

Kansas Administrative Regulations

Department of Health and Environment

Article 44.—Petroleum Products Storage Tanks

28-44-14. Definitions.

(a) Each of the terms defined in this regulation, as used in these regulations, shall have the meaning specified in this regulation.

(b)(1) The terms and definitions in the following federal regulations are hereby adopted by reference:

(A) 40 C.F.R. 280.12 and 280.92, dated July 1, 2015, as amended by 80 fed. reg. 41625-41627 and 41640-41641 (2015) and effective on October 13, 2015; and

(B) 40 C.F.R. 280.250, published at 80 fed. reg. 41667 (2015) and effective on October 13, 2015.

(2) If the same term is defined differently both in K.S.A. 65-34,100 et seq. and amendments thereto or these regulations and in any federal regulation adopted by reference in these regulations, the definition prescribed in the Kansas statutes or these regulations shall control.

(c)(1) "Drop ticket" shall mean a bill of lading, invoice, or similar document that reflects fuel delivery by a petroleum transport company to a specific facility and includes the deliverer's name, the delivery date, and the quantity delivered.

(2) "EPA" shall mean United States environmental protection agency.

(3) "Installation" shall mean the work involved in placing a UST system or any part of a UST system in the ground, including excavation, tank placement, line placement, backfilling, and preparing a UST to be placed into service.

(4) "License" shall mean a document issued by the department to a qualified individual or contractor authorizing the person to engage in the business of installing, removing, modifying, upgrading, repairing, or testing underground storage tanks. A license specifies the types of services that the individual or contractor is qualified to perform.

(5) "Out-of-service," when used to describe a UST or UST system, shall mean that the UST or UST system is removed from use as a permitted UST or UST system storing a regulated substance.

(6) "Overfill" shall mean to supply a UST with more fuel than the UST can contain.

(7) "Site assessment" shall mean a determination of the presence or absence of petroleum contamination in areas where a release from a UST or UST system could have occurred or is suspected. This term shall include UST and UST system inspection in addition to the collection and analysis of samples from the areas surrounding and beneath the UST and UST system.

(8) "Storage tank operation" shall mean the use, storage, filling, or dispensing of petroleum contained in a UST or UST system.

(9) "These regulations" shall mean article 44 of the department's regulations.

(10) "UST remover" shall mean a type of underground storage tank contractor.

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

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