

Kansas Administrative Regulations

Department of Health and Environment

Article 44.—Petroleum Products Storage Tanks

28-44-12. General provisions.

(a) The following changes shall be made to any provision in 40 C.F.R. part 280 that is adopted by reference in these regulations:

(1) "The United States" shall be replaced with "the state of Kansas."

(2) "Environmental protection agency," "implementing agency," and "EPA" shall be replaced with "department" except as follows:

(A) "Environmental protection agency" shall not be replaced with "department" when used in 40 C.F.R. 280.103(b)(1) in the second sentence of the trust agreement.

(B) "Implementing agency" shall not be replaced with "department" when used in the following sections:

(i) 280.12 as stated in the definition of "implementing agency"; and

(ii) 280.92 as stated in the definition of "director of the implementing agency."

(C) "EPA" shall not be replaced with "department" when used in the following sections:

(i) 280.92 as stated in the definition of "director of implementing agency";

(ii) 280.92 as stated in the definition of "legal defense cost";

(iii) 280.95(b)(1)(i) through (iii);

(iv) 280.95(d) as stated in the "Letter from Chief Financial Officer";

(v) 280.103(b)(1); and

(vi) appendix III.

(3) "Administrator," "regional administrator," and "director" shall be replaced with "secretary" except as follows:

(A) In 40 C.F.R. 280.92 in the definition of "director of the implementing agency," "regional administrator" shall not be replaced with "secretary."

(B) In 40 C.F.R. 280.92 in the definition of "director of the implementing agency," the first occurrence of the word "director" shall not be replaced.

(4) "Federal register" shall be replaced with "Kansas register."

(5) "Must" shall be replaced with "shall."

(6) "Will" shall be replaced with "shall."

(7) "October 13, 2015" shall be replaced with "the effective date of these regulations."

(8) "October 13, 2018" shall be replaced with "October 13, 2021," except in 40 C.F.R. 280.36(a) as adopted in K.A.R. 28-44-19.

(b) Each owner or operator, or both, shall be assessed penalty fees by the department for noncompliance. The penalty fees shall be in addition to the required registration and permit fees specified in these regulations.

(c) Any UST license may be suspended or revoked if the requirements specified in K.A.R. 28-44-21 and K.A.R. 28-44-22 are not met. If any license is suspended or revoked, the licensee shall meet the requirements established by the secretary as provided in the order issuing the suspension or revocation to be considered for reinstatement or renewal.

(d) The fees required by these regulations shall be submitted in the form of a check, money order, or electronic payment made payable to the Kansas department of health and environment.

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

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