

**PROPOSED REGULATION OF THE  
STATE ENVIRONMENTAL COMMISSION**

**LCB File No. R052-11**

SEC# P2011-07

Nevada Division of Environmental Protection  
Underground Storage Tank Program -- Operator Training Proposed Regulation

A REGULATION relating to underground storage tanks; establishes an operator training component for underground storage tanks as required under the provisions from Section 9010a of the federal Solid Waste Disposal Act (SWDA).

Drafters Note – The Requested Proposed Effective Date for this Regulation is: August 8, 2012

Language to be added to NAC 459.9921 to 459.999:

Section 1 (Definitions)

*(1) “Class A operator” means an owner or operator of an underground storage tank or another person designated by an owner or operator who is responsible for management actions to achieve and maintain compliance with regulatory requirements for underground storage tanks at one or more facilities including the management of resources and personnel and the establishment of work assignments.*

*(2) “Class B operator” means an owner or operator of an underground storage tank or another person designated by an owner or operator who is responsible for implementing the day-to-day aspects of operating, maintaining, and recordkeeping for underground storage tanks in the field at one or more facilities to maintain and achieve compliance with regulatory requirements.*

*(3) “Class C operator” means a person who controls or monitors the dispensing or sale of regulated substances from an underground storage tank or who is otherwise responsible for responding to alarms or other indications of emergencies caused by spills or releases from underground storage tanks.*

Section 2 (Identification of Operators)

*(1) Each owner or operator of an underground storage tank shall designate at least one person as a Class A operator, a Class B operator, and a Class C operator for each underground storage tank or for a group of underground storage tanks at an individual facility. A person can serve as more than one class of operator for an underground storage tank as long as training requirements in Section 3 and Section 4 are met for each class of operator for which that person has been designated.*

*(2) Each owner or operator of an underground storage tank shall maintain a record of the names, formal date of designation, and assigned responsibilities of all currently designated Class A, Class B, and Class C operators and make this record available for review by the Division upon request.*

Section 3 (Training Requirements for Class A and Class B Operators)

*(1) Within 30 days of the designation or a change in designation of a Class A or B operator, the owner or operator of an underground storage tank shall ensure that the designated operator is trained in accordance with this section and shall maintain records available for review by the Division upon request that training requirements for the operator has been satisfied.*

*(2) Satisfaction of training requirements for Class A and Class B operators must be demonstrated through one of the following methods:*

*(A) Receipt of a certificate of successful completion by the designated operator in training conducted by an independent company or group that has been approved by the Division;*

*(B) Proof of participation by the designated operator in an employing company's in-house training program that has been audited and approved by the Division; or*

*(C) Written demonstration that the designated operator has successfully satisfied and maintained operator training requirements in another State.*

*(3) Class A operator training must consist of knowledge of laws, regulations, and requirements governing underground storage tanks in the following areas*

*(A) Spill and overflow prevention;*

*(B) Release detection;*

*(C) Corrosion protection;*

*(D) Emergency response;*

*(E) Product compatibility;*

*(F) Financial responsibility documentation;*

*(G) Recordkeeping and notification;*

*(H) Release and suspected release reporting;*

*(I) Temporary and permanent closure; and*

*(J) Operator training.*

*(4) Class B operator training must consist of a practical understanding of the operation and maintenance of underground storage tanks, specific to the type of underground storage tank for which responsibility is being assumed, in the following areas:*

*(A) Spill and overflow prevention;*

*(B) Release detection;*

*(C) Corrosion protection, if applicable;*

*(D) Emergency response;*

*(E) Product compatibility;*

*(F) Reporting and recordkeeping; and*

*(G) Appropriate procedures for emergency shut-down and surface spill response.*

Section 4 (Training Requirements for Class C operators)

*(1) Prior to the assumption of responsibilities by a Class C operator for an underground storage tank, the owner or operator of the underground storage tank shall ensure that the designated Class C operator has received training from a Class A or Class B operator in good standing or from any other source acceptable to the Division.*

*(2) Each owner or operator of an underground storage tank shall maintain a record of training for all current Class C operators and make those records available for review by the Division upon request.*

*(3) Training for a Class C operator must consist of a practical understanding of the appropriate procedures for emergency shut-down of an underground storage tank, surface spill response, and notification procedures in the event of equipment alarm or equipment malfunction.*

Section 5 (Retraining)

*(1) If the Division issues a finding that an underground storage tank is not operating in compliance with general operating requirements, release detection requirements, testing for tightness, or financial responsibility requirements in 40 CFR §§280.10 to 280.116 or NAC 459.9921 to 459.999 the Division may require that the Class A operator for the underground storage tank or the Class B operator or both be retrained.*

*(2) A requirement for retraining must be satisfied within a timeframe specified by the Division through completion of training provided by an independent company or group approved by the Division.*