



# Department of Environmental Protection

## Records Retention Schedule

Prepared by the State Records Branch  
Archives and Records Management Division

Approved by the State Libraries, 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 this agency. **Government records in Kentucky can only be disposed of with the approval of the State Libraries, 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 agency personnel and Archives and Records Management Division staff and reviewed and approved by the Commission. This schedule provides the legal authority for this agency to destroy the records listed, after the appropriate retention periods have passed.

Agency 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 this agency.

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.**

### **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.

## **Department for Environmental Protection**

The Kentucky Department for Environmental Protection has been given the duty to lead the effort to protect Kentucky's natural resources. The department's mission is to protect and enhance Kentucky's environment. This mission is important because it has a direct impact on Kentucky's public health, our citizens' safety and the quality of Kentucky's valuable natural resources - our environment.

The Department for Environmental Protection is divided into six (6) divisions. The divisions are:

- Division of Air Quality - protects human health and the environment by achieving and maintaining acceptable air quality;
- Division of Compliance Assistance - enables excellence in environmental compliance, recognizes environmental leadership and facilitates activities that enhance the welfare of Kentucky's citizens and environment;
- Division of Enforcement - uses a clear and consistent approach in bringing about and maintaining compliance with the cabinet's regulatory programs by using appropriate and reasonable measures to resolve cases in a timely manner;
- Division of Environmental Services - provides centralized laboratory testing for the cabinet;
- Division of Waste Management - protects human health and the environment by minimizing adverse impacts on all citizens through the development and implementation of fair, equitable and effective waste management programs;
- Division of Water - manages, protects and enhances the water resources of the Commonwealth for present and future generations through voluntary, regulatory and educational programs.

RECORDS RETENTION SCHEDULE

Signature Page

Department for Environmental Protection  
Agency

June 8, 2006  
Schedule Date

Unit

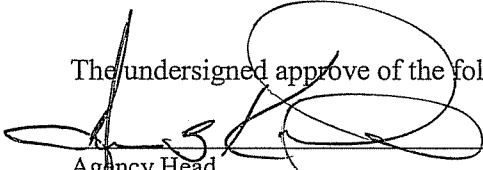
September 12, 2013  
Change Date

September 12, 2013  
Date Approved By Commission

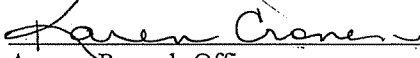
\*\*\*\*\*

APPROVALS

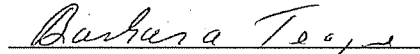
The undersigned approve of the following Records Retention Schedule or Change:

  
Agency Head


9/19/13  
Date of Approval

  
Agency Records Officer

9-13-13  
Date of Approval

  
State Archivist and Records Administrator  
Director, Public Records Division

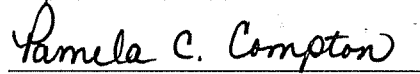
9/14/13  
Date of Approval

  
Chairman, State Archives and Records Commission

9/12/13  
Date of Approval

\*\*\*\*\*

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

  
Records Analyst/Regional Administrator

09/12/2013  
Date of Approval

  
Appraisal Archivist

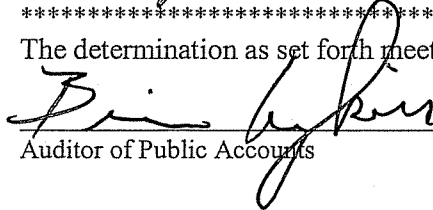
9/12/2013  
Date of Approval

  
State Local Records Branch Manager

9/12/13  
Date of Approval

\*\*\*\*\*

The determination as set forth meets with my approval.

