

224.01-405 Corrective action for release of petroleum or petroleum product from a source other than a petroleum storage tank.

- (1) In the event of a release to the environment of petroleum or a petroleum product from a source other than a petroleum storage tank, any person who owns or operates the source from which the release occurred or any person who caused the release shall characterize the extent of the release as necessary to determine the effect of the release on the environment and shall perform corrective action. "Corrective action" means those actions necessary to protect human health, safety, and the environment in the event of a release of petroleum or petroleum product from a source other than a petroleum storage tank. "Corrective action" includes remedial actions to clean up contaminated groundwater, surface waters, sediments, and soil; actions to address residual effects after initial corrective action is taken; and actions taken to restore or replace potable water supplies. "Corrective action" also includes actions necessary to monitor, assess, and evaluate a release, as well as actions necessary to monitor, assess, and evaluate the effectiveness of remedial action after a release has occurred.
- (2) The cabinet shall, by administrative regulation, establish standards and procedures for the performance of corrective action in the event of a release of petroleum or petroleum products from a source other than a petroleum storage tank. The standards shall adequately protect human health, safety, and the environment. The standards and procedures shall be consistent with the standards and procedures for corrective action in the event of a release from a petroleum storage tank, taking into account the differences in exposure due to the source of the release. The administrative regulations shall allow use of the options established in KRS 224.01-400(18).
- (3) Until the administrative regulations required by subsection (2) of this section are adopted, the cabinet shall allow a person required to take corrective action in the event of a release of petroleum or petroleum products from a source other than a petroleum storage tank to use the options and provisions established in KRS 224.01-400(18) to (21). The cabinet shall approve use of the corrective action option after ensuring that implementation will adequately protect human health, safety, and the environment.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 429, sec. 2, effective July 15, 1994.