

Title 10 – DEPARTMENT OF NATURAL RESOURCES
Division 2[0]6 – [Clean Water Commission] **Petroleum and Hazardous Substance
Storage Tanks**
Chapter [10] 2 – Underground Storage Tanks – Technical Regulations

PROPOSED AMENDMENT

10 CSR [20-10]26-2.0[6]74 [Free-Product Removal] **Light Non-Aqueous Phase Liquid (LNAPL) Removal**. The rule title and number are being changed along with terms used in the rule. In addition, specific existing language is being deleted and new language added to clarify requirements.

PURPOSE: This amendment changes the rule number in the rule title and rule citations within the text to reflect movement of division 20, chapter 10 rules to division 26, chapter 2, to make the language of the rule consistent with other rules in the chapter, to clarify existing requirements, to clarify authority for the rule, and to require the submittal of a work plan.

(1) At sites where the investigation reveals [free product]LNAPL under 10 CSR [20-10]26-2.0[6]72(1)(F), owners and operators must **begin to remove [as much] free and mobile LNAPL from the environment within thirty (30) days of the discovery of the LNAPL or according to a schedule approved by the department. Initial removal efforts must continue until a work plan for LNAPL removal required at 10 CSR 26-2.079(5)(A) is submitted to and approved by [product as practicable as determined by] the department or initial removal efforts meet the LNAPL removal objectives at subsections (1)(A) and (B) of this rule and 10 CSR 26-2.079(5)(B)1.A and B within ninety (90) days of beginning such efforts, in which case the work plan need not be submitted. Instead, owners and operators must submit the report required at 10 CSR 26-2.079(5)(B)4 and, in addition to the information required there, include in the report documentation clearly demonstrating that the objectives in subsections (1)(A) and (B) of this rule and 10 CSR 26-2.079(5)(B)1.A and B have been met. Mobile LNAPL must be removed to the extent practicable as determined by the department.** Any actions initiated under 10 CSR [20-10]26-2.0[6]71--10 CSR [20-10]26-2.0[6]73 or preparation for actions required under 10 CSR [20-10]26-2.0[6]75--10 CSR [20-10].0[66]79 must also be continued. In meeting the requirements of this rule, owners and operators must--

Comment [n1]: LNAPL requirements

(A) Remove [free product] **mobile LNAPL** to minimize the spread of contamination (**free and mobile LNAPL and associated dissolved-phase groundwater contamination**) into previously uncontaminated zones **and to mitigate fire, explosion, and acute human health risks associated with the non-aqueous phase liquid**. The recovery and disposal techniques must be appropriate to the hydrogeologic conditions at the site. Recovered by-products must be treated, discharged or disposed in compliance with applicable local, state and federal regulations;

(B) Use abatement of [free product] **mobile LNAPL migration and mitigation of acute risks** as [a] minimum objectives for [free product] **mobile LNAPL** removal;

(C) Handle any flammable products in a safe and competent manner to prevent fires or explosions; and

(D) Prepare and submit to the department a [free-product] LNAPL removal report, within forty-five (45) days after confirming a release, unless otherwise directed by the department. The report shall provide at least the following information:

1. The name of the person(s) responsible for implementing the [free product] **mobile LNAPL** removal measures;
2. The estimated quantity, type and thickness of [free product] **LNAPL, both mobile and immobile**, observed or measured in wells, boreholes and excavations;
3. The type of [free product] **mobile LNAPL** recovery system used;
4. Whether any discharge will take place on-site or off-site during the recovery operation and the location of this discharge;
5. The type of treatment applied to, and the effluent quality expected from, any discharge;
6. The steps that have been or are being taken to obtain necessary permits for any discharge; and
7. The disposition of the recovered [free product] **LNAPL**.

AUTHORITY: sections 319.109 and 319.137, RSMo Supp. [1989] 2007 [and 644.026, RSMo Supp. 1993]. Original rule filed April 2, 1990, effective Sept. 28, 1990. Amended: Filed February 13, 2009.*

**Original authority: 319.109, RSMo 1989 [and 644.026, RSMo 1972, amended 1973, 1987, 1993].*

PUBLIC ENTITY COST: This proposed amendment will cost public entities approximately one hundred and fifteen thousand dollars (\$115,000) in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will cost private entities approximately one hundred and twenty-five thousand dollars (\$125,000) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:30 a.m. on August 20, 2009, at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on August 27, 2009. Faxed or emailed correspondence will not be accepted. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.