



UST QUARTERLY



The Newsletter of the Kentucky Underground Storage Tank Program

Volume 3, Issue 4
2012

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
Edward J. Winner, Manager

Inside this issue:

New Regulations, Brighter Future	1
List of UST Facilities with USTs Ineligible for Delivery or Deposit	2
UST Q&A	2
Cleanup Update: UST Facility Reclassification, Ranking and Directives	3
Kentucky Operator Training	3
Online Services Available	3
Proposal to Revise Federal UST Regulations	4

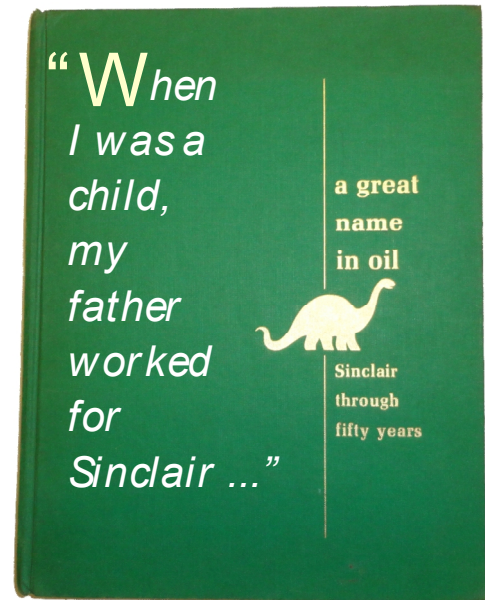
New Regulations, Brighter Future

By Edward J. Winner

When I was a child, my father worked for Sinclair. I had dinosaur pajamas, dinosaur soap, and dinosaur toys. While dinosaurs fascinated me as a child, a book that presented the history of Sinclair captivated me. Filled with pictures of oil fields, refineries, gas stations, and, of course, dinosaurs, each page celebrated the power of gasoline and its offspring, the automobile. I look back on these memories with fondness; but nostalgia is a poor basis for building a future. The adman's vision of winged convertibles filled with happy families gave way to the 1973 oil crisis and, more to our present interest, the budding understanding that Dino (the dinosaur) was not solely confined to the gas tank.

I am confident that the new regulations will allow us to redouble our progress in applying mature, science based thinking to the remediation of underground storage tank (UST) properties. The end goal, for all of us, must be to appropriately close a site and get the property back into productive use while protecting human health and the environment.

Regardless of the changes Kentucky makes in its regulations, we will accomplish very little without the cooperation of the contractors. To this end, we are investigating ways in which we can allow contractors more latitude than has traditionally been allowed in previous years. I believe in allowing geologists and engineers to use the judgment their training and experiences



support. We cannot, however, approach this blindly. Procedures will first be pilot tested on select sites.

Regulators and contractors are not alone in dealing with the aftermath of leaking USTs. Some tank owners and property owners may feel sidelined and powerless in the process and simply want to know when the cleanup will be complete. Owners need to inform themselves concerning the cleanup process and to insist on timely and efficacious action from the contractor they select.

The UST Branch is not only interested in cleanup activities but also in prevention. Kentucky's adoption of the Energy Policy Act of 2005 provisions recognizes that prevention is the key to a better environment. Double wall tanks and piping, interstitial monitoring and operator training are some of the Energy Act provisions that are intended to help prevent future releases. Preventing releases, now, that's the key to a brighter future.



This newsletter is published by the Underground Storage Tank Branch with state funds and printed on recycled/recyclable paper when printed.

For more information, comments or story suggestions, please contact Virginia Lewis. She can be reached at Virginia.Lewis@ky.gov or 502-564-5981, ext. 4024.

To report a release or suspected release call the Environmental Response Branch.
1-800-928-2380



Edward J. Winner, Ph.D., became the new manager of the Kentucky Underground Storage Tank Branch on Nov. 16, 2011.

Visit our website today at <http://waste.ky.gov/ust>.

