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The Next Big Thing

“No rest for the weary,”

my mother used to say — usually when I was complaining about a chore, a school assignment or another responsibility bearing down on me. In her Midwestern, raised-on-a-farm way, she was teaching me that a life well lived means completing one task and moving on to the next, without sitting down in between to complain.

As I write this column, those of us who spend most of our days thinking about “tank issues” are completing one task — a long-overdue revision of Missouri’s 1990-vintage rules governing the operation of underground tank systems — and looking ahead to “the next big thing” — figuring out what to do about the federal government’s decision that every UST operator in the country needs government oversight to make sure he or she adequately trains his or her employees on how to operate and monitor their underground tank systems and leak-detection devices.

So allow me to salute DNR’s Heather Peters one more time for her extensive effort to collaborate with tank owners, equipment companies and the PSTIF and for her apparently successful completion of a project to update and revise Missouri’s UST rules without imposing unduly burdensome new requirements on Missouri business owners. Now ... on to the issue of UST operator training...

Legislation passed by the Missouri General Assembly this year and recently signed by Gov. Nixon requires the Board of Trustees of the PSTIF to assemble information and input from a variety of sources and then to decide — by April 2012 — whether to create and fund a UST operator training program. As we gear up to tackle this “next big thing,” here are some of the questions on the table:

What training approaches or programs already exist, and which of those are working well?

Fortunately, about half the states have already implemented some type of UST operator training program, and several vendors offer training programs in different formats and delivery options, so we expect to learn from others’ successes and failures.

Will Missouri accept training offered by other states as adequate?

Known as “reciprocity,” this is an important question for companies whose personnel are responsible for UST facilities in multiple states and who do not wish to waste time on duplicative training.

What deadline(s) would be imposed?

The US EPA wants states to have every UST operator trained by August 2012, and many states have imposed this deadline. What should Missouri’s deadline(s) be? Should the requirement be phased in, or should there be one deadline for everyone?

How should UST owners/operators be required to document that their employees have received appropriate training?

Is checking a box and signing a form good enough? Or should submission of individual employees’ names and training certificates be required?

What should the consequences be for failing to train employees adequately?

In Missouri, UST owners and operators do an excellent job complying with state requirements for operating their tank systems, in part because the PSTIF requires compliance with all UST rules as a condition of obtaining and renewing insurance coverage. This is notably different from some other states, where more stringent

requirements are on the books, but enforcement is lax, and the compliance rate is relatively low. So even though those states may have published UST operator training requirements that suit the EPA already, the reality is that many owners/operators in those states may flagrantly ignore those requirements for many years with no consequence. That’s not how we do business in Missouri.

So if a Missouri UST operator fails to comply with training requirements, should his or her PSTIF coverage be canceled? How soon? How long should he or she be given to rectify the situation before losing insurance coverage?

When should retraining be required? And how long should a tank owner/operator be given to accomplish it?

One of the most challenging of the federal program requirements is that states must require retraining when an UST owner/operator is found to be operating his or her underground tank system in a way that is “significantly” out of compliance with leak prevention and leak detection rules. So, when this happens, as it invariably will, how much time should be allowed for retraining? And, as mentioned above, what should the consequence be if the retraining requirement is not met?

There are other questions to be answered, but this short list will give you an idea why we can’t sit and rest on our laurels for long with this new responsibility staring at us. About the only question the PSTIF Board of Trustees won’t have to answer is who will pay for a program if one is implemented — since the legislation requires the PSTIF to pay for it.

To make the best decision for Missouri, we’re going to need all the wisdom and advice we can assemble. Expect us to knock on your door repeatedly in the next few months as we consider these and other questions. We need your ideas. ■