



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

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NDEP Solicitation for Approval of UST Operator Trainers

November 2011

The Nevada Division of Environmental Protection (NDEP), Bureau of Corrective Actions (BCA) is seeking to develop a list of companies, groups, and individuals for approval to provide training to Underground Storage Tank (UST) operators in the State of Nevada in accordance with federal requirements for UST operator training and in support of State regulations being drafted for establishment of the training program. Federal laws and guidelines require that UST operators be trained in appropriate aspects of operation, maintenance, and regulation of USTs by August 8, 2012; the NDEP is developing a program that allows for several methods of satisfaction of training requirements, and we anticipate that most, or a significant portion, of the operators will receive their training through independent companies, groups, or individuals that are approved by the NDEP to provide that training.

The NDEP will develop a list of approved trainers to be made publically available to all owners and operators of regulated USTs in the state for those who choose to satisfy training requirements for Class A, B, or C operators through this approach. The “Approved Operator Trainer” list will contain the names and contact information of approved trainers to schedule or apply for training. The list will also contain information to allow owners and operators to find the training that is best suited to their needs including geographic regions of the state served by the trainer, a description of the content and format of training, the time commitment required, and cost.

This Solicitation is being sent by the NDEP to companies, groups, and individuals that have expressed interest in providing operator training in Nevada or who otherwise may be interested or capable of providing these services. This Solicitation contains information about applying to be included on the list of approved trainers, the criteria for approval, the approval process, and requirements to be placed on approved trainers in order to remain on the list. Contact information is provided if you have any further questions about the UST Operator Training program.

BACKGROUND

On August 8, 2005, President Bush signed the Energy Policy Act of 2005. Title XV, Subtitle B of this act (titled the Underground Storage Tank Compliance Act) contains

amendments to Subtitle I of the Solid Waste Disposal Act--the original legislation that created the underground storage tank program. This new law significantly affected Federal and State underground storage tank programs by requiring major changes that are aimed at reducing underground storage tank releases to the environment.

The underground storage tank provisions of the Energy Policy Act focus on preventing releases. The NDEP is currently in the process of developing its Operator Training program to satisfy that component of the Energy Policy Act by drafting regulations and by developing the administrative processes to ensure that operators are trained appropriately.

State regulations for the implementation of an operator training program have been drafted and are available for review but will need to be heard in front of the State Environmental Commission and the legislative subcommittee on regulations prior to their approval and adoption. The NDEP will proceed with the approval of trainers and the development of its approved trainer list during the regulation adoption process and will provide authorization to owners and operators to receive training after the regulation is heard and approved by the State Environmental Commission on February 15, 2012.

[Go here for more information](#) on the Energy Policy Act of 2005 requirements for training go to:

[Go here for more information on the EPA guidelines](#) for operator training and classification of Class A, B, and C operators go to:

[Go here for information on NDEP's Underground Storage Tank](#) program and its Operator Training program

STATE OF NEVADA OPERATOR TRAINING PROGRAM BASICS

The goal of the Nevada UST Operator Training Program is to promote operator knowledge of UST systems, State and Federal Regulations and reduce releases resulting from operator inexperience. The program is structured to satisfy federal requirements while creating a minimum of administrative burden and allowing the maximum flexibility to owners and operators to receive training. The purpose of this section of the Solicitation is to discuss how the NDEP plans to implement Operator Training, particularly how it will affect companies that plan to provide training services in Nevada.

The NDEP has determined that operator training will be a record-keeping requirement for owners and operators rather than a requirement which would involve the submittal to the NDEP of information to demonstrate completion by the operator or

by companies providing training. Those companies, groups, or individuals who provide training services will need to be able to produce and present a verifiable Certificate of Training Completion to operators who have successfully completed a training course or examination. The training company, group, or individual will also be required to retain records to assist the NDEP on any future inquiries concerning the verification of any individual operator's training.

