



UST QUARTERLY



A Newsletter of the Kentucky Underground Storage Tank Program

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For more information, comments or story suggestions, please contact Virginia Lewis, editor of the UST Quarterly.

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502-564-5981, ext. 4024

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

Update: Kentucky UST Operator Training

Completion of Kentucky TOOLS (Tank Operator Online Learning System), has been delayed. Revised deadlines will be established for Designated Compliance Manager (DCM) designation and completion of Kentucky UST operator training. The revised deadlines will be officially communicated to UST owners and operators by mail and will be posted on the UST Branch website.

Per federal law, states are to ensure that UST operators are trained according to state-specific training requirements.

In Kentucky, there are two types of required UST operator training. *(continued on Page 2)*



Photo by Stephen Kent

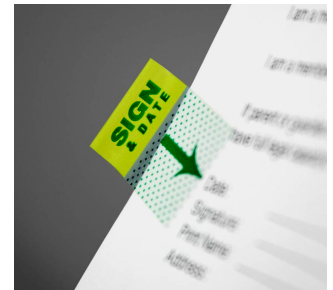
Cleaning Up UST Releases *Who hires the environmental consultant?*

Investigation and cleanup of a UST release is the responsibility of the UST owner or operator—and, in most cases, so is hiring an environmental consultant. 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.

Even after the consulting firm has been selected, it is important for the UST owner or operator to be involved. Don't assume the consultant is taking care of everything. Stay in close communication with all parties involved in the project from initiation to completion. Use your right to review the project status and progression through briefings and consistent communication. Follow up and make sure everything is being done to resolve any issues. Feel free to contact the Kentucky UST Branch with any questions or concerns regarding cleanup actions at your UST facility.

If dissatisfied with your environmental consultant, it may be necessary to review any existing contractual agreements you have with them and consider the possibility of hiring a different consultant.

The article, **Hiring an Environmental Consultant** (in the UST Quarterly, Volume 1, Issue 3), and lists of UST contractors and companies are posted on the UST Branch website. These resources may prove useful when obtaining a consultant.



In most cases, the UST owner or operator (not the Commonwealth) is responsible for hiring an environmental consultant to complete the necessary work. Many aspects of how the work is completed is contractual and is between the UST owner and their environmental consultant.

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

Update: Kentucky UST Operator Training *(continued from Page 1)*

Every employee associated with the operation of the UST system is required to have basic UST operator training. Only designated compliance managers (DCMs) will be required to go online and complete more in-depth operator training.

Basic UST Operator Training

All employees associated with the operation of the UST system must receive training in the following areas:

1. Response to equipment alarms;
2. Fire extinguisher operation;
3. Spill and overflow response;
4. Threat to the public or to the environment caused by spills or releases;
5. Emergency shut-off procedures; and
6. Contact telephone numbers in response to emergencies caused by a release or a threatened release from a UST system.

How this basic UST operator training is provided and who provides it is up to the UST owner or operator. It can be done in-house—this option is free other than any training materials that may be provided. There are also companies that offer this level of training (Class C operator training) online for a charge. Regardless of how this training is provided, the owner or operator must 1) maintain a list of all employees trained, 2) maintain written records of all training documentation supplied to UST facility employees and 3) make those records available to the cabinet upon request.



Photo by Stephen Kent

All employees associated with the operation of the UST system must receive the basic level of UST operator training, which includes response to equipment alarms.

Designated Compliance Manager (DCM) UST Operator Training

A UST owner of a system that is in active status or temporary closure status must designate a primary DCM. The owner may designate themselves or another individual. Associate DCMs may also be designated.

The primary DCM must successfully complete operator training through use of the cabinet training system. The cabinet training system is **Kentucky TOOLS** (Tank Operator Online Learning System). Individuals unable to use or access the cabinet training system must contact the UST Branch for assistance. The owner must ensure that the primary DCM successfully repeat the training annually, within twelve (12) months of the most recent training date.

By completion of operational training through Kentucky TOOLS, a DCM must demonstrate an in-depth understanding of:

1. UST system operation, maintenance, inspection, and testing requirements including, at a minimum: UST system spill prevention, overflow prevention, release detection, secondary containment, corrosion protection, product compatibility, and notification requirements as applicable to the current configuration of the UST system in accordance with 401 Kentucky Administrative Regulation (KAR) 42:020, 42:030, and 42:040;
2. UST system recordkeeping requirements in accordance with 401 KAR 42:030 and 42:040;
3. UST system release reporting, release response, temporary closure, permanent closure, initial abatement, and financial responsibility requirements in accordance with 401 KAR 42:050, 42:060, 42:070, and 42:090;
4. All relevant equipment and its compliance with performance standards in accordance with 401 KAR 42:030 and 42:040;
5. Requirements for delivery prohibition in accordance with 401 KAR 42:045; and
6. UST facility employee training requirements.



DCMs complete more in-depth operator training online through KY TOOLS.

