



# UST

## QUARTERLY



A Newsletter of the Kentucky Underground Storage Tank Program

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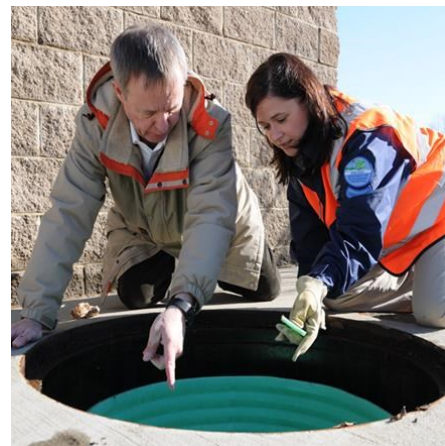
## Maintenance for UST Systems in Temporary Closure

By Chase Whitis, London Regional Office

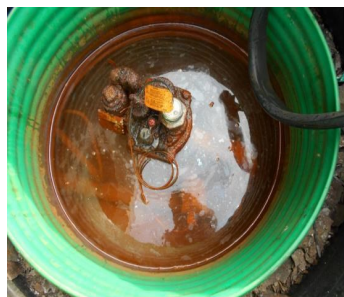
Inspectors often arrive at an Underground Storage Tank (UST) facility and discover that the UST system is out of service. Some owners/operators stop using one or more of their UST systems for a variety of reasons. Of those reasons, some of the most frequently encountered are decreased or seasonal fuel sales, the need for repairs or upgrades, changes in owner/operator, pending sales or bankruptcy, or property being used for other purposes. While there are many reason to stop using a UST system, you cannot just “walk away.” For inactive systems to be placed into proper Temporary Closure (TTC) and to remain in compliance, several requirements must be maintained.

Any UST system in Kentucky is considered temporarily closed when an owner/operator stops using the tank for more than 90 days. As outlined in 401 KAR 42:070 Section 2, the following requirements must be addressed for system(s) in Temporary Closure:

**Release Detection:** Any owner or operator of a tank containing greater than 1 inch of total product must maintain a method of tank and piping release detection that meets the requirements of the UST regulations, even if the system is not in operation. Annual release detection testing including electronic release detection equipment testing, line tightness testing and operational line leak detector testing must be conducted for systems containing greater than 1 inch of product. Owners/operators can render the temporarily closed systems “empty” (1 inch or less of product) in order to be exempted from release detection requirements. Inspectors will manually gauge tanks using water finding paste during each compliance inspection to verify product/water levels. If product levels exceed 1 inch, release detection records must be submitted to the Compliance Section in the UST Branch for review.



**Corrosion Protection (CP):** Any metal component that would routinely contain product must be either completely isolated from soil, water, backfill or have CP. Owners and operators of systems equipped with cathodic protection must continue to perform and submit routine three year testing/evaluation within required time frames. If impressed current is utilized for CP, electricity must be maintained to the rectifier box. The need to keep power to the rectifier continues without regard to business bankruptcy or impending property sale. The impressed cathodic protection (ICP) rectifier must be inspected at least once every 60 days and the readings must be recorded. The recorded readings and the dates on which those readings were collected are part of the documentation the inspector will request as part of any compliance inspection.



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For more information, comments or story suggestions, please contact Edward Winner, Branch Manager at [edward.winner@ky.gov](mailto:edward.winner@ky.gov) or 502-782-6779.

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

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

**Vented and Locked:** UST systems in temporary closure for more than three months should be secured. All vent lines must remain open and functioning. All pumps, man ways, ancillary equipment and other lines must be capped and secured. Owners/operators should ensure that all lids, dispensers and other equipment are accessible for any upcoming UST compliance inspections. *NOTE: If fill ports are padlocked and inaccessible the inspector may request access to systems to verify product levels and/or overfill equipment.*

**Release Reporting:** If a UST system release is suspected or confirmed, the owners and operators shall comply with UST release reporting standards as outlined in 401 KAR 42:050 and 42:060. Releases can be reported to the Division's 24-hour Release Reporting Hotline at **1-800-928-2380**.

**Amended Registration:** An amended UST Facility Registration Form (DEP7112) must be submitted to the UST Branch for systems that have been temporarily closed for more than six months. The registration must note that the UST system(s) have changed to temporary closure status. Original forms must be signed/notarized and forwarded to the UST Branch in Frankfort.

**DCM Training:** UST Facilities with systems in Temporary Closure must have a Designated Compliance Manager (DCM) officially identified. DCMs must complete all KY TOOLS modules required for the UST Facility. DCM certification will remain valid for twelve months from date of previous certification.

UST FACILITY REGISTRATION FORM			
	KENTUCKY DEPARTMENT FOR ENVIRONMENTAL PROTECTION	Mail completed form to: DIVISION OF WASTE MANAGEMENT UNDERGROUND STORAGE TANK BRANCH 200 FAIR OAKS LANE, SECOND FLOOR FRANKFORT, KENTUCKY 40601 502-564-5981 <a href="http://waste.ky.gov/ust">http://waste.ky.gov/ust</a>	FOR STATE USE ONLY
I. GENERAL INFORMATION			
AGENCY INTEREST NUMBER:		NUMBER OF UST SYSTEMS AT THIS UST FACILITY:	
TYPE OF REGISTRATION			
<input type="checkbox"/> New UST System Installed <input type="checkbox"/> Temporarily Closed UST System <input type="checkbox"/> Updated Tank Information			

**Tank Fees:** Annual tank fees are required to be submitted to the UST Branch for UST Facilities in Temporary Closure.

**Return to Active Status:** If a UST system is temporarily closed for more than twelve months, and meets the performance standards for corrosion protection, spill containment and overfill prevention and leak detection in accordance with 401 KAR 42:020, 42:030 and 42:040, owners and operators shall conduct tank and piping tightness tests prior to returning the UST system to operation. All testing results must be submitted to the Division within 30 days of testing completion. Upon reactivation, an amended UST Facility Registration Form (DEP7112) must be submitted to reflect the change to active tank status.

