



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

Mail Code 5401P

November 20, 2008

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

MEMORANDUM

SUBJECT: FY 2008 End of Year Activity Report

FROM: Cliff Rothenstein, Director
Office of Underground Storage Tanks

A handwritten signature in black ink, appearing to read "Cliff Rothenstein", is positioned to the right of the "FROM:" field.

TO: UST/LUST Regional Division Directors, Regions 1-10

This memo provides you with the FY 2008 End of Year Activity Report (see attached) for the Underground Storage Tanks program. I want to thank you and your staff for providing the information to OUST and conducting a quality assurance/quality control review of the numbers reported. As you know, for FY 2008, our GPRA goals included: (1) completing 13,000 cleanups; (2) completing 30 cleanups in Indian Country; (3) increasing our significant operational compliance rate to 68 percent; and (4) decreasing newly reported confirmed releases to fewer than 10,000.

For end of year FY 2008, we:

- Completed 12,768 cleanups, including 40 in Indian Country;
- Achieved 66 percent significant operational compliance; and
- Confirmed 7,364 new releases.

I am pleased that we are continuing to make significant progress in preventing and cleaning up releases and reducing the backlog. Although, we were slightly below our goal of completing 13,000 LUST cleanups, we met 98% of our national cleanups completed goal and we exceeded our Tribal cleanups completed goal.

While we fell just short of our goal of achieving a 68% compliance rate, we had a notable increase in significant operational compliance in FY 2008 over last year – from 63% to 66%. Also, to comply with Energy Policy Act requirements states have increased their rate of inspections. In FY 2008 states completed more than 100,000 inspections.

Attachments

UST Corrective Action Measures for End of Year FY 2008 (Cumulative as of September 30, 2008)

Region / State	Number of Active Tanks	Number of Closed Tanks	Confirmed Releases		Cleanups Initiated	Cleanups Completed		Cleanups Backlog	Emergency Responses
			Actions This Year	Cumulative		Actions This Year	Cumulative		
ONE									
CT	9,737	22,292	54	2,588	2,527	50	1,760	828	114
MA	10,711	23,220	53	6,316	6,112	162	5,584	732	5,170
ME	3,102	12,669	96	2,443	2,391	141	2,403	40	540
NH	3,102	11,253	39	2,358	2,358	70	1,589	769	668
RI	1,619	7,725	10	1,319	1,319	26	1,057	262	27
VT	3,088	5,461	18	1,985	1,973	41	1,252	733	303
SUBTOTAL	31,359	82,620	270	17,009	16,680	490	13,645	3,364	6,822
TWO									
NJ	16,138	57,777	202	10,266	9,410	129	6,120	4,146	54
NY	29,419	86,879	467	26,261	26,244	744	23,818	2,443	1,321
PR	4,545	5,599	2	1,030	900	13	487	543	190
VI	144	278	0	22	15	1	7	15	14
SUBTOTAL	50,246	150,533	671	37,579	36,569	887	30,432	7,147	1,579
THREE									
DC	690	3,162	15	879	864	34	662	217	261
DE	1,450	6,984	72	2,474	2,367	93	2,204	270	414
MD	8,580	33,022	246	11,109	10,861	465	10,432	677	337
PA	24,235	61,959	259	14,679	14,599	586	11,311	3,368	28
VA	19,964	58,728	246	11,217	10,983	302	10,595	622	63
WV	5,619	19,453	69	3,128	2,974	152	2,177	951	10
SUBTOTAL	60,538	183,308	907	43,486	42,648	1,632	37,381	6,105	1,113

¹The terms "confirmed release," "cleanup initiated," and "cleanup completed" are defined terms available on the OUST website at <http://www.epa.gov/oust/cat/pm032603.pdf> and attached to this memo. In March 2003 OUST clarified these definitions (see website) to include as a cleanup initiated and cleanup completed a site where a state has determined no cleanup action is necessary to meet a states risk-based cleanup levels.

