

June 29, 2012

MEMORANDUM and ALERT

To: MMA Members

From: Andy Such, Director of Environmental and Regulatory Policy

Re: New Underground Storage Tank Regulations, Certification Requirements and Compliance available at www.mma-net.org

In late May of this year, the State of Michigan adopted new rules concerning the regulation of underground storage tanks (UST) in Michigan. These new rules were required by the Environmental Protection Agency to conform to the changes to federal UST regulations.

MMA worked with the MDEQ on the development of the rules package and we are now working with the Michigan Petroleum Association, the Michigan Association of Convenience Stores and the Michigan Food and Petroleum Dealers Association to provide training to our members to assist them in passing the required certification examination.

NOTE: THE TRAINING IS NOT REQUIRED BY THE RULES. The rules require that a person pass the Michigan specific examination as given by the state approved vendor the International Code Council (ICC) at the locations of their computer-based testing vendor, Pearson VUE, throughout the state. Where a person obtains the knowledge to pass the exam is up to them.

This memo includes Frequently Asked Questions (FAQs) about the UST Program, training, testing and certification so you can comply with these new regulations and links to the various websites, at the state and federal level, to obtain free reference material.

Please review the Frequently Asked Questions (FAQs) thoroughly and look at the material provided through the various links. If you still have questions please feel free to call me and I'll be glad to assist. Contact: Andy Such at MMA 517-487-8543 or such@mma-net.org

“Frequently Asked Questions on New Underground Storage Tank Regulations, Certification Requirements, Compliance, Available Training Programs and the ICC Testing Process”

1. Who should attend these MMA UST Training Sessions?

It is recommended that all owner/operators responsible for regulated UST systems in the State of Michigan send the appropriate staff who meets the definitions of the “Class A” and/or “Class B” operators. Those definitions are:

Class “A”: Owner or legal designee with primary responsibility to operate and maintain their company’s Underground Storage Tanks (UST) system.

Class “B”: Individual who implements day-to-day aspects of operating, maintaining and recordkeeping for Underground Storage Tanks (UST’s) at 1 or more facilities.

Class “C”: Attendants and employees on site with day to day responsibilities including responding to alarms, or other indications of emergency conditions associated with an UST system. Training for Class “C” operators consists of basic safety, shutdown and spill response. Training can be conducted by “Class A” or “Class B” certified operators, but must be documented with documentation available during a site inspection. There is no certification examination for Class “C” Operators.

2. Do I have to take the training or do I just have to pass the examination to be certified?

You do not have to take any training to be certified. BUT! To be certified and be in compliance you must pass the examination offered by the International Code Council (ICC) at one of their proctored and monitored sites. Although the training to prepare for the examinations is the same for both “Class A” and “Class B” Operators, THERE ARE TWO DIFFERENT AND SEPARATE TESTS FOR EACH CLASS WITH A \$75 FEE FOR EACH EXAMINATION. Each is an “open book” test. You can get the information on where and when the Michigan-specific examinations are offered, at the locations of their computer-based testing vendor, Pearson VUE, throughout the state, ICC website: www.iccsafe.org/ust-ast

3. Why do we have new rules on underground storage tanks (UST)?

More than five years ago the U. S. Congress changed the U.S. Environmental Protection Agency (EPA) laws relating to the operation and maintenance of storage tanks, including underground storage tanks (UST). To implement these changes the Michigan Department of Environmental Quality recently promulgated rules concerning the certification of operators of UST systems.

4. What are the main changes to the new rules?

Owners, operators and employees with responsibilities connected with underground storage tanks (UST) must pass certification exams depending on their responsibilities and job classification.

5. When do we have to comply with these new requirements?

The deadline in the federal law and the rules for compliance is August 8, 2012. However, the MDEQ has notified all tank system owners that while they will be inspecting for compliance with the new rules they will “not take enforcement actions in response to failure to comply with the owner/operator training and certification requirements until January 2, 2013.” MMA is still asking the EPA to officially extend the deadline to the first of the year. As soon as we receive an answer on our extension request we will notify our members.

