

## Don't Let the Clock Run Out Without Making a Claim!

Attention tank owners and operators: If you were previously insured by the PSTIF, and you bought an "extended reporting period" when you took your insured tank systems out of service, be aware that there is a five-year limit on your "tail coverage."

Because it has been five years since the PSTIF first began offering "tail coverage" to its insureds, there are a number of sites where *a final deadline is approaching*. To make a claim, you must document the presence of contamination *before your last year of "tail coverage" ends*.

Many of these sites were insured for 10-15 years while the tanks were in use, and the owner or operator has purchased "tail coverage" for five more years. We do not want to see these owners/operators lose their opportunity to get benefits from the PSTIF. We routinely send notices approximately 60 days before this final deadline, warning our former insureds that their opportunity to make a claim is about to end. But we cannot make a claim for you, nor can we extend your time to make a claim. So be alert!

## Reminder for AST Owners

Remember: State law requires regulated AST owners and operators to have a "financial responsibility mechanism" that pays for cleanup of a spill or leak by December 31, 2010.

The PSTIF can provide the required coverage for a nominal fee. Applications are available on the PSTIF web site or by calling 800-765-2765.

## RBCA Rules

As previously announced in *Latest Leaks*, staff from the MDNR and the PSTIF have been meeting with a third party facilitator to discuss differences in the risk-based corrective action rules drafted by each agency.

The facilitator will present his recommendations to Missouri's Hazardous Waste Management Commission at its public hearing on August 20 in Jefferson City. Other persons will also likely appear at the hearing and/or submit written comments.

The Commission must then decide what to publish as final rules by November 25, 2009.

## UST Rule Changes?

EPA's original rules governing the operation of USTs were issued in 1988. A review of those rules – which include leak detection and leak prevention requirements – is underway. Changes may include:

- A phase-out of ball float valves;
- Regular testing of spill buckets;
- Requirements to test for leaks after repairs to the UST system;
- More stringent leak detection requirements for single-wall tanks and/or piping;
- More stringent testing requirements for automatic tank gauges, probes, sensors, line leak detectors and alarms; and
- Different or more stringent leak detection requirements for high-volume locations.

Comments or suggestions on these ideas may be submitted to your trade

association or directly to EPA at [barolo.mark@epa.gov](mailto:barolo.mark@epa.gov).

## DEF is Coming!

Truck stop owners are beginning to consider when and how to sell DEF, (Diesel Exhaust Fluid), an additive required in most 2010 model year heavy trucks. DEF demand is expected to be relatively low for the next few years – 30-50 million gallons per year – and DEF distribution and storage logistics are still emerging.

DEF is very corrosive and cannot be stored in steel containers. It freezes at 12° F, so must either be stored indoors or in heated containers. Initially, DEF is likely to be sold in 2.5-gallon jugs, 55-gallon drums, or 275-gallon or 330-gallon totes.

EPA has not officially said whether an underground tank storing DEF would be subject to federal rules for hazardous substance USTs... DEF contains no petroleum and only a minute portion of ammonia, a regulated substance. Most experts believe DEF USTs would be excluded under EPA's exemption for "de minimus" quantities of regulated substances.

## SPCC Plans

EPA announced it has extended the deadline for complying with its *new* SPCC rules until November 2010, and expects to publish final revisions to the SPCC rules in November of this year.

The old SPCC rules remain on the books, however, so AST owners are encouraged to have a current SPCC plan in place. For more information on this EPA action, see <http://snipurl.com/pstif017>.

## Training for Equipment Companies

The Department of Agriculture's Division of Weights and Measures is planning to offer workshops this fall for companies that install or service petroleum equipment. The workshops are tentatively scheduled for October in Springfield, Cape Girardeau, St. Peters, Kansas City and Jefferson City. Watch for more information soon.

## Audit and Actuarial Study

The PSTIF recently engaged an auditor to conduct the FY09 audit and an actuarial firm to do the biannual study of claims, reserves and projected liabilities. Both reports will be delivered to the Board this fall and will be posted on the PSTIF web site.

## Stimulating Cleanups

As part of the American Recovery and Reinvestment Act of 2009, Missouri DNR has received an additional \$3.25 million from the federal LUST Trust Fund to clean up UST sites where there has been a petroleum release. MDNR and PSTIF staff have initially identified about 55 sites where the funds may be used to assess and/or clean up petroleum; all are properties where the responsible party either no longer exists or is financially unable to conduct the cleanup.

MDNR will contract with environmental firms to begin work at these sites in the fall.

## New Definition of "Certified Mail"

A bill enacted by the legislature this year and signed by Governor Nixon changes the definition of "certified mail" in Missouri's statutes. Now, "certified mail" includes "certified mail carried by the US Postal Service or any parcel or letter carried by an overnight, express, or ground delivery service that allows a sender or recipient to electronically track its location and provides record of the signature of the recipient."

The bill was numbered HB652; see <http://snipurl.com/pstif018>.

## PSTIF Turns 20

August 28 marks the 20<sup>th</sup> anniversary of Missouri's Tank Fund. Since inception, the Trust Fund has paid nearly \$180 million in claims – \$86 million to its insured tank owners/operators and the remainder to various property owners whose sites had "legacy pollution" from prior tank operations.

In addition, the PSTIF has provided insurance protection for owners and operators of 5152 tank sites, making it one of the largest tank insurers in the country. We look forward to continuing these services to Missourians in the coming years!

*Latest Leaks* is a newsletter of the Missouri Petroleum Storage Tank Insurance Fund.

[www.pstif.org](http://www.pstif.org)

Jeremiah W. (Jay) Nixon, Governor

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