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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460
Mail Code 5401P
June 3, 2008

## MEMORANDUM

SUBJECT: FY 2008 Mid-Year Activity Report
FROM: $\quad$ Cliff Rothenstein, Director Office of Underground Storage Tanks


TO: UST/LUST Regional Division Directors, Regions 1-10
This memo provides you with the FY 2008 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 2008, our GPRA goals include: (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 mid-year FY 2008, we:

- Completed 5,934 cleanups, including 19 in Indian Country;
- Achieved 65 percent significant operational compliance; and
- Confirmed 3,294 new releases.

With respect to the end-of-year reporting, as stated in the FY 2008 National Program Guidance, http://www.epa.gov/ocfopage/npmguidance/oswer/2008/final_npmguidance.pdf, we need your states' ESTIMATES of the FY 2008 End-of-Year LUST cleanups completed results by September 15, 2008. 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, 2008.

The Regions must submit their FINAL FY 2008 End-of-Year results on all measures to us no later than October 15, 2008 so that we are able to provide these results to the Deputy Administrator in a timely fashion. 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 2008 End-of-Year Request Memorandum for Semi-Annual Reporting Results.

Attachments

## UST And LUST Performance Measures Definitions

EPA collects data from state underground storage tank (UST) and leaking UST programs based on the performance measures listed below.

## 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 property 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 followup) 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 property 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. 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 report inspections 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. Regions should report inspections conducted by the region, contractors, or credentialed inspectors. Follow-up visits related to the initial on-site compliance inspection should not be counted as an additional compliance inspection; installation or closure inspections that do not assess compliance according to the Inspection Grant Guidelines should not be counted. 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. Only report the number of inspections conducted during the reporting period. 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 identified as ineligible for the delivery, deposit, or acceptance of product during the reporting period. An 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). When delivery is prohibited on a tank-by-tank basis, report the number of tanks that were prohibited from receiving deliveries; when delivery is prohibited on a facility-wide basis, report the number of facilities that were prohibited from receiving deliveries. As part of the reporting, indicate whether deliveries are prohibited tank-by-tank, facility-wide, or a combination of the two.

Clarification: Data reported should only include the number of USTs or UST facilities identified as being ineligible for delivery, deposit, or acceptance of product during the reporting period. If a tank/facility is identified as being ineligible in one reporting period and remains ineligible into another reporting period, only report the tank/facility in the reporting period in which it is originally determined ineligible. If a tank or facility is identified as being ineligible for delivery, deposit, or acceptance of product more than once in a reporting period, report each occurrence as an 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.

## 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, followup 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 petroleumcontaminated 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 sitespecific 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.

| Region / State | Number of Active Tanks | Number of Closed Tanks | Confirmed Releases |  | Cleanups <br> Initiated | Cleanups Completed |  | Cleanups <br> Backlog | Emergency <br> Responses |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  |  |  | Actions This Period | Cumulative |  | Actions This Period | Cumulative |  |  |
| ONE |  |  |  |  |  |  |  |  |  |
| CT | 10,586 | 21,444 | 20 | 2,554 | 2,486 | 5 | 1,715 | 839 | 114 |
| MA | 10,919 | 22,933 | 28 | 6,291 | 6,087 | 78 | 5,500 | 791 | 5,148 |
| ME | 3,145 | 12,598 | 39 | 2,386 | 2,340 | 68 | 2,330 | 56 | 513 |
| NH | 3,094 | 11,167 | 26 | 2,345 | 2,345 | 53 | 1,572 | 773 | 661 |
| RI | 1,615 | 7,224 | 7 | 1,316 | 1,316 | 13 | 1,044 | 272 | 26 |
| VT | 3,073 | 5,390 | 9 | 1,976 | 1,964 | 17 | 1,228 | 748 | 296 |
| SUBTOTAL | 32,432 | 80,756 | 129 | 16,868 | 16,538 | 234 | 13,389 | 3,479 | 6,758 |
| TWO |  |  |  |  |  |  |  |  |  |
| NJ | 16,435 | 57,192 | 89 | 10,153 | 9,297 | 54 | 6,045 | 4,108 | 54 |
| NY | 28,670 | 88,492 | 241 | 26,019 | 25,994 | 362 | 23,421 | 2,598 | 1,322 |
| PR | 4,545 | 5,599 | 2 | 1,030 | 900 | 3 | 477 | 553 | 190 |
| VI | 144 | 278 | 0 | 22 | 15 | 0 | 6 | 16 | 14 |
| SUBTOTAL | 49,794 | 151,561 | 332 | 37,224 | 36,206 | 419 | 29,949 | 7,275 | 1,580 |
| THREE |  |  |  |  |  |  |  |  |  |
| DC | 690 | 3,158 | 4 | 868 | 853 | 6 | 634 | 234 | 245 |
| DE | 1,476 | 6,945 | 45 | 2,445 | 2,331 | 51 | 2,229 | 216 | 413 |
| MD | 9,100 | 32,434 | 143 | 11,026 | 10,778 | 284 | 10,253 | 773 | 336 |
| PA | 24,490 | 61,588 | 107 | 14,527 | 13,943 | 331 | 11,078 | 3,449 | 28 |
| VA | 20,346 | 58,144 | 127 | 11,098 | 10,858 | 155 | 10,448 | 650 | 63 |
| WV | 5,680 | 19,358 | 41 | 3,100 | 2,914 | 70 | 2,095 | 1,005 | 10 |
| SUBTOTAL | 61,782 | 181,627 | 467 | 43,064 | 41,677 | 897 | 36,737 | 6,327 | 1,095 |

