

**Synopsis of
Proposed Amendments To The Rules of the
Department of Natural Resources
Environmental Protection Division
Relating to
Underground Storage Tank Management, Chapter 391-3-15**

Rule 391-3-15-.02, “Definitions,” sub-paragraph (I) is being amended.

Purpose: The rule is being revised to amend the definition of “operator”.

Main Features: The definition of operator is amended to define three classes of operators (Class A, B and C) as provided in the Energy Policy Act of 2005 and grant guidelines issued pursuant thereto.

Rule 391-3-15-.05, “UST Systems Design, Construction, Installation and Notification,” paragraph (4), is being amended.

Purpose: These are being added to clarify the necessary information required from owners and operators for annual tank registration.

Main Features: The proposed amendment [sub-paragraph (b)2] specifies that the name and address of current Class A and Class B operators of Underground Storage Tanks (UST) must be submitted with the annual UST notification.

Rule 391-3-15-.13, “Georgia Underground Storage Tank (GUST) Trust Fund”, subparagraph (I) (c) 3. (iii) thereof, is amended.

Purpose: To expand requirements for maintenance of records to include operator training and examination.

Main Features: The proposed amendment requires the participating owner or operator to maintain records of compliance with operator training and examination and the provisions of proposed Rule 391-3-15-.16.

Rule 391-3-15-.16, “Operator Responsibilities, Training and Examination” is being added.

Purpose: Consistent with requirements of the Energy Policy Act, this Rule establishes Operator Classification training, testing and certification requirements for Class A, Class B and Class C Operators for UST facilities.

Main Features: The Rule specifies requirements for 1) responsibilities required of the Class A, B and C operators; 2) training, retraining and testing for the Class A, B and C operators; and 3) provisions for revocation of training certificates and provisions for violations of the training regulations.

Statement of Rationale

Rules for Underground Storage Tank Management

On August 8, 2005, the President signed into law the Energy Policy Act of 2005, which included the Underground Storage Tank Compliance Act.

These statutory changes are being passed onto the states to implement through the issuance of Grant Guidelines; In August 2007 EPA issued final grant guidelines for implementation of the various UST provisions of the Act. The US EPA intends to enforce the Act by applying the grant enforcement provisions of 40 CFR 31.43. Each state that receives federal funding under RCRA Subtitle I must comply with the underground storage tank requirements of the Energy Policy Act.

The Rules for Underground Storage Tank Management require modification to incorporate the new requirements in order to maintain Georgia's eligibility to receive federal funding under RCRA Subtitle I. In February 2008, the DNR Board adopted amendments to the UST rules regarding secondary containment requirements mandated by the Energy Policy Act of 2005.

As the next phase of compliance with the Energy Policy Act, EPD proposes amendments to comply with Operator Classification training, testing and certification of Class A, Class B and Class C Operators for UST facilities. Management and operation of USTs by fully trained operators will provide additional protection of Georgia's groundwater through reduction of releases of petroleum to the waters of the state.

The cost impact of these rules for regulated entities is no greater than that which will be incurred to comply with federal rules which are anticipated for the same topics for any states that have not adopted their own rules. Failure to adopt these rules may result in loss of federal grant funding necessary to administer environmental protection programs for underground storage tank management.