

RELEASE DISCOVERY AND IMMINENT THREAT

3.1 INTRODUCTION

The MRBCA process starts with the initial suspicion of release followed by activities that either confirm or refute the release. If the release is confirmed, the MRBCA process continues until MDNR issues a “No Further Action” (NFA) letter for the release. Note, however, as previously stated, the MRBCA process does not include emergency response activities conducted under 260.500 through 260.550 RSMo and the regulations promulgated thereunder.

A number of different events may trigger site-specific activities that may ultimately lead to [site-release](#) discovery. These include but are not limited to:

- Observation of petroleum products on or near a site, e.g., in utilities, on or adjacent to surface water bodies, in observation wells, etc.,
- Unusual underground storage tank (UST) system operating conditions, e.g., sudden loss of product in tanks, erratic behavior of product dispensing equipment, etc.,
- Monitoring results from a leak detection system,
- Phase I or phase II investigations associated with real estate transactions,
- Accidental release, e.g., during refueling of UST's by tankers, and
- Complaints of odors at or adjacent to a site.

In each of the above cases, the owner/operator of the UST system must report in writing to MDNR within 24 hours of suspicion and/or confirmation of release (***10 Code of State Regulations (CSR) 20-10.050 Reporting of Suspected Releases***), as directed at 3.2 below. Once a release has been confirmed, a site characterization will be necessary to collect relevant data to perform a risk-based evaluation (also refer to Section 5.0). Note, however, that MRBCA data collection activities are secondary to addressing all imminent threats and hazardous conditions posed by a release.

3.2 INVESTIGATION OF IMMINENT THREAT

In all of the above cases the first step upon suspicion and/or confirmation of a release is to report the release to MDNR at the earliest practical moment.

The following points briefly summarize the requirements of Sections 260.500 through 260.550, Revised Statutes of Missouri (RSMo). Note that MDNR's Environmental Services Program (ESP) administers the referenced requirements.

- Any release of petroleum in excess of 50 gallons (25 gallons for USTs), constitutes a hazardous substance emergency,
- Releases shall be reported to the MDNR at (573) 634-2436 at the earliest practical moment,

- MDNR will evaluate whether an imminent threat exists,
- MDNR may require a person having control over a hazardous substance emergency to clean up the release and take any reasonable actions to end the hazardous substance emergency,
- MDNR may require such persons to take such actions as may be reasonably required to prevent recurrence of the hazardous substance emergency, and
- In the event such persons fail to act, MDNR may take action and pursue recovery of its costs.

Upon completion and documentation of the emergency response activities, and if the release of petroleum hydrocarbon is confirmed, additional data may have to be collected to perform a risk-based evaluation.

In no case will MDNR approve a risk assessment or Corrective Action Plan (CAP) if a hazardous substance emergency exists or is likely to occur, unless such conditions are specifically addressed either through interim corrective actions or through measures contained in the CAP.