amends the definition of *underground storage tank* to require that the tank come under the part pursuant to GS 143-215.94NN (newly proposed applicability section). Makes clarifying and technical changes.

June 10, 2010

**S 1337. UST OPERATOR TRAINING PROGRAM.** Filed 5/19/10. House committee substitute makes the following changes to 2nd edition. Requires each owner of an underground storage tank system, notwithstanding proposed GS 143-215.94PP (designation of operators to be trained), to designate a primary operator or emergency response operation by August 1, 2010, or the owner will be deemed to be the primary operator and emergency response operator. Makes clarifying and technical changes.

June 24, 2010

**S 1337. UST OPERATOR TRAINING PROGRAM.** Filed 5/19/10. House committee substitute makes the following changes to 3rd edition.

Adds new section to proposed Part 2D, applicable only to a facility that utilizes an underground storage tank system to store fuel solely for emergency power generators, allowing a primary operator that has satisfactorily completed training at a facility to be deemed trained as the primary operator at another facility with identical requirements. Reletters the subsequent proposed sections accordingly. Makes other technical and clarifying changes.

June 30, 2010

**S 1337. UST OPERATOR TRAINING PROGRAM.** Filed 5/19/10. House amendments make the following changes to 4th edition.

Amendment # 1 clarifies that the required training for primary operators of underground storage tank (UST) systems may consist of on-site instruction and on-site testing, as well as online instruction and online testing (was, may consist of a combination of on-site evaluation and testing, as well as in-class or online instruction and testing). Adds additional criteria for retraining of a primary operator at a facility that is found upon inspection to not be in substantial compliance with all requirements. Provides that retraining may include a combination of on-site instruction and on-site testing, as well as in-class instruction and in-class testing. Directs the Department of Environment and Natural Resources (DENR) to offer online and instruction and testing if available, instead of in-class testing and instruction. Directs that in-class instruction be provided by DENR at least once per quarter in each of the regional offices of DENR. Directs DENR to develop, on or before August 1, 2012, an online instruction and testing module to be offered to meet the retraining requirements in proposed GS 143-215.94QQ(b). Instructs DENR to offer the online instruction and testing module in lieu of in-class instruction and testing. Renumbers the remaining sections as needed.

Amendment # 2 clarifies that the primary operator must designate one or more emergency response operators who are employees or agents of the primary operator and are to be on call to respond to emergencies. Removes specific provisions for unmanned facilities.

July 1, 2010

**S 1337. UST OPERATOR TRAINING PROGRAM.** Filed 5/19/10. House amendment #3 makes the following changes to 4th edition, as amended.

Adds new section amending GS 143-215.94E(c) to clarify that the owner or operator of a noncommercial underground storage tank or a commercial underground storage tank eligible for the Noncommercial Fund (Fund), *where the owner or operator has been identified and has proceeded with the cleanup*, may elect to have the Fund pay or reimburse *any* costs for a discharge or release, as described.

Adds new section amending GS 143-215.94E(c1) to remove reimbursement limits for costs described in GS 143-215.94D(b1) (was, 90% of any costs, as described, that exceed \$5,000) that the current landowner may receive from the Fund under specified circumstances. Clarifies that reimbursement eligibility may be transferred to a subsequent landowner from a current landowner (was, a current landowner who has paid the costs for which the landowner is responsible).

July 28, 2010

**SL 2010-154 (S 1337). UST OPERATOR TRAINING PROGRAM. AN ACT TO REQUIRE TRAINING OF OPERATORS OF UNDERGROUND STORAGE TANKS IN ORDER TO COMPLY WITH A REQUIREMENT OF THE FEDERAL ENERGY POLICY ACT OF 2005, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.** Summarized in *Daily Bulletin* 5/19/10, 6/1/10, 6/10/10, 6/24/10, 6/30/10, and 7/1/10. Enacted July 22, 2010. Effective July 22, 2010.