

## **Minutes of UST Operator Training – Third Meeting – January 14, 2009 at DEQ-PRO**

### **DEQ & TAC Member Attendees**

Betty Lamp, DEQ-OSRR  
Russ Ellison, DEQ-OSRR  
Renee Hooper, DEQ-OSRR  
Dan Laing, VDOT  
Michael O'Connor, VPCGA  
Suzanne Schweikart, 7-Eleven  
Peter Baird, Baird Petroleum  
Tom Madigan, DEQ-TRO

### **Public Attendees**

David Petersen, 7-Eleven  
Andrew Harrison, Delta Environmental

Russ Ellison reviewed the minutes of the previous meeting and reviewed the changes made to the draft regulation since the last TAC meeting.

Suzanne Schweikart suggested that in section 125.B.5.a “or” should be “and/or” with respect to Class A and Class B operators being available for consultation. Staff pointed out that adding “and” might imply that both need to be available and the group agreed to leave the language as it was.

Dan Laing requested clarification of what is a manned versus an unmanned facility. Mike O'Connor also thought clarification would be a good idea. Staff responded that we would clarify it in the implementation guidance and give some examples.

Dan Laing also commented that the regulation should have a hierarchical system where A takes training for A, B, & C and B takes training for B & C. VDOT management wants it clarified that Class As and Class Bs should take Class C training. Staff responded that we can clarify in guidance that training provided to Class A and Class B operators is designed to include the training and knowledge components necessary to train the class Cs.

For section B.5.d Dan Laing asked that the regulations add language that instructions not only be legible but readable from a distance. Comments were made that proper posting of instructions and placement should comply with existing fire code criteria.

For section B.5.d, the group decided to split subsection d among subsections b and c to separate requirements for manned and unmanned facilities.

The group decided that DEQ should clarify what “user” means either in regulation or guidance. Any “person” dispensing fuel at the facility who is not an operator under the regulation is a possible definition. However, the group then agreed to delete the last sentence of B.5.c which removes the term “user” from the section.

Tom Madigan suggested that we should make sure that any terminology we use doesn’t conflict with the fire code and building code.

The group agreed to delete the parenthetical reference in 125.C.3.

In C.4.a, Betty Lamp commented that the DEQ training manager said that the industry standard for a passing test grade is 80%. Group agreed to change the passing grade from 85% to 80%.

In C.5, the group decided to let reciprocity language stand as is.

In D.1, Suzanne Schweikart asked how DEQ would approve the training provider(s). Russ Ellison responded that trainer/operator can submit their training syllabus to DEQ and staff will review it and likely maintain a list on the DEQ Website of approved providers. Providers will also be removed from the list if criteria aren’t maintained.

Suzanne Schweikart asked again what the trigger is for operator retraining. Staff responded that the trigger will likely be when a Warning Letter is sent to the operator and this will be spelled out in the implementation guidance.

Staff clarified that if a Class A and B retrain, they will be fine for the following 90 day period.

Staff clarified that mandatory automatic retraining (not in response to a compliance Warning Letter) on an annual or periodic basis was not envisioned to be necessary.

The group agreed that a consensus was reached on the draft as amended and agreed that staff should proceed with a proposed regulation.