

2023 Kansas Statutes

65-34,139. Underground storage tank systems; reimbursement for replacement. (a) The secretary may provide for the reimbursement to eligible owners of underground storage tanks in accordance with the provisions of this section up to \$3,000,000 per state fiscal year and subject to the availability of moneys in the UST redevelopment fund. An owner of an underground storage tank shall be eligible for reimbursement under this section if the:

- (1) Underground storage tank system is used for the storage of petroleum products for resale and is subject to the environmental assurance fee in accordance with provisions of K.S.A. 65-34,117, and amendments thereto;
- (2) owner has been approved by the secretary and is not the United States government or any federal agency;
- (3) owner replaces all components of a single-wall storage tank system with a secondary containment system that complies with K.S.A. 65-34,138, and amendments thereto, after August 8, 2005, and before June 30, 2030;
- (4) owner is in substantial compliance with the Kansas storage tank act;
- (5) owner provides 30-day notice and access to the department to perform an environmental assessment of the site:
 - (A) During replacement of the single-wall storage tank system with the secondary containment system installation, if done after July 1, 2015; and
 - (B) that determines that petroleum contamination exists and the owner applies to the underground fund to perform corrective action to address the contamination; and
- (6) underground storage tank was registered with the department on or after May 1, 1981.

(b) Reimbursement pursuant to subsection (a) is subject to the following:

- (1) For replacements undertaken after July 1, 2015, the storage tank owner must submit an application for reimbursement on forms supplied by the department and receive approval from the secretary of the proposed secondary containment system plan;
- (2) upon approval of such plan, the owner shall obtain and submit to the secretary at least three bids from persons qualified to perform the secondary containment system installation except that, the secretary may waive this requirement upon a showing that the owner has made a good faith effort, but has not been able to obtain three bids from qualified bidders;
- (3) for replacements undertaken before July 1, 2015, the owner must submit an application for reimbursement on forms supplied by the department with proof of costs and receive approval from the secretary; and
- (4) the secretary may, in the secretary's discretion, determine those costs that are allowable as secondary containment system installation costs.

(c) Applications for reimbursement must include documentation of the secondary containment system installation and expense. Proof of payment of all expenses for which reimbursement is requested must be provided. The department will review those expenses based on current industry costs and provide reimbursement of reasonable and necessary costs. The department shall reimburse an applicant for the approved cost of the secondary containment system not to exceed \$50,000 per facility for replacement work completed on and after August 8, 2005, and prior to July 1, 2020. The department shall reimburse an applicant for the approved cost of the secondary containment system not to exceed \$100,000 per facility for replacement work completed on and after July 1, 2020, and prior to July 1, 2030. Any applicant who did not receive the maximum reimbursement amount allowable for work completed after July 1, 2020, may submit a written request to the department for the remaining reimbursement amount for work completed. Such written requests shall include documentation of all expenses for which reimbursement is requested and documentation of reimbursements previously received for work completed.

(d) The secretary may adopt such rules and regulations deemed necessary to carry out the provisions of this section.

(e) The provisions of this section shall be a part of and supplemental to the Kansas storage tank act.

History: L. 2015, ch. 26, § 2; L. 2021, ch. 3, § 8; July 1.