

CHAPTER 114 (HJR 70)

A JOINT RESOLUTION directing the Public Protection and Regulation Cabinet and the Natural Resources and Environmental Protection Cabinet to enter into a memorandum of understanding regarding the underground petroleum storage tank program and declaring an emergency.

WHEREAS, the Commonwealth has determined that the environmental risks from leaking underground petroleum storage tanks must be addressed by regulating the installation, operation, and closure of the tanks, corrective action for leaks from the tanks, and by providing a financial mechanism to help pay for correction action for those leaks; and

WHEREAS, the Public Protection and Regulation Cabinet, through its Office of Petroleum Storage Tank Environmental Assurance Fund, has the responsibility of administering the fund which is used to help pay for tank corrective action and the Natural Resources and Environmental Protection Cabinet has the responsibility to regulate the operation and closure of underground petroleum storage tanks, and corrective action for leaks from those tanks; and

WHEREAS, a failure of the two agencies to work more closely in making decisions on how site clean-ups should be conducted has led to persistent concerns about cost overruns, inappropriate expenses, and fraudulent claims; and

WHEREAS, better communication and coordination between the two agencies would help achieve the state purpose of managing the risks to human health, safety, and the environment arising from the use of underground petroleum storage tanks, while preserving the financial soundness of the fund, and allowing the fund to be used cost effectively to clean up more sites;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Public Protection and Regulation Cabinet and the Natural Resources and Environmental Protection Cabinet shall immediately negotiate and enter into a memorandum of understanding (MOU) for the following purposes:

(1) To clearly define the respective responsibilities, authority, and resources assigned to each agency to achieve the purposes set out in Subchapter 60 of KRS Chapter 224 and coordinate those responsibilities, authority, and resources to protect human health, safety, and the environment while making cost effective use of the fund;

(2) To set out that the Natural Resources and Environmental Protection Cabinet's technical review of site investigations and remediation plans be conducted in a way that requires protection of human health, safety, and the environment;

(3) To set out that the Public Protection and Regulation Cabinet's review of site investigations and remediation plans be conducted in a way that requires the most cost effective approach to protecting human health, safety, and the environment;

(4) To share information relating to identifying, investigating, and cleaning up releases at underground petroleum storage tank sites; and

(5) To jointly establish criteria to prioritize the investigation and clean-up of existing sites where releases have occurred and to estimate future site remediation needs and jointly establish a

schedule to achieve clean-ups at these sites in a manner to protect human health, safety, and the environment through the most efficient and cost effective means.

Section 2. The agencies shall submit a draft memorandum of understanding to the House Committee on Natural Resources and Environment and the Senate Committee on Agriculture and Natural Resources, if the General Assembly is in session, or to Interim Joint Committee on Agriculture and Natural Resources if the General Assembly is not in session.

Section 3. The agencies shall jointly report to the Interim Joint Committee on Agriculture and Natural Resources by July 30 immediately preceding a regular session of the General Assembly on the status of the memorandum of understanding.

Section 4. Whereas coordination between the Public Protection and Regulation Cabinet and the Natural Resources and Environmental Protection Cabinet is necessary to protect human health, safety, and the environment through the efficient operation of the underground petroleum storage tank program and at the lowest effective cost to the fund, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved March 15, 2000

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