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			Actions This Year	Cumulative		Actions This Year	Cumulative		
FOUR									
AL	18,728	29,448	101	11,295	10,980	201	9,862	1,433	421
FL	28,042	101,051	209	24,842	15,683	816	10,915	13,927	204
GA	29,928	46,738	348	12,033	11,738	475	9,969	2,064	2
KY	12,152	37,041	299	13,998	13,971	481	11,865	2,133	176
MS	8,718	22,668	100	6,934	6,859	134	6,645	289	125
NC	28,375	66,031	228	24,321	22,745	484	18,511	5,810	646
SC	11,925	32,421	149	9,168	8,503	262	6,096	3,072	99
TN	16,978	35,635	227	13,751	13,740	351	13,205	546	69
SUBTOTAL	154,846	371,033	1,661	116,342	104,219	3,204	87,068	29,274	1,742
FIVE									
IL	22,192	64,377	632	24,028	22,527	979	17,188	6,840	1,872
IN	13,685	36,585	349	8,777	8,366	302	6,330	2,447	281
MI	19,797	67,528	253	21,635	21,173	159	12,452	9,183	82
MN	14,608	28,106	167	10,208	10,111	312	9,400	808	625
OH	23,382	42,465	403	27,045	26,173	919	24,196	2,849	418
WI	15,044	66,197	105	18,691	18,283	319	16,299	2,392	382
SUBTOTAL	108,708	305,258	1,909	110,384	106,633	2,990	85,865	24,519	3,660

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			Actions This Year	Cumulative		Actions This Year	Cumulative		
SIX									
AR	9,347	20,514	42	1,415	1,107	51	1,115	300	21
LA	12,294	31,872	321	3,607	3,607	267	2,361	1,246	822
NM	3,988	12,405	16	2,524	1,858	65	1,852	672	86
OK	11,003	25,791	119	4,623	4,623	183	4,172	451	147
TX	53,838	113,849	428	25,524	23,893	564	22,491	3,033	564
SUBTOTAL	90,470	204,431	926	37,693	35,088	1,130	31,991	5,702	1,640
SEVEN									
IA	7,175	21,919	58	5,947	5,583	139	4,476	1,471	249
KS	6,989	19,957	48	4,851	4,713	183	3,203	1,648	121
MO	10,109	29,518	83	6,374	6,112	121	5,165	1,209	377
NE	6,886	14,401	31	6,098	4,591	115	4,292	1,806	13
SUBTOTAL	31,159	85,795	220	23,270	20,999	558	17,136	6,134	760
EIGHT									
CO	7,934	21,398	164	7,059	6,994	219	6,272	787	43
MT	3,260	12,352	13	2,987	2,614	47	1,897	1,090	47
ND	2,151	7,088	3	828	817	8	810	18	4
SD	3,055	6,919	14	2,382	2,381	39	2,310	72	21
UT	4,005	12,956	41	4,395	4,368	72	3,963	432	3
WY	1,952	7,990	2	2,000	1,636	35	1,105	895	70
SUBTOTAL	22,357	68,703	237	19,651	18,810	420	16,357	3,294	188

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			Actions This Year	Cumulative		Actions This Year	Cumulative		
NINE									
AS	16	52	0	7	7	0	7	0	1
AZ	7,061	20,610	21	8,489	8,050	186	7,355	1,134	0
CA	37,379	126,396	266	42,983	42,983	874	31,502	11,481	0
CNMI	68	28	0	9	8	2	6	3	0
GU	259	433	1	137	138	0	112	25	0
HI	1,671	5,259	50	1,955	1,879	52	1,695	260	0
NV	3,770	6,919	11	2,436	2,435	23	2,255	181	52
SUBTOTAL	50,224	159,697	349	56,016	55,500	1,137	42,932	13,084	53
TEN									
AK	1,198	6,381	13	2,305	2,277	48	1,788	517	47
ID	3,496	10,374	23	1,401	1,370	20	1,248	153	12
OR	6,008	25,801	77	7,122	6,823	123	5,907	1,215	56
WA	10,054	36,001	78	6,399	6,408	89	4,464	1,935	39
SUBTOTAL	20,756	78,557	191	17,227	16,878	280	13,407	3,820	154