  
Auditor of Public Accounts

9/12/13  
Date of Approval

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

STATE AGENCY RECORDS  
 RETENTION SCHEDULE

Energy and Environment Cabinet  
 Environmental Protection  
 Certification

Record Group  
 Number  
 1024

Series	Records Title and Description	Function and Use
05508	Certification Records (V)	Kentucky law requires that the Department issue certifications to specified individuals, organizations, and equipment prior to engaging in environmentally related activities. Most certifications are given to individuals, allowing them to perform particular tasks. This series provides documentation on certifications, which include, but are not limited to, drinking water operators, wastewater operators, landfill managers, landfarm managers, and asbestos removers.
	Access Restrictions	None
	Contents	This Series may contain certification applications, exam results, correspondence, licenses, training class and continuing education information, and disciplinary action documentation
	Retention and Disposition	Retain in Agency for 2 years after certification expires. Destroy

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

**STATE AGENCY RECORDS**  
**RETENTION SCHEDULE**

Energy and Environment Cabinet  
 Environmental Protection  
 Compliance

**Record Group**  
**Number**  
**1024**

<b>Series</b>	<b>Records Title and Description</b>	<b>Function and Use</b>
<b>05494</b>	<b>Compliance Monitoring Records (V)</b>	This series documents that staff at regulated facilities verify and report compliance with environmental standards and permitted pollution limits as prescribed by law. Facilities are required by regulation or by permit to meet certain environmental standards. Records in this series document the environmental monitoring (such as soil sampling, water quality sampling, air quality source sampling) performed to show compliance with these standards at regulated facilities. Departmental staff evaluates the monitoring results and supporting documentation to determine if limits have been exceeded and to determine if proper protocol was followed in gathering the results. If the report indicates violations of a required environmental standard, the issue may be addressed by the agency through an enforcement action.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	This Series may contain dates, facility names and addresses, monitoring data, compliance reports, chain of custody records, lab sheets, sampling plans, and related correspondence
	<b>Retention and Disposition</b>	Retain in Agency twelve (12) years, then destroy.
<b>05495</b>	<b>Notification and Complaints Records (V)</b>	KRS 224 requires that regulated entities report to the Agency any release or threatened release of pollutant(s) into the environment in such quantities or concentrations as to cause or threaten to cause an imminent and substantial danger to human health and/or to the environment. Reports of these releases or threatened releases are considered notifications. The Agency also receives and responds to environmental concerns identified by the general public. These concerns are recorded as complaints. This series contains all records regarding the notifications and the complaints received by the Agency. This series documents all correspondence between the departmental staff investigating the notification/complaint and the parties involved in the investigation. It also documents all inspections performed as a result of the notification/ complaint and documents all actions the department and regulated facility took in response to the notification/complaint.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	This Series may contain name and address of entity having release or threatened release; entity identification number ; notification reports; complaints reports; emergency response reports; photographs; and supporting documentation.
	<b>Retention and Disposition</b>	Retain in Agency for 10 years, then destroy.
<b>05497</b>	<b>Compliance Deficiency Notification Records (V)</b>	This series documents an entity's violations of Kentucky's environmental statutory and regulatory requirements. The documentation will outline remedial measures and/or actions to ensure a return to compliance. These series will include notices of violation, letters of warning, and supporting documentation. These documents usually represent initial attempts to return a facility to compliance prior to referring the violations to the Division of Enforcement.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	This Series may contain name of entity in violation; identification number of entity, letters of warning, notices of violations, violation determinations, follow-up inspection reports and related correspondence
	<b>Retention and Disposition</b>	Retain in Agency for ten (10) years after case closure, destroy.

