



TCEQ REGULATORY GUIDANCE

Program Support and Environmental Assistance Division
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Suspected and Confirmed Releases from Petroleum Storage Tanks

A guide for owners and operators of PSTs

This is module h of the PST Super Guide, a comprehensive guide to issues relating to petroleum storage tanks (PSTs). This super guide provides an overview of laws and regulations for PSTs and can be used as an aid in minimizing potential risks. The guide does not replace those laws and regulations, which take precedence over any information in this publication.

Module h explains what factors should make you suspect a release, how to confirm a release, and what actions you should take when a release of a regulated substance is suspected or confirmed.

- You, the owner or operator of a PST, are responsible for ensuring compliance with all applicable laws and regulations.
- If your underground storage tank (UST) system is in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, or Williamson County, additional requirements related to protecting the Edwards or the Trinity Aquifer may apply (Title 30, Texas Administrative Code [30 TAC], Chapters 213 and 214).
- In addition to the laws and TCEQ rules, local governments and other state and federal agencies may have rules that apply.

What is a suspected release?

A suspected release is an indication that a leak, spill, or overflow of fuel or another regulated substance has occurred. A suspected release is indicated when any of the following conditions occur (see 30 TAC 334.72):

- Monitoring results from a release detection method required under 30 TAC 334.50 indicate that a release may have occurred. Note: You must report a suspected release if Inventory Control (IC) results fail for two consecutive months.
- There is direct visual or olfactory observation of released product (for example, sheen on surface water, or product vapors in a utility conduit), even if the product source is unknown.
- Unusual operating conditions (for example, erratic dispenser behavior, sudden loss of product, or appearance of tank water) indicate that a release may have occurred, unless the system equipment is found to be defective but not leaking.

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- The interstitial monitor indicates a breach in the primary wall or secondary barrier.
- Statistical inventory reconciliation (SIR) and IC is the release detection method, and you receive a “fail” from the SIR vendor (this finding must be reported to TCEQ within 24 hours), or results are “inconclusive” and cannot be quantified as “pass” (this finding must be reported to TCEQ within 72 hours).
- A spill bucket or sump appears to be leaking.

What is a confirmed release?

A confirmed release occurs when environmental contamination is present, and the source of the contamination is known, as demonstrated by any of the following:

- Product is discovered in observation wells or other secondary containment portions of the PST system.
- Any spill or overflow from a PST system that results in a release into groundwater, surface water, or subsurface soils that exceeds 25 gallons or causes a sheen on nearby surface water.
- Any spill or overflow from a PST that is less than 25 gallons and cannot be cleaned up within 24 hours of the spill.
- Analytical results of samples collected during removal of a PST system from service or from a real estate transfer show contamination.
- Environmental contamination is found in the course of investigating a suspected release, or the source of a previously discovered unknown release is identified.

What actions should I take if I suspect a release?

If a leak is suspected, you must do the following to respond to a suspected release and to determine the extent of any environmental damage (see 30 TAC 334.74):

1. If leak-detection equipment or processes indicate a possible release, then they should be evaluated to determine if they are defective and, if so, they should be repaired or corrected.
2. Suspected releases must be reported to TCEQ within 24 hours (or 72 hours if the suspected release is due to inconclusive SIR results). You may use the [TCEO PST Incident Report Form](#)¹ (TCEQ-20097). You may email your completed form to pstrpr@tceq.texas.gov, fax it to 512-239-2216, or relay the information from the form by calling 512-239-2200.
3. You must investigate the suspected release by either of the following methods within 30 days:
 - a. Conduct a tightness test and a secondary containment test to determine if any leaks are present in the tank and associated piping. Please note that a licensed, on-site supervisor is required to perform the tightness test if it is conducted as part of an installation, repair, or removal of a regulated UST.

1. www.tceq.texas.gov/goto/20097

- b. Conduct a site check of the associated area. The site check includes sampling and must be conducted in accordance with 30 TAC 334.74(2).
4. You must submit a release determination report (RDR) documenting the results of the suspected release investigation to the agency. If testing indicates that a release has not occurred at the site, include a detailed description of the investigative procedures that you followed. This report must:
 - a. Be submitted within 45 days after the first observation of the suspected release.
 - b. Include the results of all tests or monitoring performed and a statement that you sign certifying that the requirements of the investigative procedure have been met. Use the [RDR Form](#)² (TCEQ-00621), available online.
5. If investigation results confirm a release has occurred, you must repair or replace any portions of the system that are found to be leaking and begin further investigation and corrective action.

The reporting schedule for PST releases is summarized in Table 1.

