



Tank Talks 2019

Storage Tank Draft Regulations

Storage Tank Regulations Update



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Committee:

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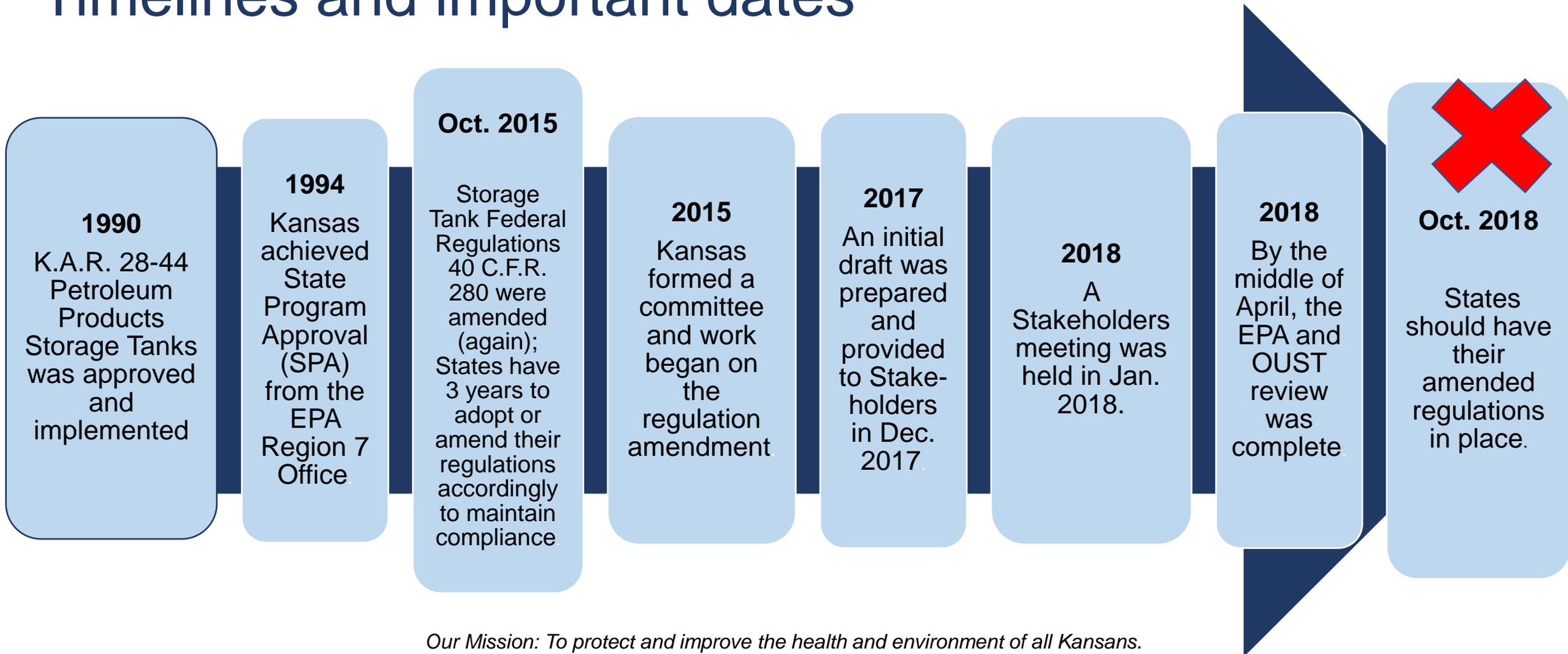
This presentation will include:



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Timelines and important dates



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Overview

- 40 C.F.R. 280 was revised in October 2015; States have 3 years to adopt or revise their Regulations accordingly.
- Work began on the KS Regulations in 2015 and has continued to date.
- Committee meetings, EPA meetings, internal reviews and revisions have taken place throughout the past 2+ years.
- Federal deadline was October 13, 2018

State Program Approval (SPA)

- Kansas currently has State Program Approval
- States with State Program Approval:
 - Need to have their new SPA package developed and prepared in a timely manner, and provided to the EPA R7 office.
- If a State does not revise their Regulations or adopt the Federal Regulations by the due dates, that State will not receive SPA from the EPA.

