



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

January 11, 2010

Dear Underground Storage Tank Facility Owner, Operator, Contractor, and Concerned Party:

As you may be aware, the federal Energy Policy Act of 2005 (Energy Act) mandates several new underground storage tank (UST) compliance initiatives, to include operator training. The Energy Act requires that all states develop state specific operator training requirements consistent with the United States Environmental Protection Agency (EPA) Guidelines by August 8, 2009, and that all UST facility owners comply with the operator training requirements by August 8, 2012.

New Hampshire draft statutes for Operator Training were proposed as House Bill 443 in the 2009 Session and passed the House and Senate, but were vetoed by Governor Lynch because of a controversial and unrelated rider attached to the Bill. The Operator Training statutory language was developed in partnership and in cooperation with tank owners and operators, was found consistent with EPA's guidelines, and continues to be supported by business organizations such as the Independent Oil Marketers Association. The proposed Operator Training statutes have been reintroduced as House Bill (HB) 1294 in the 2010 Legislative Session to become effective upon passage.

Under Federal Law all UST facility owners will be required to provide trained Class A, B and C operators for all regulated facilities by August 8, 2012. Once HB 1294 is adopted, the New Hampshire Department of Environmental Services will administer and enforce the operator training requirements.

A convenient way to summarize the operator classes is:

- Class A Operator – “Rules” Person
- Class B Operator – “Nuts & Bolts” Person
- Class C Operator – “First Responder”

It is anticipated that for the average convenience store, the chain manager will be the A, the local maintenance crew or contractor will be the B, and the individual store manager will be the C. Each class of operator will have different training requirements, but any one person may be trained for any number of classes.

New Hampshire recognizes that a “one size fits all” approach for operator training resources will not work because of the diversity of tank ownership in the state. Therefore the New Hampshire plan accepts the following operator training options (listed with approximate costs per operator):

- International Code Council (ICC) examination (\$70 per biennium)
- Approved 1st Party Training (Your company's internal training program costs)
- Approved Private Training Company (\$150 -\$300)
- Department of Environmental Services Training (no charge)
- Other State Training Reciprocity (no additional charge)

The NH operator training program is designed to provide maximum flexibility in training options, and NH is working to achieve similarity and reciprocity between states at both the regional and the national level. Owners may choose between ICC testing, their own approved training program, approved training programs administered by for-profit companies, Department of Environmental Services' training program, and training programs approved or authorized by other states for training their class A & B operators. Class C operators are trained by your class A & B operators.

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