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**UST Compliance Measures
for End-of-Year FY 2008 (as of 9/30/08)**

Region/ State	% in Significant Operational Compliance with Release Prevention Regulations	% in Significant Operational Compliance with Release Detection Regulations	% of UST Facilities in SOC w/UST Release Detection and Release Prevention	Region/ State	% in Significant Operational Compliance with Release Prevention Requirements	% in Significant Operational Compliance with Release Detection Regulations	% of UST Facilities in SOC w/UST Release Detection and Release Prevention
ONE				FOUR			
*CT	99%	65%	65%	AL	91%	84%	79%
ME	84%	64%	54%	FL	92%	89%	88%
MA	78%	64%	54%	GA	78%	70%	63%
NH	62%	67%	50%	KY	57%	60%	41%
*RI	90%	71%	63%	MS	80%	83%	72%
*VT	75%	78%	71%	NC	70%	68%	59%
SUBTOTAL	84%	66%	59%	SC	83%	82%	72%
				TN	85%	86%	77%
TWO				SUBTOTAL	80%	77%	70%
NJ	85%	85%	85%	FIVE			
NY	75%	69%	60%	*IL	69%	65%	49%
PR	**DNA	**DNA	**DNA	IN	75%	82%	65%
VI	90%	69%	60%	MI	75%	44%	38%
SUBTOTAL	78%	75%	69%	MN	62%	69%	53%
				OH	85%	72%	67%
THREE				*WI	80%	83%	69%
DE	87%	84%	79%	SUBTOTAL	75%	68%	56%
DC	81%	74%	62%	SIX			
MD	59%	52%	46%	AR	57%	71%	48%
PA	89%	81%	73%	LA	85%	78%	63%
VA	74%	67%	56%	NM	81%	79%	69%
WV	76%	71%	58%	OK	79%	69%	60%
SUBTOTAL	78%	71%	62%	TX	82%	81%	73%
				SUBTOTAL	79%	78%	67%

These compliance rates indicate the percentage of recently-inspected facilities found to be in significant operational compliance (SOC) with federal UST requirements from 10/1/07 through 9/30/08. In accordance with EPA guidelines, states are allowed to report based on requirements more stringent than the federal SOC requirements. Connecticut, Illinois, Rhode Island, Vermont, and Wisconsin indicated they had done so, as described in the Addendum. Furthermore, states have different approaches to targeting inspections. For example, some states focus inspections on suspected non-compliant facilities, while other states conduct random inspections.

* States reporting based on requirements more stringent than the federal SOC requirements.

** DNA = Data Not Available N/A = Not Applicable

**UST Compliance Measures
for End-of-Year FY 2008 (as of 9/30/08)**

Region/ State	% in Significant Operational Compliance with Release Prevention Regulations	% in Significant Operational Compliance with Release Detection Regulations	% of UST Facilities in SOC w/UST Release Detection and Release Prevention
SEVEN			
IA	86%	68%	58%
KS	86%	94%	82%
MO	89%	97%	87%
NE	58%	45%	34%
SUBTOTAL	81%	78%	68%
EIGHT			
CO	86%	78%	71%
MT	95%	90%	85%
ND	78%	80%	71%
SD	61%	69%	45%
UT	74%	73%	59%
WY	90%	95%	87%
SUBTOTAL	81%	79%	69%
NINE			
AS	**DNA	**DNA	**DNA
AZ	87%	87%	83%
CA	86%	82%	75%
GU	71%	65%	65%
HI	98%	88%	87%
CNMI	**DNA	**DNA	**DNA
NV	91%	86%	80%
SUBTOTAL	87%	83%	77%