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State Program Approval Application Package

- Updated Regulations
- Energy and Environment Committee approval
- Evidence of Public Meetings
- A letter from the Governor
- Attorney General's certification and statement
- Demonstration of "Adequate Enforcement" procedures
- Program description
- Memorandum of Agreement

Petroleum Product Storage Tanks - Regulation Review

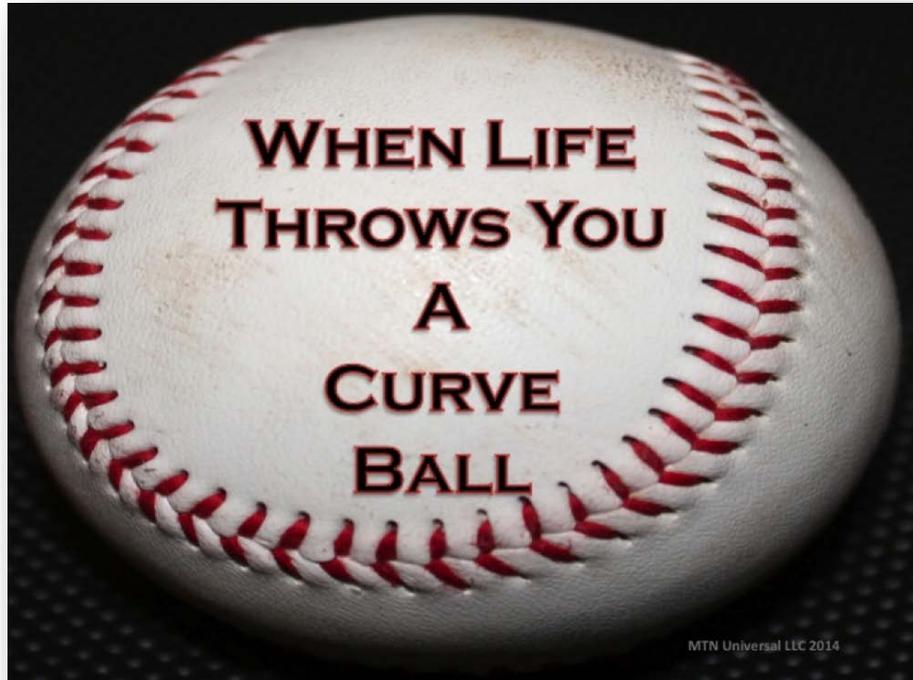


- What do the new requirements mean for underground storage tank owners and operators?
- New database in the works
 - Online submittal, payments, tracking



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Petroleum Product Storage Tanks - Regulation Revisions



September 7th

Change from fully revised KS regs
to

Adopt federal regs with key changes
and utilize Agency Documents
(User Guides)

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K.A.R. 28-44-12 General Provisions

This regulation describes:

- The acceptable forms of payment
- A statement concerning a penalty for owner or operator non-compliance
- Contractor license suspension or revocation

K.A.R. 28-44-13 Program Scope

This regulation describes:

- General requirements of each owner or operator, or both, of UST's and UST systems included in, or excluded from, these regulations;
- Tank installation requirements.



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No Deferrals - KAR 28-44-13

- Emergency generator UST's (release detection, within 1 yr)
- Field constructed tanks
(Corrosion protection, release detection, release prevention, O&M)
- Hydrant Fuel Distribution Systems (AHS)
- Wastewater treatment tanks not regulated by CWA

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Addressing Deferrals – Wastewater Treatment Tank Systems, USTs Containing Radioactive Materials, and Emergency Generator USTs at NRC facilities KAR 28-44-13

These previously deferred systems are reclassified as partially excluded from the 2015 UST rule.

As with 1988 rule, we will continue to regulate installation under subpart A and cleanup under subpart F.



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K.A.R. 28-44-14 Definitions

This regulation describes:

- The terms used throughout the regulations;

Includes:

- A reference to the definitions in the Statutes, and
- An adoption of most of the terms used in the federal regulations definitions.



