

**Title 10 - DEPARTMENT OF NATURAL RESOURCES**  
**Division 20 - Clean Water Commission**  
**Chapter 15 - Aboveground Storage Tanks – Release Response**

**PROPOSED RULE**

**10 CSR 20-15.010 Applicability and Definitions.**

*PURPOSE: The Missouri Clean Water Commission is responsible for adopting rules necessary to prevent, control and abate potential discharge of contaminants to the waters of the state. Releases of petroleum and other regulated substances from Aboveground Storage Tanks and associated piping, primarily from ASTs located at service stations, marinas, bulk plants, and fleet fueling facilities, have been documented throughout the state. While the applicable Department of Agriculture regulations focus on prevention of such releases, there are currently no specific requirements for release response measures that must be taken to protect the environment and the waters of the state. The commission has determined release response measures to be necessary because, once a release has occurred, the nature of the contaminants is such that, without appropriate release response measures, there is a substantial threat that the discharged contaminants will pollute the waters of the state. The intent of the release response measures required by the rules in this chapter is to prevent any discharged contaminants from polluting the waters of the state. This rule specifies which aboveground storage tanks must comply with the technical requirements set forth in this chapter and defines specific words used in this chapter so that the meaning of these terms, and their application in the rules of this chapter, is easily understood.*

- (1) The requirements in this chapter apply to the owner or operator of any facility on which one or more aboveground storage tanks (AST), as the term is defined in this rule, is located.**
- (2) “Aboveground storage tank (AST)” or “AST System” means any one or a combination of tanks, including pipes connected thereto, used to contain an accumulation of regulated substances and the volume of which, including the volume of the aboveground pipes connected thereto, is more than ninety percent (90%) above the surface of the ground, and is utilized for the sale of products regulated by Chapter 414, RSMo. The term does not include those tanks listed below or aboveground storage tanks at petroleum pipeline terminals. The following are not considered aboveground storage tanks:**
- (A) Underground storage tanks (USTs) as defined in 319.100 RSMo.;**
  - (B) Farm or residential tanks of eleven hundred gallons or less used for storing motor fuel for noncommercial purposes;**
  - (C) Tanks used for storing heating oil for consumptive use on the premises where stored;**
  - (D) Septic tanks;**
  - (E) Pipeline facilities, including gathering lines, regulated under:**
    - 1. The federal Natural Gas Pipeline Safety Act of 1968 (P.L. 90-481), as amended; or**

2. The federal Hazardous Liquid Pipeline Act of 1979 (P.L. 96-129), as amended;
- (F) Pipeline facilities regulated under state laws comparable to the provisions of law referred to in subsection (E) of this section;
  - (G) Surface impoundments, pits, ponds, or lagoons;
  - (H) Storm water or waste water collection systems;
  - (I) Flow-through process tanks;
  - (J) Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations;
  - (K) Storage tanks situated in an underground area, such as a basement, cellar, mineworking, drift, shaft, or tunnel, if the storage tank is situated upon or above the surface of the floor; and
  - (K) Transformers, circuit breakers or other equipment or machinery that contain regulated substances for operational purposes.
- (3) “Beneath the surface of the ground” means beneath the ground surface or otherwise covered with earthen materials.
- (4) “Department,” unless otherwise stated, means the Missouri Department of Natural Resources.
- (5) “Free product” refers to a regulated substance that is present as a non-aqueous phase liquid (for example, pools of regulated substances at the surface or perched in the subsurface on top of an impermeable rock stratum or on top of ground water).
- (6) “Pipe” or “piping” means a hollow cylinder or tubular conduit constructed of non-earthen materials.
- (7) “Regulated Substance” means:
- (A) “Petroleum”, which is crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).; or
  - (B) Other substances stored and approved for use as an alternative motor vehicle fuel by the United States Environmental Protection Agency, the Missouri Department of Agriculture, or the Missouri Department of Natural Resources, including, but not limited to:
    - 1. Nonpetroleum or petroleum/nonpetroleum blended fuels such as biomass fuels, soydiesel or other biodiesels;
    - 2. Neat alcohols (such as ethanol or methanol);
    - 3. Alcohol-blended fuels;
    - 4. Innovative or advanced technology petroleum fuels that are liquid at standard conditions of temperature or pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).
- (8) “Release” includes, but is not limited to, any spilling, leaking, emitting, discharging,

escaping, leaching, or disposing of regulated substances from an AST onto the ground surface or into ground water, surface water, or subsurface soils.

(A) A release is “confirmed”, for purposes of the rules in this chapter, upon discovery or observation by any person of regulated substances on the ground surface or in groundwater, surface water, or subsurface soils.

(B) A release is “suspected”, for purposes of the rules in this chapter, anytime there is any indication of the presence of regulated substances on the ground surface or in groundwater, surface water, or subsurface soils. Factors indicating the presence of regulated substances in the environment include, but are not limited to, erratic behavior of dispensing equipment, unexplained loss of product, notification by a third party of a potential release, or some reason other than discovery or observation of environmental contamination.

(9) “Tank” is a stationary device designed to contain an accumulation of regulated substances and constructed of non-earthen materials (for example, concrete, steel, or fiberglass-reinforced plastic) that provide structural support.

AUTHORITY: *Sections 319.137 and 644.026 RSMo 2000.*

*PUBLIC ENTITY COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate over the expected life of the rule.*

*PRIVATE ENTITY COST: This proposed rule will not cost private entities more than \$500 in the aggregate over the expected life of the rule.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Clean Water Commission will hold a public hearing on this rule action and others beginning at 9 a.m. on November 28, 2001 in Room 450 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri 65101. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Clean Water Commission at P.O. Box 176, Jefferson City, Missouri 65102-0176. To be accepted, written requests to speak shall be postmarked by midnight on November 14, 2001. Faxed or e-mailed correspondence will not be accepted.*

*Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at P.O. Box 176, Jefferson City, Missouri 65102-0176. To be accepted, written comments shall be postmarked by midnight on Wednesday, December 5, 2001. Faxed or e-mailed correspondence will not be accepted.*

*Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at (573) 751-3176.*