Now Available

List of UST Facilities with USTs Ineligible for Delivery or Deposit

Drivers and other individuals involved in deliveries can now use this new online list to determine which Kentucky UST facilities have one or more USTs ineligible for delivery or deposit of regulated substances. In most cases, the regulated substance will be fuel.

The online list is updated every five minutes with the most current information from the Department for Environmental Protection's database, TEMPO.

Two different Department for Environmental Protection agencies can add UST facilities to and remove UST facilities from the list. Each agency uses very different criteria.

Division of Waste Management

USTs may be ineligible for delivery or deposit due to required equipment not being installed, operational, or maintained. USTs may also be ineligible if required release detection is not performed or if a defective UST system component has caused a release of a regulated substance into the environment or into the interstitial space of the UST system. In these cases, the decision to declare a UST system ineligible for delivery or deposit is made by the Division of Waste Management in accordance with 401 KAR 42:045.

Delivery prohibition is invoked for the UST system(s) upon the issuance of the second Notice of Violation by the cabinet. If the Division of Waste Management is the listed as the "KY DEP Contact" on the list, contact Stephen Kent at stephen.kent@ky.gov or 502-564-5981, ext. 4776 for more information.

To date, 13 UST facilities have been placed on the list.

The List of UST Facilities with USTs Ineligible for Delivery or Deposit and accompanying information may be accessed on the UST Branch website at <http://waste.ky.gov/ust/dp>.

A "red tag" on a fuel port marks a UST system that is ineligible for delivery or deposit of a regulated substance.



Environmental Response Branch

USTs may be ineligible for delivery or deposit due to an environmental emergency. In these cases, the decision to declare a UST system ineligible for delivery or deposit is made by the Environmental Response Branch in accordance with 401 KAR 42:050.

During the course of an environmental emergency declared by the Environmental Response Branch, the cabinet may prevent delivery, deposit, or storage of regulated substances and will require all actions necessary to protect human health and the environment. If the Environmental Response Branch is listed as the "KY DEP Contact" on the list, contact Robert Francis at robert.francis@ky.gov or 502-564-2150, ext. 3381 for more information.

UST Q & A



Question

This question came from Mark Rust of Chase Environmental Group Inc. Mark asked, "When is a new tank system considered installed? Is it when the permit is approved? Is it when the tanks are set and backfilled/tested by the fire marshal? Other?"

Answer

"Installed means when the UST system, that is, tanks, pipes, and ancillaries, is in the excavated pit, backfilled, and surface graded. The completion of the underground components is emphasized. Installed for the system is not related to the dispensers, islands, paving the lot, etc. Installation is independent of the system being tested by the fire marshal," said Edward Winner, UST Branch Manager.

The Energy and Environment Cabinet does not discriminate on the basis of race, color, national origin, sex, age, sexual orientation, gender identity, religion, disability, ancestry or veteran's status and provides, on request, reasonable accommodations including auxiliary aids and services necessary to afford an individual with a disability an equal opportunity to participate in all services, programs and activities. To request materials in an alternative format, contact the Underground Storage Tank Branch, 200 Fair Oaks Lane, 2nd Floor, Frankfort, KY 40601 or call 502-564-5981, ext. 4024. Persons with hearing and speech impairments can contact the agency by using the Kentucky Relay Service, a toll-free telecommunication device for the deaf (TDD). For voice to TDD, call 800-648-6057. For TDD to voice, call 800-648-6056.

Visit our website today at <http://waste.ky.gov/ust>.

Cleanup Update *UST Facility Reclassification, Ranking and Directives*

Responses are needed.

Since Oct. 6, 2011, the date the new regulations went into effect, the UST Branch has issued 1,085 letters to UST owners and operators requesting reclassification information. As of mid-March, only 44% (477) of the responses have been received.



