

10 CSR 26-2.062 Assessing the Site at Closure or Change in Service

PURPOSE: This rule describes the requirements of a site assessment to determine whether there has been a release from the underground storage tank system.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Before permanent closure or a change in service is completed, owners and operators must measure for the presence of a release where contamination is most likely to be present at the underground storage tank (UST) site. In selecting sample types, sample locations, and measurement methods, owners and operators must consider the method of closure, the nature of the stored substance, the type of backfill, the depth to groundwater, and other factors appropriate for identifying the presence of a release.

(2) If [*contaminated soils, contaminated groundwater,*] **one or more contaminants in soil or groundwater at concentrations above the default target levels in Table 3-1 of the guidance referenced at section (3)(A) of this rule** or free product as a liquid or vapor is discovered under section (1) of this rule, or by any other manner, owners and operators must begin site investigation and corrective action in 10 CSR 26-2.070–10 CSR 26-2.083.

(3) Owners and operators shall follow a written procedure.

[(A) Until December 31, 2012, owners and operators may use the department's Risk-Based Corrective Action for Petroleum Storage Tanks guidance document dated February 2004, as amended March 8, 2005, by Notice of Modifications to the Process and Interim Guidance Pertaining to Application of the New Soil Type Dependent Tier 1 Risk-Based Target Levels; the March 18, 2005, Soil Type Determination Guidelines; the March 3, 2005, Table 3-1 Default Target Levels; the April 2005 Table 4-1 Soil Concentration Levels to Determine the Need for Groundwater Evaluation During Tank Closure; the February 2005 Tables 7-1(a) through 7-12(c) Tier 1 Risk-Based Target Levels; and the April 21, 2005, Soil Gas Sampling Protocol. The guidance and amendments were published by the Department of Natural Resources, PO Box 176, Jefferson City, MO 65102-0176, and are hereby incorporated by reference. This rule does not incorporate any subsequent amendments or additions.]

(A) To comply with this rule, owners and operators may use the *Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks* guidance document, January 1, 2013, which is hereby incorporated by reference without any subsequent amendments or additions, and is published by the Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102-0176.

(B) Other written procedures may be used with prior written approval of the department.

AUTHORITY: section 319.111, RSMo 2000, and section 319.137, RSMo Supp. 2010. This rule originally filed as 10 CSR 20-10.072. Original rule filed April 2, 1990, effective Sept. 28, 1990. Amended: Filed Aug. 3, 1993, effective April 9, 1994. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011.*

**Original authority: 319.111, RSMo 1989 and 319.137, RSMo 1989, amended 1993, 1995, 2004.*

10 CSR 26-2.078 Investigations for Soil and Groundwater Cleanup

PURPOSE: This rule describes the procedures for soil and groundwater investigations.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Owners and operators must conduct investigations of the release, the release site, and the surrounding area to determine the full extent and location of soils contaminated by the release and the presence and concentrations of dissolved product contamination in the groundwater if any of the following conditions exist:

(A) There is evidence that groundwater wells have been affected by the release (for example, as found during release confirmation or previous corrective action measures);

(B) Free product is found to need recovery in compliance with 10 CSR 26-2.075;

(C) There is evidence that contaminated soils may be in contact with groundwater as found during the initial response measures or investigations required under 10 CSR 26-2.070–10 CSR 26-2.075;

(D) Contaminant concentrations in soil or groundwater exceed the Default Target Levels in Table 3-1 of the guidance referenced at section (3)(C)1 of this rule; or

[(D)]E The department requests an investigation based on the potential effects of contaminated soil or groundwater on nearby surface and groundwater resources.

(2) Owners and operators must submit the information collected under section (1) of this rule as soon as practicable or in accordance with a schedule established by the department.

(3) Owners and operators shall follow a written procedure.

(A) For releases that occurred or were discovered on or after the effective date of this rule, owners and operators shall use the document referenced at section (3)(C)1 of this rule or, with prior written approval of the department, another written procedure.

(B) For releases that occurred or were discovered prior to the effective date of this rule, owners and operators may use:

1. The documents referenced at section (3)(C)2 of this rule, provided:

a. Prior to the effective date of this rule, the owner or operator received the department's written approval of a work plan for site characterization, risk assessment, or corrective action related to the release; and

b. The owner or operator implements or implemented the approved work plan within one (1) year of the date of the department's approval of the plan or in accordance with a different schedule approved by the department;

2. The document referenced at section (3)(C)1 of this rule; or

3. With the prior written approval of the department, another written procedure.

(C) Written procedures.

1. *Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks* guidance document, January 1, 2013, which is hereby incorporated by reference without any subsequent amendments or additions, and is published by the Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102-0176.

2. *Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks*, February 2004, as amended March 8, 2005, by *Notice of Modifications to the Process and Interim Guidance Pertaining to Application of the New Soil Type Dependent Tier 1 Risk-Based Target Levels*; the March 18, 2005, *Soil Type Determination Guidelines*; the March 3, 2005, Table 3-1 Default Target Levels; the April 2005 Table 4-1 Soil Concentration Levels to Determine the Need for Groundwater Evaluation During Tank Closure; the February 2005 Tables 7-1(a) through 7-12(c) Tier 1 Risk-Based Target Levels; and the April 21, 2005, *Soil Gas Sampling Protocol*, which are hereby incorporated by reference without any subsequent amendments or additions, and are published by the Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102-0176.

[(B) Other written procedures may be used with prior written approval of the department.]

