§334.601. Purpose and Applicability.

(a) This subchapter establishes training requirements for different classes of underground storage tank (UST) facility operators to enhance the protection of the state's groundwater and surface water resources from environmental contamination that could result from any releases of harmful substances stored in such systems, and to minimize threats to human health and safety which could result from the improper operation of a UST facility.

(b) Owners and operators of regulated UST systems must comply with the operator training requirements listed in this subchapter.

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(a) Owners or operators shall identify and designate for each underground storage tank (UST) facility including unmanned facilities, at least one named individual for each class of operator - Class A, Class B, and Class C. All individuals designated as a Class A, B or C operator shall, at a minimum, be trained and certified in accordance with this subchapter. For the purposes of this subchapter, the terms "Class A Operator", "Class B Operator", "Class C Operator", "Certified Operator" or "Designated Operator" are terms specific to the training requirements of this subchapter. The term "operator" used without these descriptors is the same as the term "operator" used in Chapter 334 generally and as specifically defined in §334.2(70) of this title (relating to Definitions).

(1) Owners and operators may designate different individuals for each class of operator, or one individual for more than one of the operator classes.

(2) Any individual designated for more than one operator class shall be trained and certified for each operator class, except that training and certification as a Class B operator also entitles that individual to certification as a Class A operator.

(3) An individual may be designated as a Class A Operator for one or more facilities. An individual may be designated as a Class B Operator for one or more, but not to exceed 50 facilities. An individual Class C operator must be specifically trained for each facility.

(4) During hours of operation, UST facilities must have at least one certified operator (either a Class A, Class B, or Class C operator) present at the UST facility, except when a UST facility is unmanned. A UST facility is considered unmanned
when during the normal course of business there is routinely no attendant present at the
facility who could respond to alarms or emergencies related to the UST system.
(Examples of unmanned UST facilities include, but are not limited to, card lock or card
access fueling stations, telecommunication towers or utility transfer stations serviced by
emergency generator USTs, and unattended UST systems located at industrial facilities.)
Unmanned facilities must have weather resistant signage clearly visible from any
dispenser which instructs users with regard to basic safety procedures, provides the
customer with a 24-hour telephone contact number monitored by a Class A, B, or C
operator for the facility and provides instruction on when to call 911.

(b) The three classes of operators are identified as follows.

(1) Class A Operator.

(A) Functions. A Class A operator of a UST facility is an individual
who typically has primary responsibility for ensuring the proper operation and
maintenance of the UST systems, particularly in the capacity of managing resources and
personnel necessary to achieve and maintain compliance with all UST regulations.

(B) Qualifications and Training. Class A operators must be trained
in and have a general knowledge of the requirements of applicable UST regulations,
including, but not limited to registration, system components, product compatibility,
spill and overfill prevention, corrosion protection, release detection, recordkeeping,
notification, release reporting and response, temporary and permanent closure,
operator training, and financial responsibility.

(2) Class B Operator.

(A) Functions. A Class B operator of a UST facility is an individual
who ensures the implementation of all applicable requirements of these regulations in
the field and implements the day-to-day aspects of the operation and maintenance of,
and recordkeeping for, UST systems.

(B) Qualifications and Training. Class B operators must be trained
in and have detailed knowledge of the requirements of applicable UST regulations,
including, but not limited to registration, system components, product compatibility,
spill and overfill prevention, corrosion protection, release detection, recordkeeping,
notification, release reporting and response, temporary and permanent closure,
operator training and financial responsibility. A UST facility owner or operator may
designate as its Class B operator a third party (i.e. an individual who is an independent
contractor or consultant and is not affiliated with the facility owner or operator) only if
that individual is (in accordance with Chapter 334, Subchapter I and with Chapter 30,
Subchapter I of this title relating to Underground Storage Tank On-Site Supervisor
Licensing and Contractor Registration; and Underground Storage Tank On-Site
Supervisor Licensing and Contractor Registration, respectively) also a licensed UST On-
Site Supervisor who holds a current "A" or "A/B" license and who either is, or is
employed by, a registered UST Contractor. However, designation of an independent or
not affiliated Class B operator in this manner does not also entitle that individual to
certification as a Class A operator for a facility.

(3) Class C Operator.

(A) Function. A Class C operator of a UST facility is an individual
designated by the UST system owner who typically controls the dispensing of fuel at the
facility and is responsible for initial response to alarms, releases, spills, overfills or
threats to the public or to the environment.

(B) Training. Class C operators must be trained in both general and
facility-specific emergency response procedures, such as: the operation of emergency
shut-off equipment; the initial response procedures following system alarm warnings;
the appropriate first response actions to releases, spills, or overfills; and the notification
procedures to emergency responders and to the designated Class A and Class B
operators of a UST facility.

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(a) Training. Operator training must fulfill the training requirements described
for each class of operator in §334.602 of this title (relating to Designation and Training
of Classes of Operators). The following is a list of acceptable approaches to meet the
operator training requirements.

