FILED WITH LRC
TIME: 2p.m.
APR 13 2006
Emily B Caudill
REGULATIONS COMPILER

1 ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

2 Department for Environmental Protection

3 Division of Waste Management

4 (Repealer)

5 415 KAR 1:051 Repeal of 415 KAR 1:050.

6 RELATES TO: KRS 224.60-115, KRS 224.60-120, KRS 224.60-130, KRS 224.60-140,

7 40 CFR Part 280

8 STATUTORY AUTHORITY: KRS 224.60-120(6), KRS 224.60-130(1)(a)

9 NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation shall

10 be repealed because the information contained within 415 KAR 1:050 has been incorporated into

11 401 KAR 42:005.

12 Section 1. 415 KAR 1:050, Definitions for 415 KAR Chapter 1, is hereby repealed.

415 KAR 1:051 is approved for filing.

4-12-2006

Date

John W. Clay, Deputy Secretary
Environmental and Public Protection Cabinet

for

LaJuana S. Wilcher, Secretary
Environmental and Public Protection Cabinet

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 23, 2006 at 10:00 AM (Eastern Time) at the Capital Plaza Tower Auditorium, 500 Mero Street, Room 228, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by May 16, 2006, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until May 31, 2006. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Bruce Scott, P. E., Director
Division of Waste Management
14 Reilly Road
Frankfort, KY 40601
Telephone: (502) 564-6716 Fax (502) 564-4049
Email: Bruce.Scott@ky.gov

REGULATORY IMPACT ANALYSIS
AND TIERING STATEMENT

Administrative Regulation #: 415 KAR 1:051
Contact person: R. Bruce Scott, Director

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation will repeal 415 KAR 1:050 due to those definitions being moved to 401 KAR 42:005.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to make improvements in the arrangement of UST program regulations.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms by maintaining the existing requirements of Chapter 42.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation currently assists by establishing the various requirements of the UST program.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Does not apply.
(b) The necessity of the amendment to this administrative regulation: Does not apply.
(c) How the amendment conforms to the context of the authorizing statutes: Does not apply.
(d) How the amendment will assist in the effective administration of the statutes: Does not apply.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will affect those individuals that own and operate underground storage tanks in the Commonwealth of Kentucky, approximately 13,400. UST contractors that operate in the Commonwealth of Kentucky will also be affected by this regulation.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment: This administrative regulation will repeal regulations that are either inconsistent or have been relocated within Chapter 42 of the UST program.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There will be no costs associated with implementation of this administrative regulation.
(b) On a continuing basis: There will be no additional costs associated with the implementation of this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Implementation and enforcement of this administrative regulation is funded through two Federal grants and the restricted fund receipts described in KRS 224.60-150 and 224.60-145.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: There is no need for an increase in funding or fees to implement this amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees.

(9) TIERING: Is tiering applied? (Explain why tiering was or was not used.)
No tiering is applied. This amendment simply repeals a regulation that has been recodified into 401 KAR Chapter 42.

FISCAL NOTE ON LOCAL GOVERNMENT

Administrative Regulation #: 415 KAR 1:051
Contact person: Bruce Scott, Director
Phone Number: (502) 564-6716

1. Does this administrative regulation relate to any aspect of a local government, including any service provided by that local government? Yes __X__ No _____ If yes, complete question 2 to 4. If no, you do not need to file this form.

2. State what unit, part, or division of local government this administrative regulation will affect.

This administrative regulation should not affect local governments that own or operate USTs.

3. State, in detail, the aspect or service of local government to which this administrative regulation relates, including identification of the applicable state or federal statute or regulation that mandates the aspect or service or authorizes the action taken by the administrative regulation.

This administrative regulation relates to the agents of local government that own or operate underground storage tanks. KRS 224.60-105 authorizes the promulgation of this administrative regulation.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): See below

Expenditures (+/-): See below

Other Explanation: The cabinet expects no significant impact from this administrative regulation.