



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

10 CSR 26-5.020 Release Reporting and Initial Release Response Measures

PURPOSE:

(1) Reporting Releases and Suspected Releases. Unless otherwise provided in this rule, owners and operators of aboveground storage tanks (ASTs) shall report any suspected or confirmed release of a regulated substance to the Department of Natural Resources' Emergency Spill Line at (573) 634-2436 at the earliest practical moment within twenty-four (24) hours of discovery of the suspected or confirmed release. Immediately upon the discovery or observation of regulated substances on the ground surface or in groundwater, surface water, or subsurface soils, the owner or operator shall complete the following:

(A) The initial release response measures described in section (7) of this rule; and

(B) If necessary, the free product recovery measures described in section (8) of this rule.

(2) System Test. For any suspected release that has not been confirmed by discovery or observation of regulated substances on the ground surface or in groundwater, surface water, or subsurface soils, the owner or operator of the AST shall take measures as necessary to determine whether a leak exists in either any portion of the tank or piping that routinely contains product or in the attached delivery piping, or in both. Measures that satisfy this requirement include, but are not limited to, hydrostatic testing of the AST system in accordance with API Standard 650, F-4 to F-7.6, air testing of the AST system, or a visual inspection of the tank bottom.

(A) Upon confirmation of a release, the owner or operator of the AST shall initiate the initial release response actions described in section (7) of this rule.

(B) If it is determined that no release has occurred, and there is no other indication of regulated substances on the ground surface or in groundwater, surface water, or subsurface soil, further investigation is not required.

(3) Exceptions. Following are exceptions to the requirement to report any suspected or confirmed release of a regulated substance to the environment.

(A) No further action is necessary for any release or spill of twenty-five (25) gallons or less, provided the release or spill is immediately contained and cleaned up such that the maximum concentrations of chemicals of concern associated with the release or spill in all media are below the default target levels in 10 CSR 26-2.078 Table 1.

(B) No further action is necessary for any release or spill that is completely contained within secondary containment structures, provided the secondary containment structure is functionally liquid-tight, and has the ability to contain any released regulated substance until the release or spill is cleaned up in accordance with subsection (3)(A) of this rule.

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(4) Presumption of Release. A release is presumed upon discovery or observation by any person of the presence of regulated substance on the ground surface or in groundwater, surface water, or subsurface soil, or any other indication that a release to the environment has occurred at the AST site or in the surrounding area. Examples include the presence of free product or vapors in soils, basements, sewer lines, utility lines, and nearby surface or drinking water or concentrations of chemicals of concern associated with the regulated substance in soil or groundwater at concentrations above the default target levels in 10 CSR 26-2.078 Table 1.

(5) Investigation Due To Off-Site Impacts. The department may require an owner or operator of an AST to measure for the presence of contamination as described in subsection (7)(E) of this rule when, in the judgment of the department, it is necessary to establish whether an AST is the source of off-site contamination. The department's judgment shall be based upon documented physical evidence of a release of a regulated substance at the AST site, including, but not limited to, the discovery of free product or vapors in soils, basements, sewer lines, utility lines or nearby surface or drinking waters or concentrations of chemicals of concern associated with the regulated substance detected in soil or groundwater at concentrations above the default target levels in 10 CSR 26-2.078 Table 1.

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(6) Investigation Due to Closure.

(A) Upon closure of an AST in accordance with applicable rules of the Department of Agriculture, the department may require an owner or operator of an AST to measure for the presence of contamination as described in subsection (7)(E) of this rule when, in the judgment of the department, it is necessary to establish whether there has been a release of a regulated substance at the former AST site, or to establish whether potential contamination from any buried piping left in place poses a current or potential threat to cause pollution to waters of the state or unacceptable risk to human health or the environment. The department's judgment shall be based upon documented physical evidence of a release at the AST site, including, but not limited to, the discovery of free product or vapors in soils, basements, sewer lines, utility lines or nearby surface waters or drinking water supplies or the presence of chemicals of concern associated with the regulated substance in soil or groundwater at concentrations above the default target levels in 10 CSR 26-2.078 Table 1.

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(B) The department may require the owner or operator of an AST permanently closed prior to the effective date of this rule to measure for the presence of contamination at the former tank site if, in the judgment of the department, releases from the AST and/or its buried piping pose a current or potential threat to cause pollution to the waters of the state or unacceptable risk to human health or the environment. The department's judgment shall be based upon documented physical evidence of a release at the former AST site, including, but not limited to, analytical data for soil or groundwater samples collected at the site that have concentrations of chemicals of concern above the default target levels in 10 CSR 26-2.078 Table 1, or the discovery of free product or vapors in soils, basements, sewer lines, utility lines or nearby surface waters or drinking water supplies.

described in 10 CSR 26-5.030. If, in the judgment of the department, the information in the report is insufficient to adequately make this determination, the department may request additional information.

AUTHORITY: sections 319.137 , 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.*

Any actions initiated or required under this section shall be continued until the department determines otherwise, except that changes to free product recovery effects may be instituted without prior approval provided that the department is notified in writing of the intended changes at least five (5) days in advance of the proposed implementation date. The department may modify or deny the request as necessary. Upon discovery of free product, the owner or operator shall, at a minimum:

(A) Remove free product to minimize the spread of contamination into previously uncontaminated zones. The recovery and disposal techniques shall be appropriate to the hydrogeologic conditions at the site. Recovered by-products shall be treated, discharged or disposed of in compliance with applicable local, state and federal regulations;

(B) Use abatement of free product migration as a minimum objective for free product removal;

(C) Handle all flammable products and/or wastes in a safe manner to prevent fires or explosions;

(D) Include information about free product recovery in the report submitted to the department, as required by section (9) of this rule. The report shall provide at least the following information:

1. The name of the person(s) responsible for implementing the free product removal measures;
 2. The estimated quantity, 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;
 7. The quantity and disposition of the recovered free product; and
 8. The location and the appearance of the free product; and
- () Upon completion of