Region/ State	% in Significant Operational Compliance with Release Prevention Requirements	% in Significant Operational Compliance with Release Detection Regulations	% of UST Facilities in SOC w/UST Release Detection and Release Prevention
TEN			
AK	70%	72%	55%
ID	72%	57%	48%
OR	93%	88%	84%
WA	74%	63%	53%
SUBTOTAL	79%	70%	61%
INDIAN COUNTRY			
REGION 1	**DNA	**DNA	**DNA
REGION 2	**DNA	**DNA	**DNA
REGION 3	**N/A	**N/A	**N/A
REGION 4	**DNA	**DNA	**DNA
REGION 5	56%	49%	43%
REGION 6	74%	71%	65%
REGION 7	**DNA	**DNA	**DNA
REGION 8	87%	82%	73%
REGION 9	64%	67%	46%
REGION10	89%	68%	65%
SUBTOTAL	73%	68%	57%
NATIONAL TOTAL			
National Total	80%	75%	66%

These compliance rates indicate the percentage of recently-inspected facilities found to be in significant operational compliance (SOC) with federal UST requirements from 10/1/07 through 9/30/08. In accordance with EPA guidelines, states are allowed to report based on requirements more stringent than the federal SOC requirements. Connecticut, Illinois, Rhode Island, Vermont, and Wisconsin indicated they had done so, as described in the Addendum. Furthermore, states have different approaches to targeting inspections. For example, some states focus inspections on suspected non-compliant facilities, while other states conduct random inspections.

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States With Requirements More Stringent Than The Federal Significant Operational Compliance Requirements

CONNECTICUT

Release Prevention: Operation and Maintenance of Cathodic Protection

- Lining not allowed.

Release Detection: Testing

- Tanks and piping require weekly and monthly monitoring for releases and records must be available (for 2 of the most recent consecutive months and for 8 of the last 12 months).
- Statistical Inventory Reconciliation (SIR) not allowed as a stand-alone method.

ILLINOIS

Release Detection: Testing

- Owner/operator must produce records within 30 minutes of arrival of inspector.

RHODE ISLAND

Release Prevention: Operation and Maintenance

- All tanks and piping are required to be tightness tested after a repair. No exemptions.

Release Prevention: Operation and Maintenance of Cathodic Protection

- Impressed current cathodic protection systems are required to be tested every 2 years.
- Sacrificial anode systems are required to be tested every 3 years.

Release Detection: Testing

- Records required for the past 36 months.
- Inventory control is required for all tanks (single-walled and double-walled).
- The automatic tank gauge (ATG) has to be checked monthly and have an annual test conducted.
- Tightness testing schedule is different than the federal requirement; it depends on the type of tank.
 - o Tank tightness must be performed on all single walled tanks.
 - o Tightness tests must be performed every 5 years after the installation of the ATG until the tank has been installed for 20 years and every 2 years thereafter.
 - o UST systems upgraded with interior lining and/or cathodic protections are not required to have an ATG for 10 years after the upgrade. Tank tightness testing must be conducted annually during these 10 years. After 10 years, an ATG is required and tank tightness testing must be performed every 5 years until the tank has been installed for 20 years and then every 2 years thereafter. The results of all tightness tests shall be maintained for 3 years beyond the life of the facility.
- Groundwater or vapor monitoring not accepted as a method of leak detection.
- SIR not accepted.

VERMONT

Release Prevention: Operation and Maintenance of Cathodic Protection

- Lining not allowed unless with impressed current.

Release Detection: Method Presence and Performance Requirements

- Weekly monitoring required for tank and piping. Records must be available for the two most recent consecutive months and for 8 of the last 12 months.

Release Detection: Testing

- Inventory control /Tank Tightness Testing (TTT) not allowed as a release detection method after 6/30/98.
- Manual Tank Gauge (MTG) allowed alone up to 550 gallons; 551-1,000 gallons, MTG with annual TTT.

WISCONSIN

Release Prevention: Operation and Maintenance of Cathodic Protection

- Require annual cathodic protection test.

