



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

Mail Code 5401P

June 2, 2009

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

MEMORANDUM

SUBJECT: FY 2009 Mid-Year Activity Report

FROM: Carolyn Hoskinson, Acting Director
Office of Underground Storage Tanks

A handwritten signature in black ink, appearing to read "Carolyn Hoskinson", is written over the "FROM:" line.

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

This memo provides you with the FY 2009 Mid-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 2009, our GPRA goals include: (1) completing 12,250 cleanups, including completing 30 cleanups in Indian Country; (2) achieving our significant operational compliance rate of 65 percent; and (3) decreasing newly reported confirmed releases to fewer than 9,000. The program is on track to meet all of these measures.

For mid-year FY 2009, we:

- Completed 6,180 (50.4% of goal) cleanups, including 18 (60% of goal) in Indian Country;
- Achieved 66.6 % significant operational compliance; and
- Confirmed 3,448 (38.3% of goal) new releases.

With respect to the end-of-year reporting, as stated in the FY 2009 National Program Guidance, http://www.epa.gov/ocfo/npmguidance/oswer/2009/final_oswer_fy09_guidance.pdf, we need your states' ESTIMATES of the FY 2009 End-of-Year LUST cleanups completed results by September 15, 2009. As you are aware, the LUST cleanups completed results are an element of the organizational assessment for the national LUST program and we must report the organizational assessment result no later than September 30, 2009.

The Regions must submit their FINAL FY 2009 End-of-Year results on all measures to us no later than October 15, 2009. Please work closely with your states so that we are able to meet this Agency deadline. Further details will be forthcoming in my July FY 2009 End-of-Year Request Memorandum for Semi-Annual Reporting Results.

Attachments

UST Corrective Action Measures for Mid-Year FY 2009 (Cumulative as of March 31, 2009)

Region / State	Number of Active Tanks	Number of Closed Tanks	Confirmed Releases		Cleanups Initiated	Cleanups Completed		Cleanups Backlog	Emergency Responses
			Actions This Period	Cumulative		Actions This Period	Cumulative		
ONE									
CT	9,344	22,752	46	2,634	2,572	21	1,781	853	114
MA	10,462	23,532	22	6,338	6,134	122	5,706	632	5,191
ME	3,066	12,734	18	2,461	2,436	30	2,433	28	549
NH	3,111	11,300	13	2,371	2,371	39	1,628	743	674
RI	1,617	7,737	1	1,320	1,320	9	1,066	254	27
VT	3,094	5,503	7	1,992	1,977	24	1,276	716	303
SUBTOTAL	30,694	83,558	107	17,116	16,810	245	13,890	3,226	6,858
TWO									
NJ	15,897	58,279	85	10,351	9,495	64	6,184	4,167	54
NY	27,925	88,753	480	26,764	26,743	497	24,348	2,416	1,332
PR	4,533	5,618	3	1,033	902	7	494	539	190
VI	144	278	0	22	19	2	9	13	14
SUBTOTAL	48,499	152,928	568	38,170	37,159	570	31,035	7,135	1,590
THREE									
DC	677	3,186	11	890	875	15	677	213	264
DE	1,434	7,026	32	2,506	2,404	48	2,252	254	415
MD	8,420	33,281	106	11,190	10,944	121	10,548	642	338
PA	24,162	62,280	87	14,766	14,669	281	11,559	3,207	28
VA	19,697	59,182	82	11,353	11,177	132	10,796	557	63
WV	5,593	19,543	33	3,161	2,978	38	2,215	946	10
SUBTOTAL	59,983	184,498	351	43,866	43,047	635	38,047	5,819	1,118