Table 1: PST Release Reporting Schedule—Summary (From RG-411)

Time Frame ³	Scenario or Description	Required Report or Form ⁴
Within 24 hours of suspecting a release	Report all suspected releases to TCEQ (30 TAC 334.72).	PST Program Incident Report form (TCEQ-20097)
Within 30 days of suspecting a release	Conduct system test, site check, or other approved procedure to investigate and confirm suspected release (30 TAC 334.74).	N/A
Within 45 days of suspecting a release	Report investigation of a suspected release where ultimately, no release was found (30 TAC 334.74(3)).	PST Release Determination Report form (TCEQ-00621)
Within 24 hours of release confirmation	Report all confirmed releases to TCEQ (30 TAC 334.76).	PST Program Incident Report form (TCEQ-20097)
Within 20 days of release confirmation	Report a confirmed release, whether above or below action levels (30 TAC 334.77(b)).	PST Release Determination Report form (TCEQ-00621)
Within 45 days of release confirmation	Conduct site assessment and submit report (30 TAC 334.78(c)).	Assessment Report Form (TCEQ-00562)

2. www.tceq.texas.gov/goto/00621

3. Another schedule may be approved or required by the agency.

4. Another format may be approved or required by the agency.

What immediate action (initial response) should I take in the event of a confirmed release?

Unless the agency directs otherwise, you must do the following if a release is confirmed (see 30 TAC 334.76):

1. Stop the release and attempt to prevent further movement into the environment. It may be necessary to shut down all or part of the system immediately to avoid further release or other harm.
2. Identify and mitigate any fire or safety hazards posed by vapors or product. If the release presents a safety or fire hazard (for example, product or vapors are found in drinking-water wells, utility lines, buildings, or storm sewers), immediately contact your local emergency response agencies to mitigate the situation.
 - Report your confirmed release to TCEQ by contacting the Remediation Division at 512-239-2200.
3. Report the release to the agency within 24 hours using the [TCEQ PST Incident Report Form](#)⁵ (TCEQ-20097). You may email your completed form to pstrpr@tceq.texas.gov, fax it to 512-239-2216, or relay the information from the form by calling 512-239-2200.

You should also:

1. Contact and provide your local TCEQ office with the information and mitigation response.
2. Isolate and contain surface spills until they are cleaned up.
3. Remove leaked product (if present) to the extent practicable.

Are there additional requirements for confirmed releases?

The following requirements also apply in the event of a confirmed release:

1. **Initial abatement measures and site check** (see 30 TAC 334.77). You must perform the following abatement measures:
 - remove as much of the regulated substance from the PST system as is necessary to prevent further release to the environment;
 - visually inspect releases and prevent further migration of the substance into surrounding soils and groundwater;
 - continue to monitor and mitigate any additional fire and safety hazards from vapors that have entered into subsurface structures (such as sewers or basements);
 - remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement, or corrective action activities. If these remedies include treatment or disposal of soils, you must comply with applicable state and local requirements;

5. www.tceq.texas.gov/goto/20097

- measure for the presence of a release where contamination is most likely to be present at the site, unless the presence and source of the release have been confirmed as required by 30 TAC 334.74 or the closure site assessment of 30 TAC 334.55(e);
 - investigate to determine the possible presence of Non-Aqueous Phase Liquids (NAPLs) and begin NAPL removal (i.e., the portion of the product not dissolved in water or adhering to soil) as soon as practicable while meeting requirements in 30 TAC 334.79; and
 - within 20 days after release confirmation, you must submit a report summarizing initial abatement steps. (Use [RDR Form](#) ⁶ TCEQ-00621).
2. **Site assessment** (see 30 TAC 334.78). You must gather information about the site and the nature, cause, and estimated quantity of the release, including but not limited to, the following information obtained while confirming the release or completing initial abatement measures:
- data describing surrounding populations, water quality, use and approximate locations of wells potentially affected by the release, subsurface soil conditions, locations of subsurface sewers, climatological conditions, and land use;
 - results of the site check and the NAPL investigations described above;
 - determination of the extent of the on-site contaminated area (soil and groundwater);
 - identification of all potential exposure pathways; and
 - classification of the site to determine the degree and nature of the release and to identify potential receptors in order to determine the degree of threat the release poses to public health and safety.

Within 45 days of release confirmation, you must submit the information collected using the [Assessment Report Form](#) ⁷ (TCEQ-00562). Submit your completed form to the PST Program, TCEQ, MC-137, P.O. Box 13087, Austin, Texas 78711-3087.

3. **Removal of NAPL** (see 30 TAC 334.79). If site investigations indicate the presence of NAPL, you must remove NAPL to the maximum extent practicable (as determined by TCEQ). When removing NAPL you must meet all requirements outlined in 30 TAC 334.79.
4. **Investigation for soil and groundwater cleanup** (see 30 TAC 334.80). You must conduct investigations to determine the full extent and location of contaminated soils and the presence of groundwater contamination if any of the following conditions exist:
- There is evidence that groundwater wells have been affected by the release.
 - The presence of NAPL is indicated. Removal of NAPL must be done in compliance with 30 TAC 334.79.
 - There is evidence that contaminated soils may be in contact with groundwater.
 - TCEQ requests an investigation, based on the potential effects of contaminated soil or groundwater on nearby surface water or groundwater resources.

