

Kansas Administrative Regulations

Department of Health and Environment

Article 44.—Petroleum Products Storage Tanks

28-44-25. Release response and corrective action for UST systems.

The provisions of 40 C.F.R. 280.60, 280.61, 280.62, 280.63, 280.64, 280.65, 280.66, and 280.67, dated July 1, 2015, as amended by 80 fed. reg. 41637-41639 (2015) and effective on October 13, 2015, are hereby adopted by reference with the following changes:

(a) The phrase "in writing" shall be added after each occurrence of the phrase "unless directed to do otherwise by the implementing agency."

(b) Each occurrence of the following phrases shall be deleted:

(1) "or within another reasonable period of time determined by the implementing agency";

(2) ", or within another reasonable period of time determined by the implementing agency,"; and

(3) "or another reasonable period of time determined by the implementing agency."

(c) In 40 C.F.R. 280.63(b), "in writing" shall be added after "or in a format and according to the schedule required by the implementing agency."

(d) In 40 C.F.R. 280.64, "in writing" shall be added after "to the maximum extent practicable as determined by the implementing agency."

(e)(1) In 40 C.F.R. 280.65(a)(4), "in writing" shall be added after "The implementing agency requests an investigation."

(2) In 40 C.F.R. 280.65(b), "in writing" shall be added after "or in accordance with a schedule established by the implementing agency."

(f)(1) In 40 C.F.R. 280.66(a), "in writing" shall be added after "according to a schedule and format established by the implementing agency" and after "as determined by the implementing agency."

(2) In 40 C.F.R. 280.66, paragraph (b) shall be replaced with the following paragraph:

"(b) Owners and operators shall not begin implementation of the corrective action plan until the department has determined that implementation of the plan would adequately protect human health, safety, and the environment. The following factors shall be considered in making this determination:".

(3) In 40 C.F.R. 280.66(c), "in writing" shall be added after "or as directed by the implementing agency" and after "in accordance with a schedule and in a format established by the implementing agency."

(4) In 40 C.F.R. 280.66(d)(2), "in writing" shall be added after "conditions imposed by the implementing agency."

(g)(1) In 40 C.F.R. 280.67(a), the first sentence shall be replaced with the following sentence: "For each confirmed release that requires a corrective action plan, public notice provided by the department shall be designed to reach those members directly affected by the release and the planned corrective action."

(2) In 40 C.F.R. 280.67, paragraph (b) shall be replaced with the following paragraph:

"(b) Site release information and decisions concerning the corrective action plan shall be made available to the public for inspection upon request to the department."

(3) In 40 C.F.R. 280.67, paragraph (d) shall be replaced with the following paragraph:

"(d) If an approved corrective action plan implemented by the party or parties performing corrective action does not achieve the established cleanup levels in the plan and termination of that plan is under consideration by the department, the public shall receive notice in compliance with paragraph (a) of this section."

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

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