



Office of the State Fire Marshal

Notification of New NOV for Operator Certification Violations

The Illinois requirements covering Operator training went into effect on August 8, 2012. At that time the state rules were based on USEPA Guidelines for mandates included in the 2005 Energy Policy Act. Those federal Operator training Guidelines are now codified in the revised 40 CFR 280 USEPA UST regulations at Subpart J – Operator Training.

Since August 8, 2012, active registered UST facilities in Illinois have all been inspected for Operator Training compliance at least once – and by now, most of them twice. This means that every facility in Illinois either was in compliance with Operator Training requirements at the time of inspection, or received a UST NOV citing the noncompliant issues. No one operating a registered UST facility in Illinois can *plead ignorance* of the Operator Training requirements at this stage.

However, UST inspectors in every inspection territory in Illinois still encounter noncompliance with Operator Training requirements. While most UST violations, including several Operator Training-related violations, will continue to be cited on the UST NOV form, and will continue to be allowed the 60 day compliance period, there are three specific Operator certification violations which must be addressed in a more immediate manner. They are:

- No certified employees on site at an attended dispensing facility.
- No A/B Operator designated for the facility: either attended or unattended/unmanned.
- All Operator certifications expired and no currently certified operator on site at an attended facility.

An Illinois UST inspector, whether from OSFM or Chicago Dept. of Public Health, upon encountering any of the three specific noncompliant conditions listed above, will be authorized to issue a new class of NOV -- an Operator Certification NOV -- and then **Red Tag** the USTs at the facility on the spot unless steps are taken by the owner or operator to correct the violation immediately. *However, if it is not possible to correct the situation in the time the inspector is on the premises, then he will Red Tag the USTs before he leaves, and the Red Tags will stay on until the inspector can return to verify compliance.*

Our hope is to never have to take this action. However, when an inspector encounters any of the three violations listed above, the situation will be addressed immediately.

Issuance of the new Operator Certification NOV with the associated immediate Red Tag action will begin March 21, 2016.