## Who Owns this UST System?

By Ed Winner, UST Branch Manager

A UST system is both a significant asset and a potential liability. Transfer of ownership for USTs is a substantial property transfer, like buying a car or a house. As such, the transfer must be documented.

If you sell a UST system, you have 30 days to submit a copy of a properly executed deed or legal document demonstrating that the UST system has been sold. Without this documentation, the UST Branch may deny UST registration to the buyer, and you the seller will continue being liable for the system. See 401 KAR 42:020 (3).

The simple submission of a registration, and the acceptance of the registration form by the UST Branch, may result in the registered owner being treated as the owner of the UST system in regards to daily compliance issues, but registration, in itself, does not have the power to transfer actual ownership.

By both statute and regulation, you cannot register a UST system without owning the system. Owning the UST system is marked by the indices of control associated with ownership. For example, the owner of a UST system can remove that system from the property without another's approval, can prevent another individual from using the system, and can lease the system to another person.

The owner of a UST system is required to maintain the system in compliance with state and federal regulations. For this reason, many UST owners choose to require a lessee to register as the UST owner. While this informs the lessee that the UST owner expects the lessee to be responsible for compliance, merely having a lessee registered as owner does not protect the true owner from liability for compliance and releases.

## Waste Management at UST Closure Sites

By Todd Mullins, Supervisor, Corrective Action Section II

As any environmental contractor with UST closure experience knows, removing UST tanks and piping is a messy business. Even if the tanks are in good shape and a release is not evident, it is common to find petroleum or a petroleum/water mixture in one or more tanks. After this material has been removed, solids and liquids that could not be extracted through pumping may remain behind. This remaining material must be properly managed along with any cleaning liquids or materials used. 401 KAR 42:070, Section 7 of the UST Closure Outline establishes how tank contents, residual tank materials, and cleaning liquids or materials are to be managed following closure.

**Tank Contents** are defined in 401 KAR 42:005 as “accumulated tank water, bottom sediments, or mixture of product and water that is removed from a tank at one time by the same method and that is accepted by a recycling facility.” By definition, tank contents are removed using a one-step process, typically pumping. Tank contents are not considered a waste if they are either a pure product that will subsequently be used for its intended purpose, or an off-spec commercial chemical product that is to be reclaimed at a permitted recycling facility. The UST Branch requires a receipt from the recycling facility containing all information required in Section 7.1 of the Closure Outline.

Any material remaining in a UST following removal of the tank contents falls into the category of **residual tank material**. Unlike tank contents, all residual tank materials generated following removal of the tank contents are considered waste subject to a hazardous waste determination. Waste cleaning liquids and materials are also subject to a hazardous waste determination. When these materials are removed from tanks that at some point during their service life contained gasoline, kerosene, aviation fuel or any other fuel known to contain measurable levels of benzene, a hazardous waste determination should be made to determine if the characteristic of ignitability or toxicity exist. Alternatively, the material may be declared a hazardous waste (e.g. D001 - ignitable, D018 – benzene) and be transported to a permitted hazardous waste treatment, storage or disposal facility. In the case of tanks that can be shown to have only contained diesel fuel, generator/UST owner knowledge, along with the results of tests by the removal contractor, may be sufficient to declare residual tank material removed from these tanks non-hazardous.

If an eligible company is unsure whether it has generated a hazardous waste, or is uncertain how to manage such waste, it should contact the Kentucky Division of Waste Management Hazardous Waste Branch at (502) 564-6716.

## Regulatory Changes for Registration and Tank Fees

By Lola Lyle, Supervisor, Administrative Section

Regulations regarding UST registrations and tank fees have been recently changed. In accordance with 401 KAR 42:045, if you fail to submit a completed UST Facility Registration Form DEP7112 (Sept. 2011), or if your annual tank fees are past due by more than one year, delivery prohibition can occur. Once delivery prohibition has been invoked, the applicable UST system(s) will be ineligible for delivery, deposit or acceptance of regulated substances. Delivery prohibition means that a tag indicating product cannot be delivered to that UST would be placed on the fill port of all deficient USTs. In addition, the UST facility would be listed on a web page informing distributors of the delivery prohibition status of the UST system(s).

As stated in 401 KAR 42:020, a UST Facility Registration Form DEP7112 (Sept. 2011) must be submitted within thirty days of any change in information contained within the most recently submitted form. UST owners must pay tanks fee of \$30 per underground storage tank, including temporarily closed tanks, each fiscal year (July 1 – June 30).



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UST Program  
Information  
Enclosed

## **REMINDER: Kentucky's Tank Operator Online Learning System (TOOLS) training must be completed every year by all Designated Compliance Managers (DCMs).**



The month and day that the training was completed the first time is the date when training is due again. Each DCM will receive an email 30 days prior to that date, as a reminder that training is due. After receiving that email, the DCM may log into TOOLS (<https://secure.kentucky.gov/ust/toolstraining>) at any time to complete the next year's training.

Anyone who is unsure of their required re-training date can log into TOOLS, select DCM Home, select Edit Account and find the date. This will also provide the list of facilities with which the DCM is linked. While logged in, the Underground Storage Tank Branch (USTB) Compliance Section recommends reviewing and updating contact information.

To get questions answered or receive assistance with TOOLS, click the Contact Us button located at the bottom of the TOOLS website or call the USTB Compliance Section at **502-564-5981** ask to speak with compliance staff.

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