

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

PROPOSED AMENDMENT

10 CSR 26-2.052 Release Investigation and Confirmation Steps

PURPOSE: This rule describes the steps required to verify a release from an underground storage tank system.

(1) Unless corrective action is initiated in accordance with 10 CSR 26-2.070 – 10 CSR 26-2.081, underground storage tank (UST) owners and operators must immediately investigate and confirm all suspected releases of regulated substances requiring reporting under 10 CSR 26-2.050 within seven (7) days or another reasonable time period specified by the department using either the following steps or another procedure approved by the department:

(A) System Test. Owners and operators must conduct tests (tightness testing of tanks in 10 CSR 26-2.043(1)(D) and piping in 10 CSR 26-2.044(1)(B)) to determine whether a leak exists in that portion of the UST that routinely contains a regulated substance or the attached delivery piping, or both.

1. Owners and operators must repair, replace or upgrade the UST system, and begin site check in accordance with subsection (1)(B) of this section and corrective action in 10 CSR 26-2.070 --10 CSR 26-2.081 if the test results for the system, tank or delivery piping indicate that a leak exists.

2. Further investigation is not required if the test results for the system, tank and delivery piping do not indicate that a leak exists and if environmental contamination is not the basis for suspecting a release.

3. Owners and operators must conduct a site check as described in subsection (1)(B) of this rule if the test results for the system, tank and delivery piping do not indicate that a leak exists but environmental contamination is the basis for suspecting a release; or

(B) Site Check. Owners and operators must measure for the presence of a release where contamination is most likely to be present at the UST site. In selecting sample types, sample locations and measurement methods, owners and operators must consider the nature of the stored substance, the type of initial alarm or cause for suspicion, the type of backfill, the type of soil, the geology of the site, the depth of groundwater and other factors appropriate for identifying the presence and source of the release.

1. If the site check indicates that a release has occurred, owners and operators must report the release to the department by telephone at (573) 634-2436 within twenty-four (24) hours of discovery and immediately begin release response and initial investigations in accordance with 10 CSR 26-2.070--10 CSR 26-2.074.

2. If the site check detects contamination, sampling shall be conducted to measure the maximum concentration of chemicals of concern in each media affected by the release.

3. If the results of the site check do not indicate that a release has occurred, the investigation may stop.

(2) Owners and operators shall follow a written procedure. To comply with this rule, the department's *Missouri Risk-Based Corrective Action (MRBCA) Process for Petroleum Storage Tanks* guidance document dated XXXXXX, 2012, published by and available from the Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65102-0176, and hereby incorporated by reference without later amendments or additions, shall be used as a written procedure, unless the department approves, in writing, the use of other written procedures.

AUTHORITY: Sections 319.105 and 319.107 RSMo 2000 and 319.109 and 319.137 RSMo Supp. 2009