Missouri
Department of
Natural Resources

Title 10--DEPARTMENT OF NATURAL RESOURCES
Division 26 –Petroleum and Hazardous Substance Storage Tanks
Chapter 2--Underground Storage Tanks--Technical Regulations

10 CSR 26-2.010 Applicability

PURPOSE: This rule defines the underground storage tanks that are subject to the requirements of this chapter and releases from above ground storage tanks that are subject to the requirements of 10 CSR 26-2.072 through 10 CSR 26-2.082. The rules in this chapter contain the technical standards for underground storage tanks and the release response standards for both underground and above ground storage tanks. The rules in this chapter are designed specifically to protect the quality of groundwater in the state as well as to protect human health and the overall quality of the environment. The rules in this chapter are promulgated on the authority of sections 319.100, 319.137, 644.026, and 644.143, RSMo and the underground storage tank requirements are based upon federal rules 40 CFR 280.10 and 40 CFR 280.74.

(1) The requirements of this chapter apply to all owners and operators of an underground storage tank (UST) system as defined in 10 CSR 26-2.012, except as otherwise provided in sections (3) and (4) of this rule. Any UST system listed in section (3) of this rule must meet the requirements of 10 CSR 26-2.011.

(2) The requirements of 10 CSR 26-2.073 through 10 CSR 26-2.082 apply to all owners and operators of an above ground storage tank (AST) system as defined in 10 CSR 26-2.012, except as provided in section (5) of this rule.

(3) The following UST systems are excluded from the requirements of this chapter:

(A) Any UST system holding hazardous wastes listed or identified in the Missouri Hazardous Waste Management Law, sections 260.350 260.434, RSMo and the rules promulgated thereunder or a mixture of hazardous waste and other regulated substances, except for waste oil as defined in 10 CSR 25-11.279;

(B) Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act (33 U.S.C.A. 1251);

(C) Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks;

(D) Any UST system whose capacity is one hundred ten (110) gallons or less;

(E) Any UST system that is installed within a vault, if all exterior surface areas of the tank may be visually inspected without removal of backfill, gravel, sand, or other fill material.

(F) Any UST system that contains a de minimis concentration of regulated substances; and

(G) Any emergency spill or overflow containment UST system that is expeditiously emptied after use.

(4) Deferrals. Rules 10 CSR 26-2.020, 10 CSR 26-2.053 and closure requirements in 10 CSR 26-2.060 - 10 CSR 26-2.064 do not apply to any of the following types of UST systems:

(A) Wastewater treatment tank systems;

(B) Any UST systems containing radioactive material that are regulated under the Atomic Energy Act of 1954 (42 U.S.C. 2011 and following);

(C) Any UST system that is part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR 50 Appendix A;

(D) Airport hydrant fuel distribution systems; and

(E) UST systems with field-constructed tanks.

(5) The following AST systems are excluded from the requirements of 10 CSR 26-2.072 through 10 CSR 26-2.082:

(A) Farm or residential tanks, regardless of size, used for storing motor fuel for noncommercial purposes;

(B) Tanks used for storing heating oil for consumptive use on the premises where stored;

(C) Septic tanks;

(D) Pipeline facilities, including gathering lines, regulated under:

1. The federal Natural Gas Pipeline Safety Act of 1968 (P.L. 90-481), as amended; or

2. The federal Hazardous Liquid Pipeline Act of 1979 (P.L. 96-129), as amended;

(E) Pipeline facilities regulated under state laws comparable to the provisions of law referred to in subsection (D) of this section;

(F) Surface impoundments, pits, ponds, or lagoons;

(G) Storm water or waste water collection systems;

(H) Flow-through process tanks;

(I) Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations;

(J) Storage tanks situated in an underground area, such as a basement, cellar, mineworking, drift, shaft, or tunnel, if the storage tank is situated upon or above the surface of the floor; and

(K) Transformers, circuit breakers or other equipment or machinery that contain regulated substances for operational purposes.

(6) Owners and operators of petroleum storage tank systems from which a release of petroleum has occurred and to which this chapter applies need not meet the risk-based corrective action requirements of rules 10 CSR 26-2.075 through 10 CSR 26-2.082 otherwise applicable to the release if:

(A) Prior to the effective date of 10 CSR 26-2.075, the owner or operator had received the department's written approval of a work plan for site characterization, risk assessment, or corrective action pertaining to the petroleum storage tank system release;

(B) The owner or operator fully implements the work plan referenced at section (6)(A) of this rule within one year of the effective date of 10 CSR 26-2.075 or in accordance with a different schedule approved by the department in writing; and

(C) In addressing the petroleum storage tank system release, the owner or operator complies with a written procedure or procedures that address the basic elements of the risk-based process including site characterization, risk assessment, and corrective action to an extent that provides adequate protection of human health and the environment, subject to approval of the department.

