Title 10—DEPARTMENT OF
NATURAL RESOURCES
Division 100—Petroleum Storage Tank
Insurance Fund Board of Trustees
Chapter 2—Definitions

10 CSR 100-2.010 Definitions

PURPOSE: This rule defines certain terms
used in this chapter.

(1) Unless defined otherwise, the definitions
provided in 10 CSR 20-10.012 shall apply.

(2) “Aboveground storage tank” means any
one or a combination of tanks, including
pipes connected thereto, used to contain an
accumulation of petroleum and the volume of
which, including the volume of the above-
ground pipes connected thereto, is ninety
percent (90%) or more above the surface of
the ground, and is utilized for the sale of
products regulated by Chapter 414, RSMo.
It does not include:

(A) A farm or residential tank of one thou-
sand one hundred (1,100) gallons or less used
for storing motor fuel for noncommercial
purposes;

(B) Tanks used for storing heating oil for
consumptive use on the premises where
stored;

(C) Septic tanks;

(D) Pipeline facilities, including gathering
lines, regulated under—

1. The federal Natural Gas Pipeline
   Safety Act of 1968 (P.L. 90-481), as amend-
ed;

2. The federal Hazardous Liquid Pip-
   eline Act of 1979 (P.L. 96-129), as amended;

(E) Pipeline facilities regulated under state
laws comparable to the provisions of law
referred to in subsection (D) of this section;

(F) Surface impoundments, pits, ponds, or
lagoons;

(G) Storm water or waste water collection
systems;

(H) Flow-through process tanks;

(I) Liquid traps or associated gathering
lines directly related to oil or gas production
and gathering operations;

(J) Storage tanks situated in an under-
ground area, such as a basement, cellar,
mineworking, drift, shaft, or tunnel, if the
storage tank is situated upon or above the sur-
face of the floor; and

(K) Transformers, circuit breakers or other
electrical equipment.

(3) “Airline company” means any person,
firm, partnership, corporation, trustee,
receiver or assignee, and all other persons,
whether or not in a representative capacity,
undertaking to engage in the carriage of per-
sons or cargo for hire by commercial aircraft
pursuant to certificates of convenience and
necessity issued by the federal Civil
Aeronautics Board, or successor thereof, or
any noncertificated air carrier authorized to
engage in irregular and infrequent air trans-
portation by the federal Civil Aeronautics
Board, or successor thereof.

(4) “Board” means the board of trustees of the
Petroleum Storage Tank Insurance Fund,
or its employee, designated agent or repre-
sentative.

(5) “Bodily injury” means physical injury,
sickness, disease or damage to the body sus-
tained by a person, including death resulting
from any of these at any time. It does not
include any loss or damage of an intangible
nature, such as pain and suffering, mental
distress or loss of use of any benefit. Nor
does it mean personal injury.

(6) “Claim” means a written demand for
money or services, including the service of a
lawsuit, which is filed and adjudicated in a
manner consistent with Missouri law.

(7) “Cleanup” consists of all actions neces-
sary to investigate, contain, control, analyze,
treat, assess, remediate or monitor the effects
of a petroleum release to standards estab-
lished by the Department of Natural
Resources.

(8) “Emergency response” means immediate
actions taken to contain a release or eliminate
a serious hazard.

(9) “Fund” means the Petroleum Storage
Tank Insurance Fund.

(10) “Fund beneficiary” means any person
who takes responsibility for cleanup of prop-
erty where tanks previously were in use, but
were taken out of use prior to December 31,
1997, and who qualifies to receive monies
from the Petroleum Storage Tank Insurance
Fund under section 319.131.9 or 319.131.10,
RSMo.

(11) “Fund participant” means an owner or
operator of a tank who has applied for and
been accepted by the board as a person for
whom the Petroleum Storage Tank Insurance
Fund is serving as the financial responsi-
bility mechanism required by section 319.114,
RSMo, or for whom the Petroleum Storage
Tank Insurance Fund is providing insurance
coverage for releases from aboveground stor-
age tanks, or the owner of land upon which
such a tank is located, or any other person
named as an additional insured by the board.

(12) “Marine terminal” means a large storage
facility which receives product via barge or
similar conveyance. It does not mean bulk
storage facilities located near lakes or rivers,
such as are used by petroleum distributors,
and which typically receive product via
truck.

(13) “Personal injury” means injury, other
than bodily injury, arising out of one or more
of the following offenses:

(A) False arrest, detention, imprisonment;
(B) Malicious prosecution;
(C) Wrongful entry into or eviction of a
person from a room, dwelling, premises or
property that the person occupies; or
(D) Invasion of right of private occupancy.

(14) “Pipeline terminal” means a large stor-
age facility which receives product via pipe-
line.

(15) “Property damage” means physical
injury to or destruction of tangible property,
ecluding all resulting loss of use of that
property. It does not include cleanup costs,
nor does it include loss or damage of an
intangible nature. Loss or damage of an
intangible nature includes, but is not limited
to, loss or interruption of business, pain and
suffering, lost income, mental distress, loss
of use of any benefit, and punitive damages.

(16) “Railroad corporation” means all corpo-
rations, companies or individuals now own-
ing or operating, or which may hereafter own
or operate, any railroad in this state.

(17) “Site” means real property held under
one (1) deed, except that in exceptional cir-
cumstances involving very large tracts of
land, the board may, at its discretion, recog-
nize separate portions of a large tract as sep-
erate tank sites.

(18) “Tank” means—

(A) An underground storage tank, as
defined in section 319.100, RSMo, which is
used to store petroleum; or

(B) An aboveground storage tank, as
defined in this rule.

1998.* Original rule filed April 1, 1999,
effective Nov. 30, 1999.

*Original authority 319.129, RSMo 1989, amended 1991,