STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
Bob Holden, Governor • Stephen M. Mahfood, Director
www.dnr.state.mo.us

March 3, 2004

Tank Owners
Contractors/Consultants
RBCA Stakeholders

Dear Interested Parties:

I am pleased to announce the release of the Missouri Department of Natural Resources' Hazardous Waste Program's new guidance entitled "Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks, Revision 0." This guidance replaces the 1992 Site Characterization and Corrective Action Guidance Documents and the 1996 Underground Storage Tank Closure Guidance Document. It is part of the department's broader risk-based initiative, which will include explicit rulemaking and additional guidance addressing other cleanup issues (e.g., Brownfields, the Resource Conservation and Recovery Act [RCRA], etc.)

I thank the stakeholders for the hundreds of hours they have spent in meetings and providing review and input. This dialogue has definitely made for a better product. We will continue to incorporate changes to the guidance as we get additional comments and, perhaps most importantly, we will all learn practical lessons during the implementation process.

This guidance is available immediately for use on new sites. We will, however, take a phase-in approach to existing sites.

- Owners of any site that currently have an approved corrective action plan can close under the old guidance.
- Owners of any site with a complete site characterization under the old guidance may submit a proposal to perform corrective action in accordance with the old guidance until June 30, 2004.
- Closure reports under the old guidance will be accepted until June 30, 2004.
- Owners of any site currently in process, or with a complete site characterization, may proceed with a risk evaluation and risk management plan under the new guidance. If a risk assessment can be done with existing data or with the collection of minimal additional data, the new guidance and forms may be used to present a risk assessment report to the department. In some cases, where site conditions and/or distributions and concentrations of chemicals of concern (COCs) warrant, the department may ask the owner to collect additional samples and analyze for additional COCs. *For instance, in circumstances where total petroleum hydrocarbons as diesel in soil approaches non-residential values for soil, the department may request analyses of polynuclear aromatic hydrocarbons; or, where methyl tertiary-butyl ether in groundwater approaches non-residential values for groundwater, the department may request the owner test for additional oxygenates. There are other potential scenarios that may occur, however, these are two that we expect to occur.*
- On a case-by-case basis, the department may review and make exceptions to the above policy.

No new guidance is ever complete and final on the first release; users of the guidance and department staff will invariably identify areas of needed improvement. We are planning a series of regular meetings with external stakeholders to highlight areas for improvement. In particular, we have agreed to have ongoing discussions regarding the indoor air pathway. The first meeting is slated for sometime in March 2004. We will continue to have ongoing meetings to discuss issues that arise during implementation.

We are also establishing a Tanks Regulatory Development Group (TRDG) composed of stakeholders. The TRDG is intended to help the department select those portions of this guidance that will be proposed as formal state regulation, along with other implementing rules such as public notice and appeals. In addition to rulemaking issues, the TRDG will also be tasked with implementation/operational issues. Please send us your name by March 8, 2004, if you wish to volunteer.

Updates to the guidance will be posted on the department's web site as appropriate. We will make an announcement anytime that a portion of the guidance is updated, and each update will have a compendium of changes.

Thank you for your interest, and thanks again to all those who volunteered so much time and effort toward making this a success.

Please direct any questions regarding the guidance to Mr. John Balkenbush of the Hazardous Waste Program, Tanks Section, P.O. Box 176, Jefferson City, MO 65102-0176; telephone number (573) 751-6822; fax number (573) 526-8922; e-mail john.balkenbush@dnr.mo.gov.

Sincerely,

HAZARDOUS WASTE PROGRAM

Edward Galbraith
Director

EG: fhl