



**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 26-2.072 Initial Abatement Measures and Investigation

PURPOSE:

(1) Unless directed to do otherwise by the department, owners and operators of underground storage tank (UST) systems must perform the following abatement measures upon confirmation of a release:

(A) Remove as much of the regulated substance from the 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 subsurface structures such as 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 26-2.052(1)(B) or the closure site assessment of 10 CSR 26-2.062. Sampling shall be conducted to measure the maximum concentration of chemicals of concern on the site in each media affected by the release. 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 maximum concentrations of contaminants; and

(F) Investigate to determine the possible presence of free product and begin free product removal as soon as practicable in accordance with 10 CSR 26-2.074.

(2) Comparison with default target levels. Owners and operators of above ground and underground storage tanks shall compare maximum soil and groundwater concentrations of chemicals of concern with the default target levels in 10 CSR 26-2.078 Table 1 and complete an ecological screening assessment in accordance with 10 CSR 26-2.075(11).

(A) If the maximum soil or groundwater concentrations of one or more chemicals of concern at a site or an off-site property affected by the release exceed a default target level, the owner or operator shall either:

1. Undertake corrective action to achieve the default target levels; or

2. Conduct full site characterization, risk assessment, and corrective action in accordance with the requirements of 10 CSR 26-2.073 through 10 CSR 26-2.081.

(B) If maximum soil or groundwater concentrations of chemicals of concern do not exceed the default target levels, free product 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.

AUTHORITY: Sections 319.109 and 319.137, RSMo Supp. 2009