1. If the owner or operator fails to adequately address any of the basic elements, the department may require the owner or operator to meet all applicable risk-based corrective action requirements of rules 10 CSR 26-2.075 through 10 CSR 26-2.082.

2. A written procedure that complies with the department's *Risk-Based Corrective Action for Petroleum Storage Tanks* guidance document dated February 2004, as amended March 8, 2005 by *Notice of Modifications to the Process and Interim Guidance Pertaining to Application of the New Soil Type Dependent Tier 1 Risk-Based Target Levels*; the March 18, 2005, *Soil Type Determination Guidelines*; the March 3, 2005, Table 3-1 *Default Target Levels*; the April 2005, Table 4-1 *Soil Concentration Levels to Determine the Need for Groundwater Evaluation During Tank Closure*; the February 2005, Tables 7-1(a) through 7-12(c) Tier 1 Risk-Based Target Levels; and the April 21, 2005, *Soil Gas Sampling Protocol*, without later amendments or additions, published by the Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65102-0176, and hereby incorporated by reference. and the title 10, division 20, chapter 10 rules in place immediately prior to the effective date of 10 CSR 26-2.075 satisfies the requirements for this deferral.

(7) Owners and operators of USTs to which this chapter applies need not meet the requirements of 10 CSR 26-2.062 if:

(A) Prior to the effective date of 10 CSR 26-2.075, the owner or operator has submitted a closure notice for one or more specific USTs to the department in compliance with 10 CSR 26-2.061(1) (formerly 10 CSR 20-10.071(1)) but has not yet begun or completed closure or change in service activities for the specific UST or USTs required by 10 CSR 26-2.060 (formerly 10 CSR 20-10.070), 10 CSR 26-2.061 (formerly 10 CSR 20-10.071), or 10 CSR 26-2.062 (formerly 10 CSR 20-10.072);

(B) For the UST(s) that is the subject of the closure notice referenced at section (7)(A) of this rule, the owner or operator completes closure or change in use activities and submits a complete closure report in accordance with 10 CSR 26-2.062(12) within one-year of the effective date of 10 CSR 26-2.075 or in accordance with a different schedule approved by the department in writing. A closure will be considered complete when all of the elements of the procedure provided for at subsection (7)(C)2 of this rule have been met; and

(C) The owner or operator closes the UST or conducts a change in use evaluation in compliance with a written procedure that addresses the basic elements of a UST closure or change in service evaluation to an extent that provides adequate protection of

human health and the environment, subject to approval of the department. The basic elements of a UST closure include removal of the UST and system components, removal of grossly contaminated soil and water, appropriate disposal of UST contents and other waste materials resulting from the closure, and confirmation sampling of soil and, if applicable, groundwater.

1. If the owner or operator fails to adequately address any of the basic elements, the department may require the owner or operator to meet all requirements of 10 CSR 26-2.062;

2. A written procedure that complies with the department's *Risk-Based Corrective Action for Petroleum Storage Tanks* guidance document referenced at section (6)(C)2 of this rule and the title 10, division 20, chapter 10 rules in place immediately prior to the effective date of 10 CSR 26-2.075 satisfies the requirements for this deferral.

(8) Temporarily closed tanks. Owners and operators of a UST to which this chapter applies that is in temporary closure in compliance with the requirements of 10 CSR 26-2.060 on the effective date of 10 CSR 26-2.075 and that is subsequently permanently closed or for which a change in service occurs must comply with the requirements of this chapter.

(9) Except as provided for at section (8) above, owners and operators of USTs to which this chapter applies that are permanently closed or for which a change in service occurs after the effective date of 10 CSR 26-2.075 must comply with the requirements of this chapter.

(10) Any person who wishes to voluntarily conduct site characterization, risk assessment, and corrective action in response to a petroleum release from a petroleum storage tank, as defined in section 319.100(13), RSMo, may utilize the rules contained in 10 CSR 26-2.050 – 10 CSR 26-2.053 and 10 CSR 26-2.070 – 10 CSR 26-2.082 and may request and obtain concurrence from the department that no further corrective action is required in accordance with 10 CSR 26-2.082.

AUTHORITY: sections 319.100, 319.105, 319.107, 319.111 and 319.114, RSMo 2000 and 319.109 and 319.137, RSMo Supp.2009