

**Title 10 – DEPARTMENT OF NATURAL RESOURCES**  
**Division 20 – Clean Water Commission**  
**Chapter 10 – Underground Storage Tanks – Technical Regulations**

**PROPOSED RULE**

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

**10 CSR 20-10.062 Assessing the Site at Closure or Change in Service**

(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. The requirements of this section are satisfied if vapor monitoring or groundwater monitoring in 10 CSR 20-10.043(E) and (F) is operating at the time of closure and indicates no release has occurred.

(2) Unless vapor monitoring or groundwater monitoring conducted in accordance with 10 CSR 20-10.043(E) and (F) indicates no release has occurred, subsequent to the removal of a tank and system components or completion of a change in service, actions must be taken to determine whether the tank or any of the system components have released petroleum into the environment. Such actions include field screening and the collection of soil and, as warranted, groundwater samples for laboratory analysis.

(3) If contaminated soils, contaminated groundwater, vapors from contamination, or free product as a liquid or vapor is discovered under sections (1) or (2) of this rule, or by any other manner, owners and operators must begin release response and corrective action in 10 CSR 20-10.070—10 CSR 20-10.082.

(4) Owners and operators shall follow a written procedure. To comply with this rule, the department's Tanks Closure Guidance Document may be used as a written procedure. Other written procedures may be used with prior written approval of the department.

(5) Applicable target levels. The default target levels established by the department shall initially apply when assessing a UST site at closure or change in service. The tier one residential, soil type one risk-based target levels may be applied only when the conditions in section (7) of this rule are met.

(6) Default target levels. Owners and operators shall compare the maximum concentration of each chemical of concern detected in soil and groundwater samples obtained during UST closure or change in service with the default target levels.

(A) If the maximum concentration of one or more chemicals of concern in soil or groundwater samples obtained during UST closure or change in service exceeds a default target level, owners and operators shall:

1. Conduct corrective action to meet the default target levels;

2. Meet the conditions in section (7) of this rule to apply tier one residential, soil type one risk-based target levels; or
3. If the default target levels will not be applied to the site, begin release response and corrective action in accordance with the provisions of 10 CSR 20-10.070—10 CSR 20-10.082.

(B) If the maximum concentrations for all chemicals of concern in soil or groundwater samples obtained during UST closure or change in service are less than the default target levels or, if the conditions of section (7) of this rule are met, the tier one residential, soil type one risk-based target levels, owners and operators shall submit all required tank closure or change in service documentation as specified at section (10) of this rule and the department will make a determination of no further action documented in a letter to the owner, operator, or both.

(7) Conditions for using tier one residential, soil type one risk-based target levels. Tier one residential, soil type one risk-based target levels may be applied at closure or change in service without first fully characterizing the site only if the following conditions are met.

- (A) A registered geologist or professional engineer has determined whether the groundwater domestic use pathway is complete or potentially complete.
- (B) Samples obtained during UST closure or change in service are representative of the highest concentrations of chemicals of concern in soil and groundwater at the site.
  1. If available information indicates that contamination associated with a tank system is beyond the immediate boundaries of the UST system or that soil and groundwater samples obtained during UST closure do not represent maximum concentrations for all chemicals of concern in soil or groundwater, the department may require site characterization before allowing tier one risk-based target levels to be applied at closure or change in service.

(8) Comparison to tier one residential, soil type one risk-based target levels. Owners and operators shall compare the maximum concentration for chemicals of concern from soil and groundwater samples obtained during UST closure or change in service with the tier one residential, soil type one risk-based target levels.

- (A) If the maximum concentration of one or more chemicals of concern in soil or groundwater samples obtained during UST closure or change in service exceeds the applicable tier one residential, soil type one risk-based target levels, owners and operators shall:
  1. Conduct corrective action to meet the applicable tier one residential, soil type one risk-based target levels; or
  2. If other than the tier one residential, soil type one risk-based target levels are to be applied to the site, begin release response and corrective action in accordance with the provisions of 10 CSR 20-10.070—10 CSR 20-10.082.
- (B) If the maximum concentration of each chemical of concern in soil or groundwater samples obtained during UST closure or change in service is less than the applicable tier one residential, soil type one risk-based target levels, owners and operators shall

submit all required tank closure documentation as specified at section (10) of this rule and the department will make a determination of no further action documented in a letter to the owner, operator, or both.

(9) If tier one residential, soil type one risk-based target levels are determined to apply, all excavations associated with the tank pit, piping runs, and dispensers must be backfilled with a material having the characteristics of soil type one, two, or three. The material placed into the excavations must be compacted to meet or exceed the porosity and density of at least soil type one. If the excavations are filled with a granular material or material not having the same properties as soil type one, two, or three, tier one risk-based target levels for soil type one shall apply to the filled areas unless the department determines that the use of soil type one risk-based target levels is not adequately protective of human or ecological receptors, in which case the department may require the owner or operator to develop tier two site-specific target levels for the material.

(10) Documentation. A closure report signed by the tank owner or operator must be submitted to MDNR within 60 days of completion of closure or change in use activities, unless otherwise approved in writing by MDNR. The closure report shall use forms provided by the department as the basis of the report.