

§ 6991i. Operator training**(a) Guidelines****(1) In general**

Not later than 2 years after August 8, 2005, in consultation and cooperation with States and after public notice and opportunity for comment, the Administrator shall publish guidelines that specify training requirements for—

- (A) persons having primary responsibility for on-site operation and maintenance of underground storage tank systems;
- (B) persons having daily on-site responsibility for the operation and maintenance of underground storage tanks systems; and
- (C) daily, on-site employees having primary responsibility for addressing emergencies presented by a spill or release from an underground storage tank system.

(2) Considerations

The guidelines described in paragraph (1) shall take into account—

- (A) State training programs in existence as of the date of publication of the guidelines;
- (B) training programs that are being employed by tank owners and tank operators as of August 8, 2005;
- (C) the high turnover rate of tank operators and other personnel;
- (D) the frequency of improvement in underground storage tank equipment technology;
- (E) the nature of the businesses in which the tank operators are engaged;
- (F) the substantial differences in the scope and length of training needed for the different classes of persons described in subparagraphs (A), (B), and (C) of paragraph (1); and
- (G) such other factors as the Administrator determines to be necessary to carry out this section.

(b) State programs**(1) In general**

Not later than 2 years after the date on which the Administrator publishes the guidelines under subsection (a)(1), each State that receives funding under this subchapter shall develop State-specific training requirements that are consistent with the guidelines developed under subsection (a)(1).

(2) Requirements

State requirements described in paragraph (1) shall—

- (A) be consistent with subsection (a);
- (B) be developed in cooperation with tank owners and tank operators;
- (C) take into consideration training programs implemented by tank owners and tank operators as of August 8, 2005; and
- (D) be appropriately communicated to tank owners and operators.

(3) Financial incentive

The Administrator may award to a State that develops and implements requirements described in paragraph (1), in addition to any funds that the State is entitled to receive

under this subchapter, not more than \$200,000, to be used to carry out the requirements.

(c) Training

All persons that are subject to the operator training requirements of subsection (a) shall—

- (1) meet the training requirements developed under subsection (b); and
- (2) repeat the applicable requirements developed under subsection (b), if the tank for which they have primary daily on-site management responsibilities is determined to be out of compliance with—
 - (A) a requirement or standard promulgated by the Administrator under section 6991b of this title; or
 - (B) a requirement or standard of a State program approved under section 6991c of this title.

(Pub. L. 89-272, title II, §9010, as added Pub. L. 98-616, title VI, §601(a), Nov. 8, 1984, 98 Stat. 3287; amended Pub. L. 109-58, title XV, §1524(a), Aug. 8, 2005, 119 Stat. 1095.)

REFERENCES IN TEXT

August 8, 2005, referred to in subsec. (b)(2)(C), was in the original “the date of enactment of this section”, which was translated as meaning the date of enactment of Pub. L. 109-58, which amended this section generally, to reflect the probable intent of Congress.

AMENDMENTS

2005—Pub. L. 109-58 amended section catchline and text generally. Prior to amendment, text read as follows: “For authorization of appropriations to carry out this subchapter, see section 6916(g) of this title.”

§ 6991j. Use of funds for release prevention and compliance

Funds made available under section 6991m(2)(D) of this title from the Trust Fund may be used to conduct inspections, issue orders, or bring actions under this subchapter—

- (1) by a State, in accordance with a grant or cooperative agreement with the Administrator, of¹ State regulations pertaining to underground storage tanks regulated under this subchapter; and
- (2) by the Administrator, for tanks regulated under this subchapter (including under a State program approved under section 6991c of this title).

(Pub. L. 89-272, title II, §9011, as added Pub. L. 109-58, title XV, §1526(a), Aug. 8, 2005, 119 Stat. 1097.)

§ 6991k. Delivery prohibition**(a) Requirements****(1) Prohibition of delivery or deposit**

Beginning 2 years after August 8, 2005, it shall be unlawful to deliver to, deposit into, or accept a regulated substance into an underground storage tank at a facility which has been identified by the Administrator or a State implementing agency to be ineligible for such delivery, deposit, or acceptance.

(2) Guidance

Within 1 year after August 8, 2005, the Administrator shall, in consultation with the

¹ So in original.