



Potential UST Rule Changes **An Explanation of the currently proposed Draft Regulations**

*This list outlines suggestions that were initially provided for potential regulation changes to be considered in the current rulemaking process. For each suggestion, the Missouri Department of Natural Resources has outlined its status in the proposed draft regulations (**Red** has been withdrawn, **blue** are items where a counter-proposal has been incorporated, **green** items are currently moving forward.)*

For a copy of the full proposed regulation text, please visit our web page at <http://dnr.mo.gov/env/hwp/ustworkgroup.htm>

If you have questions about the rulemaking, you may contact Heather Peters at heather.peters@dnr.mo.gov, by mail at Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102-0176 or by facsimile at 573-526-5268.)

A. Potential Significant Rule Changes

1. **Containment sumps.** Require under-dispenser and/or tank-top piping containment sumps when new UST systems are installed.

The comments received throughout the stakeholder process indicated stakeholder concerns with maintenance, maintenance logs, and/or repairs of the containment sumps. The proposed regulation would require containment sumps for new systems, but the department has not included, at this time, regulations that would require routine maintenance, logs, or repairs.

2. **“In use.”** Change current definition; define “in use” to include tanks that contain product. (This would match the PSTIF’s definition; DNR’s current definition of “in use” specifies that product is regularly going into and out of the tank.)

This suggestion has been incorporated.

3. **Require temporarily-closed tanks to be emptied.** Require tanks that are no longer being used to dispense product to be emptied. (This would prohibit someone from leaving fuel in the tanks and continuing to do leak detection if a facility is no longer in business.)

Based on stakeholder comments, the department has decided to change the definition of “in use” (see #2 above) instead.

4. **Permanent closure deadline for temporarily-closed tanks.** Under the current requirements, tank systems that meet the 1998 upgrade standards may remain in the ground indefinitely after they are taken out of use.

Based on an alternative stakeholder proposal and subsequent stakeholder input the department has proposed the following change: Within 12 months tanks must be permanently closed or the owner/operator may conduct a site assessment to determine

whether there is any contamination on the site that poses any risk. All out of use tanks must be permanently closed within 5 years of being taken out of use.

5. New UST installation Criteria. Create clearer requirement that UST systems be installed in accordance with API, PEI, and/or manufacturers' requirements. Apply these regulations to the installers instead of the owner/operator.

Draft language has been proposed to: a) transfer responsibility for compliance to the installer, b) ensure compliance with manufacturers' requirements, including certification, c) ensure compliance with pre- and post-installation testing requirements, and d) clarify department requirements.

In addition, the proposed regulation includes authority for the department to hold an installation that does not meet normal standards until the tank owner and equipment manufacturers are aware of the concern or potential problem. Other work on-site could continue, but the area in question would need to remain accessible.

6. Clarify a period of time for which a closure notice is valid. Currently, an owner/operator must submit a closure notice, indicating he plans to remove one or more USTs, but there is no "expiration" on the closure notice. So a notice may be submitted two years before the actual closure begins, making tracking of ongoing tank closures difficult.

In the proposed changes, closure notices will expire 180 days after department approval.

7. Limit re-lining of old steel tanks. Specifically limit the number of times a tank may be sandblasted and relined.

As the primary concern is that the integrity of the steel tank may be compromised over time, a stakeholder alternative proposal was to require an assessment of the tank itself to determine whether it can be re-lined. The department has included this alternative language in lieu of limiting tank re-lining in general.

8. Phase out vapor monitoring and/or groundwater monitoring as acceptable leak detection methods. By a certain date? (Still allow the more sensitive chemical marker testing?)

This potential change has been withdrawn based on stakeholders concerns with: a) cost, b) facility staff training concerns, and c) lack of options for compliance.

9. High-throughput facilities. Should there be additional release detection requirements for high-throughput facilities? If so, how should such facilities be defined?

Language is currently included to require adequate leak detection at high throughput facilities, with the proposed threshold for "high-throughput" at 500,000 gallons of product through the system each month.

10. **Repair of metal piping.** When replacing leaking steel piping, how much must be replaced? (Under current rules, steel piping cannot be repaired).

Proposed changes include requiring replacement of the entire run of electrically connected, cathodically protected steel piping, and not just a section.

11. **Revocation or invalidation of UST certificate of registration.** Consider writing a process in the rules by which the department can revoke or invalidate a certificate. (State law allows the DNR to invalidate a certificate, but it has never been done.)

This suggestion has not been incorporated at this time.

12. **Compartments.** Current tank rules do not address compartmentalized tanks. Should they? If so, how?

No problems were identified that required change.

13. **Older, problematic piping.** Should we require owners/operators to evaluate and/or replace old piping that is known to deteriorate over time?

As a proposal could not be developed to address this concern, this item has been withdrawn.

14. **Mechanical blend valves with line leak detectors.** Is this an issue we need to address?

Based on stakeholder concerns, this item has been withdrawn.

15. **Wireless line leak detectors.** Interference at most stations seem to render wireless line leak detectors inoperable. Should their use be prohibited?

Based on stakeholder input, including confirmation that most of these have already been removed, this item has been withdrawn.

16. **Require owners/operators of emergency generator tanks to do release detection.** Current rules require emergency generator tank owners/operators to have FR; those that comply with the FR requirement by participating in the PSTIF are already required to do leak detection. This change would only affect a few emergency generator tank owners/operators who use other FR mechanisms.

