



UST QUARTERLY



A Newsletter of the Kentucky Underground Storage Tank Program

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Legislature Extends Three Important Fund Deadlines for UST Owners and Operators

The Petroleum Storage Tank Environmental Assurance Fund (PSTEAF or the fund) was created to assist owners and operators of Kentucky petroleum underground storage tanks (USTs) in 1) meeting the federal financial responsibility requirement and by 2) providing reimbursement of eligible corrective action costs due to releases from petroleum UST systems.



The PSTEAF has three subaccounts used for UST Branch purposes. These are the Financial Responsibility Account (FRA), the Petroleum Storage Tank Account (PSTA) and the Small Owners Tank Removal Account (SOTRA).

If you rely or think you may need to rely on these accounts in any way, there are three important deadlines in the Kentucky Revised Statutes that you should know. These deadlines were extended in the most recent legislative session. Here are the applicable excerpts (including the extended deadlines) from the statutes:

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July 15, 2016—Registration—KRS 224.60-142(2)

The owner of any petroleum storage tank containing motor fuels currently existing, or removed from the ground after January 1, 1974, shall register the petroleum storage tank containing motor fuels with the cabinet prior to applying to the fund, and shall register the petroleum storage tank containing motor fuels **by July 15, 2016**. Owners or operators may submit affidavits and applications relevant to current petroleum storage tank accounts **through July 15, 2016**.

July 15, 2016—SOTRA—KRS 224.60-145(8)

... the small operator assistance account and small operator tank removal account established under KRS 224.60-130 shall continue in effect **until July 15, 2016**, and thereafter until all eligible claims related to tanks registered by that date are resolved, and sufficient money shall be allocated to and maintained in that account to assure prompt payment of all eligible claims, and to provide for removal of tanks for eligible owners and operators as directed by this chapter.

July 15, 2019—PSTA—KRS 224.60-130(1)(e)

... Reimbursements of corrective action projects performed under the petroleum storage tank account shall be carried out **on or before July 15, 2019**. Any corrective action costs incurred after this date shall not be eligible for reimbursement under the petroleum storage tank account ...

All reimbursement for UST-related activities comes from the PSTEAF. Monies for the PSTEAF come from an assurance fee of \$0.014 assessed on each gallon of gasoline and special fuels imported to Kentucky.

For more information on the fund deadlines, contact Edward Winner at Edward.Winner@ky.gov or 502-564-5981, ext. 4782.



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For more information, comments or story suggestions, please contact Virginia Lewis, editor of the UST Quarterly.
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To report a release or suspected release, call the Environmental Response Branch.
1-800-928-2380

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

Cleanup—Collecting Basic Site-specific Information

When a UST facility begins the cleanup process, site-specific details are collected through a process called classification. Classification determines the soil and groundwater screening levels (for contaminants) that are used to determine if further site assessment is needed.

This classification process was revised within the Kentucky UST regulations that went into effect on Oct. 6, 2011, making it necessary for UST facilities already in the cleanup process to reclassify.

Classification and reclassification require UST owners and operators to work with their contractors to submit up-to-date facility classification guides and supporting documentation to the Kentucky UST Branch.

If you are an owner or operator of a Kentucky UST facility in the cleanup process and have not filed classification documents, please contact your contractor or the UST Branch.*

** This does not apply to UST facilities for which a Notice of Intent was submitted or a release was reported prior to April 18, 1994.*

On the Level

From the perspective of a Kentucky UST program regulator, the cleanup process has historically involved looking at levels of contamination and site-specific details, and deciding on a course of action based on the final regulatory goals - **protect human health, protect the environment, and clean up UST sites.**

A key change in the 2011 Kentucky UST regulations is the introduction of looking at levels as screening tools—not as final cleanup goals. This is part of an approach to UST cleanups that is designed to allow more consideration of site-specific conditions and professional judgment.

No matter which levels are considered (screening levels, backlog screening levels, etc.), they are all now intended to be used early in the evaluation/cleanup process or after a UST facility has reclassified (see article above, “Cleanup—Collecting Basic Site-specific Information”).

Larry Hughes, UST corrective action supervisor, says, “Screening levels are based on protective values that can be broadly applied when certain common site conditions exist among broad categories of UST sites and very little other data has been gathered.

“It is a quick way to assess if ‘This site is done or needs more work,’ a quick form of triage if you will,” says Hughes.

In a cleanup situation that requires additional evaluation or corrective action, more site-specific information is collected and used together with professional judgment to clean up the site, in a way that is best tailored for the unique conditions at that site. Residual contaminant levels allowed to be left in place may be more or less stringent than the levels that were initially used to screen the site, but nevertheless, the final goals are to protect human health and protect the environment.

