



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 April 1, 2016.



RED TAG NOTIFICATION

NOV UST: ○

NOV Operator Certification ●

Dear UST owner or operator:

Due to a state of non-compliance with federal and state Operator Certification requirements a red tag has been immediately placed at the fill pipe on all of your underground storage tanks (UST). The attached red tag form contains information specific to your facility. There may be other reasons a red tag has been placed on a UST such as defective equipment or exceeding out of service time requirements, which are not related to the Operator Certification NOV. Compliance of the violations(s) listed on the Operator Certification NOV will satisfy only the Operator Certification NOV, not any others. Please read and follow the listed guidelines below to ensure an expedient red tag removal:

- Once a red tag is applied, any remaining fuel in the UST may be dispensed; however, no fuel may be deposited into that UST.
- Ordering or depositing fuel in a UST with a red tag on it can result in a fine for as much as \$10,000.00 per day to the owner/operator or the depositor.
- Once a red tag for a cited Operator Certification violation is applied to a UST, only full compliance of the Operator Certification NOV will allow removal of the red tag.
- Only a representative of the Office of the Illinois State Fire Marshal or Chicago Dept of Public Health (CDPH) can remove a red tag for any reason. **DO NOT REMOVE THE RED TAG!**
- Once your facility has achieved full compliance with the violation(s) cited on the Operator Certification NOV, contact the Storage Tank Safety Specialist (STSS) or CDPH immediately, to set up an appointment for red tag removal. The STSS or CDPH inspector will return as soon as his/her schedule allows.
- Continued non-compliance of the Operator Certification program, is a violation of both state and federal regulations. The red tag program has been instituted by the State of Illinois to ensure compliance requirements are met and minimize future product releases.
- If the red tag remains on the tank over 90 days the tank shall be emptied to 1" or less.

Signature unobtainable

Signature refused

Signature _____

X

person _____ title _____

Storage Tank Safety Specialist (Signature)

Exit interview given to _____ Title _____

Phone: _____