



Financial Responsibility – Changes Coming Your Way

The Missouri Department of Natural Resources will soon begin sending reminder notices to all underground storage tank, or UST, owners. The mailing will remind owners with active tanks that their financial responsibility mechanism will expire in 60 days. These mailings will begin the first of February.

Tank owners or operators are required to maintain a financial responsibility mechanism to cover the cost of cleaning up spills and releases from their tanks when they occur. Such cleanups can become very expensive very quickly. Financial responsibility helps assure monies are readily available so that spills and releases can be addressed quickly to better protect human health and the environment.

In the past, the department sent letters to UST owners after their financial responsibility mechanism expired and required a copy of the current mechanism be submitted to the department within 45 days. Under the new procedure, all owners or operators will receive a reminder letter 60 days prior to their financial responsibility expiration date, including those insured by the Petroleum Storage Tank Insurance Fund, or PSTIF. Those with financial responsibility types other than PSTIF will continue to submit a

copy of the policy for the department's review before the current policy expires. Those insured by PSTIF will continue to send documentation to PSTIF. The department's new process is as follows:

- Reminder letter sent to notify upcoming expiration of financial responsibility and request new verification within 60 days.
- If the financial responsibility mechanism should expire, the Tanks Section will issue a Notice of Violation to the owner and operator of the tanks. The NOV will note the violation of failure to maintain financial responsibility.
- If the owner or operator fails to obtain financial responsibility within the time frame noted on the NOV, the site will be forwarded to the department's Compliance and Enforcement Section for action.
- The Compliance and Enforcement Section will attempt to contact the owner or operator by phone for the status of financial responsibility within 15 days.
- If the site does not demonstrate compliance with financial responsibility to PSTIF or to the department (for financial responsibility types other than PSTIF), the case will be referred to the Attorney General's Office for action.

The department hopes this process will assist tank owners and operators in updating their financial responsibility mechanism before the policy expires and in maintaining year to year coverage.

Petroleum Storage Tanks FY08 Statistics

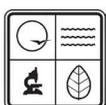
During fiscal year 2008, the department accomplished the following work related to petroleum storage tanks:

- Properly closed 226 tanks.
- Reviewed 168 closure reports and approved 153 closure notices.
- Conducted three site investigations.
- Responded to 16 emergencies involving petroleum releases.
- Oversaw completion of 104 remediation sites.
- Issued 539 certificates of registration, 194 more than the previous year.

A total of 84 new releases were reported during fiscal year 2008; a decrease of six releases from the previous fiscal year. Department staff were notified of 56 new installations at tank sites and received 98 new site registrations.

Compliance and Enforcement Section staff resolved 42 cases involving violations. At the end of the 2008 fiscal year, there were 275 active enforcement cases.

Financial responsibility compliance was at 96 percent. This number reflects insurance coverage from both PSTIF and other private policies and statements. There were 65 sites that are state/federal exempt. This number does not include temporary closed tanks, which are not required to have financial responsibility. The department currently regulates 3,716 facilities with 9,873 active underground storage tanks.



Federal Rulemaking Group

In March, the EPA announced they are going to open up the Code of Federal Regulations, or CFR, Parts 280 and possibly parts of 281. These regulations pertain to underground storage tanks. EPA will be looking at several items in this rulemaking.

- Additions to the federal law to include energy bill legislation (such as fuel delivery prohibition, secondary containment, operator training).
- Deferrals - several tanks were deferred from UST law; should they continue to be deferred.
- Technical corrections and additions (such as spill buckets, leak detection methods, etc.).
- Deregulation - are there parts of the law outdated and unnecessary.

Ken Koon, Tanks Section chief, was chosen to participate on the Association of State and Territorial Solid Waste Management Officials' Federal Regulations Revisions Workgroup. This workgroup has polled state tank programs and regulators on the above four areas and is providing comments to EPA on rule changes and updates.

Missouri Risk-Based Corrective Action Rulemaking Group

The Hazardous Waste Program continues moving forward on the Missouri Risk-Based Corrective Action rulemaking throughout the third quarter of 2008. Staff fine tuned the draft rule language for both the departmental and tanks risk-based processes, while keeping stakeholders informed through a variety of outlets, including Web sites, e-mails, news releases and a Missouri Risk-Based Corrective action workshop held Oct. 9 in Jefferson City.

The department used the workshop as a forum to educate the public and regulated community on the status of the rulemaking process and the details of the draft Risk-Based Corrective Action rules.

The department's draft rules allow sites contaminated with hazardous waste or petroleum to be addressed through a risk-based corrective action process.

The departmental and tanks risk-based corrective action processes determine if, and to what extent, cleanup and long-term stewardship are needed at a polluted site. Both risk-based processes link the need for cleanup to the site-specific risk pollution poses to human health and the environment.

