



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.

(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.

(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.

(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.

(7) Initial Release Response Measures. Owners or operators of ASTs shall:

(A) Remove as much of the regulated substances from the AST as is necessary to prevent further release to the environment;

(B) Visually inspect for any released regulated substance and prevent further migration of the regulated substance into surrounding soils and groundwater;

(C) Monitor and mitigate any environmental hazards posed by vapors or free product that have migrated from the AST site and entered subsurface structures such as sewers, basements or subsurface utility conduits or trenches;

(D) Remedy hazards posed by excavated or exposed contaminated soils that result from initial release response activities. Any treatment or disposal of contaminated soils shall be in compliance with applicable state and local requirements;

(E) Collect and analyze soil and groundwater samples as necessary to establish or refute the presence of contamination. The samples must be collected in a location where contamination is most likely to be present and chemicals of concern associated with the contamination are most likely to be at their maximum concentration at the AST site. Samples must be managed and analyzed in accordance with the requirements of 10 CSR 26-2.075(5). In selecting the location of the samples, owners and operators shall consider the nature of the stored substance, the type of backfill around the release if outside the secondary containment or the secondary containment if the secondary containment is not constructed of impermeable material, depth to groundwater, and all other factors appropriate for identifying the presence and source of the release; and

(F) Investigate the site to determine whether free product is present. If free product is present, then free product removal activities in accordance with section (8) of this rule shall begin immediately.

(8) Free Product Removal. The owner or operator of the AST shall remove and manage free product in accordance with 10 CSR 26-2.074 and concurrently continue with the initial release response measures described in section (7) of this rule.

(9) If the samples collected in accordance with sections (3)(A), (5), (6), or (7)(E) of this rule or if samples collected on the release site for any other purpose contain one or more chemicals of concern at concentrations above the default target levels in 10 CSR 26-2.078 Table 1, and the presence of the chemicals of concern is attributable to a release from an AST to which this rule applies, owners and operators shall either:

(A) Conduct corrective action to meet the default target levels in all affected media; or

(B) Meet the requirements in 10 CSR 26-5.030.

(10) Written Report. The owner or operator of the AST shall submit a written report on all activities required by this rule to the department within thirty (30) days of the date of discovery of the release. The report shall demonstrate compliance with all applicable requirements of this rule. Upon request, the department may allow another reasonable period of time for submission of the report. Upon review of this report, the department will determine whether the owner or operator must conduct a site characterization, as

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.*