

**Title 10 – DEPARTMENT OF NATURAL RESOURCES**  
**Division 20 – Clean Water Commission**  
**Chapter 10 – Underground Storage Tanks – Technical Regulations**

**PROPOSED RULE**

*PURPOSE: This rule describes the first steps to stop the spread of the release and finding the extent of the release.*

**10 CSR 20-10.072 Initial Abatement Measures, Site Check, and Comparison with Default Target Levels**

- (1) Unless directed to do otherwise by the department, owners and operators must perform the following abatement measures:
  - (A) Remove as much of the regulated substance from the underground storage tank (UST) system as is necessary to prevent further release to the environment;
  - (B) Visually inspect any above-ground releases or exposed below-ground releases and prevent further migration of the released substance into surrounding soils and groundwater;
  - (C) Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the UST excavation zone and entered into surface or subsurface structures such as buildings, sewers or basements;
  - (D) Remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement or corrective action activities. If these remedies include treatment or disposal of soils, the owner and operator must comply with applicable state and local requirements;
  - (E) Measure for the presence of a release where contamination is most likely to be present at the UST site, unless the presence and source of the release have been confirmed in accordance with the site check required by 10 CSR 20-10.052(1)(B) or the closure site assessment in 10 CSR 20-10.062. In selecting sample types, sample locations and measurement methods, the owner and operator must consider the nature of the stored substance, the type of backfill, depth to groundwater and other factors as appropriate for identifying the presence and source of the release; and
  - (F) Investigate to determine the possible presence of light non-aqueous phase liquid and begin light non-aqueous phase liquid removal as soon as practicable in accordance with 10 CSR 20-10.074.
- (2) Comparison with default target levels. Owners and operators shall compare the maximum soil and groundwater concentrations of chemicals of concern with the default target levels established by the department and complete an ecological screening assessment in accordance with the requirements of 10 CSR 20-10.075(16).
  - (A) If the maximum soil or groundwater concentrations of chemicals of concern at a site exceed the default target levels, the owner or operator shall either
    1. Undertake corrective action to achieve the default target levels; or

2. Conduct a full site characterization and risk assessment in accordance with the requirements of 10 CSR 20-10.073 through 10 CSR 20-10.082.

If the maximum soil and groundwater concentrations do not exceed the default target levels, light non-aqueous phase liquid is not present, and no ecological risk is identified, owners and operators may petition the department for a determination of no further action.

(3) Within twenty (20) days after release confirmation, owners and operators must submit a report to the department summarizing the initial abatement steps taken under section (1) of this rule and any resulting information and documenting the comparison of maximum concentrations of chemicals of concern with the default target levels and the ecological screening assessment.