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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Region / State	Number of Active Tanks	Number of Closed Tanks	Confirmed Releases		Cleanups Initiated	Cleanups Completed		Cleanups Backlog	Emergency Responses
			Actions This Period	Cumulative		Actions This Period	Cumulative		
FOUR									
AL	18,642	29,568	55	11,350	11,149	64	9,926	1,424	436
FL	26,535	103,373	27	25,813	15,777	371	11,286	14,527	204
GA	29,875	47,053	135	12,168	11,890	326	10,295	1,873	2
KY	11,985	37,268	66	14,064	14,031	107	11,972	2,092	186
MS	8,674	22,779	48	6,982	6,891	44	6,689	293	125
NC	28,070	66,434	121	24,442	22,776	285	18,796	5,646	651
SC	11,887	32,531	72	9,240	8,575	147	6,243	2,997	99
TN	16,787	35,942	92	13,843	13,835	119	13,324	519	69
SUBTOTAL	152,455	374,948	616	117,902	104,924	1,463	88,531	29,371	1,772
FIVE									
IL	21,935	64,984	139	24,167	22,673	540	17,728	6,439	1,877
IN	13,623	36,827	96	8,873	8,492	180	6,510	2,363	291
MI	19,630	67,801	91	21,726	21,289	119	12,571	9,155	82
MN	14,652	28,139	114	10,322	10,231	140	9,540	782	655
OH	23,230	42,814	470	27,515	26,675	481	24,677	2,838	417
WI	14,996	66,390	51	18,740	18,354	125	16,435	2,305	383
SUBTOTAL	108,066	306,955	961	111,343	107,714	1,585	87,461	23,882	3,705

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UST Corrective Action Measures for Mid-Year FY 2009 (Cumulative as of March 31, 2009)

Region / State	Number of Active Tanks	Number of Closed Tanks	Confirmed Releases		Cleanups Initiated	Cleanups Completed		Cleanups Backlog	Emergency Responses
			Actions This Period	Cumulative		Actions This Period	Cumulative		
SIX									
AR	9,348	20,550	16	1,432	1,121	14	1,129	303	23
LA	12,413	32,121	187	3,794	3,794	181	2,542	1,252	826
NM	3,983	12,430	8	2,532	1,859	30	1,774	758	87
OK	10,813	26,068	53	4,676	4,676	83	4,255	421	148
TX	53,508	114,463	132	25,656	24,055	210	22,701	2,955	573
SUBTOTAL	90,065	205,632	396	38,090	35,505	518	32,401	5,689	1,657
SEVEN									
IA	7,824	21,954	20	5,957	5,603	41	4,521	1,436	249
KS	6,930	20,074	19	4,870	4,753	116	3,319	1,551	121
MO	9,765	30,026	66	6,440	6,196	101	5,266	1,174	379
NE	6,873	14,438	15	6,117	4,637	47	4,339	1,778	14
SUBTOTAL	31,392	86,492	120	23,384	21,189	305	17,445	5,939	763
EIGHT									
CO	7,890	21,498	67	7,126	7,058	83	6,355	771	43
MT	3,244	12,372	14	3,001	2,554	20	1,910	1,091	47
ND	2,150	7,094	1	829	818	0	810	19	4
SD	3,037	6,939	8	2,390	2,389	33	2,343	47	21
UT	3,984	12,952	24	4,428	4,381	46	4,018	410	5
WY	1,952	8,008	7	2,007	1,682	19	1,124	883	70
SUBTOTAL	22,257	68,863	121	19,781	18,882	201	16,560	3,221	190

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UST Corrective Action Measures for Mid-Year FY 2009 (Cumulative as of March 31, 2009)

Region / State	Number of Active Tanks	Number of Closed Tanks	Confirmed Releases		Cleanups Initiated	Cleanups Completed		Cleanups Backlog	Emergency Responses
			Actions This Period	Cumulative		Actions This Period	Cumulative		
NINE									
AS	16	52	0	8	7	0	7	1	1
AZ	7,375	20,794	19	8,508	7,967	73	7,428	1,080	0
CA	36,899	126,894	52	40,983	40,983	365	29,764	11,219	0
CNMI	68	28	0	9	9	2	8	1	0
GU	259	433	0	138	138	1	113	25	0
HI	1,633	5,312	13	1,969	1,892	26	1,726	243	0
NV	3,774	6,956	4	2,446	2,445	11	2,273	173	52
SUBTOTAL	50,024	160,469	88	54,061	53,441	478	41,319	12,742	53
TEN									
AK	1,184	6,414	40	2,285	2,244	23	1,784	501	47
ID	3,490	10,421	7	1,413	1,378	12	1,260	153	12
OR	5,908	25,937	30	7,151	6,897	80	5,982	1,169	56
WA	9,988	36,184	32	6,431	6,416	47	4,442	1,989	39
SUBTOTAL	20,570	78,956	109	17,280	16,935	162	13,468	3,812	154