6. Why is the timeline for compliance so short?

Legal challenges and other delays prevented the development of the Michigan rules. MDEQ began working on the rules development in 2009 by involving stakeholders including the MMA and other associations. The rules were not officially adopted until May of 2012 and we are working with the MDEQ to assist our members in complying with the new rules. The department has notified all tank system owners that while they will be inspecting for compliance with the new rules they will “not take enforcement actions in response to failure to comply with the owner/operator training and certification requirements until January 2, 2013.”

7. What are the penalties if I don't comply with the new rules?

If you don't have the required certified operators for your facility by the compliance date (see Answer #4 above) your facility can be “red tagged” and shut down for non-compliance. In addition to the “Class A” and “Class B” certifications for owner/operators, each employee operating the facility must be certified as a “Class C” Operator. “Class C” Operators can take available on-line training or can receive training from a certified “Class A” or “Class B” operator at their facility. Companies have multiple options regarding the training of Class “C” operators.

8. Who has to be certified?

Owners, operators and employees with supervisory or day-to-day responsibilities for underground storage tanks (UST) must be certified and/or trained at the proper level depending on their responsibilities.

9. What are the different levels of certification? and what's the difference?

There are three levels of certification:

Class “A”: Owner or legal designee with primary responsibility to operate and maintain their company's Underground Storage Tanks (UST) system.

Class “B”: Individual who implements day-to-day aspects of operating, maintaining and recordkeeping for Underground Storage Tanks (UST's) at 1 or more facilities.

Class “C”: Attendants and employees on site with day to day responsibilities including responding to alarms, or other indications of emergency conditions associated with an UST system. Training for “Class C” Operators consists of basic safety, shutdown and spill response. Training can be conducted by “Class A” or “Class B” certified operators, and must be documented with documentation

available during a site inspection. There is no certification examination for Class "C" Operators.

10. How does a person become certified as a "Class A or "Class B" operator?

You must pass the examination offered by the International Code Council (ICC) at the locations of their computer-based testing vendor, Pearson VUE, throughout the state. Although the training to prepare for the examinations is the same for both "Class A" and "Class B" Operators, THERE ARE TWO DIFFERENT AND SEPARATE TESTS FOR EACH CLASS WITH A \$75 FEE FOR EACH EXAMINATION. Each is an "open book" test. You can get the information on where and when the Michigan-specific examinations are offered, at the locations of their computer-based testing vendor, Pearson VUE, throughout the state, at the ICC website: www.iccsafe.org/ust-ast

11. Do I have to take both the "Class A" and the "Class B" examinations?

NO! There are two different and separate examinations for the "Class A" Operator and the "Class B" Operator. You can take both exams if you wish but you only need to take the exam that meets your compliance needs based on your responsibilities regarding USTs. (See Answers #9 and #10 above)

12. Do the "Class C" Operators/employees have to take an examination to be certified?

NO! "Class C" Operators/employees can be trained with an on-line course OR can be trained by any "Class A" or "Class B" Owner/Operator. However, the rules do require [Rule 8, (d)(1)(vii)] that the completed training of a "Class C" Operator/employee must be documented and that documentation will be subject to audit and inspection. There is no requirement in the rules that the "Class C" Operator/employee take an examination to be certified. (See also Answer #28)

13. Do I have to take the classes offered by MMA and the other Associations to be certified?

NO! Taking the training offered by MMA and the other Associations or anyone else is NOT required to be certified. Passing of the Michigan specific test administered by the International Code Council (ICC) at the locations of their computer-based testing vendor, Pearson VUE, throughout the state is REQUIRED to be certified.

14. Who is conducting the training? What is their background/experience level?

The training is being provided by Antea Group, that provides this type of training across the country. They are approved by the American Petroleum Institute to provide UST training. Antea Group has an office in Novi, MI.

The trainers:

Ron Garrison, Senior Professional, Antea Group

Mr. Garrison's diversified experience in both the manufacturing and retail oil & gas industry spans over 20 years. During this time, he has worked within

engineering functions, pipeline transport, economic development, business strategy development and fuel sales. Ron's recognized talent with personnel development and effective training techniques will be evident in the training sessions he leads.