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K.A.R. 28-44-15 Application for installation or modification of a UST

This regulation describes:

- The application requirements to install a new UST or modify an existing UST. Within 30 days.

Changes include:

- Anchoring systems will be required at all times regardless of the depth to water.
- An application fee increase from \$20/tank to \$100/tank.
- 'As built' drawings submittal
- Must test system within 30 days after repair - spill, overflow, secondary containment and Cathodic Protection.
- Already required in Kansas for CP and piping.

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K.A.R. 28-44-16 UST systems; design, construction, installation and modification

This regulation describes:

- The specific criteria that each UST system owner or operator will meet.
- New and replaced tanks and piping.

Changes include:

- Secondary containment requirements (effective in 2013),
 - Includes interstitial monitoring (and sumps if they are used for interstitial monitoring)
- Under-dispenser containment requirements (effective in 2016), &
- No longer allowing flow restrictors in vent lines (effective in 2018)



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K.A.R. 28-44-16 UST systems; design, construction, installation and modification

- If internal lining fails, the tank must be repaired according to a national code of practice.
- If the tank cannot be repaired according to a national code of practice:
 - Then the tank must be take out of service or add Cathodic Protection if tank is worthy.
 - This also includes the fibercast linings.



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K.A.R. 28-44-16 Secondary Containment

- All new and replaced tanks and piping. Owners and operators must replace the entire piping run when 50 percent or more of piping, excluding connectors, is removed and other piping is installed.
- Interstitial monitoring
- Under-dispenser containment
- Submersible pump containment



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K.A.R. 28-44-17 UST registration and operating permit

This regulation describes:

- The process of registering and permitting the UST's and UST systems.

Changes include:

- Registration Fee: \$10/tank increase to \$20/tank
- Operating Permit Fee: \$10/tank increase to \$25/tank,
- The separation of these two actions, and
- Late penalty: After April 30th \$10/facility increase to \$50/tank,
 - After Aug. 1st +\$100/tank for missing 2nd compliance date).
- Ownership Change – Within 30 days after ownership.

K.A.R. 28-44-18 Registration of non-regulated UST's

This regulation describes:

- The condition that any owner or operator of a non-regulated tank may register that tank for the purpose of qualifying an owner or operator to participate in the petroleum storage tank release trust fund.

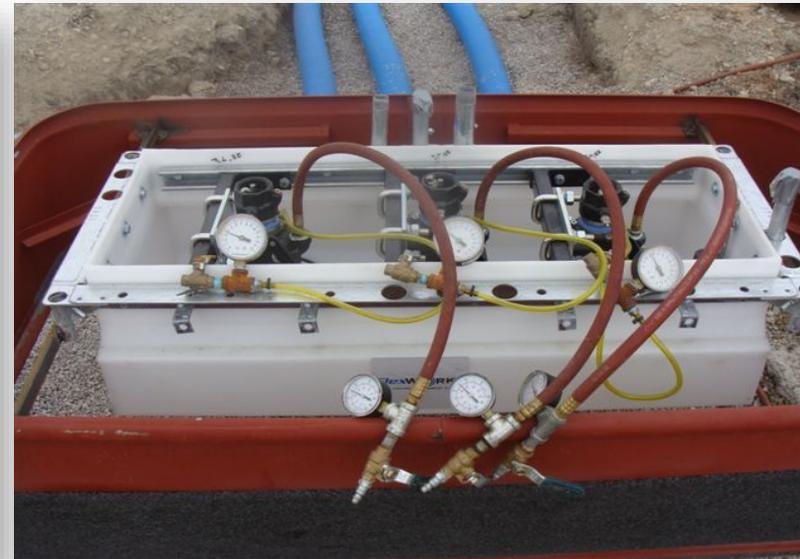


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K.A.R. 28-44-19 General operating requirements

- The spill prevention, corrosion protection and fuel compatibility requirements for each owner or operator to follow.
- Requirements include interstitial monitoring of secondarily contained areas, testing, reporting, record-keeping, equipment specifications, enhanced walkthrough inspections and record retention.
- Keep monthly inspection available for inspectors.



