

FIRST REGULAR SESSION

HOUSE BILL NO. 740

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES PRATT, DOUGHERTY AND DUSENBERG (Co-sponsors).

Read 1st time April 10, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2082L.031

AN ACT

To amend chapter 324, RSMo, by adding thereto one new section relating to the installation, repair, removal, and closure of petroleum liquid storage systems.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 324, RSMo, is amended by adding thereto one new section, to be
2 known as section 324.1160, to read as follows:

324.1160. 1. As used in this section, the following terms shall mean:

2 **(1) "Closure", the process of demonstrating that the removed petroleum liquid**
3 **storage system does not pose a threat to human health or the environment. Closure is**
4 **performed by obtaining soil and groundwater samples for analysis to determine if**
5 **petroleum constituents exist above department of natural resources action levels or risk-**
6 **based corrective action levels approved by the department of natural resources. In some**
7 **cases, additional site investigation, remediation, and corrective action may need to be**
8 **performed to achieve cleanup levels based upon a lookup table or site-specific risk-based**
9 **cleanup levels before closure can be achieved;**

10 **(2) "Contracting company", a corporation, partnership, or duly constituted**
11 **individual proprietorship which holds itself out as being qualified to install, repair,**
12 **remove, or undergo closure of petroleum liquid storage systems;**

13 **(3) "Contractor", a contracting company or person, as defined in this section, who**
14 **is engaged in the installation, repair, removal, or closure of petroleum liquid storage**
15 **systems;**

16 **(4) "Person", an individual connected with a contracting company who exercises**
17 **authority within the company by virtue of ownership interest or management position.**
18 **Person shall also include individuals such as the crew chief, expediter, geologist, engineer,**

19 supervisor, leadman, or foreman in charge of a project;

20 (5) "Petroleum liquid storage system", a tank, together with its related piping,
21 dispensing pumping equipment, and cathodic protection systems:

22 (a) Which has a liquid capacity in excess of one hundred ten gallons; and

23 (b) Which is intended for use as a storage vessel for liquid petroleum derivatives
24 such as gasoline, diesel fuel, and aviation jet fuel, or as a storage vessel for any liquid
25 chemical that has been classified as hazardous by an agency of the federal government;

26 (6) "Removal", the process of removing and disposing of a petroleum liquid storage
27 system no longer in service, and shall also mean the process of abandoning such a system
28 in place through use of prescribed techniques for the purging of vapors and the filling of
29 the vessel with an inert material;

30 (7) "Repair", modification or correction of a petroleum liquid storage system
31 through such means as replacement of valves, fillpipes, vents, and liquid level monitoring
32 systems, and maintenance and inspection of the efficiency of cathodic protection devices,
33 but repair does not include the process of relining an underground tank through
34 application of such materials as epoxy resins or the process of conduction tightness testing
35 to establish the integrity of the tank. Tank lining and tank tightness testing are specialized
36 activities and, although an installation contracting company may engage in such activities,
37 it is not the purpose of this section to include tank lining and tightness testing as activities
38 subject to licensing unless repairs are required as part of these specialized activities.

39 2. No contracting company or contractor shall undertake the installation, repair,
40 removal, or closure of a petroleum storage system unless it has on file with the department
41 of agriculture, weights and measures division the following:

42 (1) Documentation showing that the person or company has commercial insurance,
43 pollution liability insurance and professional liability insurance or liquid company assets
44 which, in combination, represent a value of not less than one million dollars; and

45 (2) Proof that the contracting company or contractor complies with Title 29 of the
46 Code of Federal Regulations general labor standards, i.e., Hazardous Waste Operations
47 and Emergency Response, Confined Space, Protective Equipment and Respiratory
48 Protection.

49 3. Any contracting company or contractor which undertakes the installation,
50 repair, removal, or closure of a petroleum storage system without the proper
51 documentation required pursuant to subsection 2 of this section on file shall not be entitled
52 to receive any payments, reimbursements, or remuneration of any kind from the petroleum
53 storage tank insurance fund for such repair, removal, or closure.