



# Petroleum Storage Tank Commission

Records Retention Schedule

Prepared by the State Records Branch  
Public Records Division

Approved by the State Archives and Records Commission



Kentucky Department for  
Libraries and Archives

This records retention schedule governs retention and disposal of records created, used and maintained by the Petroleum Storage Tank Commission. **Government records in Kentucky can only be disposed of with the approval of the State Archives and Records Commission (the Commission).** If records do not appear on a Commission-approved records retention schedule, agencies should not destroy those records. This agency-specific schedule was drafted by Petroleum Storage Tank Commission personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for Petroleum Storage Tank Commission to destroy the records listed, after the appropriate retention periods have passed.

Petroleum Storage Tank Commission personnel should use this agency-specific schedule in combination with the *General Schedule for State Agencies (General Schedule)*, also approved by the Commission. The *General Schedule* applies to records that are created, used and maintained by staff at all or most state agencies. Agency-specific retention schedules are used only by specific agencies and apply to records that are created only by a particular state agency, or to records that a state agency is required to retain longer than the approved time period on the *General Schedule*. The *General Schedule* and agency-specific retention schedule should cover all records for Petroleum Storage Tank Commission.

This retention schedule applies to state agency records and information regardless of how it is created or stored. For example, information created and sent using e-mail is as much a public record as materials created or maintained in paper. Kentucky law defines public records, in part, as "documentary materials, *regardless of physical form or characteristics*, which are prepared, owned, used, in the possession of or retained by a public agency" (KRS 171.410[1]). This means that records management standards and principles apply to all forms of recorded information, from creation to final disposition, regardless of the medium. Records retention scheduling is important in developing, using, and managing computer systems and other electronic devices. Records management practices encourage cost-effective use of electronic media through accurate retention scheduling and legal destruction of records.

**All state government employees are responsible for maintaining records according to the retention schedule, whether those records are stored electronically or in paper. Information must be accessible to the appropriate parties until all legal, fiscal, and administrative retention periods are met, regardless of the records storage medium.**

This retention schedule covers the content of records created by Petroleum Storage Tank Commission, including records created or stored using computers and computer systems. The *General Schedule for Electronic and Related Records* applies to records related to computers or a computer system. Examples of these include system documentation and use records, backup files, or website format and control records.

### **Audits and Legal Action**

Agency records may be subject to fiscal, compliance or procedural audit. If an agency should maintain records longer than the approved retention period, as may be the case with some federal audits, then all affected records should be retained until the audit has been completed and the retention period met. In no case should records that are subject to audit be destroyed until the audit has been completed and retention periods met, or the records have been officially exempt from any audit requirements.

Records may also be involved in legal or investigative actions, such as lawsuits, administrative hearings or open records matters. These records must be retained at least until all legal or

investigative matters have concluded, regardless of retention period. This includes all appeals of lawsuits.

### **Vital Records**

Vital records are essential to the continued functioning of an agency during and after an emergency. Vital records are also essential to the protection of the rights and interests of an agency and of the individuals for whose rights and interests it has a responsibility. Vital records are identified in the retention schedule with a (V).

### **Confidential Records**

While all records created, used and maintained by government agency personnel are public records, not all of those records are open to public inspection. Whether a record is open to public inspection is determined by the state's Open Records laws and other relevant state or federal statutes and regulations. Restriction of public inspection of confidential records may apply to the whole record or only to certain information contained in the record.

Kentucky's public records are considered open for public inspection unless there is some specific law or regulation that exempts them. Agency personnel who believe certain records are confidential should submit a citation from Kentucky Revised Statutes, Administrative Regulations, Code of Federal Regulations, or similar authority. **State agency heads have the responsibility to know all the appropriate confidentiality laws, statutes and regulations that apply to the records maintained by their agency and to see that those laws are enforced.** Even though a record series may or may not be marked confidential on a retention schedule, contradictory laws or regulations that are passed after the schedule has been approved must be honored.

### **Copies of Records**

Agency personnel often make copies of records for internal use or reference purposes. Agencies should designate one copy as the official copy and make sure it is retained according to the records retention schedule. Agencies can destroy all other copies when no longer useful.

### **Updating the Retention Schedule**

Per 725 KAR 1:010, the head of each state government agency is required to designate a member of his or her staff to serve as a records officer. The agency records officer represents that agency in its records-related work with the Archives and Records Management Division. The agency records officer is responsible for assisting the Archives and Records Management Division in drafting a records retention schedule, and in finding any schedule updates to bring before the Commission. The retention schedule should be reviewed on a regular basis to suggest appropriate changes to the Commission.