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

**STATE AGENCY RECORDS**  
**RETENTION SCHEDULE**

Energy and Environment Cabinet  
 Environmental Protection  
 Compliance

**Record Group**  
**Number**  
**1024**

<b>Series</b>	<b>Records Title and Description</b>	<b>Function and Use</b>
<b>05498</b>	<b>Federal Assistance Review Records</b>	This series documents proposed projects being conducted by Kentucky entities that are also seeking federal financial assistance from the Environmental Protection Agency. The federal government requires that all requests for federal financial assistance be routed through the state clearinghouse located in the Governor's Office for Local Government. The state clearinghouse then evaluates these projects and determines whether they could have an environmental impact. If so, the documents are routed to the DEP for review and recommendations. These records document the Department's reviews and recommendations of projects assigned to the Department.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	This Series may contain name, address, identification number of requesting entity, application for federal assistance, amount requested, project plan(s), agency recommendations, and related correspondence
	<b>Retention and Disposition</b>	Retain in Agency three (3) years; destroy.
<b>05499</b>	<b>Environmental Impact Study Records (V)</b>	Pursuant to 40 CFR, environmental studies (also known as environmental impact studies) are required to be conducted by a facility or entity on projects that may impact human health and/or the environment. These studies are not required as part of state law. The Department only reviews these studies as part of a larger federal government review. If the DEP has comments on a study, those comments are forwarded to the federal agency in charge of the project. These evaluations or studies are provided to the Department by the facility and this series documents the review process and comments.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	This Series may contain name, address, identification number of the facility or entity, environmental assessments, environmental impact statements and related correspondence.
	<b>Retention and Disposition</b>	Retain permanently in Agency.
<b>05500</b>	<b>Financial Assurance Records</b>	KRS 224 requires that certain facilities post financial assurance to ensure that funds are available to address potential environmental damages in the event of a release of pollutants or contaminants. This series documents the facility's ability to meet those requirements. Agency staff reviews these documents -- letters of credit, bonds, insurance policies, and other supporting documentation and correspondence -- to determine if facilities have the financial guarantees to make them eligible to perform certain regulated activities.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	This Series may contain name, address, facility identification number, list of agents used in processes, various financial mechanisms to demonstrate financial assurance, such as: insurance policies, bonds, letters of credit, etc.
	<b>Retention and Disposition</b>	Retain in Agency for two (2) years after the financial assurance term expires. Destroy.
<b>05501</b>	<b>Compliance Evaluation Records</b>	KRS 224 and the regulations promulgated thereto require that facilities comply with state and federal environmental statutes and regulations. This series documents the records created through the efforts of DEP inspectors and other staff to demonstrate compliance with Kentucky environmental requirements. This Series contains the inspection reports, photographs and other documentation of field inspectors, geologists, and other Agency staff that perform visits to regulated entities to determine compliance with applicable state and federal regulations.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	This Series may contain name, location and address of facility, investigation reports, inspection reports, photographs, correspondence, compliance documentation and sample analyses
	<b>Retention and Disposition</b>	Retain in Agency ten (10) years; destroy



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

**STATE AGENCY RECORDS**  
**RETENTION SCHEDULE**

Energy and Environment Cabinet  
 Environmental Protection  
 Compliance

**Record Group**  
**Number**  
**1024**

<b>Series</b>	<b>Records Title and Description</b>	<b>Function and Use</b>
<b>05502</b>	<b>Emissions Inventory Records (V)</b>	KRS 224.20-050 authorizes the Department to assess fees against air emissions to fund the air quality control program. This series documents the process of conducting emissions inventories for fee assessment. These documents include the surveys of the regulated facilities, which determine the potential and actual pollutant emissions from the facilities. These surveys are generally conducted on an annual basis.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	This Series may contain name, location and address of facility, emissions survey letters, checklists, billing, and related correspondence.
	<b>Retention and Disposition</b>	Retain in Agency ten (10) years; destroy.
<b>05503</b>	<b>Ambient Monitoring Records (V)</b>	Pursuant to KRS 224, the DEP is required to monitor the environmental quality of areas surrounding facilities to ensure protection of human health, safety, and the environment. This series provides documentation of the processes used for the assessment. These Series contains records of environmental sampling, documentation that the sampling was performed in accordance with standard practices, sample results, and the documentation proving that results are valid. All documents in this series are part an ambient monitoring initiative and are not directly related to determining if a particular facility or group of facilities is in compliance with applicable environmental regulations.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	This Series may contain monitoring data, quality control records, chain of custody records, lab sheets, sampling plans, and related correspondence
	<b>Retention and Disposition</b>	Retain in Agency permanently.
<b>05504</b>	<b>Facility Planning Records (V)</b>	401 KAR Chapter 5 and 8 require that facilities plan for future wastewater and drinking water service to the public and submit to these plans to the Department. These plans indicate future coverage areas and the anticipated timelines for extending this service. These plans allow the agency to evaluate system needs and treatment capacity. The Series contains plans and records related to utility services.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	This Series may contain 201 wastewater facility plans, sewer overflow plans, drinking water monitoring plans, reports, and related correspondence.
	<b>Retention and Disposition</b>	Retain in Agency for twenty (20) years. Destroy.
<b>05505</b>	<b>Authorization Records (V)</b>	Kentucky law requires that the Department issue authorizations to facilities for environmentally related activities that could result in harm to the environment and/or to public health and/or safety. This series documents the authorization to conduct business activities that are stated in KRS 224. This Series may contain but is not limited to permits and registrations which allow regulated entities to perform disposal of solid waste, to store, treat or dispose of hazardous waste, to treat wastewater sludge or other bio-solids, to operate petroleum underground storage tanks, to discharge wastewater to waters of the Commonwealth, to install groundwater wells, to construct wastewater treatment facilities, to withdraw water from the waters of the Commonwealth, to construct in a floodplain, to construct drinking water facilities, and to emit air pollutants from a facility.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	This Series may contain authorization applications, approval letters, permits, registration forms, permit modifications, deficiency letters, and related correspondence.
	<b>Retention and Disposition</b>	Retain in Agency and destroy ten (10) years after end of authorization period.