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- The interior of a fiberglass tank at a Winfield gas station

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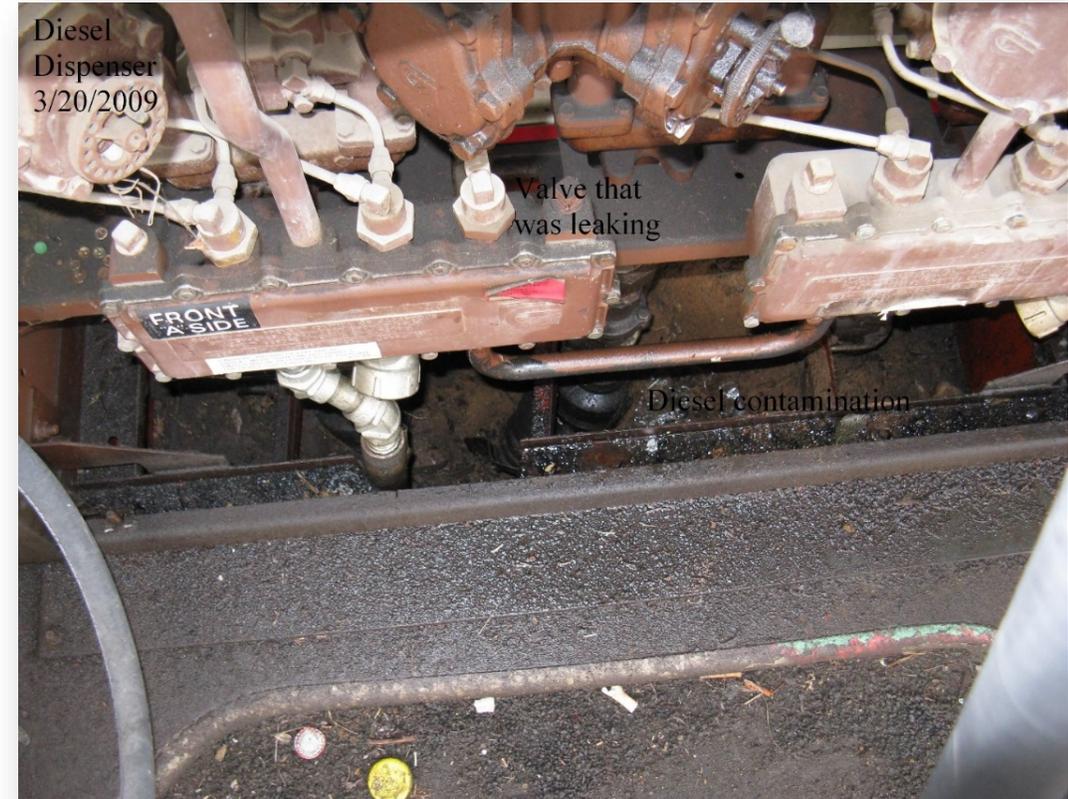
K.A.R. 28-44-19 General operating requirements (continued)

Changes include:

- New additional testing
- Spill buckets – test every 3 years
- Overfill protection equipment – test every 3 years
- Secondary containment – test every 3 years
- Release detection (including LLD's and ATG's) – test annually

Enhanced monthly walkthrough inspections conducted by the owner or operator on a monthly basis to check

- Spill buckets
- Sumps
- Dispensers
- Observation wells
- Cathodic protection equipment
- Release detection equipment



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K.A.R. 28-44-19 General operating requirements (continued)

Walkthrough inspection frequency – KAR 28-44-19 (beginning Oct. 13, 2018)

- Every 30 Days
 - Check spill prevention equipment
 - Check release detection equipment and records
 - Dispenser sumps
- Annually
 - Check STP containment sumps
 - Check hand held release detection equipment
- Keep records of the walkthrough inspection for 1 year
- KDHE encourages testing be conducted prior to the 3 year deadline to improve chances of contractor availability.



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K.A.R. 28-44-19 General operating requirements (continued)

Three year spill prevention equipment testing

Required to make sure the spill bucket will hold drips and small spills when the delivery hose is disconnected from the fill pipe.

