

Annual Mechanical Line Leak Detector Test

The Kansas Department of Health and Environment recently had an EPA review of their UST program. During the review EPA found that KDHE did not conform to the rule adopted by KDHE to perform Mechanical Line Leak Detector (MLLD) test annually.

What does a MLLD do? When it detects a leak (a sudden loss of pressure) it restricts the flow to 3.0 gallons per hour commonly known as *slow flow*. It does not sound an alarm.

Beginning with your 2013/2014 permit KDHE will require all UST facilities that use MLLD's to have them tested. This test must be done by a KDHE licensed and insured UST technician. A list of approved companies may be found on the KDHE website: http://www.kdheks.gov/tanks/download/currently_licensed_ust_installers_removers_tightness_testers.pdf. or you may find a link on the TMS website tankmgmt.net under What's New.

If you do not know if you have MLLD on your UST lines you can find out by going to KDHE website: <http://public1.kdhe.state.ks.us/BERREGT/BERREG.nsf/FramesetInternetPolicy?OpenFrameset> or also find this link at tankmgmt.net under Whats New.

KDHE will still require an annual line tightness test if you are currently using it to meet KDHE line test rule

Who is Insured?

A trend that has seen many Underground Storage Tank (UST) facility owners leasing out their sites has been observed over the past several years. This has been brought about by numerous reasons, among which are retirement, underperformance by a location, or it may be more fiscally prudent to do so. This change brings up the question "Who will insure the UST's for 3rd party loss – the owner or leasee?"

A review of UST insurance applications reveals in many cases only one party, either the owner or the operator, is

insured if there is a loss. This is only a good practice if the owner and operator are one and the same, therefore being the only responsible party for a loss

To protect yourself against litigation it is important to make sure the correct parties are listed as insured. If a facility is leased out and the leasee obtains the 3rd party liability insurance, you should require your name and company name, as the owner of the property, be listed as an additional insured. If you, as the property owner, carry the 3rd party liability insurance then the leasee should be listed as an additional insured.

Example: Site is owned by Acme Company that is owned by Joe Acme, legal documents only list the name Acme Company. Smith Corp. is running the site and they list Joe Acme and Smith Corp. as insured. A large release happens sending fumes and product into the property next door. The owners of this property file a claim against Smith Corp. and the property owner *Acme Company*. Because only Joe Acme is listed as an insured and not Acme Company, which is the legal owner of the property, the claim is denied. Joe Acme becomes responsible for half the expense of the damage. This could be a very expensive oversight.

To add an additional insured contact your UST 3rd party insurance agent.

2012 Tank Talk

Coming to a town near you!

What is Tank Talk? 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 as well as tank and product experts.

Presentations this year will include:

- Don Martin, regional manager for Power Service, speaking on fuel testing and additives.

(785) 233-1411 (over)
FAX (785) 354-4374

- Bryce Wittenborn, CEO of reNuel Fuel, presenting the benefits of tank cleaning.
- A KDHE representative will talk about compliance with EPA and KDHE rules
- David Engelken, TMS compliance manager, will have the latest information on ultra low sulfur diesel, highlighting the corrosion issues ULSD may cause and the study on this issue by PEI, Steel Tank Institute and American Petroleum Institute.
- Discussion on Level C Operator Training and resources.

Operator Training

Level A/B UST operator training for new UST owners/operators (most be trained 30days after starting operation) and for facilities that have been cited by KDHE and ordered to be retrained, To register go to our website tankmgmt.net. Click on Operator Training.

Listed below are the dates and locations of the seven Tank Talk meetings across the state. To register choose the meeting you want to attend go to tankmgmt.net/tanktalk.html or call TMS at 800-530-5683; in Topeka call 785-233-1414.

Topeka, KS	Thursday, November 1, Kansas Soybean Association 1000 SW Red Oaks Place
Leavenworth, KS	Friday, November 9, Leavenworth Public Library (East Meeting Room) 417 Spruce St
Independence, KS	Wednesday, November 14, Memorial Hall 410 N Pennsylvania Ave
Newton, KS	Friday, November 16, Newton Rec Center 415 N Poplar St
Beloit, KS	Monday, November 26, The Port Public Library (Beloit) 1718 N Hersey Ave
Oakley, KS	Tuesday, November 27, People's State Bank, Oakley (Basement) 610 W 2nd St
Garden City, KS	Wednesday, November 28 Finney County Public Library (Garden City) 605 E Walnut

Wichita, KS	Wednesday, October 24, House of Schwan Meeting Room 3636 N. Comotara
Emporia, KS	Thursday, October 25, Emporia State University Memorial Union - Greek Room 12th & Market Street
Hays, KS	Wednesday, November 7, Fort Hays State University Memorial Union Trails Room 217 600 Park Street
Salina, KS	Thursday, November 8, Salina BiCentennial Center Room 203 800 The Midway

A reminder from KDHE: All UST operators Level C personnel must be trained before they may begin working at the facility. Level C training information may be found in the manual or on the CD received by A/B operators. A Level C certificate is available at tankmgmt.net. Click on Operator Training; the link is on the left side of the page.

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. David Engelken is available to answer your questions. *This Service is free.*

To have the advisor E-mailed to you go to tankmgmt.net click on Advisor.