

Missouri Department of
Natural Resources

Public Hearing
Tanks Risk-Based Corrective Action
Guidance Update and Rulemaking

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Missouri Department of
Natural Resources

Overview

- Three rules amended:
 - 10 CSR 26-2.062 Assessing the Site at Closure or Change in Service
 - 10 CSR 26-2.078 Investigations for Soil and Groundwater Cleanup
 - 10 CSR 26-2.082 Corrective Action Plan

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Overview

- Amendments necessary to allow use of Risk-Based Corrective Action (RBCA) guidance after Dec. 31, 2012
- Incorporate into rule by reference a version of the RBCA guidance updated in 2013
 - DNR met with PSTIF and MPCA in 2012 to revise guidance
 - Agreement reached on limited set of issues, guidance revised accordingly

Guidance Revision

- Update risk-based target levels (RBTLs)
- Eliminate soil type specific option at Tier 1
- Improve soil geotechnical data collection
- Amend requirements for analysis of ethylene dibromide (EDB) & ethylene dichloride (EDC)
- Clarify requirements for sampling/analysis of polynuclear aromatic hydrocarbons (PAHs)

Guidance Revision

- Allow soil vapor sampling at Tier 1 or 2
- Amend requirements for documenting analysis of groundwater domestic use pathway
- Clarify documentation needed to support future land use determinations

Guidance Revision

- Eliminate requirement to use reporting forms
- Add guidance transition language
- Define "site" as the property on which the UST release occurred
- Require use of Tier 2/3 site-specific target levels (SSTLs) if lower than Tier 1 RBTLs

Guidance Revision

- Require specific photographs at tank closure
- Clarify requirements for maps
- Amend sample preservation requirements
- Use “corrective action” rather than “risk management”
- Correct a conversion factor in Appendix D
- Eliminate redundant and obsolete text
- Incorporate current information on TPH fractions
- Change “LNAPL” to “free product” in most cases

Rulemaking

- 10 CSR 26-2.062 Assessing the Site at Closure or Change in Service
 - Amend to stipulate that discovery of contaminants at concentrations above the Default Target Levels triggers site investigation and corrective action
 - Remove reference to 2004/2005 guidance
 - Incorporate by reference the 2013 version of the *Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks* guidance document as a written procedure

Rulemaking

- 10 CSR 26-2.078 Investigations for Soil and Groundwater Cleanup
 - Amend to indicate that discovery of contaminants at concentrations above the Default Target Levels triggers investigation to determine full extent of soil and groundwater contamination
 - Amend to allow owners and operators to comply with rule by using the appropriate version of the *Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks* guidance as a written procedure
 - Keep reference to 2004/2005 RBCA guidance but delete deadline date
 - Amend to incorporate by reference the 2013 updated *Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks* guidance document

Rulemaking

- 10 CSR 26-2.082 Corrective Action Plan
 - Amend to allow owners and operators to comply with rule by using the appropriate version of the *Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks* guidance document as a written procedure
 - Maintain reference to 2004/2005 RBCA guidance but delete deadline date
 - Amend to incorporate by reference the 2013 updated *Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks* guidance document

Milestones

- 3/3/13: Regulatory Impact Report published
- 3/22/13 and 3/29/13: DNR/PSTIF webinars explain guidance and rule changes
- 4/18/13: Hazardous Waste Management Commission finding of necessity
- 4/19/13: DNR presentation to PSTIF Advisory Committee
- 5/1/13: End of comment period for RIR

Milestones

- 6/17/13: Rules filed with Secretary of State
- 7/15/13: Rules published in *Missouri Register*, public comment period begins
- 8/15/13: Public hearing

Schedule

- 8/22/13: End of public comment period
- 10/17/13: Final HWMC action
- 1/2/14: Publish order of rulemaking in *Missouri Register*
- 1/29/14: Publish rules in *Code of State Regulations*
- 2/28/14: Rules effective

Outreach & Input

- Joint DNR/PSTIF webinars held 3/22/13 and 3/29/13 to explain rulemaking and guidance changes
- Email alert to stakeholders re. guidance revision and rulemaking
- Comment periods for RIR and rules
- Notice in PSTIF's *Latest Leaks* bulletin
- MO Waste Control Coalition Conference

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