

Kansas Administrative Regulations

Department of Health and Environment

Article 44.—Petroleum Products Storage Tanks

28-44-26. Out-of-service UST systems and closure.

(a) The provisions of 40 C.F.R. 280.70, 280.71, 280.72, 280.73, and 280.74, dated July 1, 2015, as amended by 80 fed. reg. 41639-41640 (2015) and effective on October 13, 2015, are hereby adopted by reference, with the following changes:

(1) The phrase "in writing" shall be added after each occurrence of "in a manner approved by the implementing agency" and "when directed by the implementing agency."

(2) In 40 C.F.R. 280.70(c), "in writing" shall be added after "unless the implementing agency provides."

(3)(A) In 40 C.F.R. 280.71(a), "or within another reasonable time period determined by the implementing agency" shall be deleted.

(B) In 40 C.F.R. 280.71(b), "in writing" shall be added after "or closed in place in a manner approved by the implementing agency."

(C) The following sentence shall be added at the end of 40 C.F.R. 280.71(b): "Within 15 days of permanent closure, each owner or operator shall ensure that each contractor submits the completed permanent tank abandonment form to the department."

(4) In 40 C.F.R. 280.72(a), the third sentence shall be deleted.

(5) In 40 C.F.R. 280.73, "based on the totality of the circumstances" shall be added after "in the judgment of the implementing agency."

(b) The results of each site assessment shall be prepared and signed by an individual qualified to perform a site assessment in accordance with standard industry practices and the applicable requirements of the state board of technical professions. (Authorized by and implementing K.S.A. 65-34,105; effective Nov. 26, 1990; amended July 6, 2020.)