AUTHORITY: sections 319.109 and 319.137, RSMo Supp. 2010. This rule originally filed as 10 CSR 20-10.065. Original rule filed April 2, 1990, effective Sept. 28, 1990. Amended: Filed Aug. 3, 1993, effective April 9, 1994. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011.*

**Original authority: 319.109, RSMo 1989, amended 1995, 2004, 2008 and 319.137, RSMo 1989, amended 1993, 1995, 2004.*

10 CSR 26-2.082 Corrective Action Plan

PURPOSE: This rule lists the requirements for corrective action plans for cleanup of releases from underground storage tank sites.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Owners and operators are responsible for submitting a plan that provides for adequate protection of human health and the environment, as determined by the department, after fulfilling the requirements for release reporting and investigation in 10 CSR 26-2.071–10 CSR 26-2.074. Owners and operators must modify their plan as necessary to meet this standard.

(A) The department may require owners and operators to submit additional information or to develop and submit a corrective action plan for responding to contaminated soils and groundwater at any point after reviewing the information submitted for release reporting and investigation in 10 CSR 26-2.071–10 CSR 26-2.074. If a plan is required, owners and operators must submit the plan according to a schedule and format established by the department.

(B) Owners and operators may choose to submit a corrective action plan for responding to contaminated soil and groundwater after fulfilling the requirements of 10 CSR 26-2.071–10 CSR 26-2.074.

(2) The department will approve the corrective action plan only after ensuring that implementation of the plan will adequately protect human health and safety and the environment. In making this determination the department should consider the following factors as appropriate:

(A) The physical and chemical characteristics of the regulated substance, including its toxicity, persistence and potential for migration;

(B) The hydrogeologic characteristics of the facility and the surrounding area;

(C) The proximity, quality, and current and future uses of nearby surface and ground water;

(D) The potential effects of residual contamination on nearby surface and ground water;

(E) An exposure assessment; and

(F) Any information assembled in 10 CSR 26-2.070–10 CSR 26-2.083.

(3) Upon approval of the corrective action plan, or as directed by the department, owners and operators must implement the plan including modifications to the plan made by the department. Owners and operators must monitor, evaluate and report the results of implementing the plan in accordance with a schedule and in a format established by the department.

(4) Owners and operators, in the interest of minimizing environmental contamination and promoting more effective clean-up, may begin clean-up of soil and groundwater before the corrective action plan is approved provided that they—

(A) Notify the department of their intention to begin clean-up;

(B) Comply with any conditions imposed by the department, including halting clean-up or mitigating adverse consequences from clean-up activities; and

(C) Incorporate these self-initiated clean-up measures in the corrective action plan that is submitted to the department for approval.

(5) Owners and operators shall follow a written procedure

(A) For releases that occurred or were discovered on or after the effective date of this rule, owners and operators shall use the document referenced at section (5)(C)1 of this rule or, with prior written approval of the department, another written procedure.

(B) For releases that occurred or were discovered prior to the effective date of this rule, owners and operators may use:

1. The documents referenced at section (5)(C)2 of this rule, provided:

a. Prior to the effective date of this rule, the owner or operator received the department's written approval of a work plan for site characterization, risk assessment, or corrective action related to the release; and

b. The owner or operator implements or implemented the approved work plan within one (1) year of the date of the department's approval of the plan or in accordance with a different schedule approved by the department;

2. The document referenced at section (5)(C)1 of this rule, or

3. With the prior written approval of the department, another written procedure.

(C) Written procedures.

1. *Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks* guidance document, January 1, 2013, which is hereby incorporated by reference without any subsequent amendments or additions, and is published by the Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102-0176.

2. Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks, February 2004, as amended March 8, 2005, by Notice of Modifications to the Process and Interim Guidance Pertaining to Application of the New Soil Type Dependent Tier 1 Risk-Based Target Levels; the March 18, 2005, Soil Type Determination Guidelines; the March 3, 2005, Table 3-1 Default Target Levels; the April 2005 Table 4-1 Soil Concentration Levels to Determine the Need for Groundwater Evaluation During Tank Closure; the February 2005 Tables 7-1(a) through 7-12(c) Tier 1 Risk-Based Target Levels; and the April 21, 2005, Soil Gas Sampling Protocol, which are hereby incorporated by reference without any subsequent amendments or additions, and are published by the Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102-0176.

[(A) Until December 31, 2012, owners and operators may use the department's Risk-Based Corrective Action for Petroleum Storage Tanks guidance document dated February 2004, as amended March 8, 2005, by Notice of Modifications to the Process and Interim Guidance Pertaining to Application of the New Soil Type Dependent Tier 1 Risk-Based Target Levels; the March 18, 2005, Soil Type Determination Guidelines; the March 3, 2005, Table 3-1 Default Target Levels; the April 2005 Table 4-1 Soil Concentration Levels to Determine the Need for Groundwater Evaluation During Tank Closure; the February 2005 Tables 7-1(a) through 7-12(c) Tier 1 Risk-Based Target Levels; and the April 21, 2005, Soil Gas Sampling Protocol. The guidance and amendments were published by the Department of Natural Resources, PO Box 176, Jefferson City, MO 65102-0176, and are hereby incorporated by reference. This rule does not incorporate any subsequent amendments or additions.

(B) Other written procedures may be used with prior written approval of the department.]

AUTHORITY: sections 319.109 and 319.137, RSMo Supp. 2010. This rule originally filed as 10 CSR 20-10.066. Original rule filed April 2, 1990, effective Sept. 28, 1990. Amended: Filed Aug. 3, 1993, effective April 9, 1994. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011.*

**Original authority: 319.109, RSMo 1989, amended 1995, 2004, 2008 and 319.137, RSMo 1989, amended 1993, 1995, 2004.*