Ben Hansen, Senior Project Manager, Antea Group

Mr. Hansen is a Professional Geologist with eleven years of experience in the environmental, health and safety (EH&S) consulting industry. He has provided EH&S compliance services to the retail oil & gas industry, automotive suppliers, insurance sector and specialty chemical manufacturing industry. He is currently responsible for program development and training implementation of state-specific Storage Tank Operator Training programs within the Midwest and Mid-Atlantic regions of the United States.

15. What materials will be covered during the training?

The intent of this exam preparation course is to introduce you to the Michigan Operator training requirements, provide an overview of the examination process and review the allowable reference documents that will be allowed to be taken into the examination room. The instructors will cover all identified regulatory topics that will be included on the "Class A" and "Class B" UST Operator exams while focusing on teaching you how to effectively utilize the allowable reference materials to quickly find answers when necessary. The training will cover the topics needed to enable an applicant to pass the examinations conducted by the International Code Council (ICC) for both the "Class A" and the "Class B" certifications (Also see Answers #18, 19, 20, and 21 below)

16. What hard copy materials will be provided to the trainees as part of the training?

As part of your registration fee, you will be provided with a bound handbook that contains copies of all allowable reference material that you will be able to bring into the examination. You will also be provided with hard copies of the training slides that Antea Group will use during the session. The handbook will be organized in such a way to allow trainees to quickly identify the various reference documents and subject matter sections to answer questions quickly and effectively. (Also see Answers #24, 25 and the links below)

17. Will the trainer have seen the questions that will be asked on the ICC exams for Class A and Class B operators and be able to share their experience?

The trainers have knowledge of the topics covered and the general type of questions that will be on the exam. All the trainers will have taken and passed both the "Class A" and "Class B" examinations and will bring that recent experience to the training classroom.

18. Any other information that would demonstrate the value of this training?

Owners and operators of underground storage tanks who will need to meet this certification requirement are encouraged to attend a training session to increase

their chances of passing the exam(s) on the first attempt. Exam applicants will have only two chances to pass each exam within a six month time period. Should an applicant fail an exam twice, they will need to wait six months before taking the exam again. With the certification deadline less than two months away, and the enforcement actions of the DEQ only postponed until the end of the year, the margin for error is slim.

NOTE: Each exam is timed to give you an average of one and half minutes per question for each exam. Your ability to understand how to effectively and quickly utilize the reference documents you are allowed to take into the examination to answer a question, you are not sure of, will certainly increase your chances of passing. This course will introduce you to these reference documents, review them in their entirety and provide an organized and easy-to-use handbook that you will be able to take into the examination room.

19. Can I take the training instruction on-line?

MMA and the other Associations are working with Antea Group to provide the exam preparation course on-line. We will notify our members as soon as we are able to provide it.

20. Can I take the Examination on-line? If not, where do I take the exam?

NO! The examination will not be offered on-line. The examination will be proctored and monitored by International Code Council (ICC) and will be held at the locations of their computer-based testing vendor, Pearson VUE, throughout the state. The Michigan-specific test times, registration requirements, and designated testing sites are on the ICC website at: www.iccsafe.org/ust-ast

Note: The ICC websites list a number of state examinations. Make sure you select the Michigan-specific and operator class examination you want to take. The exam ID is: NA for the "Class A" operators' exam or NB for the "Class B" operator exam.

21. Is there a charge for the Examination?

YES! The charge to take the "Class A" or the "Class B" exam is \$75 for EACH exam. You can pay on-line with a credit card when you register to take the examination.

22. Will the examination be given the same day as the training?

We are not scheduling the training to "match up" with the exact time and places of the examinations. Each participant must schedule their examination time and place with the International Code Commission (ICC) at the locations of their computer-based testing vendor, Pearson VUE, throughout the state. You can schedule your exam through their website: www.iccsafe.org/ust-ast (see also: Answer #11 above) you can take the examination at any ICC test site, including site located in other states. You must pre-register for the specific exam and the location you want and at the ICC website: www.iccsafe.org/ust-ast

23. How many questions on the examination?

40 multiple choice questions make up the examination for the “Class A” operator and 60 other multiple choice questions (there may be some duplicates) are on the “Class B” operators’ exam. There is no examination required for “Class C” employees.