1The terms "confirmed release," "cleanup initiated," and "cleanup completed" are defined terms available on the OUST website at

| Region / State | Number of Active Tanks | Number of Closed Tanks | Confirmed Releases |  | Cleanups Initiated | Cleanups Completed |  | Cleanups <br> Backlog | Emergency <br> Responses |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  |  |  | Actions This Period | Cumulative |  | Actions This Period | Cumulative |  |  |
| FOUR |  |  |  |  |  |  |  |  |  |
| AL | 18,746 | 29,355 | 49 | 11,243 | 10,944 | 76 | 9,737 | 1,506 | 408 |
| FL | 28,343 | 99,993 | 112 | 24,745 | 15,542 | 331 | 10,430 | 14,315 | 204 |
| GA | 30,044 | 46,271 | 125 | 11,810 | 11,469 | 177 | 9,670 | 2,140 | 12 |
| KY | 12,308 | 36,773 | 135 | 13,834 | 13,828 | 231 | 11,615 | 2,219 | 170 |
| MS | 8,785 | 22,498 | 25 | 6,859 | 6,772 | 51 | 6,577 | 282 | 124 |
| NC | 28,630 | 65,709 | 100 | 24,193 | 22,701 | 260 | 18,287 | 5,906 | 628 |
| SC | 11,928 | 32,273 | 70 | 9,089 | 8,531 | 102 | 5,967 | 3,122 | 99 |
| TN | 17,117 | 35,366 | 96 | 13,486 | 13,472 | 178 | 13,032 | 454 | 69 |
| SUBTOTAL | 155,901 | 368,238 | 712 | 115,259 | 103,259 | 1,406 | 85,315 | 29,944 | 1,714 |
| FIVE |  |  |  |  |  |  |  |  |  |
| IL | 22,351 | 64,031 | 244 | 23,640 | 22,226 | 425 | 16,634 | 7,006 | 1,852 |
| IN | 13,711 | 36,442 | 159 | 8,796 | 8,779 | 100 | 6,128 | 2,668 | 272 |
| MI | 19,957 | 67,111 | 108 | 21,490 | 21,058 | 82 | 12,375 | 9,115 | 82 |
| MN | 14,553 | 28,070 | 71 | 10,100 | 9,991 | 144 | 9,232 | 868 | 601 |
| OH | 23,527 | 42,089 | 97 | 26,739 | 25,908 | 566 | 23,843 | 2,896 | 417 |
| WI | 13,753 | 65,984 | 44 | 18,627 | 18,329 | 182 | 16,159 | 2,468 | 389 |
| SUBTOTAL | 107,852 | 303,727 | 723 | 109,392 | 106,291 | 1,499 | 84,371 | 25,021 | 3,613 |


