



**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 26-2.074 Free-Product Removal

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PURPOSE:

(1) At sites where the investigation conducted under 10 CSR 26-2.051, 10 CSR 26-2.052, 10 CSR 26-2.062, 10 CSR 26-2.072, 10 CSR 26-2.073, or 10 CSR 26-5.020 reveals free product, above ground storage tank (AST) and underground storage tank (UST) owners and operators must immediately begin to remove free product. Any actions initiated under 10 CSR 26-2.071 through 10 CSR 26-2.073 or preparation for actions required under 10 CSR 26-2.075 through 10 CSR 26-2.079 must also be continued. In meeting the requirements of this rule, owners and operators must:

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(A) Remove free product to minimize the spread of free product and associated dissolved phase contamination into previously uncontaminated zones and to mitigate fire, explosion, and acute human health risks associated with the free product. The recovery and disposal techniques must be appropriate to the hydrogeologic conditions at the site. Recovery rates may be determined through full-scale operations or through testing procedures such as bail-down tests. Recovered by-products must be treated, discharged or disposed in compliance with applicable local, state and federal regulations;

Deleted: <#>as much free product as practicable as determined by the department. Any actions initiated under 10 CSR 26-2.071--10 CSR 26-2.074 or preparation for actions required under 10 CSR 26-2.078--10 CSR 26-2.082 must also be continued. In meeting the requirements of this rule, owners and operators must--¶
(A)

(B) Use abatement of free-product migration and mitigation of acute risks as initial minimum objectives for free product 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 removal report within forty-five (45) days of confirming a release, unless otherwise directed by the department. The report shall provide at least the following information:

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1. The name of the person(s) responsible for implementing the free product removal measures;
2. The estimated volume, type and thickness of free product observed or measured in wells, boreholes and excavations;
3. The type of free-product 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;

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7. The disposition of the recovered free product;
8. The volume of free product recovered and the recovery rate;
9. Site characteristics governing the recoverability and rate of recovery of the free product; and
10. An evaluation of the need for continued free product recovery.

(2) If free product recovery activities undertaken in compliance with section (1) of this rule do not meet the free product recovery objectives at (1)(A) and (B) of this rule within ninety (90) days of beginning recovery activities, within thirty (30) days thereafter, owners and operators shall submit a free product recovery work plan to the department for approval in accordance with 10 CSR 26-2.079(8). The work plan shall be based on information developed during initial recovery activities and in accordance with 10 CSR 26-2.076(18) and shall include the elements specified at 10 CSR 26-2.079(8)(C).

(3) Free product shall be removed to the maximum extent practicable as determined by the department in accordance with the provisions of 10 CSR 26-2.079(8)(D)1.

AUTHORITY: sections 319.109 and 319.137, RSMo Supp. 2009.