



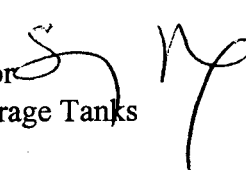
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

MEMORANDUM

SUBJECT: Use of LUST Trust Fund Appropriations at Abandoned Sites With Underground Storage Tanks

FROM: Sammy Ng, Acting Director 
Office of Underground Storage Tanks

TO: Regional UST/LUST Program Managers, Regions I-X
State UST/LUST Managers

Several states have inquired about the use of the LUST Trust Fund at abandoned sites with underground storage Tanks (USTs). This memorandum provides guidance on the use of the LUST Trust Fund at such sites.

EPA or the State may reach a judgment whether or not there is a release from an UST even when there is only limited information about the UST, for example when the UST is abandoned. In that case, it is not necessary to have physical evidence to conclude that there is a release. For example, EPA or the State may rely on experience or information on the likelihood of a release from an UST of a certain type, age, condition, etc. When EPA or the State judges that there is a release, it may use the LUST Trust Fund to undertake corrective action activities, including emptying product from the UST. If on further assessment, EPA or the State revises its judgment and concludes that there is no release, the LUST Trust Fund may be used only to remove equipment and finish the site assessment report. The basis for concluding that there is a release may also be relevant to setting priorities for spending LUST Trust Fund money. For example, all other things being equal, EPA or the State might give higher priority to a release for which there is physical evidence than to a release for which the evidence is more limited. As always, all decisions should be properly documented, including efforts to identify a responsible party.

The ability to use the LUST Trust Fund as discussed above does not change existing policy with regard to removing tanks. Tank removal is an eligible LUST Trust Fund expense only when it is related to corrective action--i.e., when it is necessary to successfully undertake or complete corrective action.

If you have any questions concerning LUST Trust Fund policy, please call Mark Barolo at 703 603-7141.