| Region / State | Number of Active Tanks | Number of Closed Tanks | Confirmed Releases |  | Cleanups <br> Initiated | Cleanups Completed |  | Cleanups Backlog | Emergency <br> Responses |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  |  |  | Actions This Period | Cumulative |  | Actions This Period | Cumulative |  |  |
| SIX |  |  |  |  |  |  |  |  |  |
| AR | 9,386 | 20,434 | 21 | 1,394 | 1,092 | 26 | 1,090 | 304 | 19 |
| LA | 12,472 | 31,561 | 143 | 3,429 | 3,429 | 131 | 2,225 | 1,204 | 809 |
| NM | 4,015 | 12,371 | 11 | 2,519 | 1,847 | 27 | 1,814 | 705 | 85 |
| OK | 11,089 | 25,564 | 50 | 4,554 | 4,554 | 98 | 4,087 | 467 | 145 |
| TX | 54,296 | 113,164 | 218 | 25,314 | 23,541 | 214 | 22,141 | 3,173 | 559 |
| SUBTOTAL | 91,258 | 203,094 | 443 | 37,210 | 34,463 | 496 | 31,357 | 5,853 | 1,617 |
| SEVEN |  |  |  |  |  |  |  |  |  |
| IA | 7,332 | 22,556 | 17 | 5,886 | 5,562 | 24 | 4,334 | 1,552 | 0 |
| KS | 7,030 | 19,890 | 44 | 4,847 | 4,636 | 80 | 3,104 | 1,743 | 120 |
| MO | 10,216 | 29,274 | 23 | 6,317 | 6,059 | 31 | 5,081 | 1,236 | 373 |
| NE | 6,889 | 14,351 | 19 | 6,084 | 4,524 | 49 | 4,225 | 1,859 | 11 |
| SUBTOTAL | 31,467 | 86,071 | 103 | 23,134 | 20,781 | 184 | 16,744 | 6,390 | 504 |
| EIGHT |  |  |  |  |  |  |  |  |  |
| CO | 7,932 | 21,299 | 83 | 6,978 | 6,938 | 87 | 6,140 | 838 | 43 |
| MT | 3,273 | 12,314 | 9 | 2,983 | 2,613 | 21 | 1,871 | 1,112 | 47 |
| ND | 2,163 | 7,073 | 1 | 826 | 815 | 1 | 803 | 23 | 4 |
| SD | 3,018 | 6,902 | 5 | 2,373 | 2,373 | 11 | 2,282 | 91 | 21 |
| UT | 4,016 | 12,900 | 20 | 4,360 | 4,316 | 41 | 3,932 | 428 | 3 |
| WY | 1,963 | 7,946 | 0 | 1,998 | 1,592 | 4 | 1,074 | 924 | 67 |
| SUBTOTAL | 22,365 | 68,434 | 118 | 19,518 | 18,647 | 165 | 16,102 | 3,416 | 185 |

${ }^{1}$ The terms "confirmed release," "cleanup initiated," and "cleanup completed" are defined terms available on the OUST website at

| Region / State | Number of Active Tanks | Number of Closed Tanks | Confirmed Releases |  | Cleanups <br> Initiated | Cleanups Completed |  | Cleanups Backlog | Emergency <br> Responses |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  |  |  | Actions This Period | Cumulative |  | Actions This Period | Cumulative |  |  |
| NINE |  |  |  |  |  |  |  |  |  |
| AS | 16 | 52 | 0 | 7 | 7 | 0 | 7 | 0 | 1 |
| AZ | 7,082 | 20,503 | 14 | 8,486 | 7,732 | 64 | 7,216 | 1,270 | 0 |
| CA | 36,606 | 125,591 | 119 | 45,515 | 45,515 | 363 | 32,613 | 12,902 | 0 |
| CNMI | 68 | 28 | 0 | 9 | 8 | 0 | 4 | 5 | 0 |
| GU | 262 | 430 | 0 | 136 | 137 | 0 | 112 | 24 | 0 |
| HI | 1,667 | 5,248 | 11 | 1,920 | 1,837 | 17 | 1,648 | 272 | 0 |
| NV | 3,733 | 6,893 | 6 | 2,431 | 2,430 | 18 | 2,250 | 181 | 52 |
| SUBTOTAL | 49,434 | 158,745 | 150 | 58,504 | 57,666 | 462 | 43,850 | 14,654 | 53 |
| TEN |  |  |  |  |  |  |  |  |  |
| AK | 1,220 | 6,359 | 0 | 2,292 | 2,269 | 27 | 1,763 | 529 | 47 |
| ID | 3,289 | 9,857 | 13 | 1,391 | 1,359 | 12 | 1,240 | 151 | 12 |
| OR | 6,034 | 25,741 | 44 | 7,094 | 6,786 | 65 | 5,857 | 1,237 | 56 |
| WA | 10,094 | 35,839 | 52 | 6,373 | 6,079 | 49 | 4,424 | 1,949 | 39 |
| SUBTOTAL | 20,637 | 77,796 | 109 | 17,150 | 16,493 | 153 | 13,284 | 3,866 | 154 |



