

401 KAR 42:050. UST system release reporting, investigation, and confirmation.

RELATES TO: KRS 224.01-400(11), 224.10, 224.60, 40 C.F.R. Part 280 Subpart E, 42 U.S.C. 6991c

STATUTORY AUTHORITY: KRS 224.10-100, 224.60-105

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 actions, closures, 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 to implement federal requirements for underground storage tanks. 401 KAR Chapter 42 identifies requirements for underground storage tanks. This administrative regulation establishes the requirements for reporting of suspected UST system releases and investigation of off-site impacts.

Section 1. UST System Release Reporting. (1) Reporting of suspected releases shall be as established in 40 C.F.R. 280.50; and

(2) A suspected or confirmed UST system release shall be reported immediately to the Environmental Response Branch at (800) 928-2380 or (502) 564-2380.

Section 2. Declared Environmental Emergencies for UST Systems. During the course of an environmental emergency declared by the Environmental Response Branch, the cabinet shall have the authority to prevent delivery, deposit, or storage of regulated substances and require all actions necessary to protect human health and the environment.

Section 3. Investigation Due to Off-site Impacts. Investigations due to off-site impacts shall be as established in 40 C.F.R. 280.51.

Section 4. Suspected Release Investigation and Confirmation Steps. (1) Steps for suspected release investigation and confirmation shall be as established in 40 C.F.R. 280.52; and

(2) Owners and operator shall perform a site check in accordance with the Site Check Outline, incorporated by reference in 401 KAR 42:060, if directed in writing by the cabinet.

Section 5. Reporting and Cleanup of Spills and Overfills. (1) Except as established in subsection (2) of this section, reporting and cleanup requirements for spills and overfills shall be as established in 40 C.F.R. 280.53.

(2) The reporting requirements for spills and overfills for diesel shall be as established in KRS 224.01-400(11).

Section 6. Extensions. (1) With the exception of the reporting requirements in Sections 1(2) and 5 of this administrative regulation, the owner or operator 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. (17 Ky.R. 1641; eff. 12-19-1990; 32 Ky.R. 2120; 33 Ky.R. 739; eff. 9-13-2006; 37 Ky.R. 2702; 38 Ky.R. 523; eff. 10-6-2011; Crt eff. 10-9-2018.)