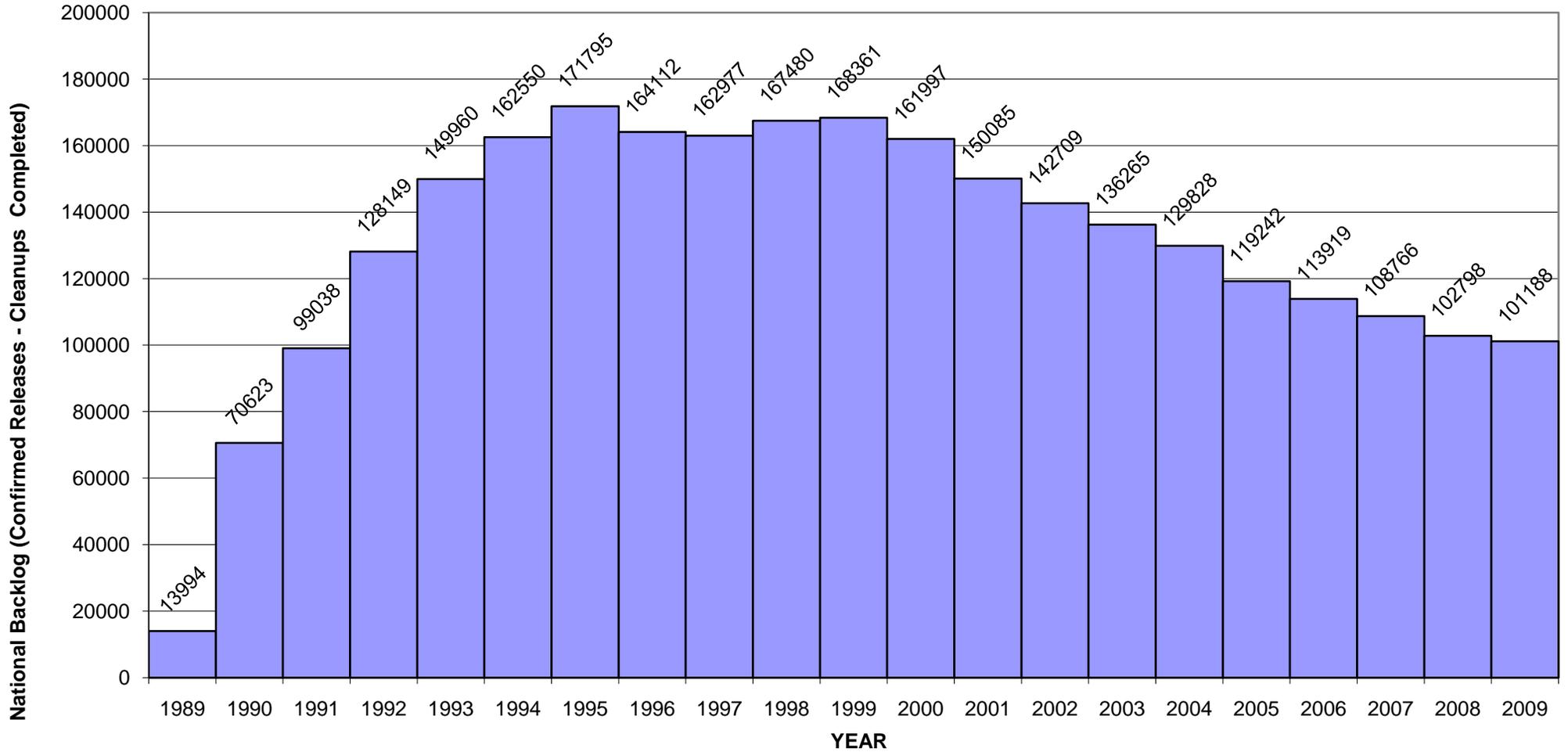
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UST Corrective Action Measures for Mid-Year FY 2009 (Cumulative as of March 31, 2009)

Region / State	Number of Active Tanks	Number of Closed Tanks	Confirmed Releases		Cleanups Initiated	Cleanups Completed		Cleanups Backlog	Emergency Responses
			Actions This Period	Cumulative		Actions This Period	Cumulative		
REGIONAL CORRECTIVE ACTIONS FOR INDIAN COUNTRY									
REGION 1	8	5	0	0	0	0	0	0	0
REGION 2	133	28	0	6	2	1	5	1	0
REGION 3	0	0	0	0	0	0	0	0	0
REGION 4	63	61	0	13	8	0	11	2	2
REGION 5	392	989	0	218	212	1	151	67	0
REGION 6	318	254	0	53	53	0	48	5	1
REGION 7	91	93	0	20	20	0	9	11	0
REGION 8	553	1,949	0	445	420	2	272	173	5
REGION 9	701	1,291	10	246	188	10	175	71	0
REGION10	349	962	1	172	168	4	148	24	3
SUBTOTAL	2,608	5,632	11	1,173	1,071	18	819	354	11
NATIONAL TOTAL									
	Number of Active Tanks	Number of Closed Tanks	Confirmed Releases		Cleanups Initiated	Cleanups Completed		Cleanup Backlog	Emergency Responses
			Actions This Period	Cumulative		Actions This Period	Cumulative		
NATIONAL TOTAL	616,613	1,708,931	3,448	482,166	456,677	6,180	380,976	101,190	17,871

