

401 KAR 42:095. Lender liability.

RELATES TO: KRS 224.10, 224.60, 40 C.F.R. Part 280 Subpart I, 42 U.S.C. 6991c

STATUTORY AUTHORITY: KRS 224.10-100, 224.60-105, 224.60-120

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 requires the cabinet to develop and conduct programs that provide for the prevention, abatement, and control of contaminants that may threaten the environment. KRS 224.60-105 requires the cabinet to regulate underground storage tanks by requiring registration, minimum construction and performance standards, leak detection, recordkeeping, release reporting, corrective action, closure, financial responsibility, and other requirements to protect public health and the environment. KRS 224.60-105(3) requires the cabinet to establish a regulatory program that implements federal requirements for UST systems. This administrative regulation establishes requirements for lender liability.

Section 1. Definitions. Definitions shall be as established in 40 C.F.R. 280.200.

Section 2. Participation in Management. Requirements for participation in management shall be as established in 40 C.F.R. 280.210.

Section 3. Ownership of an UST or UST System or Facility or Property on which a UST or a UST System is Located. Criteria to prevent a holder from acquiring ownership status shall be as established in 40 C.F.R. 280.220.

Section 4. Operating a UST or a UST System. Criteria to prevent a holder from acquiring operator status for a UST or a UST system shall be as established in 40 C.F.R. 280.230.

Section 5. Extensions. (1) The holder of a UST system may request an extension to a deadline established by this administrative regulation or established by the cabinet in writing pursuant to this administrative regulation.

(2) The extension request shall be submitted in writing and received by the Underground Storage Tank Branch of the Division of Waste Management prior to the deadline.

(3) The cabinet shall grant an extension, if an extension would not have a detrimental impact on human health or the environment. (37 Ky.R. 2775; 38 Ky.R. 529; eff. 10-6-2011; Crt eff. 10-9-2018.)