- Double-walled spill buckets with interstitial monitoring between the spill bucket walls are not required to meet the testing requirement
- Applies to all UST systems
- Keep records for 3 years



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K.A.R. 28-44-19 General operating requirements (continued)

Three year overfill prevention equipment inspections

- Inspect to make sure overfill operates as intended
 - Applies to all UST systems
 - Keep records for 3 years
 - Reviewing the justification of self-testing shut-off mechanism



Three year containment sump testing

- for sumps used for piping interstitial monitoring
 - Applies to new installations after July 1, 2013
 - Double-walled sumps with periodic interstitial monitoring between the containment sump walls are not required to meet the testing requirement
 - Keep records for 3 years
 - Kansas will accept low-level sump testing method also reviewing new methods.



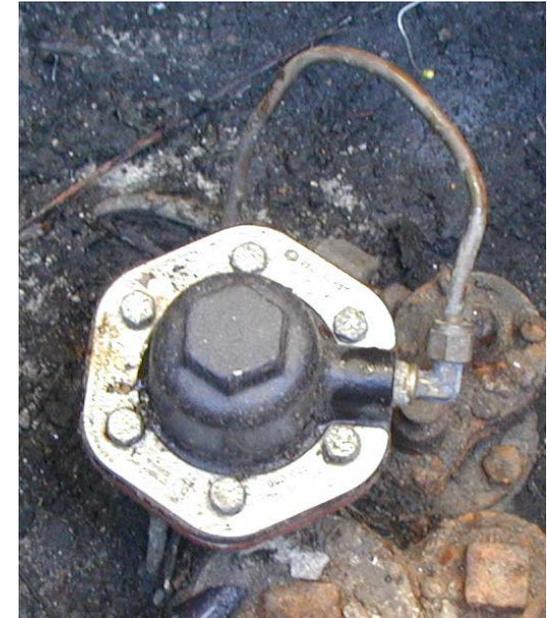
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K.A.R. 28-44-19 General operating requirements (continued)

Annual release detection equipment testing

- Required to make sure release detection equipment is operating properly
 - Applies beginning October 13, 2018
 - Keep records for 3 years



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K.A.R. 28-44-19 – Compatibility requirements

- Demonstrate compatibility with > 10% ethanol and > 20% biodiesel
- Owners and operators will need to maintain compatibility records for the life of the equipment or component for all new or replaced equipment and for UST systems storing > 10 percent ethanol or >20 percent biodiesel.
- EPA revises definitions of motor fuel and regulated substance.



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K.A.R. 28-44-19 – Record Keeping for Inspections

- Release detection
- Release prevention
- Operator training
- Monthly O&M walkthroughs
- Annual testing and 3-year testing
- Repairs and follow-up testing
- KDHE approves electronic versions of records if easily obtained.



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K.A.R. 28-44-20 UST contractor licensing

This regulation requires:

- The contractors to be licensed in Kansas, and
- Describes the process applicants need to follow to obtain a license for their company.

K.A.R. 28-44-21 UST installer licensing

This regulation requires:

- The individual contractors (installers and removers) to be licensed in Kansas, and
- Describes the process applicants need to follow to obtain their license for their specialized area.

Changes include:

- The addition of the cathodic protection installer.

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K.A.R. 28-44-22 UST tester licensing

This regulation requires:

- The UST testers to be licensed in Kansas, and
- Describes the types of testing licenses needed (UST and line tightness, function, cathodic protection and secondary containment).

Changes include:

- The additional licensing of the cathodic protection and secondary containment testers.



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K.A.R. 28-44-23 Release detection

This regulation describes:

- The variety of methods and combinations of methods used to detect a release of regulated substance from the UST or UST system
- The equipment and installation requirements.

Changes include:

- The addition of SIR as an acceptable method of release detection, and
- Removes the option of utilizing vapor and groundwater monitoring as acceptable release detection methods.

Eliminated* for UST's

- Facilities need to change to a different method of release detection within 180 days after approval of the Regulations.
- *Kept in place for UST's at AHS facilities.