(1) Acceptable Training for Class A and Class B operators. Class A and
Class B operators must complete a Texas Commission on Environmental Quality
(TCEQ) approved operator training course or process that includes the information
listed in §334.602(b)(1) or (2) of this title, respectively. Courses or processes may
include in-person or on-line training performed by, contracted for, or approved by the
TCEQ, and must include an evaluation of operator knowledge through testing, practical
demonstration, or other tools deemed acceptable by the TCEQ. In order for a non-
contracted provider to be approved by the agency, the provider of a training course or
process must be sponsored by an association or industry organization recognized
nationwide or statewide with regard to its affiliation with regulated petroleum
underground storage tank (UST) systems. All providers will also be required to provide
training documentation, including on-going maintenance of records of certified
operators. Those records will be required to be accessible to the agency on an on-going
basis.

(2) Acceptable Training for Class C Operators.

(A) Class B operators must provide training or ensure that the UST
facility's Class C operators otherwise complete training in emergency procedures that
includes the information listed in §334.602(b)(3) of this title. Class C operator training programs may include in-class, hands-on, on-line, or any other training format deemed acceptable by the Class B operator.

(B) Class A and Class B operators must ensure that site-specific emergency procedures are maintained in an easily accessible location at the UST facility which is immediately available to the Class C operator, and that site-specific notices that include the location of emergency shut-off devices and appropriate emergency contact telephone numbers are posted in a prominent area at the UST facility that is easily visible to the Class C operator. For the purposes of this subsection, the phrase "easily accessible location" means located in a place and manner that allows a Class C Operator quick and immediate access to site-specific emergency procedures.

(b) Certification. Operators are considered certified operators after successfully completing one of the training processes listed in subsection (a) of this section.

(1) Class A and Class B Operators. Approved training providers must provide verification to all Class A and Class B operators who have successfully completed training, in the form of a written or printable electronic training certificate stating the classification and the date it was obtained. Owners and operators must ensure that training certificates are maintained at each facility, with copies of initial or new certificates provided to the TCEQ at the time that annual self certification is required for that facility.

(2) Class C Operators. A designated Class B operator for a given facility must provide the facility owner or operator with signed and dated written verification in the form of a list of all Class C operators who have been trained for that facility, which includes the date of that training. Owners and operators must ensure that a current and correct list of trained Class C operators is maintained at each facility.

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§334.604. Operator Training Deadlines.

(a) No later than August 8, 2012, owners or operators of underground storage tank (UST) facilities must designate at least one Class A, Class B, and Class C operator for each facility who has completed an acceptable operator training course as specified in §334.603 of this title (relating to Acceptable Operator Training and Certification Processes).

(b) Class A or Class B operators designated by a UST facility owner or operator after August 8, 2012, must complete an acceptable operator training course as specified in §334.603 of this title, prior to assuming operation and maintenance responsibilities at the UST facility.
(c) Class C operators designated by a UST facility owner or operator after August 8, 2012, must complete an acceptable operator training course as specified in §334.603 of this title, prior to assuming unsupervised responsibility for responding to emergencies at UST system facilities.

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§334.605. Operator Training Frequency.

(a) Certified Class A and Class B Operators must be re-trained in accordance with §334.602 and §334.603 of this title (relating to Designation and Training of Classes of Operators; and Acceptable Operator Training and Certification Processes, respectively) within three years of their last training date.

(b) Certified Class C operators must be re-trained in accordance with §334.602 and §334.603 of this title within three years of their last training date. In addition, Class C operator training is only applicable at the specific facility for which the training was provided.

(c) If an underground storage tank (UST) facility receives a notice of violation and the agency determines that the UST facility is in significant noncompliance, the designated Class B operators for that UST facility, must attend either a Texas Commission on Environmental Quality (TCEQ) approved compliance class that addresses the noted noncompliant areas or an acceptable operator training course as specified in §334.603 of this title, within the time frame specified by the TCEQ for that violation. Class B operators are not, however, required to attend such training more than once every 12 months, regardless of the number of their designated facilities found in violation. (For the purposes of this subchapter, "significant noncompliance" is defined as the failure to provide one or more of the following in accordance with applicable TCEQ rule or Environmental Protection Agency Significant Operational Compliance guidelines: release detection, spill/overfill prevention, corrosion protection or financial assurance.)

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Owners and operators of underground storage tank facilities (except unmanned facilities) must maintain required training certification documentation as described in §334.603(b) of this title (relating to Acceptable Operator Training and Certification Processes) on-site and must provide it upon request to a Texas Commission on Environmental Quality (TCEQ) or TCEQ-authorized investigator. Documentation may be maintained electronically off-site if that facility has the capability of producing a clear printed copy which can be provided to a TCEQ or TCEQ-authorized investigator within 72 hours of the time of the investigation. Owners and operators of unmanned facilities
must provide documentation as requested by a TCEQ investigator or TCEQ-authorized investigator.

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