This is a monumental shift in the approach to UST cleanups in Kentucky. Historically, “allowable levels” were selected early and were applied throughout the entire cleanup process in a pass/fail manner to decide if a site is eligible for a no further action (NFA) letter. Although this was a simpler way to categorize and broadly address a large volume of sites, it was clear that regulations needed to change to allow more consideration to be given to unique site-specific factors and professional judgment, especially later in the cleanup process.

If you have questions regarding levels and how they are applied in the cleanup process to meet the regulatory goals, contact the UST Branch 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

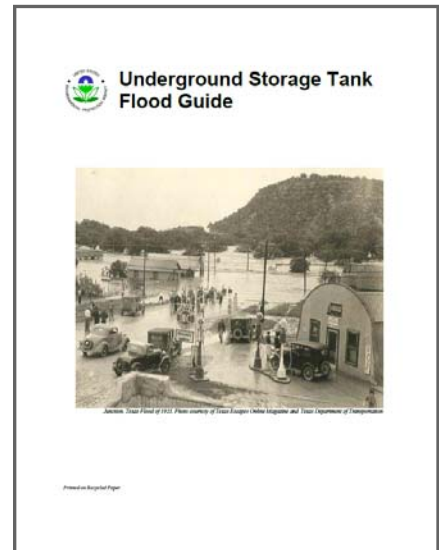
EPA's Underground Storage Tank Flood Guide

As we are all aware, heavy rains and flooding can be a problem in Kentucky. As an owner or operator of an underground storage tank (UST) facility, are you prepared? Do you know if your USTs are located in a flood area? Before a flood, what should you do? What if your tanks float? This new guide aims to help prepare for, prevent, or lessen the catastrophic effects and environmental harm that could occur as a result of flooded UST systems, as well as help return these UST systems to service as soon as possible.

The EPA designed this guide to provide simple guidelines and useful information for state, local and tribal authorities in the event of a threatened or actual flood.

The guide provides information about preparing for a flood, important actions after the disaster strikes, and information on financial assistance. It consolidates information from various federal, state, nongovernmental, and UST industry resources.

The EPA Underground Storage Tank Flood Guide can be found on EPA's website at <http://www.epa.gov/oust/pubs/ustfloodguide.htm>.



UST Facility Registration Current and Accurate Information is Required by Law

Did you recently sell a UST facility or buy or inherit USTs? If ownership of the UST system changes, you are required by law to notify the UST Branch by submitting the right forms.

A new **UST Facility Registration Form DEP7112 (September 2011)** must be completed and submitted to us within 30 days of the UST system ownership change. The new owner's notarized signature is required on this form (please sign with your legal name). The most recently submitted registration form supersedes all previously submitted registration forms for the UST facility.

It is the responsibility of the registered UST owner and the new UST owner to make sure the appropriate forms are filled out and submitted to the UST Branch.

Other common changes that require the submittal of an updated registration form include:

- Change in tank status (i.e., from active to temporarily closed)
- Change in the UST facility name
- Change in the type of product contained in the UST
- Change in UST facility operator

Kentucky law also requires that UST owners notify the UST Branch within 30 days of any change in their address. This can be accomplished by submitting an amended registration form or an **Address Change Form For Owners of UST Systems DEP0060 (April 2011)**.

All forms can be found on the Kentucky UST Branch website at <http://waste.ky.gov/ust>.



Online Services They're quick!

Use online services and make UST-related business with the Commonwealth quicker, easier and greener.

Submit Documents

Pay Annual Tank Fees

Complete Operator Training
(Coming Soon)

To get started, go to the UST Branch website at <http://waste.ky.gov/ust> and follow the links.



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



**UST Program
Information
Enclosed**

Are your underground storage tanks internally lined?

If so, make sure you will meet the upcoming deadline. Kentucky underground storage tanks (USTs) that only use internal lining for corrosion protection must meet regulatory requirements by the deadline, Dec. 22, 2013, or be closed. It is important to act now.

These tanks must have a manned entry integrity assessment and impressed current cathodic protection added by the deadline. This requirement has explicitly been in the Kentucky UST regulations since Oct. 6, 2011.

For more information on this requirement, contact Denise Dzurenka at Denise.Dzurenka@ky.gov or 502-564-5981, ext. 4607.



In this photo (left) the internal lining (green) is peeling off the inside of this UST and the tank walls are rusting.

Kentucky Operator Training Online System Nearing Completion

If you own an underground storage tank in Kentucky that is active or in temporary closure, expect to receive official notification in the mail, after this May, regarding operator training requirements.

Per federal law, states are to ensure that UST operators are trained according to state-specific training requirements. In Kentucky, online training will be offered through Kentucky TOOLS (Tank Operator Online Learning System). The construction and testing of the training system is nearing completion and it will be available soon.

Again, more information will be officially communicated to UST owners and operators by mail and updates will be posted on the UST Branch website.

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.



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