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

**STATE AGENCY RECORDS**  
**RETENTION SCHEDULE**

Energy and Environment Cabinet  
 Environmental Protection  
 Compliance

**Record Group**  
**Number**  
**1024**

<b>Series</b>	<b>Records Title and Description</b>	<b>Function and Use</b>
<b>05506</b>	<b>Corrective Action and Closure Records (V)</b>	KRS Chapter 224 requires that facilities adequately address contamination caused by releases of pollutants to the environment to ensure protection of the environment, safety, and public health. This series documents actions taken by the facilities to remediate the site either by removal of the contamination or methods used to manage and monitor the area. The records may include maps, site sketches, monitoring results, plans, photographs, and other documentation that reviewers use to assess the extent of contamination at a facility and to determine if the actions being taken at a facility are appropriate.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	This Series may contain notice of intent forms, closure applications, site investigations plans, corrective action plans, sample analyses, property records, site visit reports, and related correspondence.
	<b>Retention and Disposition</b>	Retain in Agency for thirty (30) years after case closure and remediation has been completed. Destroy. In event case closure and remediation are not obtained, records are to be kept in agency permanently.
<b>05507</b>	<b>Technical Assistance Records (V)</b>	KRS 224 allows for Department personnel to assist entities in their efforts to comply with Kentucky's environmental requirements. Due to the nature of environmental laws, the regulated public is often confused on how to best comply with environmental regulations. The public may also have non-regulatory questions on how to good stewards of the environment. This series documents the assistance provided by Agency staff to answer these question and provide assistance.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	This Series may contain site visit reports, correspondence, assistance tracking reports, photographs, compliance implementation plans, and sample analyses.
	<b>Retention and Disposition</b>	Retain in Agency ten (10) years; destroy.
<b>05509</b>	<b>Institutional Control Records (V)</b>	KRS 224 provides for the establishment of institutional controls to be placed on a property to ensure that contamination left in place in a managed state is not disturbed and that the property use will be managed to prevent adverse exposures. This series documents the controls, as reviewed by Department personnel, that are used to monitor the managed area. These controls are usually in the form of an environmental covenant or a deed restriction. In the event contamination is left in place in a managed state, notices are filed at the county clerk's office in the county where the facility is located. The Department is mandated by the Federal Environmental Protection Agency to track institutional controls throughout their existence.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	This Series may contain deed restrictions, covenant not to sue documents, and related documents and correspondence
	<b>Retention and Disposition</b>	Retain permanently in Agency.
<b>05510</b>	<b>Program Delegation Records (V)</b>	The Federal government may delegate the primary responsibility for implementing a federal program at a state level pursuant to 40 CFR. To receive program delegation, the agency must implement a program that is at least as stringent as the federal program and be able to demonstrate that it has the capacity to maintain oversight of the program. If the federal government concurs with this request, the state is given primacy to implement the program and the federal government retains a oversight role to ensure the agency maintains its responsibilities under the delegations. This record documents this delegation process and approval.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	This Series may contain federal delegation notices and related correspondence.
	<b>Retention and Disposition</b>	Retain permanently in Agency.

