

FIRST REGULAR SESSION

# SENATE BILL NO. 654

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATOR STEELMAN.

Read 1st time February 27, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1626S.021

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## 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.

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*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 known as section 324.1160, to read as follows:

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

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

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

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

(4) "Person", an individual connected with a contracting company who exercises authority within the company by virtue of ownership interest or

management position. Person shall also include individuals such as the crew chief, expeditor, geologist, engineer, supervisor, leadman, or foreman in charge of a project;

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

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

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

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

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

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

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

(2) Proof that the contracting company or contractor is capable of being bonded.

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

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