

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance Storage Tanks
Chapter 5—Aboveground Storage Tanks—Release Response

10 CSR 26-5.010 Applicability and Definitions

PURPOSE:

(1) The requirements in this chapter apply to the owner or operator of any facility on which one (1) or more aboveground storage tanks (AST), as the term is defined in this rule and 10 CSR 26-2.012(1)(A)1, is located.

(2) “Aboveground storage tank (AST)” or “AST System” means any one (1) or a combination of tanks, including pipes connected thereto, used to contain an accumulation of regulated substances and the volume of which, including the volume of the aboveground pipes connected thereto, is more than ninety percent (90%) above the surface of the ground, and is utilized for the sale of products regulated by Chapter 414, RSMo. The term does not include those tanks listed below or aboveground storage tanks at petroleum pipeline terminals. The following are not considered aboveground storage tanks:

- (A) Underground storage tanks (USTs) as defined in 319.100, RSMo;
- (B) Farm or residential tanks, regardless of size, used for storing motor fuel for noncommercial purposes;
- (C) Tanks used for storing heating oil for consumptive use on the premises where stored;
- (D) Septic tanks;
- (E) 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;
- (F) Pipeline facilities regulated under state laws comparable to the provisions of law referred to in subsection (E) of this section;
- (G) Surface impoundments, pits, ponds, or lagoons;
- (H) Stormwater or waste water collection systems;
- (I) Flow-through process tanks;
- (J) Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations;
- (K) 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

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

(3) “Beneath the surface of the ground” means beneath the ground surface or otherwise covered with earthen materials.

(4) “Department” is defined at 10 CSR 26-2.012(1)(D)4.

(5) “Free product” is defined at 10 CSR 26-2.012(1)(F)1.

(6) “Pipe” or “piping” means a hollow cylinder or tubular conduit constructed of non-earthen materials.

(8) “Release” includes, but is not limited to, any spilling, leaking, emitting, discharging, escaping, leaching, or disposing of regulated substances from an AST onto the ground surface or into groundwater, surface water, or subsurface soils.

(A) A release is “confirmed,” for purposes of the rules in this chapter, upon discovery or observation of regulated substances on the ground surface or in groundwater, surface water, or subsurface soils.

(B) A release is “suspected,” for purposes of the rules in this chapter, anytime there is any indication of the presence of regulated substances on the ground surface or in groundwater, surface water, or subsurface soils. Factors indicating the presence of regulated substances in the environment include, but are not limited to, erratic behavior of dispensing equipment, unexplained loss of product, notification by a third party of a potential release, or some reason other than discovery or observation of environmental contamination.

(9) “Tank” is a stationary device designed to contain an accumulation of regulated substances and constructed of non-earthen materials (for example, concrete, steel, or fiberglass-reinforced plastic) that provide structural support.

(10) Other terms used in this chapter are defined in 10 CSR 26-2.012.

AUTHORITY: sections 319.137 , [and] 644.026, and 644.143, RSMo 2000. Original rule filed Sept. 13, 2001, effective May 30, 2002.*

**Original authority: 319.137, RSMo 1989, amended 1993, 1995; and 644.026, RSMo 1972, amended 1973, 1987, 1993, 1995, 2000.*