Release Prevention: Spill Prevention

- Require USTs to be equipped with overfill prevention equipment that will operate as follows (NFPA 30-2.6.1.4 – 2000 and 2003 version):
 - Automatically shut off the flow of liquid into the tank when the tank is no more than 95% full;
 - Alert the transfer operator when the tank is no more than 90% full by restricting the flow of liquid into the tank or triggering the high-level alarm; and,
 - Other methods approved by the authority having jurisdiction.

Release Detection: Testing

- Require NFPA 30A09.2.1 (2000 and 2003 versions). Accurate daily inventory records shall be maintained and reconciled for all liquid fuel storage tanks for indication of possible leakage from tanks or piping. The records shall be kept on the premises or shall be made available to the authority having jurisdiction for the inspection within 24 hours of a written or verbal request. The records shall include, as a minimum and by product, daily reconciliation between sales, use, receipts, and inventory on hand. If there is more than one storage system serving an individual pump or dispensing device for any product, the reconciliation shall be maintained separately for each system.

Release Detection: Deferment

- No exclusion or deferment for "remote" emergency generator tanks.

Other

- Require annual permit to operate that includes verification of financial responsibility.

**Inspection/Enforcement Actions
for End-of-Year FY 2008 (as of 9/30/08)**

Region/ State	Number of On-Site Inspections Conducted	Number of USTs (or UST Facilities) Identified as Being Ineligible for Delivery or Acceptance of Product
ONE		
CT	1,567	14
ME	1,476	1
MA	380	2
NH	334	22
RI	145	0
VT	414	4
SUBTOTAL	4,316	43
TWO		
NJ	2,798	105
NY	5,145	0
PR	92	0
VI	22	0
SUBTOTAL	8,057	105
THREE		
DE	156	0
DC	74	41
MD	875	6
PA	2,057	85
VA	1,726	0
WV	526	0
SUBTOTAL	5,414	132

Region/ State	Number of On-Site Inspections Conducted	Number of USTs (or UST Facilities) Identified as Being Ineligible for Delivery or Acceptance of Product
FOUR		
AL	3,132	23
FL	14,687	0
GA	3,171	650
KY	1,527	0
MS	1,100	0
NC	2,744	93
SC	3,885	87
TN	2,634	343
SUBTOTAL	32,880	1,196
FIVE		
IL	3,741	660
IN	1,154	0
MI	2,005	192
MN	2,115	8
OH	2,485	0
WI	3,531	287
SUBTOTAL	15,031	1,147
SIX		
AR	1,273	6
LA	1,335	2
NM	947	0
OK	5,198	0
TX	1,455	3,287
SUBTOTAL	10,208	3,295

The inspection and enforcement action reporting period is from 10/1/07 through 9/30/08. Not all states fully implement delivery prohibition at this time, and some states prohibit deliveries primarily for registration violations.

