

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

PROPOSED RULE

PURPOSE: This rule requires spilled, light non-aqueous phase liquid to be collected immediately.

10 CSR 20-10.074 Light Non-Aqueous Phase Liquid (LNAPL) Removal

(1) At sites where the investigation reveals LNAPL under 10 CSR 20-10.072(1)(F), owners and operators must begin to remove free and mobile LNAPL from the environment within thirty (30) days of the discovery of the LNAPL or according to a schedule approved by the department. Initial removal efforts must continue until a work plan for LNAPL removal required at 10 CSR 20-10.079(5)(A) is submitted to and approved by the department. LNAPL must be removed to the extent practicable as determined by the department. Any actions initiated under 10 CSR 20-10.071—10 CSR 20-10.073 or preparation for actions required under 10 CSR 20-10.075—10 CSR 20-10.079 must also be continued. In meeting the requirements of this rule, owners and operators must—

(A) Remove LNAPL to minimize the spread of contamination (free and mobile LNAPL and associated dissolved-phase groundwater contamination) into previously uncontaminated zones and to mitigate fire, explosion, and acute human health risks associated with the non-aqueous phase liquid. The recovery and disposal techniques must be appropriate to the hydrogeologic conditions at the site. Recovered by-products must be treated, discharged or disposed in compliance with applicable local, state and federal regulations;

(B) Use abatement of LNAPL migration and mitigation of acute risks as minimum objectives for LNAPL removal;

(C) Handle any flammable products in a safe and competent manner to prevent fires or explosions; and

(D) Prepare and submit to the department a LNAPL removal report, within forty five (45) days after confirming a release, unless otherwise directed by the department. The report shall provide at least the following information:

1. The name of the person(s) responsible for implementing the LNAPL removal measures;
2. The estimated quantity, type and thickness of LNAPL observed or measured in wells, boreholes and excavations;
3. The type of LNAPL recovery system used;
4. Whether any discharge will take place on-site or off-site during the recovery operation and the location of this discharge;

5. The type of treatment applied to, and the effluent quality expected from, any discharge;
 6. The steps that have been or are being taken to obtain necessary permits for any discharge; and
 7. The disposition of the recovered LNAPL.
- (2) Owners and operators must collect information necessary to prepare the LNAPL work plan required by 10 CSR 20-10.079(5)(A). Removal actions initiated under section (1) of this rule must continue until the LNAPL work plan is submitted to and approved by the department.