The workshop provided historical background information on the risk-based process, guidance development and application, the rulemaking process and the content and structure of the draft rules. This workshop was also held to accept informal comments on the rules, in order to help the department propose a better rule in advance of the formal process with the Secretary of State.

There were more than 50 attendees at the workshop, including members of the Petroleum Storage Tank Insurance Fund, the Missouri Petroleum Marketers and Convenience Store Association, EPA, environmental consultants and contractors and various members of the regulated community.

The workshop is the department's latest step in a lengthy process to create Risk-Based Corrective Action rules. Since 1999, the department has worked with stakeholders to develop the rules and the accompanying guidance to put risk-based decision-making into practice in Missouri. Both rulemaking processes will be entering into the formal public comment period in late 2008 or early 2009, with the rules being finalized in late 2009.

Besides sharing the schedule, structure and contents of the draft Risk-Based Corrective Action rules, department staff went through the revised Tanks Risk-Based Corrective Action guidance document and explained the reasoning behind major changes to the guidance.

No major opposition to the department's proposals was expressed by workshop participants

Webb City Conoco

The Tanks Section visited with officials with Webb City in October to discuss an abandoned gas station on the historic Route 66 highway. Development plans for the property include a Route 66 memorabilia museum in the former garage bays at the station, restoration of the office area to house the city's Economic Development Coordinator and use of the restrooms for functions such as historic car shows and a fall festival.

Specific concerns at the abandoned gas station include tank closure and soil contamination, both of which will be addressed during the project. The next steps include sending bids to contractors, selecting a contractor and then developing a timeline for field work and tank closure.

Webb City initiated contact with the Tanks Section for advice and suggestions on the redevelopment of the abandoned gas station.

Route 66 was constructed in the 1920s to take motorists from Chicago to Los Angeles. For over four decades, Route 66 operated as one of the country's main arteries of transportation across the United States. This highway entered Missouri over the "Chain of Rocks Bridge" north of St. Louis and entered Kansas in the Galena area. This highway was decommissioned in the 1970s with the building of Interstate 44, which follows much of the path of the former Route 66.

Many services, such as gas stations, restaurants, motels and drive-in theaters, were constructed along Route 66. As the interstate took the place of the original highway, several of these businesses closed and became abandoned. A number of the abandoned underground storage tanks were never properly addressed and many may have leaked gasoline into the soil and groundwater, leaving a legacy of contamination that may pose a current or future risk to human health or the environment. This discourages redevelopment and reuse of these properties.

The city was named a "Dream" city and will receive funding to revitalize the downtown area. The department's Brownfields/Voluntary Cleanup Program is also providing some funding and resources to conduct assessments to determine if there is contamination remaining at several properties. Plans for these areas include a potential Route 66 entrance park to Webb City.

Tanks Database Rewrite

The Underground Storage Tank, or UST, database recently was upgraded to streamline underground storage tank registration processes and make the data more accessible to the public and other department staff. The department uses the underground storage tank system to track the registration, tank closure, site remediation, inspections, enforcement and ownership of underground storage tanks. The application also generates invoices and status reports for department staff, EPA and the public. The upgrade improved efficiency in the section and aided in the improvement of the accuracy, accountability and accessibility of our information management.

The database is used by department staff, including project managers and tank inspectors, land and building owners, consultants and the public for a multitude of purposes. The public can use the database to review locational data on tank sites, check the status of a closure or remediation project and review the facility owner registered with the department. There are thousands of records which can be sorted by location, name of owner, identification codes or other criteria.

This conversion is a preliminary step towards a real-time database accessible through the internet. Currently, a biweekly updated copy of our UST database can be found at www.dnr.mo.gov/env/hwp/downloads/hwpet.htm.

Interior Lining Inspections

To meet the 1998 upgrade requirements, many owners/operators lined their steel tanks. To ensure these linings are still functioning properly, state and federal regulations require routine lining inspections.

The interior lined tank must be inspected within 10 years of installation and every five years thereafter.

Please note, if a lining fails and the tank is relined, the next interior lining inspection will still be due within five years. In other words, the new lining does NOT "restart" the clock and does not allow another 10 years until the next test.

If you have any questions concerning interior linings and lining inspections, please contact the Tanks Compliance and Enforcement Unit at 573-522-5665 or tanks-compliance@dnr.mo.gov

Tank Pit Observation/ Monitoring Wells

A new delivery driver pulls into your facility. It's dark and raining and they are running late. He delivers 6,000 gallons of gasoline into the first 'pipe' he finds. Unfortunately for you, the owner/operator, the product was dispensed into a tank pit monitoring well, not a tank fill pipe. You now have a contaminated site.