For updates and more information on Kentucky UST operator training, go to the UST Branch website or contact Leslie Carr at Leslie.Carr@ky.gov or 502-564-5981, ext. 4778.

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>.

Notice on Task Rates

TO: UST Owners, Operators and UST Eligible and Certified Contractors
SUBJECT: Task Rates for analysis not addressed in 401 KAR 42:250, subsection 2.15
Effective Date: Sept. 4, 2012



Section 2.15 of the Contractor Cost Outline (July 2011), incorporated by reference in 401 Kentucky Administrative Regulation (KAR) 42:250, does not indicate a formulated task rate for some common analyses. In order to facilitate timely directives for completion of actions associated with the Oct. 6, 2011 regulations, analysis for HARDNESS, method SM2340B, will be reimbursed at a formulated task rate of \$18; METHANE, method SW846-3810, will be reimbursed at a formulated task rate of \$60; CARBON DIOXIDE, method SM2320B, will be reimbursed at a formulated task rate of \$52; TOTAL PHOSPHORUS, method SM4500-P, B+E or F, will be reimbursed at a formulated rate of \$40. If an analysis is conducted by methods other than those specifically cited, that data will be accepted and the directed amount paid if the method is a standard USEPA method and if the derived data addresses the intended purpose. Additionally, data will be accepted and the directed amount paid if the method is directed by the UST Branch. Concerning laboratory analyses not specified in this notice or addressed in subsection 2.15, tasks rates will be reimbursed based on the task rates established by agreement between the Division of Waste Management and the division's contract laboratory. As consistent with subsection 2.15, Laboratory Analysis, the task rates in this notice include the cost of preparing the samples for shipment, the cost of shipment, and associated sample containers.

For more information on this notice, contact UST Branch Manager Edward Winner at Edward.Winner@ky.gov or 502-564-5981, ext. 4782.

Future of UST Cleanup Funds

2012-2014 Budget of the Commonwealth and PSTEAF

This is to advise external stakeholders on the status of available Petroleum Storage Tank Environmental Assurance Fund (PSTEAF) funding through the end of fiscal year 2014 (June 30, 2014).

In the enacted state budget, the 2012-2014 Budget of the Commonwealth, it is anticipated that \$26.2 million for fiscal year 2013 and \$28.2 million for fiscal year 2014 will be required for operating expenses for the PSTEAF.

As of the beginning of fiscal year 2013, there are existing obligations in the amount of \$8.6 million from previous years.

Various actions will impact the amount available for new obligations including reimbursable actions directed under declared emergencies, state-lead actions, and reimbursable actions that do not require a written directive from the UST Branch.



More Information on Money Matters

- **2012-2014 Budget of the Commonwealth** can be viewed in its entirety on the Office of State Budget Director website at <http://www.osbd.ky.gov/publications/buddocs.htm>.
- **Budget Basics** is a helpful overview that discusses how the budget is made. Find it on Kentucky's Transparency Portal at <http://opendoor.ky.gov/transparency/budgetbasics>.
- **PSTEAF claims and payment** reimbursement information can be found on the UST Branch website at <http://waste.ky.gov/ust/financialassistance>.



Naturally Connected

KYDEP's New Blog

The Kentucky Department for Environmental Protection (KYDEP) launched Naturally Connected, a new online tool.

Through this site, KYDEP hopes to help you stay in touch with agency news, stories and announcements from all the divisions in the department.

To learn more about the KYDEP, Naturally Connected, and other social media efforts, go to the KYDEP website at <http://dep.ky.gov>.



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**



**UST Program
Information
Enclosed**

Double-Walled Spill Bucket: Hydrostatic or Vacuum Test?

By Brian Osterman, UST Operational Compliance

Recent changes in UST regulations regarding the requirement for double-walled spill buckets have raised questions from installers and contractors about appropriate testing methods for double-walled spill buckets. The most common question we have received is, *“Will hydrostatic testing be an acceptable test method for double-walled spill buckets?”*

In order to determine the appropriate test method for spill buckets, you must refer to the manufacturer’s recommendations. Following the recommendations specific to the equipment being tested will help ensure that the equipment is functioning properly and this, in turn, will aid in the prevention of releases.

Double-walled spill buckets have both primary and secondary containment, therefore most manufacturers require that a vacuum test be performed to ensure the integrity of the inner and outer wall. A hydrostatic test only ensures the integrity of the primary containment. Double-walled spill buckets are required so there will be secondary containment in place in case of a failure in the primary containment. For that reason, most spill bucket manufacturers will recommend testing both the primary and secondary containment through vacuum testing. Following this recommendation eliminates the possibility of a secondary containment failure that may go undetected if only the hydrostatic test were to be performed.



This spill bucket is undergoing vacuum testing. Photo courtesy of North Carolina Division of Waste Management.

If you have questions about how new operational compliance requirements may affect your facility, contact Brian Osterman at Brian.Osterman@ky.gov or 502-564-6716, ext. 4068.

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