

353.561 Determination of abandoned storage tank facility -- Restorative and preventive actions.

- (1) For the purposes of this section and KRS 353.562, 353.563, and 353.564, a storage tank facility that is not being actively used and maintained shall be deemed abandoned if:
 - (a) The cabinet sends written notice, by certified mail, return receipt requested, to the address of the last known owner or operator of the facility or tank or to the registered agent of a corporate owner or operator; and
 - (b) The owner or operator fails to respond within thirty (30) days after receiving the notice indicating the intent to continue to use the tank or facility.
- (2) Within thirty (30) days of the owner or operator's indication of intent to continue to use the tank or facility, the owner or operator shall restore the status of the tank or facility to active maintenance and shall implement a spill prevention, control, and countermeasure plan. If after thirty (30) days of an operator's indication of intent to continue to use the tank or facility, the operator fails to restore the status of the facilities to active maintenance, the cabinet shall deem the tank or facility abandoned.

Effective: June 24, 2015

History: Created 2015 Ky. Acts ch. 21, sec. 1, effective June 24, 2015.