UST Compliance Measures
for Mid-Year FY 2008 (as of 3/31/08)

| Region/ State | \% in <br> Significant <br> Operational <br> Compliance <br> with Release <br> Prevention <br> Regulations | \% in <br> Significant <br> Operational <br> Compliance <br> with Release <br> Detection <br> Regulations | $\%$ of UST <br> Facilities in SOC w/UST <br> Release <br> Detection and <br> Release <br> Prevention | Region/ State | \% in <br> Significant <br> Operational <br> Compliance <br> with Release <br> Prevention <br> Requirements | $\%$ in <br> Significant <br> Operational <br> Compliance with Release <br> Detection <br> Regulations | \% of UST <br> Facilities in SOC w/UST <br> Release <br> Detection and Release Prevention |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| ONE |  |  |  | FOUR |  |  |  |
| *CT | 98\% | 61\% | 61\% | AL | 90\% | 86\% | 80\% |
| ME | 84\% | 60\% | 53\% | FL | 88\% | 87\% | 85\% |
| MA | 68\% | 57\% | 36\% | GA | 86\% | 84\% | 78\% |
| NH | 63\% | 65\% | 48\% | KY | 57\% | 61\% | 40\% |
| *RI | 90\% | 75\% | 68\% | MS | 80\% | 88\% | 74\% |
| *VT | 73\% | 74\% | 66\% | NC | 70\% | 70\% | 62\% |
| SUBTOTAL | 80\% | 62\% | 51\% | SC | 83\% | 82\% | 73\% |
|  |  |  |  | TN | 84\% | 86\% | 77\% |
| TWO |  |  |  | SUBTOTAL | 81\% | 81\% | 73\% |
| NJ | 45\% | 51\% | 39\% | FIVE |  |  |  |
| NY | 75\% | 69\% | 58\% | *IL | 62\% | 58\% | 44\% |
| PR | 89\% | 87\% | 83\% | IN | 74\% | 85\% | 74\% |
| VI | **DNA | **DNA | **DNA | MI | 75\% | 43\% | 37\% |
| SUBTOTAL | 66\% | 65\% | 54\% | MN | 57\% | 64\% | 50\% |
|  |  |  |  | OH | 82\% | 75\% | 72\% |
| THREE |  |  |  | *WI | 83\% | 81\% | 70\% |
| DE | 78\% | 78\% | 68\% | SUBTOTAL | 72\% | 66\% | 57\% |
| DC | 81\% | 85\% | 71\% | SIX |  |  |  |
| MD | 64\% | 63\% | 54\% | AR | 59\% | 68\% | 49\% |
| PA | 87\% | 79\% | 70\% | LA | 82\% | 72\% | 64\% |
| VA | 73\% | 65\% | 56\% | NM | 86\% | 85\% | 80\% |
| WV | 81\% | 68\% | 59\% | OK | 85\% | 88\% | 78\% |
| SUBTOTAL | 78\% | 71\% | 62\% | TX | 83\% | 83\% | 77\% |
|  |  |  |  | SUBTOTAL | 80\% | 81\% | 73\% |

These compliance rates indicate the percentage of recently-inspected facilities found to be in significant operational compliance (SOC) with federal UST requirements from $4 / 1 / 07$ through $3 / 31 / 08$. 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 on the next page. 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.

[^0]UST Compliance Measures
for Mid-Year FY 2008 (as of 3/31/08)