24. What happens if I fail the exam?

You will need to RETAKE the examination at your own expense and you can only take the exam twice in a 6 month period. On page 5 of the ICC ***UST/AST Examination Information Bulletin*** it states: “During any six (6) month period and for any one certification category, you may take the exam a total of two times, if necessary to pass the exam. You will be responsible for payment of the exam fee for every exam you take”.

25. Does the examination company (ICC) have any material I can read to pass the exam?

Referral material that can be used to study for the test and taken to the test is offered through the International Code Commission (ICC) and through the links at the end of these questions. Additional information is available at the ICC website: www.iccsafe.org/ust-ast

NOTE: The allowed reference material will be provided to you as part of the classroom and web-based exam preparation courses.

26. This is an “open book” examination what can I take into the examination room with me?

You can only take reference(s) as listed in the ICC ***UST/AST Examination Information Bulletin*** (Page 17), for the applicable open-book exam, into the exam room — **no other reference material will be allowed into the testing center**. Please note that most UST exams are closed-book.

- Bound (original bound book, three-ring binder, or stapled)
- Notes written in ink or highlighted in code sections
- Permanently attached tabs (tabs that can’t be removed without destroying the page)
- Pencil notes in your references that are highlighted prior to arrival at the test center
- **Photocopies of copyrighted materials are not allowed**

NOTE: Make sure you review the ICC UST/AST Examination Information Bulletin available at the ICC website: www.iccsafe.org/ust-ast. This bulletin, on pages 17 and 18, lists the items you can take into the exam room and the items you cannot take into the exam room as well as the Identification required to take the exam.

27. Where can I get material and information to prepare for the test without taking any formal classes or training instruction?

The MDEQ has sent a flyer to all interested parties. The link to the flyer on the MDEQ website is listed below and it is available at the MMA website. That flyer includes links to all the current information from the MDEQ and the EPA

concerning the federal UST laws and the Michigan-specific UST rules. These materials can be downloaded at no charge.

28. Does the certification go to the person passing the exam or the company they work for?

The certification is given to the individual and goes with the individual. The company must employ properly certified individuals to comply with the requirements of the rules.

29. How long is the certification good for?

Certification for Michigan “Class A” and “Class B” Owner/Operators Certification is good for five years and must be renewed every five years by applying to the International Code Council (ICC) for recertification.

30. Is it true that if my facility has a violation I have to retake the test?

MAYBE. If your facility is found to be in substantial violation you will be offered “retraining” by the field inspector. The “Class A” Owner/Operator will be given up to 60 days from the date of the violation to bring the facility into compliance. If a re-inspection shows the facility is still out of compliance then the facility may be “red tagged” and the “Class A” Operator [Rule 8 (e)] must **RETAKE** the examination to comply with the rules as well as complete any tasks necessary to bring the facility into compliance.

Additional information and links:

ICC has an ***UST/AST Examination Information Bulletin*** that gives details of the examination process and their website: www.iccsafe.org/ust-ast has sample questions.

The examination is open book; please review the specific list of what is allowed in the examination room in the ICC UST/AST Examination Information Bulletin (page 17) (Also see Answer #24 above)

The examination questions are based on this list of reference materials:
(Click on the publication for a PDF or MS Word copy of the document.)

1. [Michigan Underground Storage Tank Rules \[MUSTR\]](#)
2. [Operating and Maintaining Underground Storage Tank Systems \(EPA 510-B-05-002\)](#)
3. [Straight Talk on Tanks, 2005 \(EPA 510-B-05-001\)](#)
4. [Musts for USTs, July 1995 \(EPA 510-K-95-002\)](#)

5. [Dollars and Sense, Financial Responsibility Requirements for USTs \(EPA 510-K-95-004\)](#)
6. [EPA 40 CFR Part 280, 280.10—280.74 Technical Standards and Corrective Action](#)