

### **353.562 Kentucky Abandoned Storage Tank Reclamation Program.**

- (1) There is hereby created the Kentucky Abandoned Storage Tank Reclamation Program. The purpose of the program is to reclaim abandoned storage tank facilities in order to return the property to productive use. Reclamation of abandoned storage tank facilities shall include removing necessary tank infrastructure and removing primary and secondary sources of contamination of the land, air, and water. Abandoned storage tank facilities enrolled in the program shall be eligible for reclamation and clean up funds from the Kentucky abandoned storage tank reclamation fund.
- (2) The Kentucky abandoned storage tank reclamation fund is hereby created as an interest-bearing, restricted, agency account. The fund shall be administered by the cabinet. Interest credited to the account shall be retained in the account. Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward into the succeeding fiscal year to be used for the purposes set forth in this section and KRS 353.561, 353.563, and 353.564.
- (3) Moneys in the fund shall be for carrying out the purpose provided in subsection (1) of this section including any administrative costs set forth in this section and KRS 353.561, 353.563, and 353.564. The fund may receive moneys from federal and state grants or appropriations, and from any other proceeds for the purposes of this section and KRS 353.561, 353.563, and 353.564.
- (4) Funds expended for costs incurred in reclaiming abandoned storage tank facilities shall be in accordance with the provisions of this section and after the cabinet deems that:
  - (a) There is no person identified or found with continuing legal responsibility for the abandoned storage tank facility; or
  - (b) Reclamation measures are necessary to respond to an imminent threat to the public health, safety, and environment.
- (5) Reclamation measures paid for by the fund shall include the following:
  - (a) Removal and disposal of abandoned storage tank facilities; and
  - (b) Reclamation of lands affected by abandoned storage tank facilities including:
    1. Removal of aboveground flow lines;
    2. Removal or treatment of contaminated soil to no more than three (3) feet in depth;
    3. Elimination of all berms, dikes, and other structures utilized as spill prevention, control, and countermeasure structures; and
    4. Grading and seeding of the surface where the tank or tank battery was located.
- (6) If during the course of removing and reclaiming an abandoned storage tank facility, the division observes evidence of soil contamination below three (3) feet depth, the division shall consult with the Department for Environmental Protection to determine whether further action is necessary to protect public health and the

environment. Nothing contained in this section shall be construed to obligate the fund to provide additional moneys for removal or treatment of contaminated soil other than provided in subsection (5)(b)2. of this section.

- (7) Any person performing reclamation measures pursuant to this section shall comply with applicable local, state, and federal laws and regulations.
- (8) The cabinet shall have the authority to:
  - (a) Contract for services provided by and engage in cooperative projects with other government agencies for the remediation, cleanup, and disposal of abandoned storage tanks;
  - (b) Enter into agreements with those government agencies to compensate those agencies with funds from the account; and
  - (c) Accept and deposit into the fund any federal, state, and other funds for the purposes of this section and KRS 353.6603, 353.6605, and 353.6606.

**Effective:** June 24, 2015

**History:** Created 2015 Ky. Acts ch. 21, sec. 2, effective June 24, 2015.