| Region/ State | \% in <br> Significant <br> Operational <br> Compliance <br> with Release <br> Prevention <br> Regulations | \% in <br> Significant <br> Operational <br> Compliance with Release <br> Detection <br> Regulations | $\%$ of UST <br> Facilities in SOC w/UST <br> Release <br> Detection and <br> Release <br> Prevention | Region/ State | \% in <br> Significant <br> Operational <br> Compliance <br> with Release <br> Prevention <br> Requirements | \% in <br> Significant <br> Operational <br> Compliance with Release <br> Detection <br> Regulations | \% of UST <br> Facilities in SOC w/UST <br> Release <br> Detection and Release Prevention |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| SEVEN |  |  |  | TEN |  |  |  |
| IA | 89\% | 53\% | 48\% | AK | 64\% | 68\% | 52\% |
| KS | 76\% | 89\% | 67\% | ID | 75\% | 60\% | 52\% |
| MO | **DNA | **DNA | **DNA | OR | 87\% | 83\% | 77\% |
| NE | 64\% | 46\% | 39\% | WA | 73\% | 57\% | 50\% |
| SUBTOTAL | 76\% | 62\% | 52\% | SUBTOTAL | 77\% | 66\% | 58\% |
| EIGHT |  |  |  | INDIAN COUNTRY |  |  |  |
| CO | 90\% | 85\% | 76\% | REGION 1 | **DNA | **DNA | **DNA |
| MT | 92\% | 90\% | 83\% | REGION 2 | **DNA | **DNA | **DNA |
| ND | 81\% | 85\% | 72\% | REGION 3 | **N/A | **N/A | **N/A |
| SD | 83\% | 69\% | 63\% | REGION 4 | 81\% | 29\% | 19\% |
| UT | 80\% | 76\% | 66\% | REGION 5 | 54\% | 40\% | 27\% |
| WY | 89\% | 93\% | 83\% | REGION 6 | 76\% | 71\% | 61\% |
| SUBTOTAL | 87\% | 83\% | 74\% | REGION 7 | **DNA | **DNA | **DNA |
|  |  |  |  | REGION 8 | 87\% | 82\% | 73\% |
| NINE |  |  |  | REGION 9 | 59\% | 56\% | 39\% |
| AS | **DNA | **DNA | **DNA | REGION10 | 77\% | 51\% | 44\% |
| AZ | 84\% | 81\% | 79\% | SUBTOTAL | 70\% | 59\% | 47\% |
| CA | 68\% | 72\% | 67\% |  |  |  |  |
| GU | **DNA | **DNA | **DNA | NATIONAL TOTAL |  |  |  |
| HI | 98\% | 92\% | 90\% | National Total | 77\% | 73\% | 65\% |
| CNMI | **DNA | **DNA | **DNA |  |  |  |  |
| NV | 92\% | 87\% | 82\% |  |  |  |  |
| SUBTOTAL | 73\% | 75\% | 71\% |  |  |  |  |

These compliance rates indicate the percentage of recently-inspected facilities found to be in significant operational compliance (SOC) with federal UST requirements from $4 / 1 / 07$ through $3 / 31 / 08$. 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 on the next page. 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.

[^1]
# 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):
o Automatically shut off the flow of liquid into the tank when the tank is no more than $95 \%$ full;
o 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,
o 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 Mid-Year FY 2008 (as of 3/31/08)

| Region/ State | Number of On-Site <br> Inspections <br> Conducted | Number of USTs (or UST Facilities) Identified as Being Ineligible for Delivery or Acceptance of Product | Region/ <br> State | Number of On-Site Inspections Conducted | Number of USTs (or <br> UST Facilities) <br> Identified as Being Ineligible for Delivery or Acceptance of Product |
| :---: | :---: | :---: | :---: | :---: | :---: |
| ONE |  |  | FOUR |  |  |
| CT | 527 | 5 | AL | 1327 | 0 |
| ME | 347 | 1 | FL | 6811 | 0 |
| MA | 236 | 0 | GA | 1538 | 650 |
| NH | 164 | 0 | KY | 790 | 0 |
| RI | 73 | 0 | MS | 505 | 0 |
| VT | 104 | 0 | NC | 1347 | 33 |
| SUBTOTAL | 1451 | 6 | SC | 2032 | 29 |
|  |  |  | TN | 1189 | 125 |
| TWO |  |  | SUBTOTAL | 15539 | 837 |
| NJ | 883 | 45 | FIVE |  |  |
| NY | 2799 | 0 | IL | 1514 | 335 |
| PR | 92 | 0 | IN | 553 | 0 |
| VI | 7 | 0 | MI | 824 | 81 |
| SUBTOTAL | 3781 | 45 | MN | 771 | 0 |
|  |  |  | OH | 1136 | 0 |
| THREE |  |  | WI | 2177 | 53 |
| DE | 67 | 0 | SUBTOTAL | 6975 | 469 |
| DC | 19 | 32 | SIX |  |  |
| MD | 534 | 3 | AR | 452 | 1 |
| PA | 865 | 66 | LA | 310 | 0 |
| VA | 855 | 0 | NM | 418 | 0 |
| WV | 155 | 0 | OK | 2721 | 0 |
| SUBTOTAL | 2495 | 101 | TX | 526 | 2763 |
|  |  |  | SUBTOTAL | 4427 | 2764 |

The inspection and enforcement action reporting period is from $10 / 1 / 07$ through $3 / 31 / 08$. Not all states fully implement delivery prohibition at this time, and some states prohibit deliveries primarily for annual registration violations.

