



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

## UST Program Facts

### Data About The Underground Storage Tank (UST) Program

- Size of the UST universe (as of March 2009)
  - There are approximately 617,000 active USTs (at approximately 233,000 sites) which are regulated by the UST technical regulations
  - Since 1984, more than 1.7 million substandard USTs have been closed
    - Substandard tanks properly closed by owners, pose little – if any – threat of leaks which could contaminate groundwater and soil
- Compliance with the UST requirements (as of March 2009)
  - 80 percent of active UST systems are in significant operational compliance with the spill, overfill, and corrosion protection requirements for release prevention
  - 76 percent of active UST systems are in significant operational compliance with the leak detection requirements
  - 66.6 percent of UST facilities are in significant operational compliance with both the release prevention and leak detection requirements
- Corrective action at UST sites (as of March 2009)
  - 482,166 releases have been confirmed
  - 456,677 cleanups have been initiated
  - 380,976 cleanups have been completed
  - 101,190 cleanups have not yet been completed
- LUST Trust Fund is financed by a 0.1 cent federal tax on each gallon of motor fuel sold in the country
  - Tax is in effect through September 30, 2011 (originally authorized in 1986)
  - As of September 2008, the balance in the fund was approximately \$3.2 billion; in fiscal year 2008, the fund earned more than \$127.3 million in interest
  - Over the past several years, Congress has appropriated between \$72 and \$76 million per year, of which EPA distributed approximately 85 percent to states and tribes
  - In fiscal year 2009, Congress appropriated approximately \$100.4 million to EPA for both LUST cleanups and LUST prevention activities. Of this amount, more than \$35.5 million was distributed to states and tribes for LUST prevention work. EPA distributed approximately 84 percent of the remaining LUST funds to states and tribes for cleanup activities.
  - In fiscal year 2009, Congress appropriated \$200 million through the American Recovery and Reinvestment Act to assess and clean up underground storage tank petroleum leaks
- Approximately 40 states have UST cleanup funds which pay for most UST cleanups and are separate from the LUST Trust Fund; collectively states raise and spend more than \$1 billion annually
- State program approval
  - 36 states, plus the District of Columbia and Puerto Rico, have approved state programs

## Background And History Of The UST Program

- In 1984, Congress responded to the increasing threat to groundwater posed by leaking underground storage tanks by adding Subtitle I to the Solid Waste Disposal Act (SWDA)
  - SWDA required EPA to develop a comprehensive regulatory program for USTs storing petroleum or certain hazardous substances to protect the environment and human health from UST releases
  - Federal UST regulations require preventive measures (such as spill, overfill, and corrosion protection), release detection monitoring, corrective action, and demonstration of financial resources to carry out corrective action
  - EPA's 1988 regulations set minimum standards for new tanks and required owners of existing tanks to upgrade, replace, or close them
- In 1986, Congress amended Subtitle I of SWDA and created the Leaking Underground Storage Tank (LUST) Trust Fund, used to:
  - Oversee cleanups by responsible parties
  - Enforce cleanups by recalcitrant parties
  - Pay for cleanups at sites where the owner or operator is unknown, unwilling, or unable to respond, or which require emergency action
- In August 2005, Congress amended Subtitle I of SWDA and created the Underground Storage Tank Compliance Act of 2005 (in Title XV, Subtitle B of the Energy Policy Act of 2005)
  - This legislation focuses on further preventing releases
  - In particular, it expands eligible uses of the LUST Trust Fund and includes provisions regarding operator training, delivery prohibition, secondary containment and financial responsibility, and cleanup of releases that contain oxygenated fuel additives
- Because of the large regulated universe of USTs at the inception of the program (over 2 million tanks), EPA designed the UST program to be implemented by states
  - 36 states, plus the District of Columbia and Puerto Rico, have been approved to act in lieu of the federal program and may have more stringent UST requirements
    - The remaining states have agreements with EPA to be the primary implementing agency
  - In fiscal year 2009, EPA supported state and tribal programs by:
    - Providing resources from the LUST Trust Fund (approximately \$65 million) for state cooperative agreements and to tribes to increase the number of cleanups completed
    - Providing resources for state and tribal grants (approximately \$33.4 million) for preventing UST releases
    - Providing technical assistance, training, and information exchange
- States have reported that UST releases are the most common source of groundwater contamination and that petroleum is the most common contaminant
- For more information about the underground storage tank program, see EPA's Web site at: <http://www.epa.gov/oust>