

805 KAR 1:160. Posting of an identification sign and a danger sign on a crude oil tank battery site.

RELATES TO: KRS 353.500, 353.656

STATUTORY AUTHORITY: KRS 353.540(1), 353.656

NECESSITY, FUNCTION, AND CONFORMITY: KRS 353.540(1) authorizes the Department for Natural Resources to promulgate administrative regulations necessary to enforce KRS 353.500 through 353.720. KRS 353.656 requires a well operator to display a sign printed with the word "Danger" and other information specified by the department near or on a facility used for storage of oil, whether it is in active production or has been abandoned. This administrative regulation specifies the size, wording, coloration, and placement of a danger sign and identification sign.

Section 1. Tank Battery Identification Signs.

(1) An operator shall display a printed identification sign on tank battery facilities. The sign shall include the information in paragraphs (a) through (e) of this subsection.

- (a) Tank battery operator (Company name).
- (b) Lease name as identified by the tank battery operator.
- (c) Global position system of the tank location using North American Datum of 1983 and expressed in decimal degrees (⁰).
- (d) Emergency twenty-four (24) hour phone number for the tank battery operator.
- (e) Department for Environmental Protection Environmental Response Team Hotline twenty-four (24) hour phone number.

(2) The identification sign shall meet the size requirements in paragraphs (a) through (c) of this subsection.

- (a) The sign shall not be less than seventeen (17) inches in height.
- (b) The sign shall not be less than twenty-eight (28) inches in width.
- (c) The letters on the identification sign shall not be less than two (2) inches in height.

(3) If ownership of a tank battery is transferred, the new operator shall revise or replace the sign to reflect the change of tank battery ownership within sixty (60) days from the date of associated well transfer with the Division.

Section 2.

(1) An operator shall display a printed sign on each tank battery, whether it is in active production or has been abandoned.

(2) Each sign shall contain the following words and phrases:

- (a) "Danger";
- (b) "No smoking or open flame";
- (c) "Extremely flammable liquid and vapor";
- (d) "May cause flash fire";
- (e) "No trespassing"; and
- (f) "Petroleum crude oil".

(3) Symbol. A no smoking symbol with a cigarette crossed through shall be displayed on each side of the words "no smoking or open flame".

Section 3.

(1) The tank battery sign shall use the numbering system described in NFPA 704 "Standard System for the Identification of the Hazards of Materials for Emergency Response," which provides a classification and marking system for identification of a fire hazard.

(2) A facility used for the storage of oil shall have a "health hazards" ranking of "1" identified by:

- (a) A black "1" at the nine (9) o'clock position in a blue square located in a square-on-point field; or
- (b) A blue "1" at the nine (9) o'clock position without the colored square.
- (3) A facility used for the storage of oil shall have a "flammability hazards" ranking of "3" identified by:
 - (a) A black "3" at the twelve (12) o'clock position in a red square located in a square-on-point field; or
 - (b) A red "3" at the twelve (12) o'clock position without the colored square.
- (4) A facility used for the storage of oil shall have a "reactivity hazards" ranking of "0" identified by:
 - (a) A black "0" at the three (3) o'clock position in a yellow square located in a square-on-point field; or
 - (b) A yellow "0" at the three (3) o'clock position without the colored square.

Section 4. Dimensions and Coloration of the Tank Battery Sign.

- (1) A sign shall not be smaller than:
 - (a) Seventeen (17) inches in height; and
 - (b) Twenty-eight (28) inches in width.
- (2) The letter size for the required wording shall be as follows:
 - (a) The word "danger" shall:
 - 1. Be in uniformly sized letters; and
 - 2. Not be less than three (3) inches in height;
 - (b) The words "no smoking or open flame" shall:
 - 1. Be in uniformly sized letters; and
 - 2. Not be less than one (1) inch in height; and
 - (c) The words set out in Section 2(2)(c) through (f) of this administrative regulation shall:
 - 1. Be in uniformly sized letters; and
 - 2. Not be less than one-half (1/2) inch in height.
- (3) The "no smoking" symbol with a cigarette crossed through shall not be less than one and one-half (1 1/2) inches in height.
- (4) The NFPA numbers shall not be less than one-half (1/2) inch in height.
- (5) The background color of the sign shall contrast with the foreground color of the letters and the NFPA numbers to make them clearly visible (e.g., white background with black letters).

Section 5.

- (1) There shall be one (1) identification sign and one (1) danger sign per:
 - (a) Tank battery; or
 - (b) Tank, if the individual tanks in a battery are controlled by more than one (1) operator.
- (2) These tank battery signs shall be:
 - (a) Displayed at:
 - 1. Least five (5) feet from the ground; and
 - 2. The most visible location from the approach;
 - (b) Properly maintained; and
 - (c) Replaced if it is:
 - 1. Illegible;
 - 2. Damaged;
 - 3. Vandalized; or
 - 4. Stolen.

Section 6. Signs in Existence Prior to this Administrative Regulation.

(1) A danger sign or identification sign posted on a tank battery prior to promulgation of this administrative regulation may be retained by an operator if:

(a) The operator files a written petition for a waiver seeking permission to retain the noncomplying sign; and

(b) The prior sign is clearly displayed:

1. On the tank or tank battery;

2. At the most visible location from approach; and

3. Meets the requirements of this administrative regulation.

(2) A prior noncomplying sign shall be replaced with a sign that complies with this administrative regulation if it is:

(a) Illegible;

(b) Damaged;

(c) Vandalized; or

(d) Stolen.

Section 7. Violations for Failure to Post a Sign.

(1) Upon locating a tank battery without a danger sign or the required identification sign, the inspector shall issue a notice of noncompliance to the last known operator.

(2) The notice of noncompliance shall be mailed to the operator by certified mail, return-receipt requested. If the violation is not corrected by the posting of a proper sign within forty-five (45) days of his receipt of the notice of noncompliance, the operator shall be subject to the penalties set out in KRS 353.991.

Section 8. Material Incorporated by Reference.

(1) NFPA Edition 704, "Standard System for the Identification of the Hazards of Materials for Emergency Response", 2017 edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, subject to applicable copyright law, at the Kentucky Department for Natural Resources, 300 Sower Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(23 Ky.R. 3653; 4180; 24 Ky.R. 88; eff. 7-9-1997; TAm eff. 8-9-2007, TAm eff. 7-6-2016; Crt eff. 6-27-2018; 46 Ky.R. 1360; 2066; eff. 4-1-2020.)