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

STATE AGENCY RECORDS  
RETENTION SCHEDULE

Energy and Environment Cabinet  
Environmental Protection  
Compliance

Record Group  
Number  
1024

Series	Records Title and Description	Function and Use
05511	<b>Environmental Audits</b>	KRS 224.01-40 allows entities to assess their compliance voluntarily and then disclose violations to the Department without threat of enforcement provided they address their violations in a timely manner. The Kentucky Legislature established this process to encourage staff to routinely evaluate their facility's compliance and take steps to correct any areas that do not meet the regulatory standards. This record series documents the evaluation conducted by the facility, the finding of non-compliance, and then documents the processes implemented by the facility to correct the violations.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	This series ay include audit reports, sample analyses, and related correspondence.
	<b>Retention and Disposition</b>	Retain in Agency for ten (10) years; destroy.

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

**STATE AGENCY RECORDS**  
**RETENTION SCHEDULE**

Energy and Environment Cabinet  
 Environmental Protection  
 Enforcement

**Record Group**  
**Number**  
**1024**

<b>Series</b>	<b>Records Title and Description</b>	<b>Function and Use</b>
<b>05496</b>	<b>Enforcement Records (V)</b>	This series documents the administrative and judicial process employed by the Department to ensure that an entity returns to compliance with Kentucky environmental requirements. These records also document assessed penalties associated with noncompliance as provided in KRS 224. This Series contains the records of facility's violations of state or federal regulations that were identified by the agency. These violations are referred to the Division of Enforcement due to either the seriousness of the violation or because the responsible party failed to comply with a notice of violation. These records document the Division's efforts to return the facility to compliance and to assess penalties to the entity or entities responsible for the violation(s). Agreed Orders, Demand Letters, and other correspondence with responsible parties will be included in this series.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	This Series may contain Notice(s) of Violation; Follow-Up Inspection Reports; Referrals to Enforcement ; Demand Letters; Agreed Orders: Enforcement Referrals to the Office of Legal Services; Letters of Agreement, Administrative Proceedings, and judicial proceedings.
	<b>Retention and Disposition</b>	Retain in Agency permanently.

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

**STATE AGENCY RECORDS**  
**RETENTION SCHEDULE**

Energy and Environment Cabinet  
 Environmental Protection  
 Sanctions

**Record Group**  
**Number**  
**1024**

<b>Series</b>	<b>Records Title and Description</b>	<b>Function and Use</b>
<b>05493</b>	<b>Sanction Records (V)</b>	401 KAR Chapters 5 and 8 allow the Department to impose sanctions on the expansion of wastewater and drinking water systems that are unable to adequately treat the additional water. These sanctions limit the growth of a municipality until officials can demonstrate that their facilities have been upgraded or replaced and are capable of receiving the additional flow and maintaining a high quality of treatment. Limited exceptions are permitted with agency approval to accommodate growth that is in the greatest interest of the Commonwealth (e.g., schools, hospitals) This series documents the justification for the sanction, the process(es) being followed to allow removal of the sanction, the time frame to correct the problem and the consequences associated with the sanction.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series may contain: name and address of entity receiving sanction, Cabinet identification number of the entity; sanction letters, flow data, reports, and related correspondence.
	<b>Retention and Disposition</b>	Retain in Agency for 10 years after expiration. Destroy

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

STATE AGENCY RECORDS  
RETENTION SCHEDULE

Energy and Environment Cabinet  
Environmental Protection  
Waste Management  
Petroleum Storage Tank Environmental Assurance Fund

Record Group  
Number  
2077

Series	Records Title and Description	Function and Use
04183	<b>Eligibility and State Financial Responsibility Affidavit File (V)</b>	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.
	<b>Access Restrictions</b>	KRS 61.878 (1)(a) Personal information
	<b>Contents</b>	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.
	<b>Retention and Disposition</b>	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.
04184	<b>Application for Assistance and Claims File (V)</b>	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.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	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
	<b>Retention and Disposition</b>	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.