6. www.tceq.texas.gov/goto/00621

7. www.tceq.texas.gov/goto/00562

- You should submit information collected to the agency as soon as practicable, or by the schedule established by TCEQ.
5. **Corrective action plan** (see 30 TAC 334.81). After reviewing the facility's investigation information, the agency may request that you develop and submit a corrective action plan for responding to contaminated soils and groundwater.

If a plan is required, you must:

- Develop and submit the plan according to the schedule and format established by the agency. *Factors considered during review of your submitted plan are outlined in 30 TAC 334.81(b).*
 - Upon approval from the agency, implement the plan, including any TCEQ-requested revisions to the plan.
 - Monitor, evaluate, and report the results of implementing the plan according to the schedule and format established by the agency. Note: continued monitoring of soil, vapors, groundwater, and surface water may be required.
 - Submit a signed statement certifying that the requirements of 30 TAC 334.81 and the procedures in the approved corrective action plan are complete (the agency will issue a closure letter in response to the certification letter).
6. **Public participation** (see 30 TAC 334.82). If your site requires corrective action, you must provide notice to members of the public directly affected by the release and planned corrective action. Proof of the notification must be submitted to the agency within 30 days of determination that off-site assessment is required. Notice may include (but is not limited to) public notice in newspapers, certified letters to households or businesses, or personal contacts.

Where should I report releases?

All suspected or confirmed releases should be reported to the TCEQ Remediation Division at 512-239-2200. You may use the [PST Incident Report Form](#)⁸ (TCEQ 20097) to fulfill this requirement.

Additionally, if a spill presents an imminent danger of fire, explosion, or toxic vapors, the local fire department and any other designated city officials and response personnel should be notified immediately (for example, a spill into a storm sewer could result in an explosion).

If you are using insurance as your choice of financial assurance, you should also notify your insurance company of the suspected release. Insurance policies have a time limit to report releases; failure to meet these limits may be grounds for your insurance company to deny coverage or payment.

What release reporting records do I need to keep?

Maintain your release detection records for at least five years. You should also keep records to document reporting and investigating activities for any releases, including the results of all system tests. For confirmed releases, also keep documentation of required corrective actions taken.

8. www.tceq.texas.gov/goto/20097

Who can conduct major system repairs and corrective actions at my site?

Only personnel who are registered or licensed in Texas can perform major system repairs (see 30 TAC 334.401):

- Licensed UST on-site supervisors can perform actions to repair tank or piping leaks or ruptures.
- Once a release is confirmed, a leaking petroleum storage tank corrective action project manager (CAPM) and a registered corrective action specialist (CAS) must be retained to evaluate the extent of the spill, oversee site cleanup of surface and subsurface contamination, and instigate the necessary steps to ensure site closure.

To find UST contractors, CASs, and CAPMs within your area:

1. Go to our online [TCEQ Search Licensing or Registration Information](#)⁹ tool.
2. Click the “Group Search Criteria” link.
3. Select the appropriate “Program.”
 - a. **To find CAPMs and CASs**, choose “Leaking Petroleum Storage Tanks Licensing (LPSTOL)” under the “Program” menu, then:
 - i. Select (or enter) the city, ZIP code, county, or TCEQ region (or a combination of these criteria).
 - ii. Click “Search.”
 - iii. The screen navigates to a listing of licensed contractors within the locale you defined. Click the name of any contractor in the list, which will navigate to a new screen with details about the types of licensing the contractor holds, how to contact them, and whether the work that they perform is applicable to your site.
 - b. **To find contractors for tank installation, removal, or repair services**, choose “Underground Storage Tank Licensing (USTOL)” from the “Program” menu and then specify your site location (as described in 3.a.i through 3.a.iii of this heading).

Please note that all licenses or registrations must be listed as “current,” meaning that the holder has met continuing education requirements and is in good standing.

Where do I find more information?

Find complete requirements in [30 TAC](#)¹⁰ for:

- Release reporting and corrective action (30 TAC 334.71 through 334.85)
- Tanks in the Edwards Aquifer (30 TAC Chapter 213)
- Tanks over other aquifers (30 TAC Chapter 214)

9. www2.tceq.texas.gov/lic_dpa/index.cfm

10. www.tceq.texas.gov/goto/view-30tac

Other online resources include:

- [Forms for PST facilities](#) ¹¹
- [Guidance for tank owners and operators](#) developed by our Small Business and Local Government Assistance (SBLGA) program
- [Investigating and Reporting Releases from Petroleum Storage Tanks](#) ¹² (TCEQ publication RG-411) - more guidance on investigating and responding to releases from PSTs
- [TCEQ's publication search](#) ¹³

For confidential environmental compliance assistance for small businesses and local governments, contact SBLGA at 800-447-2827 or online at www.TexasEnvirohelp.org.

11. www.tceq.texas.gov/remediation/pst_rp/downloads.html

12. www.tceq.texas.gov/goto/rg-411

13. www.tceq.texas.gov/publications