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UST National Backlog: FY 1989 Thru Mid-Year FY 2009



State Ranking of Cleanup Backlog Percentage*
FY 2009 Mid-Year Reporting

(ranked from lowest to highest backlog %)

State	Cleanup Backlog
ME	1%
SD	2%
ND	2%
TN	4%
MS	4%
VA	5%
MD	6%
NV	7%
MN	8%
OK	9%
NY	9%
UT	9%
MA	10%
DE	10%
OH	10%
CO	11%
ID	11%
CNMI	11%
TX	12%
WI	12%
HI	12%
AS	13%
AL	13%
AZ	13%
KY	15%
GA	15%
OR	16%
GU	18%
MO	18%

State	Cleanup Backlog
RI	19%
National Average	21%
AR	21%
PA	22%
AK	22%
NC	23%
DC	24%
IA	24%
IN	27%
IL	27%
CA	27%
NE	29%
WV	30%
NM	30%
WA	31%
NH	31%
KS	32%
CT	32%
SC	32%
LA	33%
VT	36%
MT	36%
NJ	40%
MI	42%
WY	44%
PR	52%
FL	56%
VI	59%

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

UST Compliance Measures for Mid-Year FY 2009 (as of 3/31/09)

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 Regulations	% in Significant Operational Compliance with Release Detection Regulations	% of UST Facilities in SOC w/UST Release Detection and Release Prevention
ONE				FOUR			
*CT	99%	68%	67%	AL	92%	83%	78%
ME	84%	64%	55%	FL	92%	89%	88%
MA	72%	54%	53%	GA	80%	74%	69%
NH	69%	75%	59%	KY	59%	60%	43%
*RI	88%	75%	67%	MS	78%	81%	69%
*VT	83%	87%	81%	NC	68%	70%	59%
SUBTOTAL	83%	66%	62%	SC	82%	81%	72%
TWO				TN	84%	84%	75%
NJ	89%	86%	80%	SUBTOTAL	80%	78%	70%
NY	76%	65%	56%	FIVE			
PR	72%	64%	56%	*IL	75%	69%	54%
VI	95%	80%	75%	IN	78%	81%	67%
SUBTOTAL	80%	72%	64%	*MI	77%	50%	44%
THREE				MN	58%	65%	55%
DE	89%	84%	79%	OH	81%	66%	61%
DC	85%	70%	62%	*WI	82%	84%	72%
MD	80%	80%	66%	SUBTOTAL	76%	68%	58%
PA	91%	84%	77%	SIX			
VA	75%	67%	57%	AR	58%	71%	49%
WV	70%	70%	55%	LA	86%	81%	68%
SUBTOTAL	82%	76%	67%	NM	63%	71%	51%
SEVEN				OK	**DNA	**DNA	**DNA
IA	76%	80%	68%	TX	85%	83%	75%
KS	68%	92%	68%	SUBTOTAL	81%	81%	70%
MO	87%	98%	86%	TEN			
NE	66%	57%	44%	AK	75%	84%	68%
SUBTOTAL	75%	83%	68%	ID	74%	55%	43%
EIGHT				OR	94%	92%	88%
CO	84%	76%	67%	WA	81%	64%	57%
MT	95%	93%	89%	SUBTOTAL	83%	72%	64%
ND	78%	79%	69%	INDIAN COUNTRY			
SD	68%	84%	63%	REGION 1	**DNA	**DNA	**DNA
UT	76%	75%	61%	REGION 2	**DNA	**DNA	**DNA
WY	90%	94%	86%	REGION 3	**N/A	**N/A	**N/A
SUBTOTAL	82%	81%	71%	REGION 4	**DNA	**DNA	**DNA
NINE				REGION 5	57%	49%	42%
AS	**DNA	**DNA	**DNA	REGION 6	74%	77%	67%
AZ	85%	86%	81%	REGION 7	**DNA	**DNA	**DNA
CA	79%	84%	71%	REGION 8	89%	75%	69%
GU	74%	68%	65%	REGION 9	56%	61%	39%
HI	99%	93%	92%	REGION 10	66%	72%	52%
CNMI	90%	94%	83%	SUBTOTAL	68%	66%	53%
NV	88%	83%	75%	NATIONAL TOTAL			
SUBTOTAL	81%	84%	73%	TOTAL	79.7%	76%	66.6%

