

FIRST REGULAR SESSION

SENATE BILL NO. 601

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDGEWAY.

Read 1st time February 27, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2323S.011

AN ACT

To amend chapter 319, RSMo, by adding thereto one new section relating to underground storage tanks.

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

Section A. Chapter 319, RSMo, is amended by adding thereto one new section, to be known as section 319.110, to read as follows:

319.110. 1. An underground storage tank shall be ineligible for delivery, deposit, or acceptance of petroleum if the underground storage tank meets one or more of the following conditions:

- (1) Required spill prevention equipment is not installed;**
- (2) Required overfill protection equipment is not installed;**
- (3) Required leak detection equipment is not installed; or**
- (4) Required corrosion protection equipment is not installed. This subdivision shall not apply to a buried metal flexible connector.**

2. Upon the discovery of a violation of this section, the department shall as soon as practical notify the owner or operator or their agent in writing of such violation and affix a red violation tag stating the system is in violation and ineligible to receive petroleum to the fill pipe of the noncompliant underground storage tank using a tamper-resistant strap or straps, fill pipe bag, or any combination thereof so the tag is visible to any person attempting to deliver petroleum to the underground storage tank.

3. Notwithstanding subsection 1 of this section to the contrary, the department may authorize delivery, deposit, or acceptance of petroleum to an ineligible underground storage tank in the following circumstances:

22 (1) In an emergency situation;

23 (2) If such activity is necessary to test or calibrate the
24 underground storage tank or dispenser system; or

25 (3) If removing such tank from service would jeopardize the
26 availability of, or access to, motor fuel in any rural and remote area of
27 the state. In such case, the department may authorize delivery, deposit,
28 or acceptance of petroleum to an otherwise ineligible underground
29 storage tank for up to one hundred eighty days. If the department
30 grants a waiver under this subdivision, no red violation tag, as
31 required under subsection 2 of this section, shall be affixed to the fill
32 pipe for the length of the waiver.

33 4. A violation of this section causes the individual tank in
34 violation to become ineligible to receive petroleum, but shall not cause
35 other tanks at such facility to become ineligible to receive petroleum.

36 5. No person shall deposit petroleum into an underground
37 storage tank that has a red violation tag affixed to its fill pipe.

38 6. No person shall deface, alter, or otherwise tamper with a red
39 violation tag so that the information contained on the tag is not legible.
40 No person shall remove a red violation tag unless directed to do so by
41 the department in writing.

42 7. Upon notification by the owner or operator documenting to
43 the satisfaction of the department that the violation has been corrected
44 or other determination by the department, the department may provide
45 written authorization to the owner or operator to remove the red
46 violation tag. If the department requires an inspection to determine
47 compliance, such inspection shall be conducted as soon as practical
48 after receiving notification of compliance from the owner or operator.

49 8. A red violation tag that has been removed by the owner or
50 operator shall be returned to the department within five business days.

✓