

391-3-15-.16 Operator Responsibilities, Training and Examination.

(1) Responsibilities.

- (a) Each UST facility must have a Class A, Class B and Class C Operator designated for each UST system or group of UST systems and shall not operate without a designated operator for each class as herein defined. Should an operator in any class as herein defined either resign or be terminated for any reason, the UST facility must replace the vacated operator with another one in the same class within sixty (60) days or cease operations until such a replacement is designated. The Class A, Class B and Class C Operator may be the same person or multiple persons, provided the person designated to more than one operator class must be trained or meet the responsibilities for each operator class for which that person is designated. The Class A or B Operator does not have to be present at each UST facility at all times. **For unmanned UST locations not open to the public where no attendant is present and each dispenser is either key or card controlled, each key or card holder shall be trained to the standards of a Class C Operator; provided however, the operators and owners of that facility are still responsible for the compliance requirements of the UST facility.**
- (b) In addition to those responsibilities for Class A Operators required by these Rules, the Class A Operator must ensure that appropriately trained individuals operate and maintain the UST systems; maintain appropriate records; conduct required emergency response activities and provide required financial responsibility documentation to EPD as required under these Rules. A Class A Operator must demonstrate to the satisfaction of the Director by passing an EPD authorized test that he or she has sufficient general knowledge of UST system requirements to be able to make informed decisions regarding UST compliance and be able to recognize if Class B or C operators are fulfilling the UST operation, maintenance, notification and record keeping requirements of these Rules and GUSTA, including, but not limited to, spill prevention, overfill prevention, release detection, corrosion protection, emergency response, product compatibility, release and suspected release reporting, temporary and permanent closure requirements, financial responsibility requirements, notification requirements and operator training requirements, for UST facilities as required by these Rules.
- (c) In addition to those responsibilities for Class B Operators required by these Rules, the Class B Operator must demonstrate to the satisfaction of the Director through passing an appropriate test as established by EPD a sufficient knowledge of all UST system requirements indicating that he or she can make informed decisions and implement the UST operational, maintenance, notification and reporting requirements of these Rules and GUSTA, including, but not limited to UST system components, UST system component construction, methods of release detection and prevention, corrosion protection, emergency response requirements, product compatibility, reporting and record keeping requirements, delivery prohibition requirements and Class C Operator training requirements, as required by these Rules.
- (d) In addition to those responsibilities for Class C Operators as are required by these Rules, the Class C Operator must demonstrate to the satisfaction of the Director, through passing appropriate examination as established by EPD, a sufficient knowledge of all UST

system requirements indicating that he or she can make informed decisions and take appropriate actions in response to emergencies or alarms caused by spills or releases from an UST system.

(2) Training.

- (a) No later than August 8, 2012, all Class A and Class B Operators of all UST systems regulated under these Rules are required to pass a written examination corresponding to their respective operator classification known as the Georgia UST Operator Examination, as authorized and amended periodically by the Director, which shall determine that the person being tested has the knowledge and skills necessary to be considered as competent to operate UST systems at the operator level for which they have been designated and tested. The Director shall periodically publish the name of the test administrator, contact information, testing locations, testing frequency and a list of the guidance documents and training materials on which the test will be based. The Director shall approve the content of any tests administered by the approved test administrator and the curriculum of any UST operator training courses. This testing of Class A and B Operators must be accomplished for all Class A and B Operators for any UST facility as identified on the Annual Tank Registration as required under Rule 391-3-15-.05(4)(b)2.
- (b) Should any Class A or Class B Operator take the Georgia UST Operator Examination and fail to pass the same as certified to the EPD by the test administrator, the operator shall attend and successfully complete an UST Operator training course of the operator's choice; provided, the curriculum of which is based on the list of the guidance documents and training materials as periodically identified by the Director. After successful completion of an UST operator training course, evidenced by appropriate documentation presented to the Georgia UST Operator Test administrator, the operator will be required to retake and pass the Georgia UST Operator Examination.
- (c) Fees for the initial and retake of the Georgia UST Operator Examination shall be as set by the test administrator and shall be payable to the test administrator. Fees for training courses shall be set by the training course providers and shall be payable to the training provider.
- (d) After August 8, 2012, all new Class A and Class B operators, if not already certified as trained, or subject to the reciprocity provisions hereof, shall be required to pass the Georgia UST Operators Examination within 30 days of taking responsibility of a UST system. After satisfactorily passing the Georgia Underground Storage Tank Operators Exam, the Class A or Class B Operator shall be issued a Certificate from the approved test administrator indicating the name of the test applicant, operator category of the test and the date of the test, which certificate shall expire seven (7) years from the date of issue.
- (e) By no later than August 8, 2012, Class C Operators shall receive training in the responsibilities of that class prior to assuming responsibilities of that position. Class C operators shall be trained in the responsibilities of that class by either the Class A or Class B Operators for that facility. The method and curriculum used to train the Class C

operator shall be kept onsite at the UST facility and shall specifically identify which employees are considered Class C operators and which have received the Class C operator training. After August 8, 2012 any Class C operator if not already certified as trained shall be trained as required herein before taking responsibility for a UST system.

(3) Retraining.

- (a) All Class A and Class B operators shall be required to retake and pass the **Georgia UST Operator Examination once every seven (7) years.**
- (b) Should EPD determine that a UST facility is out of compliance with significant operational compliance requirements for release detection and release prevention requirements, or financial assurance responsibility requirements as provide in these Rules, the EPD shall require the Class A or Class B operator be trained and re-tested at a minimum for the criteria in which the UST facility was determined to be out of significant operational compliance.
- (c) A Certificate of Training may be granted at the discretion of the Director to operators who have received certification from other States whose UST rules are compatible with these Rules and have an approved EPA operator training program and provide reciprocity to Georgia operators in that State.

(4) Revocation of Certification.

The Director may investigate the actions of any operator and may revoke or suspend the certificate of an operator when it is found by the Director that in obtaining such certificate the operator has practiced fraud or deception; or that reasonable care, judgment, or the application of knowledge or ability was not used in the performance of the operator's duties; or that the operator is incompetent or unable to perform his duties properly.

(5) Violations.

It shall be a violation of these Rules for any UST owner to operate or allow to be operated any UST facility owned by that owner without a Class A, Class B or Class C operator being designated and existing for said UST facility as prescribed by these Rules. If any UST owner operates or allows to be operated any UST facility in violation of this Rule, 391-3-15-.16, the current Annual Tank Registration Certificate issued by EPD as required by Rule 391-3-15-.05 may be revoked by the Director.

Authority O.C.G.A. Sec. 12-13-1 et seq. **History.** Original Rule entitled "Operator Responsibilities, Training and Examination" adopted. F. Aug. 28, 2009; eff. Sept. 17, 2009.