* DNA = Data Not Available N/A = Not Applicable

**Inspection/Enforcement Actions
for End-of-Year FY 2008 (as of 9/30/08)**

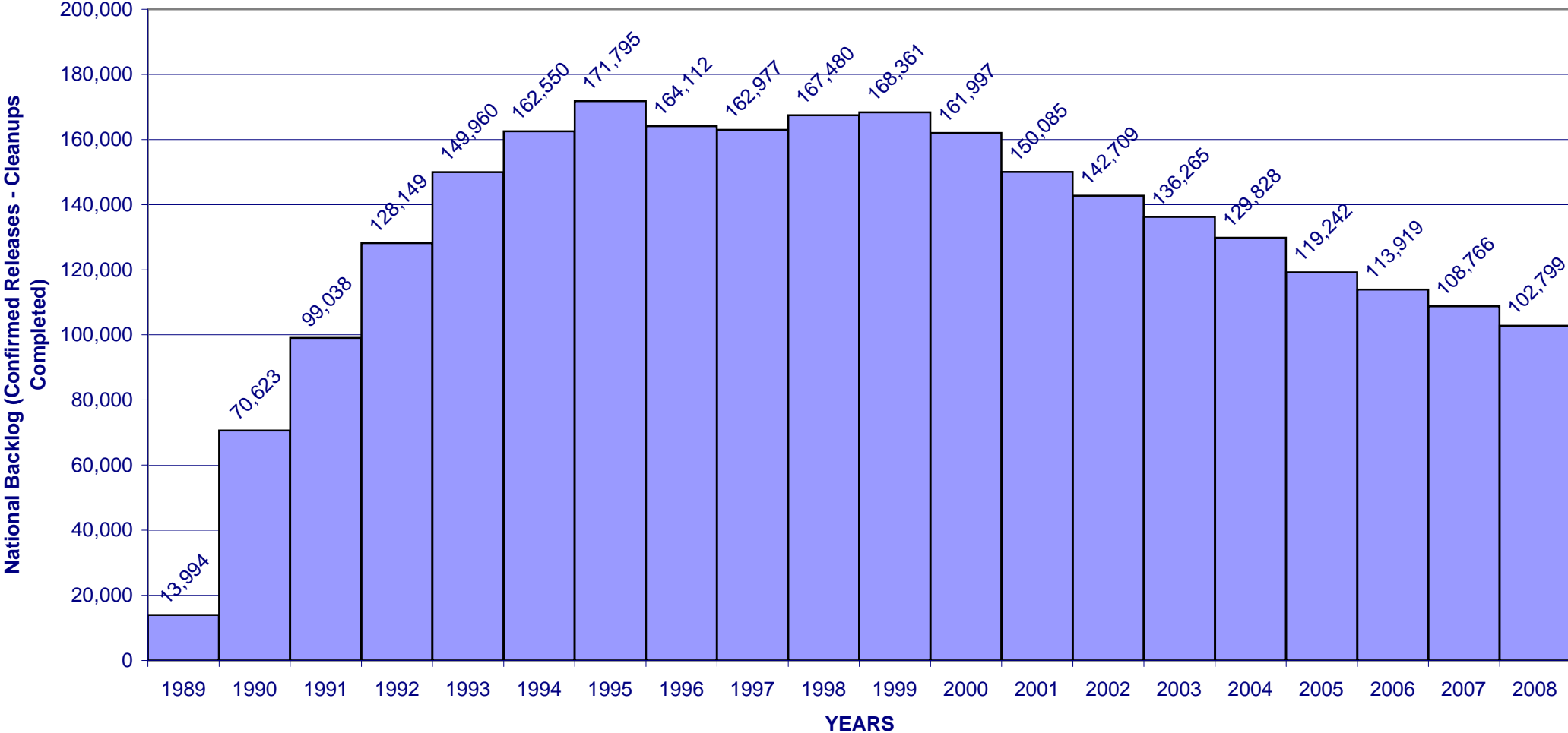
Region/ State	Number of On-Site Inspections Conducted	Number of USTs (or UST Facilities) Identified as Being Ineligible for Delivery or Acceptance of Product
SEVEN		
IA	626	8
KS	926	475
MO	821	0
NE	427	0
SUBTOTAL	2,800	483
EIGHT		
CO	2,059	1
MT	395	0
ND	265	0
SD	451	0
UT	1,873	51
WY	465	0
SUBTOTAL	5,508	52
NINE		
AS	4	0
AZ	985	0
CA	14,772	71
GU	12	0
HI	468	0
CNMI	0	0
NV	1,252	0
SUBTOTAL	17,493	71

Region/ State	Number of On-Site Inspections Conducted	Number of USTs (or UST Facilities) Identified as Being Ineligible for Delivery or Acceptance of Product
TEN		
AK	183	163
ID	436	0
OR	575	305
WA	706	0
SUBTOTAL	1,900	468
INDIAN COUNTRY		
REGION 1	0	0
REGION 2	0	0
REGION 3	*N/A	*N/A
REGION 4	0	0
REGION 5	75	0
REGION 6	0	0
REGION 7	20	0
REGION 8	67	0
REGION 9	76	0
REGION10	39	0
SUBTOTAL	277	0
NATIONAL TOTAL		
National Total	103,884	6,992

 The inspection and enforcement action reporting period is from 10/1/07 through 9/30/08. Not all states fully implement delivery prohibition at this time, and some states prohibit deliveries primarily for registration violations.

