



**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 26-2.062 Assessing the Site at Closure or Change in Service

PURPOSE:

(1) Before permanent closure or a change in service is completed, owners and operators must measure for the presence of a release where contamination is most likely to be present at the underground storage tank (UST) site. In selecting sample types, sample locations and measurement methods, owners and operators must consider the method of closure, the nature of the stored substance, the type of backfill, the depth to groundwater and other factors appropriate for identifying the presence of a release. Sampling efforts shall establish the maximum concentrations of chemicals of concern present in each media affected by the release from the UST system.

(2) If contaminated soils, contaminated groundwater, vapors from contamination, or free product as a liquid or vapor is discovered under section (1) of this rule, or by any other manner, owners and operators must begin release response, investigation, and corrective action in accordance with 10 CSR 26-2.070 --10 CSR 26-2.074.

Deleted: site investigation

(3) If bedrock or coarse gravel or similar conditions prevent the collection of soil samples from the floor of the tank pit, or there is an indication that a release has impacted bedrock, owners and operators must conduct, or have conducted, a geologic assessment to determine the potential for groundwater contamination and whether free product is present. Such assessment must be performed by a geologist registered in the State of Missouri.

(4) If there is water in the excavation pit, the water shall be assumed to be groundwater, and owners and operators must collect a grab sample of the water for analysis for all applicable chemicals of concern, unless the water is removed and there is no recharge into the excavation pit within twenty-four (24) hours. All water samples collected must be managed and analyzed in accordance with 10 CSR 26-2.076(22).

(5) When one or more USTs are closed in place, the owner or operator shall record a statement of closure on the deed for the property. The statement of closure shall be approved by the department prior to being recorded on the property deed.

(6) Soil and fill material removed from the tank pit during a tank closure or change in service may be returned to the tank pit if concentrations of all chemicals of concern in the material are below the target levels specified at section (8) of this rule.

(A) Soil and fill material removed from the tank pit and which the owner or operator intends to place back into the tank pit must be sampled at a minimum frequency of one discrete sample per fifty (50) cubic yards of excavated material. Each sample

shall be collected at least two (2) feet into the stockpile and analyzed for all applicable chemicals of concern; and

(B) Samples shall be collected in a manner that minimizes or prevents the loss of volatile chemicals of concern in the soil and shall be otherwise managed and analyzed in accordance with 10 CSR 26-2.076(22).

(7) Owners and operators shall follow a written procedure governing tank closure activity. To comply with this rule, the department's *Tanks Closure Guidance Document* dated XXXXX, 2011, published by the Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65102-01756, and hereby incorporated by reference without later amendments or additions, shall be used unless the department provides written approval to use a different written procedure.

(8) Applicable target levels. Owners and operators shall apply the default target levels in 10 CSR 26-2.078 Table 1 to fill material, soil, and groundwater when assessing an UST system at closure or change in service, unless the conditions in section (10) of this rule are met, in which case owners and operators may apply the tier one residential risk-based target levels in 10 CSR 26-2.078 Tables 2 and 6, not including the groundwater domestic use target levels in Table 2.

(9) Default target levels. If the default target levels apply, owners and operators shall compare the maximum concentration of each chemical of concern detected in soil and groundwater samples obtained during UST closure or change in service with the default target levels in 10 CSR 26-2.078 Table 1;

(A) If the maximum concentration of one or more chemicals of concern in soil or groundwater samples obtained during closure or change in service exceeds a default target level, owners and operators shall:

1. Conduct corrective action to meet the default target levels;
2. Meet the conditions in section (10) of this rule to apply tier one residential risk-based target levels; or
3. Begin release response, site characterization, risk assessment, and corrective action in accordance with the provisions of 10 CSR 26-2.070—10 CSR 26-2.081 if the default target levels or the tier one residential risk-based target levels will not be applied to the site.

(B) If the maximum concentrations for all chemicals of concern in soil or groundwater samples obtained during UST closure or change in service are less than the default target levels or, if the conditions of section (10) of this rule are met, the tier one residential risk-based target levels, owners and operators shall submit all required UST closure or change in service documentation as specified at section (13) of this rule.

(10) Conditions for using tier one residential risk-based target levels. Owners and operators may apply the tier one residential risk-based target levels in 10 CSR 26-2.078 Tables 2 and 6, not including the groundwater domestic use target levels in Table 2, at closure or change in service without first fully characterizing the site in accordance with 10 CSR 26-2.076(15) only if each of the following conditions are met:

(A) A registered geologist or professional engineer has determined the groundwater domestic use pathway is incomplete under current and future site conditions in accordance with 10 CSR 26-2.075(7); and

(B) Samples obtained during UST closure or change in service are representative of the highest concentrations of chemicals of concern in soil and groundwater at the site.

(11) If available information indicates that contamination associated with a tank system release is beyond the immediate boundaries of the tank system or that soil and groundwater samples do not represent maximum concentrations for all chemicals of concern in soil or groundwater, the department may require site characterization in accordance with 10 CSR 26-2.076 and risk assessment in accordance with 10 CSR 26-2.077 before allowing tier one risk-based target levels to be applied at closure or change in service.

(12) Comparison to tier one residential risk-based target levels. If the conditions of section (10) of this rule are met, owners and operators may compare the maximum concentration of each chemical of concern in soil and groundwater samples obtained during UST closure or change in service with the tier one residential risk-based target levels in 10 CSR 26-2.078 Tables 2 and 6, not including the groundwater domestic use target levels in Table 2;

(A) If the maximum concentration of one or more chemicals of concern in soil or groundwater samples exceeds the applicable tier one residential risk-based target levels, owners and operators shall:

1. Conduct corrective action to meet the default target levels or the applicable tier one residential risk-based target levels; or
2. Begin release response, site characterization, risk assessment, and corrective action in accordance with 10 CSR 26-2.070—10 CSR 26-2.081.

(B) If the maximum concentration of each chemical of concern in soil or groundwater samples is less than the applicable tier one residential risk-based target levels, owners and operators shall submit all required tank closure documentation as specified at section (13) of this rule.

(13) Documentation. Owners and operators must submit a closure report to the department within sixty (60) days of completion of closure or change in use activities, unless otherwise approved in writing by the department. The closure report must be signed by the owner or operator, shall be based on forms provided by the department, and shall present a conclusion as to whether further site characterization or corrective action is needed.

(A) The department shall review the report and either concur with the actions and conclusions or respond with comments, questions, or directives for further action.

1. If the department concurs that no further action is needed, the department shall issue a letter to that effect in accordance with 10 CSR 26-2.082.
2. If the department does not concur but instead has comments, questions, or directives for further action, the department shall issue a letter to the owner or operator or other appropriate party presenting the comments, questions, or directives.

(B) Tank owners and operators must address the department's comments, questions, or directives for further action until such time as the department determines that no further action is required.

AUTHORITY: sections 319.111 RSMo 2000 and 319.137, RSMo Supp. 2009

Deleted: <#>Until December 31, 2012, owners and operators may use 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*. The guidance and amendments were published by the Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65102-0176, and are hereby incorporated by reference.¶
<#>Other written procedures may be used with prior written approval of the department. ¶