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K.A.R. 28-44-23 Release detection

- Removes the deferral and requires release detection for Emergency Generator UST's
 - Required for systems
 - Installed after October 13, 2018 – interstitial monitoring
 - Need to track flow - Flow meters? SIR?
 - Kansas will require Release Detection without Inventory Control



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K.A.R. 28-44-23 Interstitial Monitoring

- Unusual operating condition (alarm) = investigate and repair.
- EPA adds interstitial integrity testing for secondarily contained tanks and piping using interstitial monitoring for the system test under release investigation and confirmation.



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K.A.R. 28-44-23 Statistical Inventory Reconciliation (SIR)

- Originally to be turned in and processed every 15 days.
- New - process on 30 day cycles.
- Must be dated.



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K.A.R. 28-44-24 Release reporting, investigation and confirmation

This regulation describes:

- The procedures for each tank owner or operator to follow if a release of regulated substance is suspected or confirmed.

K.A.R. 28-44-25 Response to a release and corrective action

This regulation describes:

- The steps each tank owner or operator should take in response to a confirmed release of regulated substance from a UST or UST system within 24 hours of the release.



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K.A.R. 28-44-26 Out-of-service, change-in-service and closure

This regulation describes:

- The requirements each tank owner or operator shall meet when they experience a change-in-service, or when the tanks should be considered temporarily out-of-service, abandoned or permanently closed.

Changes include:

- Enhanced timing criteria for permanent closure of UST's upon completion of a site assessment of the excavation zone.



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K.A.R. 28-44-27 Financial Responsibility

This regulation describes:

- The tank owner or operator must possess 3rd party liability insurance or other form of financial responsibility in the event of a release.
- The requirements for this regulation are that of 40 C.F.R. 280.90 through 280.115 and are adopted by reference.

Changes include:

- An exception to the full adoption of the federal regulation to clarify the wording in related FR documents.
- Certificate language – currently meeting with EPA to confirm that our mechanism meets the FR requirements.

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K.A.R. 28-44-28 Aboveground storage tank fees

This regulation describes:

- The acceptable forms of payment applicable to the AST registration.

Changes include:

- An option that the fee payment can be made electronically!

K.A.R. 28-44-29 Aboveground storage tank operating permit

This regulation describes:

- The process and fee required to register AST's annually.
- The permit will be openly displayed at each permitted facility.

Changes include:

- An increase in the late penalty from \$10/facility to \$50/tank.

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K.A.R. 28-44-30 Operator training and requirements

This regulation describes:

- The requirements for each owner or operator to designate difference classes of operators for each UST system.
- The categories of each operator class (Class A, Class B and Class C) and the requirements for each type.
- Retraining is required for Class A and B operators at facilities determined to be out of compliance.

Changes include:

- The requirement that the Class A operator reside within 4 hours of their managed facilities to improve response time in the event of an emergency.



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K.A.R. 28-44-31 UST systems with field-constructed tanks (FCT's) and airport hydrant fuel distribution systems (AHFDS's)

- The requirements for systems that were previously deferred from the federal and state storage tank regulations that were included in the federal regs of 2015.
- The applicable portions of this article in which the systems need to comply.
- The closure requirements for previously closed systems.
- 2015 UST regulation removes the deferral, however given the unique nature of these systems EPA created more specific and appropriate requirements for these systems
 - Exceptions to meeting secondary containment requirement for some FCT & AHS piping
 - Provides unique options for meeting release detection requirements
 - One-time notification by October 13, 2018 for these systems
 - Implementation depends on requirement
 - October 13, 2018: release reporting, response, and investigation;
 - financial responsibility; closure, notification (except one-time)
 - October 13, 2021: Spill and overfill prevention,
 - corrosion protection, general operating requirements (including
 - compatibility and repairs), release detection, and operator training
 - Partially excludes aboveground tanks associated with these systems

