

Kansas Administrative Regulations

Department of Health and Environment

Article 44.—Petroleum Products Storage Tanks

28-44-16. Underground storage tank systems: design, construction, installation, modification, and notification.

(a) C.F.R. adoptions. The provisions of 40 C.F.R. 280.20, 280.21, and 280.22 and appendix III to part 280, dated July 1, 2015, as amended by 80 fed. reg. 41627-41630 and 41677 (2015) and effective on October 13, 2015, are hereby adopted by reference, with the following changes to the sections specified:

(1) In 280.20(a)(2)(iv), "in writing" shall be added after "or according to guidelines established by the implementing agency."

(2) In 280.20(a)(5), (b)(4), and (c)(2)(i), "in writing" shall be added after "determined by the implementing agency."

(3) In 280.20(b)(2)(iv), "in writing" shall be added after "or guidelines established by the implementing agency."

(4) In 280.20(c)(3), "may not" shall be replaced with "shall not."

(5)(A) 280.20(e)(1) shall be replaced with the following:

"(e)(1) Each owner or operator of a new UST system shall ensure that an installer licensed by the department certifies that the UST system has been properly installed."

(B) 280.20(e)(2) shall be replaced with the following:

"(e)(2) Each owner or operator shall provide the completed manufacturer's installation checklist and installation certification to the department with the UST registration notification form as required by K.A.R. 28-44-17."

(C) 280.20(e)(3) through (6) shall be deleted.

(6) In 280.22(a), the last sentence shall be replaced with the following sentences:
"Owners shall use the form provided by the department in accordance with paragraph (c) of this section. The form is available from the department upon request."

(7) 280.22(b) shall be replaced with the following:

"(b) Within 30 days of acquisition, any person who assumes ownership of a regulated underground storage tank system, except as described in paragraph (a) of this section, shall submit notice of the ownership change to the department using forms provided by the department upon request."

(8) 280.22(c) shall be replaced with the following:

"(c) Owners shall use forms provided by the department upon request in lieu of forms set forth in appendix I and appendix II of this part. The information prescribed in appendix I and appendix II shall be collected on forms provided by the department."

(b) UST system requirements. The UST system requirements shall be those specified in the department's "Kansas storage tank program document," as adopted in K.A.R. 28-44-15.

(c) Verification. Each owner or operator shall submit verification of each installation or modification not later than 30 days after completion of the installation or modification. The verification shall be submitted to the department on forms provided by the department.

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

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