[^2]
## Inspection/Enforcement Actions

for Mid-Year FY 2008 (as of 3/31/08)

| 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 | 411 | 0 |
| KS | 798 | 139 |
| MO | 219 | 0 |
| NE | 201 | 0 |
| SUBTOTAL | 1629 | 139 |
| EIGHT |  |  |
| CO | 933 | 0 |
| MT | 162 | 2 |
| ND | 5 | 0 |
| SD | 127 | 0 |
| UT | 1047 | 14 |
| WY | 224 | 0 |
| SUBTOTAL | 2498 | 16 |
| NINE |  |  |
| AS | 4 | 0 |
| AZ | 438 | 0 |
| CA | 6877 | 9 |
| GU | 12 | 0 |
| HI | 234 | 0 |
| CNMI | *DNA | 0 |
| NV | 249 | 0 |
| SUBTOTAL | 7814 | 9 |


| Region/ State | Number of On-Site <br> Inspections Conducted | Number of USTs (or UST Facilities) Identified as Being Ineligible for Delivery or Acceptance of Product |
| :---: | :---: | :---: |
| TEN |  |  |
| AK | 117 | 199 |
| ID | 162 | 0 |
| OR | 249 | 167 |
| WA | 367 | 0 |
| SUBTOTAL | 895 | 366 |
| INDIAN COUNTRY |  |  |
| REGION 1 | 0 | 0 |
| REGION 2 | 0 | 0 |
| REGION 3 | *N/A | *N/A |
| REGION 4 | 0 | 0 |
| REGION 5 | 0 | 0 |
| REGION 6 | 0 | 0 |
| REGION 7 | 20 | 0 |
| REGION 8 | 63 | 0 |
| REGION 9 | 6 | 0 |
| REGION10 | 7 | 0 |
| SUBTOTAL | 96 | 0 |
| NATIONAL TOTAL |  |  |
| National Total | 47600 | 4752 |

The inspection and enforcement action reporting period is from $10 / 1 / 07$ through $3 / 31 / 08$. Not all states fully implement delivery prohibition at this time, and some states prohibit deliveries primarily for annual registration violations.

[^3]UST National Backlog:
FY 1989 Thru Mid Year FY 2008


State Ranking of Cleanup Backlog Percentage*
FY 2008 Mid-Year Reporting
(ranked from lowest to highest backlog \%)

| State | Cleanup <br> Backlog |
| :--- | ---: |
| AS | $<1 \%$ |
| ME | $2 \%$ |
| ND | $3 \%$ |
| TN | $3 \%$ |
| SD | $4 \%$ |
| MS | $4 \%$ |
| VA | $6 \%$ |
| MD | $7 \%$ |
| NV | $7 \%$ |
| MN | $9 \%$ |
| DE | $9 \%$ |
| UT | $10 \%$ |
| NY | $10 \%$ |
| OK | $10 \%$ |
| OH | $11 \%$ |
| ID | $11 \%$ |
| CO | $12 \%$ |
| TX | $13 \%$ |
| MA | $13 \%$ |
| WI | $13 \%$ |
| AL | $13 \%$ |
| HI | $14 \%$ |
| AZ | $15 \%$ |
| KY | $16 \%$ |
| OR | $17 \%$ |
| GU | $18 \%$ |
| GA | $18 \%$ |
| MO | $20 \%$ |
| RI | $21 \%$ |
|  |  |


| State | Cleanup <br> Backlog |
| :--- | ---: |
| AR | $22 \%$ |
| National Average | $23 \%$ |
| AK | $23 \%$ |
| PA | $24 \%$ |
| NC | $24 \%$ |
| IA | $26 \%$ |
| DC | $27 \%$ |
| NM | $28 \%$ |
| CA | $28 \%$ |
| IL | $30 \%$ |
| IN | $30 \%$ |
| NE | $31 \%$ |
| WA | $31 \%$ |
| WV | $32 \%$ |
| CT | $33 \%$ |
| NH | $33 \%$ |
| SC | $34 \%$ |
| LA | $35 \%$ |
| KS | $36 \%$ |
| MT | $37 \%$ |
| VT | $38 \%$ |
| NJ | $40 \%$ |
| MI | $42 \%$ |
| WY | $46 \%$ |
| PR | $54 \%$ |
| CNMI | $56 \%$ |
| FL | $58 \%$ |
| VI | $73 \%$ |
|  |  |

