



Robin L. Main, Esq.



Dena D. Fazio, Esq.

Environmental Viewpoint

Hinckley Allen Snyder, LLP

USTs: Do You Have Certified Class A, B, Or C Operators?

The Massachusetts Department of Environmental Protection (DEP) enacted new regulations, 310 CMR 80.01 and 80.02, Underground Storage Tank (UST) Operator Training, on February 3, 2012. The DEP's intent is to ensure that the people responsible for operating UST systems have the baseline knowledge set forth in the regulations. These regulations require that all Owners and Operators of UST systems have a state-certified Class A, B or C operator designated by August 8, 2012.



Pursuant to 310 CMR 80.01(2) certain UST systems are exempt from the operator requirements. Of particular importance to contractors is 310 CMR 80.01(2)(c), which exempts "equipment or machinery that contains regulated substances for non-consumptive operational purposes, including, but not limited to hydraulic lift tanks and electrical equipment tanks." Also exempt, are UST systems for emergency spill or overflow containment that are emptied within 48 hours after the substance entered the system. The following systems are exempt under that section as well: systems with a de minimus concentration of regulated substances, systems with less than a 110 gallon capacity, and specific systems that contain materials regulated under other laws such as stormwater or wastewater treatment systems, landfill leachate storage, radioactive material systems, and low level radioactive waste systems. While UST systems containing waste oil are subject to the regulations, those systems holding hazardous wastes listed or identified in M.G.L. c. 21C and 310 CMR 30.000 are exempt.

If an Owner or Operator has a UST system that is not exempt under the regulation, then they must designate a certified Class A, Class B or Class C operator for each UST and such operator must be present at the facility when the UST system is operating. If the UST system is "unmanned", then a Class A, Class B or Class C operator shall be designated as responsible for all operation, maintenance and emergency response. The certification standards and knowledge requirements are set forth in the regulations. In general, Class A operators must have a general knowledge of the systems, while Class B operators have in-depth knowledge of the operation and maintenance, and Class C operators have specific knowledge of the layout and emergency procedures. See 310 CMR 80.02(4), (5), and (6).

The DEP's website provides a range of resources for the operator certification program. The website lists exam requirements; how to study, register and take the exam; and a list of currently certified operators.¹ ■

¹ <http://www.mass.gov/dep/toxics/ust/operator.htm>