This suggestion is currently included in the draft regulations. The department will attempt to notify these owners specifically to share the potential changes and their potential effect on their facilities.

B. Minor Rule Changes – Owners/operators have already complied with some or all of these requirements, though the current rules are not perfectly clear on these points.

All of the minor rule changes, corrections, updates, and clarifications have been included in the proposed rule. As all of these changes have already been requested, and incorporated, by owners, operators and contractors, these changes will have minimal impact on the regulated community. The changes, though, will ensure that all owners, operators, and contractors, especially new entities in Missouri, will be aware of the department's expectations.

1. **Change rule to require “metal in contact with an electrolyte”** to be protected from corrosion. Would replace “metal in contact with the ground” language.
2. **Require all release detection methods to be conducted in accordance with current certificates on the National WorkGroup on Leak Detection Evaluations (NWGLDE) list, and in accordance with third party certificate criteria.**
3. **Cathodic protection rectifier log requirements.** Require that the system logs for impressed current systems contain the system readings, if any.
4. **Cathodic protection system test reports and repairs.** Specify test report criteria, (which are already incorporated by most/all c.p. testers). Also specify that if any problems or anomalies in the c.p. system are noted, they must be investigated.
5. **Cathodic protection (c.p.) system re-activation.** If a c.p. system has been turned off, clarify if/when an integrity test of the tank shell will be required before reactivating the c.p. system. Explicitly clarify that, in cases like this, the c.p. system must be recertified by a corrosion expert.
6. **Clarify what is required for integrity testing of tanks,** prior to lining them.
7. **Post-installation testing.** Put in regulation the American Petroleum Institute (API) and Petroleum Equipment Institute (PEI) post-installation testing requirements.
8. **Require tight fill deliveries.** Lack of a tight connection for deliveries would render most overfill prevention equipment, (flapper valves and ball float valves), useless.
9. **Closure reports.** Require submittal of a closure report upon completion of the tank system removal, (as opposed to upon request by the department).
10. **Delete the exemption from closure sampling.** Delete language stating that tank systems with current groundwater monitoring or vapor monitoring results are exempt from closure site assessment requirements.
11. **Define remote fill pipe.** Remote fill pipes will be subject to corrosion prevention requirements, but not subject to release detection requirements. Definition will include the underground portion of piping between a UST and its associated “feeder” AST.
12. **“Piping that routinely contains product.”** Redefine as piping that *regularly* contains product, even if it does not *continually* contain product. (i.e., “slave” lines, gravity piping runs, remote fill lines). Clarify which of these piping runs are potentially subject to release detection and corrosion protection, and which are subject to only corrosion protection.

C. Corrections, Updates and Clarifications – To more clearly state current policies and interpretations; no new requirements for owners and operators.

1. **Define “annual” as 365 days. Define triennial (every three years), monthly, 6 months, etc.**
2. **Linings for compatibility or repair.** Clarify that owner/operator must maintain and inspect interior linings installed for product compatibility or repair purposes. (I.e., All interior linings -- whether installed for upgrade, compatibility, or repair purposes – have to meet the same criteria.)
3. **Clarify lining inspection timeframes.** A lined tank only has one 10-year inspection window. All subsequent lining inspections, regardless of whether the lining is replaced or repaired, must be done every 5 years. Also clarify that the lining must be maintained after the tank is taken out of service, or else permanent closure is required.
4. **LLD operability testing language.** Clarify what is required to conduct an operability test and what information is required on the test report.
5. **Explicitly list Statistical Inventory Reconciliation (SIR) as an approved leak detection method.** SIR is currently approved under the “other methods” section of the rule. Also incorporate SIR into suspected release response requirements.
6. **Overfill prevention.** Explicitly state that ball float valves are not compatible with suction systems or pressurized deliveries. Clearly state that overfill alarms must be installed (and audible) in the delivery area.
7. **Ethanol compatibility options.** In 10 CSR 20-10.032, add language to clarify that the department can approve use of other codes (besides API 1626 or API 1627) for alcohol compatibility determinations.
8. **Inspections.** Since DNR is now using contract inspectors, add language requiring the owner/operator to cooperate with DNR’s “authorized representative” during inspection.
9. **Delete the records request form** from the regulations.
10. **Delete old release detection deadlines.**
11. **Delete old (1998) upgrade deadlines.**
12. **Correct references to industry standards and codes that have changed or been updated.**
13. **Upgrade references.**
14. **Tank within a tank.** Clarify that, if a lining product is approved as a tank, the steel tank would have to be cleaned, and there would have to be a site assessment done, before the lining is applied, or the tank can be considered a new fiberglass-reinforced-plastic (FRP) tank?
15. **New piping- old site.** Clarify that a new piping installation must meet the requirements of 10 CSR 20-10.020 (new system standards), not 10 CSR 20-10.021 (upgrade standards).
16. **Recordkeeping.** Consolidate and clarify owner’s/operator’s record retention requirements.
17. **Tanks within a vault.** Clarify that tanks in a vault are only exempt if all surfaces can be visually inspected from within the vault.
18. **Correct regulatory citations in FR Appendix Form 2- Guarantee.**
19. **Add other types of clad steel tanks (i.e. urethane). Add flexible piping.**
20. **We will be moving our regulations from under Water Pollution Control Commission to the Hazardous Waste Management Commission.**