The NDEP does not have the resources to undertake operator training by offering any agency training itself and must rely on other methods for satisfaction of requirements. The NDEP will allow operators to satisfy training requirements through a number of options including third-party training approved by the Division, in-house training audited by the Division, and reciprocity with programs in other States. The NDEP anticipates that most operators will rely on third-party training. In order to support this demand for third-party training, the NDEP intends to allow multiple, flexible approaches be used by third-party training programs. The NDEP does not plan on dictating appropriate training methods but will evaluate programs to ensure that they meet minimum content requirements in federal and state regulations and are conducted by reliable and knowledgeable providers. All approaches to operator training by third party companies will be considered, including classroom instruction, certification of knowledge through examination, on-line courses, on-site training, or any combination of the above.

Regulations proposed by the NDEP for UST Operator Training allow for Class C operators to receive training from a Class A or Class B operator who has received appropriate training; however, the NDEP will also allow Class C operators to receive training from approved third-party trainers. We are therefore accepting applications for Class C trainers, but applicants should be aware that the cost-free option of receiving training from the Class A or Class B operator at their facility will be available to most Class C operators.

PROCESS FOR APPLYING TO BE AN APPROVED TRAINER

This Solicitation for Approval represents the NDEP's effort to obtain sufficient applications to develop a pool of approved trainers. The NDEP wants to ensure that a broad pool of trainers is approved so that Nevada's UST operators will have convenient opportunities to obtain training that meet their schedule and training preferences. The NDEP will develop its initial list of approved trainers based on the response to this Solicitation after sufficient applications have been received to make evaluations of the training programs. The "Approved Operator Trainer" list will be developed after the initial evaluation and will contain contact information for the training program and will also contain information intended to assist the

owners/operators of USTs choose which training works best for them, such as course location, time commitment, cost, etc.

After the initial solicitation and the development of the approved list, the NDEP will continue to accept operator training applications for approval and addition to the list, although the update of the list may be periodic. The NDEP may also undertake additional Solicitations in the future if the pool of approved trainers falls below levels that are necessary to provide a range of training opportunities to owners/operators. Targeted Solicitations may also be used if geographic areas of the State are underserved by approved trainers.

Applications and all supporting information (as discussed on the application) for approval should be submitted to: Nevada Division of Environmental Protection

Bureau of Corrective Actions, UST Program

Attn.: Operator Training Application

901 S Stewart Street, Suite 4001

Carson City, NV 89701

Any questions regarding the application process and the Operator Training program should be directed to: [Kevin E Sullivan](#) Phone: (775) 687-9376.

A copy of the Application is attached to this Solicitation. The Application can also be downloaded, filled out, and printed on-line at the NDEP UST Program website http://ndep.nv.gov/bca/ust_home.htm. All completed applications and attached materials must be mailed to the NDEP as a hard-copy.

APPLICATION FOR APPROVAL

Parties interested in being an approved trainer are required to submit an application for evaluation by the NDEP. The application consists of three sections.

I. **Applicant Information and Application Contact**

This section will be used by the NDEP's UST Program for any contact with the third-party training program, including any questions about the application and any future requests to verify training of operators. Any company, group, or individual operating in the State of Nevada should provide a NV Business License for verification that that company, group, or operation is in compliance with State business laws and regulations. The NDEP may make inquiries to other States for those companies, groups, or individuals who are not operating within Nevada boundaries but who are

seeking approval to provide training to owners/operators of USTs in the State of Nevada.

II. Course Information

This section of the application contains the information that the NDEP will publish on its “Approved Operator Trainer” list for the regulated community to select their preferred training. If the applicant desires to have any additional information published on the list, they should contact the NDEP or provide an addendum to the application for consideration.

III. Application Attachments

Evaluation of the application will be done based on the information submitted as an attachment to the application including the experience and qualifications of trainers, course materials, and administrative capabilities. The applicant should feel free to include all information it feels is relevant to the evaluation of the application.