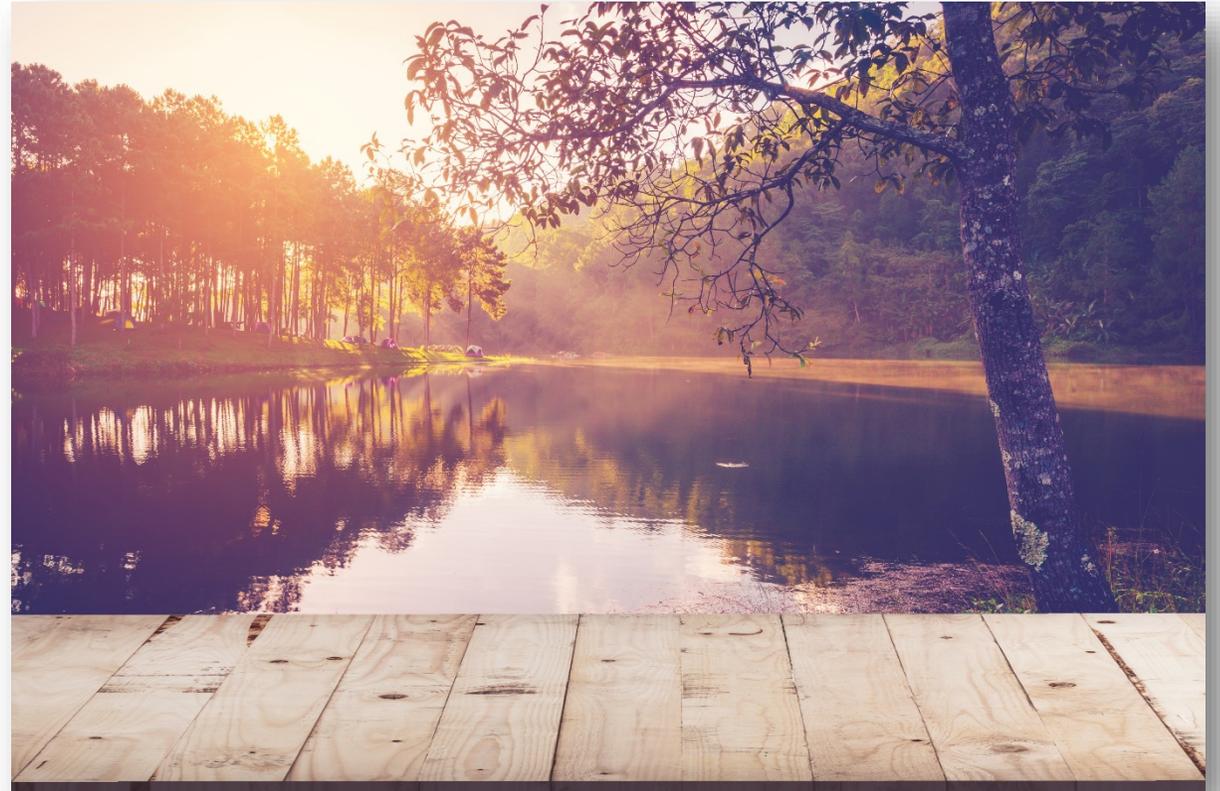


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Summary

In conclusion, KDHE has been working on the amended regulations for 3 years. Throughout that time period, our GOALS haven't changed:

- To continue working with our state regulations specialist, legal staff, committee, and industry stakeholders to achieve compliance.
- To continue to work proactively with the EPA to complete our re-SPA package.



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Summary

- Reworked contractor licensing
- Tanks at installation must be tied down.
- All failed testing and Phase II site assessments must be turned in.
- Rectifier checked every 30 days instead of every 60 days.
- Drop tickets on site and records accessible for inspectors.
- Better enforcement on tank removals and out of compliance sites.
- Fees and late fees restructure.

What's is coming up

- **Kansas Environmental Information Management System**
- Replacing a 1997 Lotus Notes Database.
- Will allow for online submissions and payments.
- Dot net platform.
- Try to encompass all of KDHE Division of Environment.
- Will allow owners to view facilities.
- Tablet inspection feature.
- Expected mid-winter to early spring

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What's is coming up

- **Kansas Statute Changes.**
- Extending the sunset dates on the three funds 10 years.
- Petroleum Storage Tank Release Trust Fund
- UST Property Redevelopment Trust Fund – Abandon Tank Removal
- UST Property Redevelopment Trust Fund – Double Wall Tank Installation.

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Thank You!

Any Questions?

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