Although a small number of directives are going out presently, it is anticipated that UST staff may be able to start sending out significant numbers of directives in March, depending on how many responses to reclassification letters are received. The rate at which directives are released is constrained by available funds, the ability of UST staff to manage the workload, and the rate at which non-directed activities draw funds, that is, emergencies and state lead sites.

Within the new Kentucky UST regulations, the Classification Outline and the ranking system were revised. As a result, it is necessary for all UST facilities to be reclassified according to the new regulations, with the exception of those UST facilities that submitted a Notice of Intent or reported a release prior to April 18, 1994. Furthermore, a UST facility cannot be re-ranked until it is reclassified.

Reclassification and, consequently, the new rank determine when a reimbursable directive can be issued to a UST facility. In most cases, without the reclassification information and new rank, a reimbursable directive cannot be issued.

Clearly, it is important that the reclassification information be submitted as soon as possible so directives can be issued and the cleanup process can continue.

Responses to these requests (i.e., Facility Classification Guides and supporting documentation) may be submitted online. See the Online Services Article on this page for more information.

Online Services Available

In an effort to make doing business with the Commonwealth easier and greener, the UST Branch offers the following online services. For more details and to get started, go to the UST Branch website at <http://waste.ky.gov/ust> and just follow the electronic submittal links.

Operational Compliance Electronic Submittal Option



Submit the following operational compliance tests electronically:

- Cathodic Protection Surveys
- Line Tightness Tests
- Tank Tightness Tests
- Internal Lining Tests
- Line Leak Detector Tests

Site Assessment and Remediation Electronic Submittal Option

Facility classification guides, reports, deficiency responses, etc., that would normally go to the UST Closure, Additional Evaluation and Corrective Action Sections are now being accepted through this new online application.



Pay Annual Tank Fees

Pay annual tank fees online. These fees are assessed and notices are sent on July 1 of every year.



Kentucky Operator Training

Remember, you don't have to pay.

The UST Branch will be offering free operator training courses that will be available online in the near future. Per the federal law (2005 Energy Policy Act), states must ensure UST operators are trained according to state-specific training requirements by Aug. 8, 2012. For more information please visit the UST Branch website or contact the UST Branch Compliance Section at 502-564-5981.



Bright Ideas? Tell us what you think.

Let us know if there is something you would like to see in the UST Quarterly.

Send your ideas, suggestions and photos to Virginia Lewis.

Virginia.Lewis@ky.gov
502-564-5981, ext. 4024



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



**Important
program
information
is enclosed!**

Proposal to Revise Federal UST Regulations

Public Comment Period Extended

The Environmental Protection Agency (EPA) is proposing revisions to strengthen the 1988 federal underground storage tank (UST) regulations by increasing emphasis on properly operating and maintaining UST equipment. The revisions are intended to help improve prevention and detection of UST releases, which are among the leading sources of groundwater contamination. This is the first time the EPA has proposed significant revisions to the federal UST regulations since they were first promulgated in 1988.

A Nov. 18, 2011 Federal Register notice was published by the EPA, which contained the proposed regulations and established a 90 day public comment period. Given the issues identified in the meantime and to ensure the opportunity for "robust" public involvement, the EPA

decided to provide an additional 60 days, extending the public comment period to April 16, 2012.

According to the EPA, several organizations requested an extension to the public comment period. Many of these requests focused on previously deferred tanks, including wastewater treatment tanks and airport hydrant systems at commercial airports, and the need to understand the potential impacts of the proposal on these systems.

Stakeholders also requested additional time to review the Petroleum Equipment Institute's (PEI) proposed standard RP1200, entitled *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities*.



Fast Facts

The EPA is proposing revisions to the 1988 federal UST regulations.

The public can submit comments on or before April 16, 2012.

For directions on how to submit comments and additional information, go to the EPA website at

www.epa.gov/oust/.

EPA Contact

Elizabeth McDermott
mcdermott.elizabeth@epa.gov
703-603-7175

Visit our website today at <http://waste.ky.gov/ust>.