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

State Listing of Significant Operational Compliance Rates FY 2008 Mid-Year Reporting
(from highest to lowest SOC)

| State | Compliance <br> Rate |
| :--- | ---: |
| HI | $90 \%$ |
| FL | $85 \%$ |
| WY | $83 \%$ |
| PR | $83 \%$ |
| MT | $83 \%$ |
| NV | $82 \%$ |
| AL | $80 \%$ |
| NM | $80 \%$ |
| AZ | $79 \%$ |
| GA | $78 \%$ |
| OK | $78 \%$ |
| TX | $77 \%$ |
| TN | $77 \%$ |
| OR | $77 \%$ |
| CO | $76 \%$ |
| MS | $74 \%$ |
| IN | $74 \%$ |
| SC | $73 \%$ |
| OH | $72 \%$ |
| ND | $72 \%$ |
| DC | $71 \%$ |
| WI | $70 \%$ |
| PA | $70 \%$ |
| RI | $68 \%$ |
| DE | $68 \%$ |
| KS | $67 \%$ |
| CA | $67 \%$ |
| VT | $66 \%$ |
| UT | $66 \%$ |
|  |  |


| State | Compliance <br> Rate |
| :--- | ---: |
| National Average | $65 \%$ |
| LA | $64 \%$ |
| SD | $63 \%$ |
| NC | $62 \%$ |
| CT | $61 \%$ |
| WV | $59 \%$ |
| NY | $58 \%$ |
| VA | $56 \%$ |
| MD | $54 \%$ |
| ME | $53 \%$ |
| ID | $52 \%$ |
| AK | $52 \%$ |
| MN | $50 \%$ |
| WA | $50 \%$ |
| AR | $49 \%$ |
| NH | $48 \%$ |
| IA | $48 \%$ |
| IL | $44 \%$ |
| KY | $40 \%$ |
| NJ | $39 \%$ |
| NE | $39 \%$ |
| MI | $37 \%$ |
| MA | $36 \%$ |
| AS | *DNA |
| CNMI | *DNA |
| GU | *DNA |
| MO | $* D N A$ |
| VI | *DNA |

*DNA= Data Not Available

TIMELINE TO FINALIZE END OF YEAR NUMBERS
SECOND HALF OF FISCAL YEAR ESTIMATES and FINAL REPORTING DATA - OUST REQUIREMENT

| By July 31 | HQ sends signed Estimates and Actual Data for Second <br> Half of Fiscal Year Data Request Memo <br> w/Attachments (Region-specific) to Regional Division <br> Directors. |
| :--- | :--- |
| By September 7 | States provide Regions with Estimates of LUST Cleanups <br> Completed for Second Half of Fiscal Year. |
| By September 15 | Regions provide OUST with Estimates of LUST Cleanups <br> Completed for Second Half of Fiscal Year. |
| By October 8 | States provide Regions with Final Second Half of Fiscal <br> Year Reporting Data. |
| Regions enter Final data into Excel spreadsheets, if not <br> already completed by states. Regions QA/QC states’ <br> Second Half of Fiscal Year Reporting data (use checklist). |  |
| By October 15 | Regions submit completed Excel spreadsheets to OUST <br> with Final Second Half of Fiscal Year Reporting Data. |
| By Mid-November | HQ publishes Final End-of-Year Activities Report Memo <br> for Fiscal Year. |


[^0]:    * States reporting based on requirements more stringent that the federal SOC requirements.
    ** DNA = Data Not Available N/A = Not Applicable

[^1]:    * States reporting based on requirements more stringent that the federal SOC requirements.
    ** DNA = Data Not Available N/A = Not Applicable

[^2]:    * DNA = Data Not Available N/A = Not Applicable

[^3]:    * DNA = Data Not Available N/A = Not Applicable

