

Attention UST Owners/Operators!

Proposed changes to the rules governing operation of underground tanks were published in the May 16, 2011 issue of the *Missouri Register*. Comments are invited and must be submitted by June 23, 2011. A public hearing will be held in Jefferson City on June 16 for anyone who wishes to provide oral comments directly to the Hazardous Waste Management Commission.

After the public comment period, the Commission is expected to decide what the final rules will contain at its meeting on August 15. The earliest the rule changes could go into effect is December 30, 2011.

The most important proposed changes are:

- Tanks will no longer be "temporarily closed." An underground tank will either be "in use," meaning it still contains product, or it will be "out of use," meaning it's empty.
- Any tank that still contains product will have to maintain "financial responsibility" for cleaning up leaks, (i.e., insurance with the PSTIF or another mechanism).
- An owner/operator who empties an underground tank will have to do a site assessment within twelve months or remove the tank; in certain cases, two years would be allowed.
- An empty UST system (tank and piping) will have to be removed after five years.
- High-volume facilities will have to comply with more stringent leak detection requirements.
- New UST systems will be required to have under-dispenser containment and tank-top containment.
- Specific requirements will be imposed on equipment companies who install new USTs and the DNR would provide more oversight over installations.
- More stringent requirements would apply to cathodically-protected UST systems.

The proposed rules are available at <http://snipurl.com/pstif034> and will be on the PSTIF's website, <http://www.pstif.org>, after May 16.

\$200 Million & Counting!

The PSTIF recently passed the \$200 million mark in claims reimbursed. The first claim was submitted in mid-1993 and the 100 millionth dollar was paid out in December 2003.

Properties in nearly every one of Missouri's 114 counties and the City of St. Louis have been put back into productive use as a result of PSTIF funds being used to address environmental liability. No studies have been done to quantify the overall economic benefits from these projects, but the PSTIF is unquestionably one of the most effective "engines" for property redevelopment in the State.

Kudos to all the people who have supported the PSTIF and had a hand in its success, including those in the petroleum business, legislators, governors, trustees, state agency personnel, consultants, and other interested persons. A giant "Thanks and Congratulations" to all of you!



Stage II Emission Controls To Disappear?

Gas station owners will be pleased to hear that the U.S. EPA has drafted a rule that will finally tell them when enough of their customers' vehicles have emission control equipment that the requirement for Stage II vapor recovery equipment at the gas station, (first mandated in major cities in 1985), finally will be eliminated.

"Onboard refueling vapor recovery equipment," or ORVR, is equipment in a vehicle that captures vapors while fueling, making the Stage II equipment at the gas station unnecessary. The federal plan was that once ORVR is in "widespread use," the requirement for equipment on station nozzles would be dropped. Automakers have been required to include such equipment in all cars since 2000; however, no one has known when or how EPA would define "widespread use."

EPA's draft rule is being reviewed by the U.S. Office of Management and Budget; though it is not yet known when the rule will be released for public review, OMB review normally takes about 90 days.

Monitoring Well Rules

DNR's new rules governing soil borings and monitoring wells were finalized by the Well Installation Board in early March. They will be published in the *Missouri Register* in June and go into effect on July 30, 2011.

Legislative Update

At this writing, the Missouri House and Senate are still considering legislation that would give the PSTIF Board of Trustees responsibility for deciding whether to create and fund an UST operator training program. The Legislature adjourns for the year on May 13, so by the time you read this, the decision will have been made. More information to follow.

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