

**KANSAS STORAGE TANK PROGRAM
DOCUMENT**

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**KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
BUREAU OF ENVIRONMENTAL REMEDIATION**

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1. General Information

Information provided in this document is a supplement to the requirements established in Kansas Administrative Regulations (K.A.R.) 28-44-12, et seq., Petroleum Products Storage Tanks, Kansas Statutes Annotated (K.S.A.) 65-34,100, et seq., the Energy Policy Act of 2005 and Federal Regulations 40 C.F.R. 280.

2. Application for Installation or Modification of a UST. A permit is needed prior to installation or modification of a UST or UST system. A fee is required for each application.

a. NEW UST: Each owner of a new UST shall submit all the following to the department to obtain a permit to install and operate a new UST or UST system:

- A completed application on a form provided by the department and supporting documentation which includes plans, technical drawings and parts list;
- Static water level information;
- A description of the type of anchoring system to be utilized to prevent flotation. The anchoring system requirement may be waived by the department if sufficient evidence is provided that shows the water table will not adversely affect a tank;
- The application fee, which includes the first year's operating permit fee as required by K.A.R. 28-44-17.

b. MODIFICATION OF A UST: Each owner shall submit all the following to the department to obtain a permit to upgrade or repair a UST or UST system.

- For an upgrade: An application on a form provided by the department must be completed which describes the modification work to be performed. UST system modification shall not begin until after the application has been reviewed and approved by the department in writing.
- For a repair: A form provided by the department must be completed which describes the repair work to be performed. A verbal request to make repairs may initially be made to the department by telephone if the repair is essential to protect the public health and environment, in which case a completed form shall be submitted to the department within 30 days of completion of the repair. The name and title of the department representative approving the repair shall be provided on the form.
- For spill reporting: If upgrades or repairs are performed as a result of a release, provide documentation of compliance with spill reporting requirements specified in K.A.R. 28-48-1 and 28-48-2.

c. PLAN CHANGES: Each owner shall report any changes to the original approved plans to the department as follows:

- If the need for changes becomes apparent after the on-site work activities have commenced, each owner shall obtain verbal approval by the department to modify the original plan. Each owner shall document the name and title of the department representative approving

the changes and shall document the changes on the completed technical drawings that shall reflect the actual details of the job performed.

- If changes become apparent before the on-site activities have commenced, each owner shall submit an amended plan to the department to document the changes and receive approval of the changes before installation.

3. UST Systems: Design, Construction, Installation, Modification and Notification.

a. Corrosion Protection: The owner or operator may use the following methods in combination with other methods listed in 40 C.F.R. 280.20(b)(2) to protect flex connectors from corrosion: booting, wrapping, utilizing sleeves, or installing a containment sump installed according to the manufacturer's requirements.

b. Observation tubes: Each owner or operator shall ensure that each UST system is equipped with observation tubes.

(1) Observation tubes shall be constructed to meet the following requirements:

- measure four inches in diameter on the inside;
- extend from the base of the excavation to ground surface;
- screened intervals that extend from the base of the excavation to a point no less than three feet below ground surface;
- screens sized to allow liquid or vapor to be intercepted by the observation tube without allowing the backfill materials to enter the observation tube;
- equipped with watertight caps on the top and bottom;
- sealed annular space between the observation tube and pavement;
- graded pavement or ground surface to prevent surface water from pooling around the observation tubes; and
- marked and secured to prevent accidental tampering.

(2) At least one observation tube shall be installed for each 400 square feet of excavated area or fraction of excavated area. If numerous tank excavations are located on the same property, the number of observation tubes shall be determined for each separate excavation.

4. UST Registration and Operating Permit. Each owner or operator shall submit the following to the department to meet registration and operating permit requirements.

a. UST Registration:

- Registration shall be completed on forms provided by the department.
- UST's that are discovered or were previously deferred from past regulatory requirements shall be included in the UST registration.

b. UST Operating Permit:

- An application for an annual operating permit on a form provided by the department;
- An annual operating permit fee for each tank submitted before April 30 of each year; and
- Documentation of the following accompanying the annual operating permit application:
 - (1) financial responsibility (K.A.R. 28-44-27);
 - (2) Class A Operator or Class B Operator certification (K.A.R. 28-44-30);
 - (3) release detection and inventory control (K.A.R. 28-44-23);
 - (4) cathodic protection, spill and overfill compliance (K.A.R. 28-44-19); and
 - (5) testing and inspections (K.A.R. 28-44-19).

5. General Operating Requirements

a. Testing and Inspections: Each owner or operator shall meet the following requirements for testing and inspections according to the schedule below:

- For a UST system in use before the effective date of the department's regulations, the initial spill prevention equipment test, containment sump test, and overfill prevention equipment test shall be conducted not later than October 13, 2021.
- For a UST system brought into use on or after the effective date of the department's regulations, the initial spill prevention equipment test, containment sump test, and overfill prevention equipment test requirements shall apply at installation.
- For any UST system, each owner or operator shall meet the walkthrough inspection requirements beginning on the effective date of the department's regulations.

b. Cathodic Protection Requirements: Each cathodic protection inspection result shall be recorded on a form provided by the department and the completed form shall be retained by the owner or operator for one year from the last inspection date on the form.

c. Historical Data: The owner or operator may contact the department to request copies of historical facility information related to their owned or operated facility if the records are not readily available at the facility.