## **Petroleum Storage Tank Environmental Assurance Fund Commission**

The Petroleum Storage Tank Environmental Assurance Fund Commission was established in 1990 with the enactment of KRS 224.60-100 to 224.60-160. The Commission, utilizing funds provided by the Petroleum Storage Tank Environmental assurance Fund, assists petroleum storage tank owners or operators in complying with the federal financial responsibility requirements promulgated under federal regulations and assists petroleum storage tank owners or operators in cleaning up contamination caused by the release of petroleum products into the environment.

RECORDS RETENTION SCHEDULE

Signature Page

Petroleum Storage Tank Environmental  
Agency Assurance Fund Commission

December, 1992  
Schedule Date

Unit

Change Date

12/10/92  
Date Approved by Commission

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APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:

*Jack B. Hall*  
Agency Head

12-2-92  
Date of Approval

*Mary Jean Eddins*  
Agency Records Officer

12-2-92  
Date of Approval

*Richard L. Eldridge*  
State Archivist and Records Administrator  
Director, Public Records Division

11-30-1992  
Date of Approval

*[Signature]*  
Chairman, Archives and Records Commission

12/10/92  
Date of Approval

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The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:

*Kathy Hilliard*  
Records Analyst/Regional Administrator

Nov. 30, 1992  
Date of Approval

*Jim [Signature]*  
Appraisal Archivist

12/10/92  
Date of Approval

*Victoria Moore*  
State/Local Records Branch Manager

12/10/92  
Date of Approval

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The determination as set forth meets with my approval.

*Ann B. White*  
Auditor of Public Accounts

12/9/92  
Date of Approval

STATE ARCHIVES AND RECORDS COMMISSION  
 Public Records Division  
 Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS  
 RETENTION SCHEDULE

Energy and Environment Cabinet  
 Environmental Protection  
 Waste Management  
 Petroleum Storage Tank Commission

Record Group  
 Number  
 2077

Series	Records Title and Description	Function and Use
04183	<p><b>Eligibility and State Financial Responsibility Affidavit File (V)</b></p> <p><b>Access Restrictions</b></p> <p><b>Contents</b></p> <p><b>Retention and Disposition</b></p>	<p>This series documents ownership of underground storage tanks and aids in determining eligibility for reimbursement to clean up contamination caused by the release of petroleum products into the environment. The funds of the Petroleum Storage Tank Environmental Assurance Fund Commission (PSTEC)* are used solely for clean-up activities, not for costs incurred just by moving or replacing tanks. Owner/operators are required by law to meet federal and state Environmental Protection Agency (EPA) requirements. Owner/operators are required by law to be registered with the Underground Storage Tank Branch of the Waste Management Division, Natural Resources and Environmental Protection Cabinet pursuant to KRS 224.60-105. There is no law requiring the owner/operator to file an affidavit with PSTEC, however, financial assistance is unavailable to them if they do not. **Affidavits are not referenced often unless ownership is closed or transferred.</p> <p>KRS 61.878 (1)(a) Personal information</p> <p>Certificate of Eligibility; Name and address of owner/operator of tanks; Compliance-yes/no; Financial responsibility information; Facility information (facility name, ID#, location, number of tanks); Certification authorization; proof of notarization.</p> <p>Retain in Agency for two (2) years after the owner/operator closes or transfers his business; transfer to State Records Center for three (3) years. Destroy after audit. Total retention is five (5) years.</p>
04184	<p><b>Application for Assistance and Claims File (V)</b></p> <p><b>Access Restrictions</b></p> <p><b>Contents</b></p> <p><b>Retention and Disposition</b></p>	<p>This series documents an owner/operator's eligibility for reimbursement, verification of the affidavit file and details the cost factors of the claim as a result of contamination. The funds of the Petroleum Storage Tank Environmental Assurance Fund Commission (PSTEC)* are used solely for cleanup activities and not for costs incurred to move or replace tanks. The commission determines the amount of reimbursement based on costs it finds eligible, actually incurred, reasonable and, if applicable, the hearing recommendation. Application for assistance is filed first, then claims are completed once the application for assistance is approved using a Memorandum of Agreement. Payment for a claim is filed with the Office of Accounts, Finance and Administration Cabinet. The Underground Storage Tank Branch, Waste Management Division monitors cleanup of contamination. If an application for assistance is denied, then an owner/operator may request a hearing pursuant to KAR 1:120 with the Division of Hearings, Natural Resources and Environmental Protection Cabinet.</p> <p>None</p> <p>Application for Assistance (Claim #, Facility ID#, Site Information, Date/time release was discovered, Date of Corrective Action Plan approved, Contractor ID, Price amounts, Financial Assurance documentation); Claim Form (Vendor #, Site information, Invoices, Activities Performed); Reports of Closure Assessment, Site investigations, Corrective Action Plan, copy of check, Memorandum of Agreement; Statement by geologist/engineer that delineates environmental harm of tanks at site</p> <p>Retain in Agency for two (2) years after closure of claim; transfer to State Records Center for three (3) years; total retention is five (5) years.</p>