



UST

QUARTERLY



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Commonwealth of Kentucky
Steven L. Beshear, Governor

Energy and Environment Cabinet
Leonard K. Peters, Secretary

Department for
Environmental Protection
R. Bruce Scott, Commissioner

Division of Waste Management
Anthony R. Hatton, Director

Underground Storage
Tank Branch
Robert H. Daniell, Manager

Manager's Report

As we enter into the new legislative session in January 2010, many UST stakeholders will be watching. At that time Kentucky lawmakers will determine the amount to be appropriated for Petroleum Storage Tank Environmental Assurance Fund (PSTEAF) reimbursement funding for the next two fiscal years beginning July 1, 2010. It is this funding that reimburses UST owners for cleanup costs related to contamination stemming from leaking underground storage tanks.



Since the implementation of the new regulations in 2006, annual expenditures from the PSTEAF for claim payments have increased each year. We are on pace to reimburse upwards of \$20 million this fiscal year which started July 1, 2009. That represents an increase from \$9.2 million, \$11.4 million and \$16.7 million for fiscal years 2007, 2008 and 2009 respectively. These increases are due to two chief factors: overcoming the learning curve on the new regulatory processes both internal and external to the UST Branch, and the transition from assessing contaminated sites to the actual cleanup of contaminated sites based on data gathered from those assessments. The increasing trend in annual PSTEAF reimbursements is expected to continue as more contaminated sites proceed into the more costly stages of formal corrective action.

The most effective action we can take to sustain budgeted funding is to fully utilize what we are appropriated. That requires everyone's efforts to keep contaminated sites moving through the cleanup process and continue to diligently work toward restoring groundwater resources and creating a safe environment for those who live or work around these sites.

There entails a primary purpose for this newsletter: to provide an avenue for sharing information and in this case, information that will aid in expediting the corrective action process. We appreciate you taking the time to read these newsletters as they are issued and hope you find this, and previous editions useful.

Robert H. Daniell, Manager
Underground Storage Tank Branch

No *Signature* Neighbor

If your neighbor won't sign an off-site access agreement, that doesn't mean you're stuck in regulatory limbo with no end in sight. Unfortunately, soil and groundwater contamination can and will move to off-site properties, so we deal with this on a regular basis. Don't let this hold up the cleanup of your site—keep moving forward. There are step-by-step directions in section 11.0 of the Site Investigation Outline that tell you exactly what to do in this situation. Included are specific time frames. Don't let the lack of a signature equal the lack of progress on your site.

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To report a release or suspected release call the ERT hotline.
1-800-928-2380



Q: *What is the most common form of tank release detection used today?*

Find the answer on Page 2 ...

Visit us on the Web today at www.waste.ky.gov/branches/ust.

Cleanup Progress

We work as a team every day to better serve the citizens of the Commonwealth through our comprehensive program. In addition to scanning 226,472 pages, completing 19,814 incoming document reviews, collecting \$389,726 in tank fees, reimbursing \$19.27 million in cleanup costs - the UST Branch issued 400 NFA (no further action) letters to UST facility owners over the last federal fiscal year that ended in September 2009.

“This is truly a remarkable accomplishment and is a testament to your ability to work as a team, and is reflective of your dedication to your jobs,” said Anthony Hatton, Director of the Kentucky Division of Waste Management.

NFA letters are issued when it has been demonstrated that levels of contamination in soil and/or groundwater are below allowable levels and all requirements have been met. Many times NFA letters are required by financial institutions in order to loan money for the purchase of a property.

This is much more than an accomplishment of our agency. It is also an accomplishment of the owners, operators, contractors and many others who also worked hard throughout this past federal fiscal year. We would like to take this opportunity to say thank you to everyone that works diligently to help us clean up soil contamination, restore groundwater resources and improve communities across the Commonwealth.



“This ... is reflective of your dedication to your jobs.”

Emergency Response

“The nozzle didn’t cut off when it was supposed to and gasoline just continued to flow onto the concrete by the island.” This describes an incident that might occur at a UST location that would be classified as an emergency.