Don't let this happen at your facility. While these scenarios are rare (due to the attentive delivery companies working in Missouri), they have happened! While not required by regulation, the department strongly recommends owners/operators complete the following:

- Clearly mark all wells with "Do not fill" or "Observation Well."
- Secure the wells by bolting down the lids or locking the well cap.

If an inspector finds a well that is unmarked or unsecured, the department will point this out in its letter to the tank owner/operator following the inspection. This is not a regulatory requirement, but merely a suggestion to help underground storage tank owners/operators to avoid costly cleanups.

Increased Attention to New Tank Installations

The department, tank owners and operators, installers, fuel suppliers and insurance providers all recognize that proper installation of underground storage tanks, piping and monitoring systems is essential. Requirements to notify the Department of all new tank installations may be found in 10 CSR 20-10.022. Because of the importance of proper installation, the department is conducting inspections at ALL new UST system installations. Thus far in 2008, we have been notified of at least 50 facilities with new tanks being installed. The purpose of these inspections is to not only confirm equipment installed, but to help identify and minimize any potential concerns before installation is complete.

Please note, in addition to submitting the required 30 day notification form, department staff request that the tank owner or the contractor notify the department at least 5 days prior to beginning tank and piping installation activities to allow sufficient time for staff to be onsite to observe the installation. Please provide the five day confirmation to the Tanks Inspection Program at 573-522-5665 or tanks-compliance@dnr.mo.gov. Starting March 1, the Hazardous Waste Program plans to take appropriate enforcement actions for facilities that do not provide the required 30 day notification prior to installing tanks. These actions may include issuance of Notice of Violations and associated penalties.

To make these new installation inspections more efficient, the department has developed a new "Installation of New Underground Storage Tank System" notification form with the input of installers throughout the state. This form provides the department with more detailed equipment information prior to the installation. This documentation should help the department conduct more efficient inspections, make the process smoother for installers and provides

better system equipment data. This more detailed information can be referenced in the future by the department, underground storage tank owners and operators and environmental consultants as needed.

The new form is available on the Web at www.dnr.mo.gov/forms/780-1949.pdf or www.dnr.mo.gov/forms/780-1949.doc

New installation contractors are aware of the department's new emphasis on these inspections. Tanks Compliance and Enforcement Unit staff also intends to notify all known UST installers in Missouri via e-mail regarding this requirement.

Tank Section Changes

The Tanks Section has recently added some new staff and had some internal changes. Vicky Olive, Vincent Henry, Jarrod Robertson and Aaron Clare have joined our Remediation Unit. Their responsibilities include the oversight of tank cleanup projects. Additionally, Patty Chapman, Environmental Specialist III, joined the Fiscal Operations and Data Development Unit.

Valerie Garrett recently accepted a promotion from project manager to Technical Environmental Specialist IV. Valerie will maintain a handful of remediation projects, but her new duties will concentrate on providing research on cleanup issues, training for internal staff as well as consultants, and interpretations of the risk based corrective action process.

Jeff Heisler was promoted from a Management Analysis Specialist I to a II, in the Fiscal Operations and Data Unit.

To determine the Tanks Section Project Manager for your site, please contact us at 573-751-6822 or view our contacts page on www.dnr.mo.gov/env/hwp/tanks/overview.htm.

Tanks Staff Conduct UST Closure Oversight

Last year, the Tanks Section's Closure/Remediation Unit's Closure Team began providing oversight at UST closures, to provide technical assistance and oversight of tank closures. As you may recall, the department's regional office staff provided guidance and oversight of UST tank closures in the past. Due to a lack of funding in the fiscal year 2006 state budget, the department had to discontinue this program.

The department is pleased to renew this program of providing assistance to consultants during tank closure. If you wish to have technical assistance provided during a portion of the closure activities, call Tanks Section at 573-751-6822.

We Want You to Continue to Recieve Our Newsletter!

Getting information to tank owners and operators is important to the Tanks Section. The mission of the Missouri Department of Natural Resources is to protect, preserve and enhance Missouri's natural, cultural and energy resources.

Future newsletters will be sent out electronically to both reduce the amount of paper used and save tax dollars spent on postage. If you wish to receive this newsletter electronicly in the future, please contact Marlene Kirchner at marlene.kirchner@dnr.mo.gov or by phone at 573-751-6822 or 800-361-4827.

If you still wish to receive a paper copy of this newsletter, please let Marlene know.

Tanks News is a free semi-annual newsletter that informs readers about tanks issues. If you would like to be added to our mailing list, please fill out the subscription information and return it to Missouri Department of Natural Resources, Marlene Kirchner, P.O. Box 176, Jefferson City, MO 65102-0176.

This newsletter is also available on the department's Web site at www.dnr.mo.gov/env/hwp/news.htm.

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