These compliance rates indicate the percentage of recently-inspected facilities found to be in significant operational compliance (SOC) with federal UST requirements from 4/1/08 through 3/31/09. In accordance with EPA guidelines, states are allowed to report based on requirements more stringent than the federal SOC requirements. Connecticut, Illinois, Michigan, 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

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.

MICHIGAN

Release Detection

- Inventory control is required when using an automatic tank gauge (ATG).

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.

**State Listing of Significant Operational Compliance Rates
FY 2009 Mid-Year Reporting**

(from highest to lowest SOC)

State	Compliance Rate
HI	92%
MT	89%
FL	88%
OR	88%
WY	86%
MO	86%
CNMI	83%
VT	81%
AZ	81%
NJ	80%
DE	79%
AL	78%
PA	77%
VI	75%
TX	75%
TN	75%
NV	75%
WI	72%
SC	72%
CA	71%
ND	69%
MS	69%
GA	69%
KS	68%
LA	68%
IA	68%
AK	68%
CO	67%
RI	67%

State	Compliance Rate
CT	67%
National Average	66.6%
IN	67%
MD	66%
GU	65%
SD	63%
DC	62%
OH	61%
UT	61%
NH	59%
NC	59%
VA	57%
WA	57%
NY	56%
PR	56%
ME	55%
MN	55%
WV	55%
IL	54%
MA	53%
NM	51%
AR	49%
MI	44%
NE	44%
ID	43%
KY	43%
OK	*DNA
AS	*DNA

*DNA= Data Not Available

**Inspection/Enforcement Actions
for Mid-Year FY 2009 (as of 3/31/09)**

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	594	3
ME	285	3
MA	420	0
NH	136	9
RI	80	0
VT	92	0
SUBTOTAL	1,607	15
TWO		
NJ	1,654	105
NY	2,394	0
PR	0	0
VI	12	0
SUBTOTAL	4,060	105
THREE		
DE	37	0
DC	20	12
MD	425	5
PA	1,474	45
VA	887	0
WV	316	1
SUBTOTAL	3,159	63

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	1,580	57
FL	8,846	0
GA	1,477	681
KY	424	0
MS	499	30
NC	1,287	36
SC	1,807	126
TN	1,312	98
SUBTOTAL	17,232	1,028
FIVE		
IL	1,107	339
IN	697	0
MI	833	86
MN	895	10
OH	1,122	0
WI	3,516	240
SUBTOTAL	8,170	675
SIX		
AR	742	54
LA	515	2
NM	406	0
OK	2,034	0
TX	308	2,839
SUBTOTAL	4,005	2,895

The inspection and enforcement action reporting period is from 10/1/08 through 3/31/09. 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 Mid-Year FY 2009 (as of 3/31/09)**

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	184	6
KS	516	412
MO	572	0
NE	274	0
SUBTOTAL	1,546	418
EIGHT		
CO	979	0
MT	252	0
ND	266	0
SD	151	0
UT	419	8
WY	173	4
SUBTOTAL	2,240	12
NINE		
AS	0	0
AZ	473	0
CA	DNA	DNA
GU	65	0
HI	217	0
CNMI	48	0
NV	480	0
SUBTOTAL	1,283	0

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	23	103
ID	207	0
OR	571	27
WA	653	0
SUBTOTAL	1,454	130
INDIAN COUNTRY		
REGION 1	0	0
REGION 2	0	0
REGION 3	*N/A	*N/A
REGION 4	3	0
REGION 5	1	0
REGION 6	9	0
REGION 7	0	0
REGION 8	3	0
REGION 9	19	0
REGION10	0	0
SUBTOTAL	35	0
NATIONAL TOTAL		
National Total	44,791	5,341

The inspection and enforcement action reporting period is from 10/1/08 through 3/31/09. 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

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.*