

# UST Systems Permanently Closed Prior to April 18, 1994

There are important dates to consider when addressing UST systems that were permanently closed\* prior to April 18, 1994.

## **January 1, 1974**

UST systems of any kind that were emptied of product before January 1, 1974, and don't presently contain more than one inch of product/residue aren't regulated by the UST Branch. To determine if any further action is required on these UST systems, contact the Superfund Branch at 502-564-6716.

## **December 22, 1988**

On this date the US EPA enacted federal regulation 40 CFR Part 280 which gives the UST Branch the authority to require assessments for any UST systems closed prior to December 22, 1988.

Presently, if there is no threat to human health, safety or the environment, the UST Branch does not require assessment of UST sites in which the tanks were permanently closed prior to December 22, 1988. Threats to human health, safety or the environment include but are not limited to the following:

- Groundwater contamination
- Fumes or odors
- Sheen on surface water
- Free-phased product

Contact the Emergency Response Team at 800-928-2380 if you find any of these conditions.

If no threats to human health, safety or the environment exist, your UST system was permanently closed prior to December 22, 1988, and you are requesting a letter from the UST Branch stating:

- You are not required to do anything else with the UST System.  
A "Pre-88 letter" may be requested from the UST Branch. This letter indicates that you are not required to do anything else with the UST System. In some cases, additional information may be required by the UST Branch i.e., to determine that the tank(s) were permanently closed prior to December 22, 1988. This letter is different from an NFA (no further action) letter.
- Your site is "clean."  
If you are seeking an NFA (no further action) letter, you must assess the site in accordance with Pre-1994 Regulations, otherwise known as Backlog Regulations.

## **April 18, 1994**

Pre-1994 Regulations/Backlog Regulations apply to sites that permanently closed from December 22, 1988 to April 18, 1994, or sites that permanently closed prior to December 22, 1988 for which an NFA (no further action) letter is sought.

\* For definitions of terms used including "permanently closed" refer to 401 KAR 42:005.

**April 18, 1994 (continued)**

To obtain an NFA (no further action) letter in either case, assessment requirements that were in place during the Pre-1994 Regulations/Backlog Regulations period must be met.

If historical assessment documentation exists, submit it to the UST Branch for review. After review, it may be determined that no further assessment is required.

Here are the basic requirements as preferred by the UST Branch.

- Collect one soil sample immediately adjacent to the excavation zone to a depth of one meter below the bottom of the excavation zone.
- If water is encountered, provide the UST Branch with specific details about the water (depth encountered, odor, etc.).
- Analyze for the appropriate constituents per the Backlog Screening Levels table.
- Submit the laboratory analysis, chain of custody, a brief narrative describing the sampling activities and a site map showing the sampling location(s).

Additional information, if required, will be requested by the UST Branch.

Once it is determined that contamination does not exist above screening levels and all requirements are met, an NFA letter will be issued to the owner. Note that NFA letters state that the UST Branch reserves all rights to require additional monitoring, testing or other actions necessary to protect public health and the environment if the UST Branch determines there is need for further investigation.

**Backlog Screening Levels**  
(Pre-April 18, 1994)

Substance	Constituent	Soil		Water	
		On-Site	Off-Site	On-Site	Off-Site
<b>Gas</b>	B	20	2	0.4	0.005
	T	180	18	9.4	1
	E	300	30	2.4	0.7
	X	500	50	10	10
<b>Diesel</b>	CH	15	15		
	cPAH	1	1	0.005	0.005
	nPAH	100	10	3	3
	NAP	50	5	0.3	0.3
<b>Used Oil</b>	Lead	400		0.05 or Background	

Levels are in parts per million (ppm).

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