

Kansas Administrative Regulations

Department of Health and Environment

Article 44.—Petroleum Products Storage Tanks

28-44-23. Release detection.

The provisions of 40 C.F.R. 280.40, 280.41, 280.42, 280.43, 280.44, and 280.45, dated July 1, 2015, as amended by 80 fed. reg. 41633-41636 (2015) and effective on October 13, 2015, are hereby adopted by reference, with the following changes:

(a) In 40 C.F.R. 280.40(a)(3), "in writing" shall be added after "or requirements determined by the implementing agency."

(b) In 40 C.F.R. 280.41, paragraph (a)(1)(i) shall be deleted.

(c) The following paragraph shall be added after 40 C.F.R. 280.43(a)(6):

"(7) Each standby generator tank of any size and each waste oil UST with a capacity of 2,000 gallons or less shall be exempt from the inventory control requirements of this section."

(d) In 40 C.F.R. 280.43(b)(5), "may not" shall be replaced with "shall not."

(e) The following paragraph shall be added after 40 C.F.R. 280.43(e)(7):

"(8) The provisions of 40 C.F.R. 280.43(e) shall apply only to field-constructed tanks and airport hydrant fuel distribution systems. Each owner or operator previously approved for vapor monitoring for other USTs governed by these regulations shall use an approved release detection method beginning not later than October 13, 2021."

(f) In 40 C.F.R. 280.43, paragraph (f) shall be deleted.

(g) In 40 C.F.R. 280.43, paragraph (i)(2) shall be replaced with the following:

"(i)(2) If another method is proposed, the owner and operator shall demonstrate that the method can detect a release as effectively as any of the methods allowed in paragraphs (c) through (h) of this section. The owner and operator shall provide information to be reviewed by the department concerning the size of release that the method can detect and the frequency and reliability with which it can be detected. The owner and operator shall comply with any approval conditions to ensure the protection of human health and the environment."

(h) Each occurrence of the following phrases shall be deleted:

(1) ", or for another reasonable period of time determined by the implementing agency"; and

(2) ", or for another reasonable time period determined by the implementing agency."

(Authorized by and implementing K.S.A. 65-34,105; effective Nov. 26, 1990; amended July 6, 2020.)

***** Authenticated Kansas Administrative Regulation *****