

224.60-135 Corrective action for a release into the environment from a petroleum storage tank.

- (1) As required under administrative regulations of the cabinet, a petroleum storage tank owner or operator shall commence, or contract for, corrective action for a release into the environment from a petroleum storage tank. A property owner who is not also the petroleum storage tank owner or operator shall have no obligation to perform corrective action for a release into the environment from a petroleum storage tank.
- (2) If a petroleum storage tank owner or operator fails or refuses to take corrective action, the cabinet may draw funds from the unobligated balance of the fund to initiate, or contract for, corrective action pursuant to KRS 224.60-105 to 224.60-160 in accordance with subsection (3) of the section.
- (3) Except as provided in subsection (4) of this section, before initiating, or contracting for, corrective action, the cabinet shall make a reasonable effort to notify and provide to the petroleum storage tank owner or operator an opportunity to comply with the requirements of this section.
- (4) The cabinet may draw funds from the unobligated balance of the fund to undertake, or contract for, corrective action necessary to prevent or remedy an emergency situation threatening public health, safety, or the environment, resulting from a release into the environment from a petroleum storage tank, unless a petroleum storage tank owner or operator is taking appropriate action to abate emergency situations in accordance with administrative regulations of the cabinet.
- (5) Within six (6) months from April 9, 1990, the state fire marshal shall promulgate administrative regulations which require any person or organization who installs, repairs, closes, or removes an underground storage tank for a petroleum storage tank owner or operator to demonstrate financial capability, including the maintenance of pollution liability insurance, and technical competency and proficiency.

Effective: July 12, 2012

History: Amended 2012 Ky. Acts ch. 105, sec. 2, effective July 12, 2012. -- Repealed and reenacted 1994 Ky. Acts ch. 279, sec. 4, effective July 15, 1994. -- Created 1990 Ky. Acts ch. 370, sec. 7, effective April 9, 1990.

Formerly codified as KRS 224.820.