

Petroleum Storage Tank Training for New Employees

**An Overview of the Petroleum Storage Tank Laws,
Regulations, and Missouri's Risk-Based Corrective
Action (MRBCA) Process for Petroleum Storage Tanks**

By

Valerie Garrett

Missouri Department of Natural Resources

Tanks Section

Part 1

Legal Framework

- **Solid Waste Disposal Act (1965)**
- **Resource Recovery Act (1970) EPA established**
- **Resource Conservation and Recovery Act (1976) [amended the SWDA]**
- **Hazardous & Solid Waste Amendments (1984) First to regulate USTs - Subtitle I**
- **1986 LUST Trust Fund created to pay for cleanups**
- **Oil Pollution Act (1990) regulates Aboveground tanks**
- **Energy Policy Act of 2005, Title XV – Ethanol & Motor fuels, Subtitle B - Underground Storage Tank Compliance (Sections 1521 – 1533)**
- **Superfund Amendments & Reauthorization Act (1986) & Emergency Planning & Community Right-to-Know Act (EPCRA)**

Federal Law

42 USC, Chapter 82, Subchapter IX

- **Title 42 – The Public Health & Welfare**
- **Chapter 82 – Solid Waste Disposal**
- **Subchapter IX – Regulation of Underground Storage Tanks**
- **Section 6991 & Section 9000**
- **LUST Trust Fund located in Section 9508**

Main sections in Federal Law

- **Definitions**
- **Notification requirements**
- **Release detection, prevention, and correction**
- **Inspections, monitoring, testing, corrective action**
- **Federal enforcement provisions**
- **Operator Training**
- **Delivery Prohibition**
- **Lust Trust Fund Appropriations**

Federal Regulations

40 CFR, Chapter 1, Part 280

- **Title 40 – Protection of the Environment**
- **Chapter 1 – Environmental Protection Agency**
- **Part 280 – Technical standards and corrective action requirements for owners and operators of USTs**

Main Sections in Federal Regulations

- **Definitions**
- **Performance standards for new systems**
- **Upgrading of existing systems by Dec 1998**
- **Notification requirements**
- **Release Prevention, Detection, Reporting & Response – Site characterization & Cleanup**
- **Closure Requirements**
- **Financial Responsibility**

Missouri Petroleum Storage Tank Laws

- **Revised Statutes of Missouri**
 - **Chapter 319 (§319 RSMo)**
 - **Chapter 414 Department of Ag law relating to
ASTs**
 - **CSR 90-30 Ag weights & measures regs**

Main Sections of Chapter 319

- **Definitions 319.100**
 - **AST, Owner, Petroleum, Release, UST**
- **Registration requirements 319.103**
 - **Existing tanks at time by Nov 28, 1989**
 - **New tanks within 30 days of installation**
- **New tank performance standards & upgrading existing tanks 319.105**
- **Leak detection**
- **Release reporting**
- **Closure requirements**

Chapter 319 (continued)

- **Financial Responsibility 319.114**
- **Inspections & Recordkeeping 319.117**
- **Certificate of Registration 319.120**
- **Tank Fees 319.123 & 319.124**
- **Certification denials or revocations
319.125**
- **Violations/Penalty Provisions 319.127**

Chapter 319 (continued)

- **PSTIF 319.129**
- **PSTIF Advisory Committee 319.131**
- **Load Fee 319.132**
- **Insurance Fee 319.133**
- **Authority to promulgate rules 319.137**
- **Administrative penalties 319.139**

Missouri Storage Tank Regulations

- **10 CSR 26-2.010-2.083.**
- **Title 10 (Department of Natural Resources)**
- **Division 26 (Petroleum and Hazardous Substance Storage Tanks)**
- **Chapter 2-Underground storage Tanks-
Technical Regulations**
- **Sections .010-.083 (in chapter 10)**

10 CSR 26-2

UST Technical Regulations

- **.010 – Applicability “2018 Rule”**
- **.011 – Installation Requirements for Partially Excluded Underground Storage Tank Systems**
- **.012 - Definitions**
- **.020 - Performance standards for New USTs**
- **.021 - Upgrading Existing UST systems**
- **.022 - Notification Requirements**
- **.030 - Spill & Overfill Control**

The 2018 Rule

- **Sections 319.131.9(3) (underground tanks) and 319.131.10(2) (aboveground tanks), RSMo.**
- **Added liability of releases from just the owner/operator to the current property owner and the Owner/Operator.**
- **The tanks (UST and ASTs) must have been taken out of use by December 31, 1997.**
- *After December 31, 2017, the current legal owner of the [tank] site shall be the responsible party for corrective action...of any releases from [aboveground or underground] storage tanks.... Nothing in this subdivision shall in any way be construed to alter, alleviate, or modify in any manner any liabilities that the [Missouri Petroleum Storage Tank Insurance Fund] has to pay for in cleaning up the site.*

10 CSR 26-2 (Continued)

- **.031 - Corrosion Protection**
- **.032 - Compatibility**
- **.033 - Repairs allowed**
- **.034 - Reporting & Recordkeeping**
- **.040 - Release Detection Systems**
- **.041 - Requirements for UST systems**
- **.042 – Hazardous Substance USTs**
- **.043 - Methods of Release Detection for USTs**
- **.044 - Methods of Release Detection for Piping**

10 CSR 26-2 (Continued)

- **.045 - Release Detection & Recordkeeping**
- **.050 - Reporting of Suspected Releases**
- **.051 - Investigation due to Off-site Impacts**
- **.052 - Release Investigation & Confirmation**
- **.053 - Reporting & Cleanup of Spills & Overfills**
- **.060 - Taking USTs Out of Use**
- **.062 – Assessing the Site at Closure or Change of Service**

10 CSR 26-2 (Continued)

- **070 - Release Response and Corrective Action**
- **.071 - Initial Release Response**
- **.072 - Initial Abatement Measures & Site Check**
- **.074 - Initial Site Characterization**
- **.075 - Free-Product Removal**
- **.078 - Investigations for Soil & Groundwater Cleanup**
- **.082 - Corrective Action Plan**

10 CSR 26-2 (Continued)

- **.083 - Public Participation**
- **.080 - Risk-Based Clean-Up Levels**
- **.060 - Temporary Closure**
- **.061 - Permanent Closure & Changes in Service**
- **.063 - Applicability to Previously Closed USTs**
- **.064 - Closure Records**

10 CSR 26-3

Financial Responsibility

- Owners/Operators must be financially capable of conducting corrective action and for compensating for third party damages stemming from a release from their UST system**

10 CSR 26-3
State Underground Storage
Tank Insurance Fund

- **Established in 10 CSR 26-3.101**

10 CSR 26-4

Administrative Penalties

- **Administrative Penalty Assessment (for Enforcement Section use only)**

10 CSR 26-5

Aboveground Storage Tanks

- **.010 – Applicability & Definitions**
- **.020 – Release Reporting & Initial Response Measures**
- **.030 – Site Characterization & Corrective Action**

Other Important State Laws & Regs

- **Chapter 256, RSMo – Geology**
 - 4 CSR Division 23, Chapters 1-4 (Well Code)
- **Chapter 644, RSMo – Mo. Clean Water Act**
 - 10 CSR Division 20, Chapter 7 (Water Quality)

Questions?