



aboveground or underground storage tank used to store petroleum or petroleum-blended fuel, and all connected piping, ancillary equipment and containment systems located beneath the fire impact valve;

(B) "Person" means a partnership, corporation, company, firm, society or association; and

(C) "Repair" means any modification to, or replacement of parts on, the fuel storage tank system.

(2) Any person who manufactures an aboveground or underground fuel storage tank for use in Missouri, or piping for such tank; or any person who installs or repairs all or part of a fuel storage tank system in Missouri shall annually apply for a registration from the Department of Agriculture's Division of Weights and Measures on an Application for Annual Registration form included herein by the department. At the time of application, such person shall provide evidence of financial responsibility for the costs of corrective action directly related to releases caused by improper manufacture, installation, or repair of such tank or piping. This evidence shall:

(A) Demonstrate that the financial responsibility mechanism provides coverage of at least one (1) million dollars per occurrence and two (2) million dollars annual aggregate;

(B) Clearly identify who is insured;

(C) Specify the retroactive date of such coverage; and

(D) Specify the term of such coverage.

(3) This rule shall not apply to a person who installs or repairs tanks and/or piping owned or operated by such person.

(4) Enforcement Authority.

(A) Any person who is found, upon investigation by the Department of Agriculture, to be in possible violation of this rule shall be notified by certified mail of the facts constituting such violation and shall be afforded an opportunity to explain such facts at an informal hearing to be conducted within fourteen (14) days of such notification. In the event that such person fails to timely respond to such notification or upon unsuccessful resolution of any issues relating to the alleged violation, such person may be summoned to a formal administrative hearing before a hearing officer conducted in conformance with Chapter 536, RSMo.

(B) If a hearing officer finds a person has violated the requirements of this rule, he/she may:

1. Order such person to immediately cease and desist the manufacture, installation or repair of petroleum storage tanks;

2. Rescind such person's registration;

3. Order payment of a penalty of not more than five hundred dollars (\$500) per violation; and/or

4. Order payment of a penalty of up to five hundred dollars (\$500) for each day such violation continues.

(C) A party to such hearing who is aggrieved by a determination of the hearing officer may appeal to the circuit court of Cole County, in accordance with Chapter 536, RSMo.

(D) Any person found in violation of this rule or section 414.035, RSMo shall be deemed guilty of a class A misdemeanor and may be prosecuted in any county in which a violation occurs.

2 CSR 90-30.085 Financial Responsibility for Manufacturers, Installers and Repairers of Petroleum Equipment

PURPOSE: This rule implements the provisions of Senate Bill 1020, enacted in 2006 by the second regular session of the 93rd General Assembly.

(1) For the purposes of this rule, the following definitions shall apply:

(A) "Fuel storage tank system" means an