

Kansas Administrative Regulations

Department of Health and Environment

Article 44.—Petroleum Products Storage Tanks

28-44-31. UST systems with field-constructed tanks and airport hydrant fuel distribution systems.

The provisions of 40 C.F.R. 280.251 and 280.252, published at 80 fed. reg. 41667-41669 (2015) and effective on October 13, 2015, are hereby adopted by reference, with the following changes to the sections specified:

(a) In 280.251, paragraph (b) shall be replaced with the following paragraphs:

"(b)(1) Each owner of an existing, out-of-service UST system with field-constructed tanks (FCTs) and airport hydrant fuel distribution systems (AHFDSs) shall submit to the department a one-time registration of UST system existence on a form provided by the department. This form shall be submitted to the department not later than 60 days after the effective date of these regulations, or upon discovery.

"(2) Each owner or operator of an active, in use UST system with FCTs and AHFDSs shall comply with the registration notification and operating permit requirements specified in K.A.R. 28-44-17. Each owner or operator of these UST systems shall demonstrate financial responsibility as required by K.A.R. 28-44-27 at the time of submission of the registration notification form."

(b)(1) In 280.252(b)(1)(ii)(B), "in writing" shall be added after "another method determined by the implementing agency."

(2) In 280.252(d)(1) and (d)(2), "in writing" shall be added after "approved by the implementing agency."

(3) In 280.252(d)(1)(vi), the last sentence shall be replaced with the following sentence: "The owner and operator shall submit data showing the size of release that the method can detect, and the frequency and reliability of detection for the department's consideration."

(4) In 280.252(d)(2)(i)(B), the table titled "Phase In For Piping Segments $\geq$ 100,000 Gallons In Volume" shall be replaced with the list titled "Phase-in testing for piping

segments greater than or equal to 100,000 gallons in volume" on page 8 of the department's "Kansas storage tank program document," as adopted in K.A.R. 28-44-15.

(5) In 280.252(d)(2)(iv), the last sentence shall be replaced with the following sentence: "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."

(6) In 280.252(e), the following changes shall be made:

(A) The phrase "in writing" shall be added after "When directed by the implementing agency."

(B) The phrase "based on the totality of the circumstances" shall be added after "in the judgment of the implementing agency."

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

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