



# advisor

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## 2011/12 Compliance Packet

Compliance packets from the Kansas Department of Health and Environment (KDHE) will be mailed to UST owners/operators soon. Please review this packet closely. The packet will contain the forms for documentation of leak detection, annual inventory control summary form, and for sites with a rectifier a new log form, and instructions for completing all these forms and deadlines for return. A registration form for operator training is included in the packet for operators and owners that have not yet taken the class.

### **FEBRUARY 28, 2011 - COMPLIANCE REPORTS DUE TO KDHE**

It would be a good idea to put this note on your 2011 calendar right now or at the end of December 2010 as a reminder to transfer this information to the 2011 calendar.

Five major reasons for alerting UST owners/operators of the upcoming arrival of this packet are:

1. Compliance is the first step in prevention of leaks.
2. Failure to comply may result in costly fines.
3. Non-compliance by many UST owners could result in KDHE tightening regulations and imposing larger fines, affecting *all* UST owners.
4. A 2011/12 permit will not be issued if a facility is out of compliance which may result in no fuel being delivered.
5. Additional testing to prove compliance may be required if the deadline is missed.

These are the five main reasons for stressing the importance of the compliance reports but there are many more that could be cited.

There will be portions of the reports that can be completed at the time the packet is received. This will give UST owner/operators a head start on all the year-end paperwork and help them be ready to complete the reports after the first of January. KDHE will appreciate the timely filing.

**Reminder:** Keep your spill buckets clean and replace them if they are broken. Over 50% of all contamination at UST sites is caused by broken spill buckets.

## 2010 Tank Talks

What is Tank Talks? Tank Talk is an opportunity for AST & UST owners/operators to gather new information on storage tanks, hear presentations on compliance and participate in an open forum with representatives of agencies that regulate ASTs and USTs.

This year the presentations by Tank Management Services will focus on Spills and Overfills, the proposed 2011 UST rules and how to deal with an unannounced SPCC plan drill. Williams & Company Consulting, Inc. will talk about SPCC plans, KDHE will discuss compliance and areas that need your action. Kansas Fire Marshal's Office will be on hand to talk about Prevention and the Fire Code for ASTs and fueling facilities.

Literature from all presenters will be available for later review. Each meeting will conclude with a question and answer period.

Although these meetings do not take the place of the mandatory operator training it is a good place to learn more about USTs and ASTs plus help make you a better operator. We hope you will join us at one of the seven locations for the 2010 Tank Talks. Refreshments will be provided.

Register online at [tankgmt.net/tanktalk](http://tankgmt.net/tanktalk); select the location you want to attend. To register by phone or for questions call 1-800-563-5683 or 785-233-1414.

All meetings will start at 1:00 p.m. and conclude about 4:00 p.m.

November 4 Tank Talk      Plainville Library  
200 First Street  
Plainville, Kansas

November 5 Tank Talk      Finney County Public Library  
605 East Walnut Street  
Garden City, Kansas

## Tank Talk Dates

- November 9, Hutchinson Public Library  
901 North Main Street  
Hutchinson, Kansas
- November 12, Memorial Building - Alliance Room  
101 South Lincoln  
Chanute, Kansas
- November 15, Johnson County Library  
137 East Shawnee Street  
Gardner, Kansas
- November 17, The Dorothy Bramlage Public Library  
230 West Seventh Street  
Junction City, Kansas
- November 19, Seneca Public Library  
601 Main Street  
Seneca, Kansas

## Changes at KDHE

Michael Pomes Ph.D., L.G., Professional Geologist IV from Kansas Department of Health and Environment who job as Unit Chief put him in contact with many of you over the years will be going to work for the EPA. Randy Carlson will assume the duties till the new Unit Chief can be named.

## SPCC Deadline to Be Extended Again

The EPA is set to issue a proposed rule on August 3, 2010 that would extend the upcoming SPCC compliance deadline for one year. If the proposed rule is approved as expected, the new compliance deadline for SPCC plan revision and implementation would be November 10, 2011. This will mark the seventh time the SPCC rule has been extended since August 16, 2002, the original compliance deadline set by the EPA. The many extensions over the past eight years were due largely to an array of clarifying amendments made by the EPA to the 2002 rulemaking. Though many of these amendments are confusing, they do add significant compliance flexibility for petroleum marketers with bulk plant facilities. This last extension was the result of a yearlong regulatory freeze imposed by President Obama

of all pending rulemakings issued the last days of the Bush Administration in 2008.

The current proposed rule to extend the SPCC deadline was itself significantly delayed and final publication threatened by political backlash resulting from the BP oil spill in the Gulf of Mexico. Fortunately, the EPA decided to remove offshore facilities from the rule and keep the proposed deadline extension intact for onshore facilities such as bulk plants.

The deadline extension does not remove any regulatory requirement for bulk plants that were in operation before August 16, 2002. These facilities must maintain and continue implementing an SPCC plan in accordance with the SPCC regulations then in effect. This means, for a facility operating before August 16 2002, existing SPCC's must be maintained until revised plans are implemented no later than November 10, 2011 if the proposed rule is finalized - or by November 10, 2010 if the proposed rule extending the compliance deadline is not finalized. Bulk plant operations coming into operation after August 16, 2002 must have an SPCC plan fully implemented by the final compliance deadline as determined under the proposed rule.

It is important to note that, unlike past proposed rules to extend the SPCC deadline, this current proposal invites comment on the appropriateness of a shorter deadline extension than the one year proposed by the EPA. PMAA

## Operator Training

If you have not registered for operator training, now is the time with plenty of classes available. To register go to our website [tankmgmt.net](http://tankmgmt.net). Click on Operator Training.

October 12, Doubletree Hotel  
10100 College Boulevard  
Overland Park, Kansas.

October 13, House of Schwan - Meeting Room  
3636 N. Comotara  
Wichita, Kansas

### WHAT IS TANK MANAGEMENT SERVICES?

TMS provides loss control and risk management assistance to UST owners who have third party liability insurance through Great American Custom as part of the Kansas Underground Storage Tank Liability Plan. TMS can provide you with information on USTs –leak detection methods, and Federal and State regulations. Call TMS toll free at 800-530-5683 during normal Central Time Zone office hours (8-5). In the Topeka area, please call 233-1414. On the web go to [tankmgmt.net](http://tankmgmt.net). David Engelken is available to answer your questions. *This Service is free.*

To have the advisor E-mailed to you go to [tankmgmt.net](http://tankmgmt.net) click on Advisor.

Tank Management Services, inc. (TMS) has provided the written information in this newsletter for educational purposes to assist UST owners and operators in complying with current UST regulations and to assist them in reducing losses associated with releases from UST's. The information is an outline and may not be complete. Owners and operators are responsible to insure that they are in compliance with all applicable laws. The Kansas Department of Health and Environment can provide detailed information on compliance. The application or use of the information provided is the responsibility of the individual user.