EVALUATION OF APPLICATIONS

Applications will be reviewed by a committee consisting of NDEP staff and management responsible for the implementation of the Underground Storage Tank program; the committee may also include representatives of the County programs implementing UST programs in their respective jurisdictions. Applications will be reviewed in four categories.

Experience and Qualifications

Note: Applications involving classroom training and on-site training will be heavily weighted for the experience and qualifications of its instructors.

- 1) The company, group, or individual applying for approval should demonstrate
 - a) Education of trainers or course developers relevant to underground storage tanks, petroleum, system operation, environmental regulations, etc;
 - b) Experience in UST operation, maintenance, and regulations;
 - c) Experience in Operator Training in other States or any other training experience; and
 - d) Other relevant qualifications.
- 2) For all instructors listed in the application, their education, experience, and qualifications should be provided.
- 3) List of references, to include name, address and phone number of reference and the type of work/project for which the reference is being made.

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Course Content and Materials

Note: Applications involving examination-only content and on-line courses will be heavily weighted for the course content and materials

- 1) Sufficient description and documentation of the proposed training program or examination should be provided to demonstrate that the desired learning outcomes and minimum training requirements will be met. This may include, but is not limited to, a copy of the course outline, copies of presentations, handout materials, tests, evaluation forms.
- 2) Courses or examinations should demonstrate knowledge of relevant Code of Federal Regulations and Nevada Administrative Codes for the class of operator being trained.
- 3) Course materials and presentations should be relevant and easily understood.

Administrative Capabilities

The company, group, or individual applying for approval must demonstrate their ability and methods for compiling and maintaining information pertaining to training registration, attendance, testing and pass rates, certificate issuance, comments, and issues identified as a result of training session.

Costs

The NDEP will not dictate appropriate costs for operator training but may disallow applications with costs that are not consistent with program objectives.

MAINTENANCE OF APPROVED TRAINER LIST

The NDEP will work to maintain its “Approved Operator Trainer” list, which will include on-going evaluation of third-party training programs for consistency with program objectives and standards. The NDEP may remove trainers from the list if deficiencies are identified and not corrected. Trainers may also be evaluated for removal from the list if a preponderance of negative feedback is received from training attendants.

If an approved trainer wishes to change or update information published on the “Approved Operator Trainer” list, they should contact the NDEP representative provided in this Solicitation or on the NDEP UST program webpage. If the change or update represents a significant alteration of the training provided by the trainer, the NDEP may reevaluate the training program for continued inclusion on the list.

Approval by the NDEP to provide operator training is not equivalent to an owner or operator’s requirement to receive operator training under proposed regulations. The NDEP may also determine that conflicts of interest are present if one individual is

serving as both an operator trainer and as a Class A, B, or C operator. These potential conflicts will be evaluated on a case-by-case basis.

MINIMUM TRAINING REQUIREMENTS FOR CLASS A, B, and C OPERATORS

All Class A and Class B Operators shall be knowledgeable of:

- Operator classes (Class A, Class B, and Class C)
- Typical responsibilities for each operator class;
- Training requirements; and
- Documentation requirements of training.

Class A operator shall have a general knowledge of:

- Spill prevention;
- Overfill prevention;
- Release detection;
- Corrosion detection;
- Emergency response; and
- Product compatibility.

Class A operators shall know:

- Nevada regulations for petroleum USTs and the NDEP, BCA regulatory program;
- Financial responsibility requirements and the Nevada BCA Petroleum Fund program;
- Notification requirements;
- Release and suspected release reporting requirements; and
- Temporary and permanent closure requirements.

Class B operators shall know:

- Nevada regulations for petroleum USTs and the NDEP, BCA regulatory program;
- Components of underground storage tanks;
- Materials of underground storage tank system components;
- UST release detection and prevention methods to include required inspections;
- Specific O & M requirements of USTs to include:
 - Spill prevention;
 - Overfill prevention;
 - Release detection;
 - Corrosion protection;
 - Emergency response;
 - Product compatibility;
- Reporting and recordkeeping requirements; and

Class C operator training and documentation requirements.

Class C operators shall know:

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.