

Updated LUST Performance Measures

1. Number Of Confirmed Releases: The cumulative number of incidents (not UST systems) where the owner/operator has identified a release from a Subtitle I regulated petroleum UST system, reported the release to the state/local or other designated implementing agency and the state/local implementing agency has verified the release according to state procedures such as a site visit (including state contractors), phone call, follow-up letter, or other reasonable mechanism that confirmed the release.

Clarification: “Confirmed Releases” is a cumulative category—even as a cleanup is initiated and is completed, it is still counted in the “Confirmed Releases” category. For a site undergoing closure activities, a confirmed release is counted only if petroleum contamination is discovered and verified. In that case, the release is counted under both the “Confirmed Releases” and “Closed Petroleum UST Systems” categories. A release which requires no further action as determined by the implementing agency would still be counted as a confirmed release.

Example: A confirmed release is identified by the incident, not by the receptor(s). For example, ten contaminated residential wells would be considered one release if the contamination was caused by a leaking tank at a single gasoline station. This accounting would be true even if it were discovered that more than one tank at that station was leaking. If tanks at three gasoline stations were found to be leaking, however, then three confirmed releases would be recorded, regardless of the number of receptors. Additionally, the initiation of a new cleanup response indicates a separate confirmed release. The discovery of a leaking tank at the gasoline station, for example, two years after completion of the original cleanup would be classified as a new confirmed release.

2. Number Of Cleanups Initiated: The cumulative number of confirmed releases at which the state or responsible party (under supervision as designated by the state) has **evaluated the site and** initiated **1) management of petroleum-contaminated soil, 2) removal of free product (from the surface or subsurface environment), 3) management or treatment of dissolved petroleum contamination, 4) monitoring of the groundwater or soil being remediated by natural attenuation or 5) the state has determined that no further actions are currently necessary to protect human health and the environment.** [Subset of Measure 1]

Clarification: “Cleanups Initiated” is a cumulative category—sites should never be deleted from this category. Even as a cleanup progresses and is completed, it is still counted in the cleanups initiated category. “Cleanups Initiated” indicates that physical activity (e.g., pumping, soil removal, recovery well installation) has begun at the site, **unless a state has evaluated the site and has determined that no physical activity is currently necessary to protect human health and the environment. Site investigations and emergency responses DO NOT qualify as a cleanup initiated unless one of the five actions listed in the definition has occurred.** Sites being remediated by natural attenuation can be counted in this category when site characterizations, monitoring plans, and site-specific cleanup goals are established for these

sites. It is no longer necessary to report separately those cleanups initiated that are state-lead sites using state money and those that are responsible-party lead sites. It is, however, still necessary to report the number of cleanups initiated that are state lead with Trust Fund money.

3. Number Of Cleanups Completed: The cumulative number of confirmed releases where cleanup has been initiated and where the state has determined that no further actions are currently necessary to protect human health and the environment. This number includes sites with post-closure monitoring as long as site-specific (e.g., risk-based) cleanup goals have been met. Site characterization, monitoring plans, and site-specific cleanup goals must be established and cleanup goals must be attained for sites being remediated by natural attenuation to be counted in this category. [Subset of Measure 2]

***Clarification:** “Cleanups Completed” is a cumulative category—sites should never be deleted from this category. It is no longer necessary to report separately cleanups completed that are state lead with state money and cleanups completed that are responsible party lead. It is, however, still necessary to report the number of cleanups completed that are state lead with Trust Fund money. A “no further action” determination made by the state that satisfies the “cleanups initiated” measure above, also satisfies this “cleanups completed” measure. This determination will allow a confirmed release that does not require further action to meet the definition of both an initiated and completed cleanup.*

4. Number Of Emergency Responses: The cumulative number of sites where the implementing agency takes immediate action to mitigate imminent threats to human health and the environment posed by an UST system release (e.g., venting of explosive vapors, providing bottled water).

***Clarification:** “Emergency Responses” is a cumulative category--sites should never be deleted from this category. In a situation where petroleum contamination is found during an emergency response, the site is counted under both the “Emergency Responses” and “Confirmed Releases” categories. “Emergency Responses,” however, are not included as cleanups initiated or cleanups completed unless activities listed under those categories have occurred.*

Updated UST Performance Measures

1. Percentage of UST Facilities in Significant Operational Compliance with the UST Spill, Overfill, and Corrosion Protection Regulations (the “1998” Regulations): The percentage of underground storage tank (UST) facilities deemed to be in significant operational compliance with the UST spill, overfill, and corrosion protection requirements.

Clarification: *This is a percentage (rather than a number) based on the initial inspections at facilities during the respective reporting period. This measure applies to the spill, overfill, and corrosion protection requirements that were phased in through 12/22/1998. Reports should reflect the “operational” instead of “equipped” compliance; is reported on a facility basis rather than per tank; is based on inspections conducted within the past 12 months; and is based on an initial (instead of follow-up) inspection at a facility. Significant operational compliance generally means that the UST systems at a facility have the proper equipment/procedures in place, and are being properly operated and maintained in order to detect a release.*

2. Percentage of UST Facilities in Significant Operational Compliance with the UST Leak Detection Regulations: The percentage of underground storage tank (UST) facilities deemed to be in significant operational compliance with the UST leak detection requirements.

Clarification: *This is a percentage (rather than a number) based on the initial inspections at facilities during the respective reporting period. This measure applies to the leak detection requirements that were phased in through 1993. Reports should reflect the “operational” instead of “equipped” compliance; is reported on a facility basis rather than per tank; is based on inspections conducted within the past 12 months; and is based on an initial (instead of follow-up) inspection at a facility. Significant operational compliance generally means that the UST systems at a facility have the proper equipment/procedures in place, and are being properly operated and maintained in order to detect a release.*