4.1 IDENTIFICATION OF IMMINENT THREAT

When there is a confirmed release or a suspicion of a release, the first step is to determine if any imminent threats or hazards exist. Examples of imminent threats are impacts to existing water supply wells, contaminant vapors in inhabited enclosed spaces at levels that could result in an explosion, and free product on a surface water body. In some cases, imminent threats may be identified prior to discovery of the source of the contaminant release.

In all cases, the department must be notified immediately about suspected or confirmed imminent threats as discussed below.

4.2 NOTIFICATION OF IMMINENT THREAT

All emergency response activities are conducted under Sections 260.500 through 260.550, RSMo 2000 and the regulations promulgated there under. Upon discovery of an emergency involving a hazardous substance, any person (as defined in RSMo 260.500) having control over a hazardous substance must contact the department by calling (573) 634-2436 as soon as possible.

As defined in RSMo 260.500 and administered by the department's Environmental Services Program (ESP):

> "Hazardous substance", any substance or mixture of substances that presents a danger to the public health or safety or the environment and includes:
> (a) Any hazardous waste identified or listed by the department pursuant to sections 260.350 to 260.430;
> (b) Any element, compound, mixture, solution, or substance designated pursuant to Sections 101(14) and 102 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, and Section 302 of the Superfund Amendments and Reauthorization Act of 1986, as amended; and
> (c) Any hazardous material designated by the Secretary of the United States Department of Transportation pursuant to the Hazardous Materials Transportation Act;
> (d) "Hazardous substances" does not include radioactive materials, wastes, emissions or discharges that are licensed or regulated by laws of the federal government or of this state. However, such material released due to a transportation accident shall be considered a hazardous substance;
> (6) "Hazardous substance emergency":
> (a) Any release of hazardous substances in quantities equal to or in excess of those determined pursuant to Section 101(14) or 102 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, and Section 304 of the Superfund Amendments and Reauthorization Act of 1986, as amended;
> (b) Any release of petroleum including crude oil or any fraction thereof, natural gas,

natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas) in excess of fifty gallons for liquids or three hundred cubic feet for gases, except that the notification and reporting of any release of natural gas or natural gas mixtures by or from intrastate facilities, regardless of the quantity of such release, shall be as specified by the public service commission rather than pursuant to the notification and reporting requirements contained in, or authorized by, sections 260.500 to 260.550. Interstate natural gas pipeline facilities shall report natural gas releases to the state and the National Response Center in accordance with federal Department of Transportation regulatory requirements;
(c) Any release of a hazardous waste which is reportable pursuant to sections 260.350 to 260.430;
(d) Any release of a hazardous substance which requires immediate notice pursuant to Part 171 of Title 49 of the Code of Federal Regulations;
(e) The department may promulgate rules and regulations identifying the substances and the quantities thereof that, if released, constitute a hazardous substance emergency.

After a release is reported, the department will evaluate whether an imminent threat exists and may require any reasonable actions to end a hazardous substance emergency.

Upon discovery that a site may contain potential contamination, all available information must be carefully evaluated to determine if the site poses any imminent threat to human health, safety or the environment. The following need to be evaluated:

- Actual or potential threats to drinking water supplies (private or public groundwater or surface water) and sensitive ecosystems,
- Threat of fire and explosion,
- Actual or potential threat of release to a surface water body,
- High levels of chemicals in surface soils that can migrate in a vapor, dissolved or non-aqueous phase,
- Actual or potential exposure to nearby human populations, animals or the food chain, and
- Weather conditions that may cause hazardous contaminants to be released or migrate.

The department may also require that actions be taken to prevent recurrence of the hazardous substance emergency. In the event that the person having control of the substance fails to act, the department may take action and pursue recovery of its costs.

In the majority of hazardous substance releases, the responsible party conducts a cleanup and the site is closed. If the site is not closed, the responsible party may be required to perform an *Initial Characterization*. If the release is a hazardous substance emergency, the responsible party is required to conduct emergency response actions to mitigate the impact to public health and the environment. The responsible party may be required to perform an *Initial Characterization* as part of an emergency response action. If a hazardous substance emergency exists or is likely to occur, the department will not approve a risk assessment or Risk Management Plan unless imminent threats are abated.

4.3 MITIGATION OF IMMINENT THREATS/EMERGENCY RESPONSE

ACTIONS

4.3.1 Actions to Mitigate Immediate Impacts

Specific mitigation actions depend on the nature of the imminent threat. For example, if a drinking water well were impacted, actions would include immediate notification to the users of the well and provision of an alternative water supply. Identification of vapors in a structure may require immediate evacuation of any individuals in the structure, ventilation of the structure, and restrictions on entry until the threat has been adequately abated.

4.3.2 Actions to Prevent Further Deterioration

After abatement of immediate threat(s), actions must be undertaken to prevent any further deterioration of the situation. Examples of such actions are:

- Identify the product or chemicals released and the source of release,
- Carefully handle any excavated materials or other contaminated media to avoid human contact as well as to avoid spreading contamination,
- As soon as possible, remove any light, non-aqueous phase product floating on groundwater or surface water or that has collected in excavations, and
- Prevent further spread of the release.

4.3.3 Actions to Prevent Long-Term Impacts

After abatement of imminent threat(s), the owner/operator is required to begin activities to prevent long-term adverse impacts. Actions may include the continued provision of alternate water supplies to the affected parties or a detailed site characterization and the performance of a MRBCA evaluation to determine the need for any corrective action. Some of these actions may involve periodic activities over an extended period of time. Examples include:

- Periodic testing of water supply well(s),
- Periodic testing of vapors in impacted structures,
- Removal of free product, and
- Maintenance of any point-of-use treatment system(s).

4.4 DOCUMENTATION OF RESPONSE ACTIVITIES

If requested, a written report must be submitted to the department that documents the activities and confirms that all imminent threats have been abated. The responsible party may also be requested to include recommendations for any additional work necessary for the continued protection of human health and the environment.