6. UST Installer and Remover Licensing.

a. Initial Application: Each applicant shall fulfill the following for each type of license:

- Submit the following to the department:
 - (1) a completed application on a form provided by the department;
 - (2) a nonrefundable fee for a license effective for two years from the initial licensing date;
 - (3) documentation of successful completion of all training required by the manufacturers of the equipment to be installed, modified, or removed under the successful applicant's

supervision for each type of UST license. Documentation shall include dates, locations, and names of courses completed; and

- Complete the examination: Each applicant shall be required to pass the licensing examination administered by the department with a score of 70 percent or more on the general examination and the specific examinations for each area to be supervised by the successful applicant.

b. Renewal Application: Each licensee shall re-apply and renew their license prior to expiration. Existing licensees will receive a renewal notice packet provided by the department for renewal of a license. Each licensee shall submit the following to the department:

- a renewal application on a form provided by the department in the renewal notice packet;
- a nonrefundable annual renewal fee for the 12-month period beginning on the effective date of the renewal of the license;
- documentation of successful completion of all training required by the manufacturers of the equipment to be installed, modified, or removed under the successful applicant's supervision for each type of UST license. Documentation shall include dates, locations, and names of courses completed; and
- a completed license renewal examination provided by the department in the renewal notice packet that shall be submitted to the department for scoring. Each applicant shall be required to pass the renewal licensing examination with a score of 70 percent or more on the general examination and on each of the specific examination areas to be supervised by the successful applicant.

7. UST Tester Licensing. No individual shall test a UST system unless that individual is a licensed UST tester.

a. Initial Application: Each individual who applies for one or a combination of tester licenses shall meet the following requirements:

- Submit the following to the department:
 - (1) a completed application on a form provided by the department;
 - (2) a nonrefundable fee for each license effective for two years from the initial licensing date;
 - (3) documentation of successful completion of all training required by the manufacturers of the equipment. Documentation shall include dates, locations, and names of courses completed; and
- Complete the examination: Each applicant shall be required to pass each licensing examination administered by the department with a score of 70 percent or more.

b. Renewal Application: Each licensee shall re-apply and renew each license prior to expiration. Existing licensees will receive a renewal notice packet provided by the department for license renewal. Each licensee shall meet the following requirements:

- Submit the following to the department:
 - (1) a completed application on a form provided by the department in the renewal notice packet;
 - (2) a nonrefundable annual renewal fee for the 12-month period beginning on the effective date of the renewal of the license;
 - (3) documentation of successful completion of all training required by the manufacturers of the equipment used by the tester. Documentation shall include dates, locations, and names of courses completed; and
- Complete the licensing renewal examination(s) included in the renewal notice packet and submit the completed licensing examination(s) to the department for scoring. Each applicant shall be required to pass the licensing examination(s) with a score of 70 percent or more on the general examination and on each of the specific examination areas.

8. Operator Training and Requirements

a. UST Operator Requirements: Each person designated for more than one type of operator shall successfully complete the required training program with a score of 70 percent or more for the applicable type of operator within 30 days of assuming duties. Each Class A Operator and Class B Operator shall successfully complete the required training prior to receipt of a certificate from the department. Operator training shall be completed every four years. KDHE has required operator training since August of 2012.

b. Class A Operator Specifics: In addition to the requirements in 40 C.F.R. 280.242, each Class A Operator shall also be trained in the following:

- the requirements to obtain storage tank operating permits from the department;
- how to work with Kansas-licensed UST contractors during the installation, repair, and upgrade of each UST; and
- compliance with the operation, maintenance, and recordkeeping requirements of this article of the department's regulations.

c. Class B Operator Specifics: In addition to the requirements in 40 C.F.R. 280.242, each Class B Operator shall also be trained in the following:

- to perform as the on-site manager of a managed facility; and
- the procedures for performing monthly and daily release detection reporting and inventory control.

d. Class C Operator Specifics: Each Class C Operator shall be trained by either a Class A Operator or Class B Operator designated for their facility.

9. UST Systems with Field-Constructed Tanks and Airport Hydrant Fuel Distribution Systems.

Release detection for piping associated with field-constructed tanks and airport hydrant fuel distribution systems: If the release detection method described in 40 CFR 280.252(d)(2)(i)(B) is chosen, then the piping segment volumes greater than or equal to 100,000 gallons that are not capable of meeting the maximum 3.0 gallons per hour leak rate for the semi-annual test shall be tested at a leak rate of up to 6.0 gallons per hour according to the following schedule.

Phase-in testing for piping segments greater than or equal to 100,000 gallons in volume.

- **First test** Not later than October 13, 2021, and shall use up to 6.0 gallons per hour leak rate.
- **Second test** Between October 13, 2021 and October 13, 2024, and shall use up to 6.0 gallons per hour leak rate.
- **Third test** Between October 13, 2024 and October 13, 2025, and shall use 3.0 gallons per hour leak rate.
- **Subsequent tests** After October 13, 2025, begin using semi-annual or annual line testing according to the Maximum Leak Detection Rate Per Test Section Volume table found in 40 C.F.R. 280.252.