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UST National Backlog: FY 1989 Thru End Of Year FY 2008



Ranking of Cleanup Backlog Percentage*
FY 2008 End Of Year Reporting

(ranked from lowest to highest backlog %)

State	Cleanup Backlog
AS	0%
ME	2%
ND	2%
SD	3%
TN	4%
MS	4%
VA	6%
MD	6%
NV	7%
MN	8%
NY	9%
OK	10%
UT	10%
OH	11%
DE	11%
ID	11%
CO	11%
MA	12%
TX	12%
AL	13%
WI	13%
HI	13%
AZ	13%
KY	15%
OR	17%
GA	17%
GU	18%
MO	19%
RI	20%

State	Cleanup Backlog
AR	21%
National Average	21%
AK	22%
PA	23%
NC	24%
DC	25%
IA	25%
NM	27%
CA	27%
IN	28%
IL	28%
NE	30%
WA	30%
WV	30%
CT	32%
NH	33%
CNMI	33%
SC	34%
KS	34%
LA	35%
MT	36%
VT	37%
NJ	40%
MI	42%
WY	45%
PR	53%
FL	56%
VI	68%

* Cleanup backlog is the percentage of releases not yet cleaned up.

**State Listing of Significant Operational Compliance Rates
FY 2008 End of Year Reporting**

(from highest to lowest SOC)

State	Compliance Rate
FL	88%
MO	88%
HI	87%
WY	87%
MT	85%
NJ	85%
OR	84%
AZ	83%
KS	82%
NV	80%
AL	79%
DE	79%
TN	77%
CA	75%
TX	73%
PA	73%
MS	72%
SC	72%
VT	71%
CO	71%
ND	71%
NM	69%
WI	69%
OH	67%
National Average	66%
CT	65%
GU	65%
IN	65%
RI	63%

State	Compliance Rate
GA	63%
LA	63%
DC	62%
OK	60%
NY	60%
VI	60%
NC	59%
UT	59%
WV	58%
IA	58%
VA	56%
AK	55%
ME	54%
MA	54%
MN	53%
WA	53%
NH	50%
IL	49%
AR	48%
ID	48%
MD	46%
SD	45%
KY	41%
MI	38%
NE	34%
PR	*DNA
AS	*DNA
CNMI	*DNA

*DNA= Data Not Available

UST And LUST Performance Measures Definitions

LUST Performance Measures

LUST-1. Number Of Confirmed Releases (Last Updated: March 26, 2003): 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.

LUST-2. Number Of Cleanups Initiated (Last Updated: March 26, 2003): 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.

LUST-3. Number Of Cleanups Completed (Last Updated: March 26, 2003): 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 where 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.*

LUST-4. Number Of Emergency Responses (Last Updated: March 26, 2003): 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 has occurred.*

UST Performance Measures

UST-1. Total Number Of Petroleum UST Systems (Last Updated: August 4, 1996): The number of active Subtitle I regulated petroleum UST systems registered with the State added to the cumulative number of closed petroleum UST systems. This measure does not include exempt or deferred UST systems.

***Clarification:** The UST Program will stop collecting the total number of existing registered petroleum UST Systems because this number can be derived easily by subtracting the total number of closed petroleum UST systems from the total number of petroleum UST systems.*

UST-2. Number Of Closed Petroleum UST Systems (Last Updated: August 4, 1996): The cumulative number of Subtitle I regulated petroleum UST systems that have been reported to the state as being closed permanently (according to the closure provisions in 40 CFR Part 280,

Subpart G) which are either left in the ground (in-situ closures) or removed from the ground. This measure includes sites where UST systems have been replaced. This measure does not include exempt or deferred UST systems. Do not report temporary closures. If petroleum contamination is found during closure, the site is counted under both the "Closed Petroleum UST Systems" and "Confirmed Releases" categories.