A suspected or confirmed aboveground release such as a spill or overflow of petroleum product(s) in excess of 25 gallons must be reported immediately to the Environmental Response Team (ERT) at 800-928-2380. Any spill or overflow less than 25 gallons that cannot be cleaned up within 24 hours must also be reported to the ERT. If there is a danger of fire or explosion from a release or resulting vapors, contact the local fire department or disaster and emergency services immediately.

Some items to keep on hand just in case of a surface spill include spill control pads, spill control booms, absorbent clay material such as kitty litter, material to cover/secure storm drains, a spark-proof shovel and a broom. Never wash regulated substances into the sewer. For more information on the ERT, you can visit their Web site at www.dep.ky.gov/enviroemergencies.

Additional UST-specific guidance can also be found in The Kentucky UST Release Response and Initial Abatement Outline on our Web site.



To report a release or suspected release call the ERT hotline. 1-800-928-2380

A: (from Page 1)
ATG (Automatic Tank Gauge) is the chosen method of leak detection for most tank owners.

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Hiring an Environmental Consultant



Do your homework before signing on the dotted line.

Investigation and cleanup of a release is the responsibility of the underground storage tank owner. Careful consideration should be taken when selecting an environmental firm to conduct the required work. The same care should be taken when hiring an environmental consultant as with hiring any other contractor or employee. Several things can be done prior to committing to an environmental firm to provide better protection from delay, incompetent work practices, unexpected expenses, and frustration. Here is a list of tips to consider while choosing an environmental firm to assist you in your efforts:

- ◆ **Ask about experience.** Ask each potential firm about their level of experience and the experience of the project manager

that may be selected to oversee your project. Specifically ask how much exposure the project manager has had in situations such as yours, including whether they have dealt with the Kentucky Underground Storage Tank Branch, and their specific experience properly handling soil and water samples.

- ◆ **Request references and check them.** Consulting firms may initially offer a list of high profile success stories. That is great but still do your homework. Request references from previous clients in your area, and verify the information by contacting these clients. Ask how the firm performed in important areas.
- ◆ **Determine the work load and resource availability.** Ask each potential firm about scheduling, the availability of the equipment and personnel needed to complete your project, and projected start and completion dates.
- ◆ **Ask about reimbursement.** Ask about former clients' success receiving PSTeAF reimburse-

ment for their work. Verify the information by contacting these clients.

- ◆ **Ask what approach they are considering for your site.**

Look for consultants that consider possible alternatives rather than consultants that seem to only consider one set procedure. Be skeptical of those who only use technical jargon and cannot properly explain procedures in plain language.

The responsibility remains with the underground storage tank owner even after the consulting firm has been selected. Stay in close communication with all parties involved in the project from initiation to completion. Utilize your right to review the project status and progression through briefings and consistent communication. Don't assume the consultant is taking care of everything. Follow up and make sure everything is being done to resolve the site. You are encouraged to periodically contact the technical reviewer for your site at the Kentucky Underground Storage Tank Branch, who will answer any questions or concerns regarding your facility.

Closures Prior to April 18, 1994

There have been some questions on how to go about getting an NFA (no further action) letter for UST systems that were permanently closed prior to April 18, 1994.

To avoid performing needless site work and racking up unnecessary costs, it is important to be aware of the requirements. We recently posted additional guidance on this topic on our Web site on the page titled Regulations, Statutes, Forms and Outlines under the Backlog Regulations section. If you think your tanks fall into this category and you have questions, please contact us prior to scheduling site work. We are here and ready to help.





Underground Storage Tank Branch
200 Fair Oaks Lane
Frankfort, KY 40601



Important
Program
Information
Enclosed!

That's Not My UST ... or is it?

Did you recently sell a UST facility, buy or inherit property with USTs? If ownership of the UST system changes, it is very important to make that change official with the UST Branch, by submitting the right paperwork to us. A new **UST Facility Registration Form DEP7112** must be completed and submitted to us within 30 days of the UST system ownership change. The new owner's signature is required on this form. The most recently submitted registration form

supersedes all previously submitted registration forms for the UST facility. It is the responsibility of the owner on our system to make sure the appropriate forms are filled out and submitted to the UST Branch.



This newsletter is best viewed electronically.

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