UST-3. Total Number Of Hazardous Substance UST Systems (Last Updated: August 4, 1996): The cumulative number of active and closed (according to the closure provisions in 40 CFR Part 280, Subpart G) combined Subtitle I regulated hazardous substance UST systems.

UST-4. Percentage of UST Facilities in Significant Operational Compliance with the UST Spill, Overfill, and Corrosion Protection Regulations (the "1998" Regulations) (Last Updated: March 26, 2003): 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.

UST-5. Percentage of UST Facilities in Significant Operational Compliance with the UST Leak Detection Regulations (Last Updated: March 26, 2003): 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.

UST-6. Percentage of UST Facilities in Significant Operational Compliance with the UST Leak Detection And Prevention (spill, overfill, and corrosion) Regulation (Last Updated: September 30, 2003): The percentage of underground storage tank (UST) facilities deemed to be in significant operational compliance with both the UST spill, overfill, and corrosion protection requirements (UST-4 performance measure) and the UST leak detection requirements (UST-5 performance measure).

New UST Performance Measures – Energy Policy Act

UST-7. Number of On-Site Inspections Conducted (Added: January 18, 2008): This is the number of on-site compliance inspections conducted at federally regulated underground storage tank facilities during the reporting period. Inspections include those conducted by the state underground storage tank (UST) agency; other state agency, local agency or contractor duly designated by the state to conduct UST inspections; or private inspectors as part of a third party inspection program that meets the requirements in EPA’s Inspection Grant Guidelines. Each inspection must be for purposes of determining compliance with Subtitle I and 40 CFR Part 280 or the requirements of a state program approved under section 9004 of Subtitle I. At a minimum, each inspection must assess compliance with the core areas outlined in EPA’s Inspection Grant Guidelines. An on-site inspection includes a review of all applicable records. However, the records review may be conducted off site.

***Clarification:** States should not count follow-up visits related to the initial on-site compliance inspection as an additional compliance inspection, nor should states count installation or closure inspections that do not assess compliance according to the Inspection Grant Guidelines. An inspection is considered to take place on the date of the on-site inspection, even if it takes additional time after the on-site inspection to request and review records. “Number of On-Site Inspections Conducted” is not a cumulative category, and should not be carried over from one reporting period to the next. A reporting period is determined by each EPA regional office but is generally 3 or 6 months. A state that submits these data has met the reporting requirements contained in the Inspection Grant Guidelines.*

UST-8. Number of USTs (or UST Facilities) Identified as Being Ineligible For Delivery, Deposit, or Acceptance of Product (Added: January 18, 2008): This is the number of USTs or UST facilities that the state has identified as ineligible for the delivery, deposit, or acceptance of product during the reporting period. A UST or UST facility is considered ineligible to receive product when the delivery, deposit, or acceptance of product has been prohibited to that UST or facility (e.g. the tank or facility has been red-tagged or had its green tag removed). States that prohibit deliveries on a tank-by-tank basis should report the number of tanks that were prohibited from receiving deliveries, while states that prohibit deliveries on a facility-wide basis should report the number of facilities that were prohibited from receiving deliverables. As part of the reporting, states should indicate whether they prohibit deliveries tank-by-tank, facility-wide, or a combination of the two.

***Clarification:** “Number of USTs (or UST Facilities) Identified as Being Ineligible For Delivery, Deposit or Acceptance of Product” is not a cumulative category, and should not be carried over from one reporting period to the next. If a tank/facility is identified as being ineligible in one reporting period, and remains ineligible into another reporting period, a state should only report the tank/facility in the reporting period in which it is originally determined ineligible. If a state identifies a tank or facility as being ineligible for delivery, deposit, or acceptance of product more than once in a reporting period, the state should report each ineligibility determination. A reporting period is determined by each EPA regional office but is generally 3 or 6 months. A state that submits these data has met the reporting requirements contained in the Delivery Prohibition Grant Guidelines.*