



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

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

MEMORANDUM

SUBJECT: FY 2008 Mid-Year Activity Report

FROM: Cliff Rothenstein, Director
Office of Underground Storage Tanks

A handwritten signature in black ink, appearing to read "Cliff Rothenstein", written over the printed name.

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 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. 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, 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 Corrective Action Measures for Mid-Year FY 2008 (Cumulative as of March 31, 2008)

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	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 <http://www.epa.gov/OUST/cal/PMDefinitions.pdf> and attached to this memo. 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.

UST Corrective Action Measures for Mid-Year FY 2008 (Cumulative as of March 31, 2008)

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	18,746	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

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UST Corrective Action Measures for Mid-Year FY 2008 (Cumulative as of March 31, 2008)

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	9,386	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

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UST Corrective Action Measures for Mid-Year FY 2008 (Cumulative as of March 31, 2008)

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	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

¹The terms "confirmed release," "cleanup initiated," and "cleanup completed" are defined terms available on the OUST website at <http://www.epa.gov/OUST/cat/PMDefinitions.pdf> and attached to this memo. 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.

UST Corrective Action Measures for Mid-Year FY 2008 (Cumulative as of March 31, 2008)

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	4	2	0	3	1	0
REGION 3	0	0	0	0	0	0	0	0	0
REGION 4	68	59	0	13	8	1	11	2	2
REGION 5	435	998	0	214	207	2	146	68	0
REGION 6	298	248	1	53	53	1	46	7	1
REGION 7	91	93	0	20	20	2	11	9	0
REGION 8	529	1,927	1	440	415	5	267	173	5
REGION 9	698	1,288	3	222	173	4	154	68	0
REGION 10	352	949	3	168	166	4	144	24	3
SUBTOTAL	2,612	5,595	8	1,134	1,044	19	782	352	11
NATIONAL TOTAL									
	625,534	1,685,644	3,294	478,457	453,065	5,934	371,880	106,577	17,284

¹The terms "confirmed release," "cleanup initiated," and "cleanup completed" are defined terms available on the OUST website at <http://www.epa.gov/OUST/cat/PMDefinitions.pdf> and attached to this memo. 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.

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

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
ONE			
*CT	98%	61%	61%
ME	84%	60%	53%
MA	68%	57%	36%
NH	63%	65%	48%
*RI	90%	75%	68%
*VT	73%	74%	66%
SUBTOTAL	80%	62%	51%
TWO			
NJ	45%	51%	39%
NY	75%	69%	58%
PR	89%	87%	83%
VI	**DNA	**DNA	**DNA
SUBTOTAL	66%	65%	54%
THREE			
DE	78%	78%	68%
DC	81%	85%	71%
MD	64%	63%	54%
PA	87%	79%	70%
VA	73%	65%	56%
WV	81%	68%	59%
SUBTOTAL	78%	71%	62%

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
FOUR			
AL	90%	86%	80%
FL	88%	87%	85%
GA	86%	84%	78%
KY	57%	61%	40%
MS	80%	88%	74%
NC	70%	70%	62%
SC	83%	82%	73%
TN	84%	86%	77%
SUBTOTAL	81%	81%	73%
FIVE			
*IL	62%	58%	44%
IN	74%	85%	74%
MI	75%	43%	37%
MN	57%	64%	50%
OH	82%	75%	72%
*WI	83%	81%	70%
SUBTOTAL	72%	66%	57%
SIX			
AR	59%	68%	49%
LA	82%	72%	64%
NM	86%	85%	80%
OK	85%	88%	78%
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.

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

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

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

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	89%	53%	48%
KS	76%	89%	67%
MO	**DNA	**DNA	**DNA
NE	64%	46%	39%
SUBTOTAL	76%	62%	52%
EIGHT			
CO	90%	85%	76%
MT	92%	90%	83%
ND	81%	85%	72%
SD	83%	69%	63%
UT	80%	76%	66%
WY	89%	93%	83%
SUBTOTAL	87%	83%	74%
NINE			
AS	**DNA	**DNA	**DNA
AZ	84%	81%	79%
CA	68%	72%	67%
GU	**DNA	**DNA	**DNA
HI	98%	92%	90%
CNMI	**DNA	**DNA	**DNA
NV	92%	87%	82%
SUBTOTAL	73%	75%	71%

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	64%	68%	52%
ID	75%	60%	52%
OR	87%	83%	77%
WA	73%	57%	50%
SUBTOTAL	77%	66%	58%
INDIAN COUNTRY			
REGION 1	**DNA	**DNA	**DNA
REGION 2	**DNA	**DNA	**DNA
REGION 3	**N/A	**N/A	**N/A
REGION 4	81%	29%	19%
REGION 5	54%	40%	27%
REGION 6	76%	71%	61%
REGION 7	**DNA	**DNA	**DNA
REGION 8	87%	82%	73%
REGION 9	59%	56%	39%
REGION10	77%	51%	44%
SUBTOTAL	70%	59%	47%
NATIONAL TOTAL			
National Total	77%	73%	65%

 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.

* 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.

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 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
ONE		
CT	527	5
ME	347	1
MA	236	0
NH	164	0
RI	73	0
VT	104	0
SUBTOTAL	1451	6
TWO		
NJ	883	45
NY	2799	0
PR	92	0
VI	7	0
SUBTOTAL	3781	45
THREE		
DE	67	0
DC	19	32
MD	534	3
PA	865	66
VA	855	0
WV	155	0
SUBTOTAL	2495	101

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	1327	0
FL	6811	0
GA	1538	650
KY	790	0
MS	505	0
NC	1347	33
SC	2032	29
TN	1189	125
SUBTOTAL	15539	837
FIVE		
IL	1514	335
IN	553	0
MI	824	81
MN	771	0
OH	1136	0
WI	2177	53
SUBTOTAL	6975	469
SIX		
AR	452	1
LA	310	0
NM	418	0
OK	2721	0
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.

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

**Inspection/Enforcement Actions
for Mid-Year FY 2008 (as of 3/31/08)**

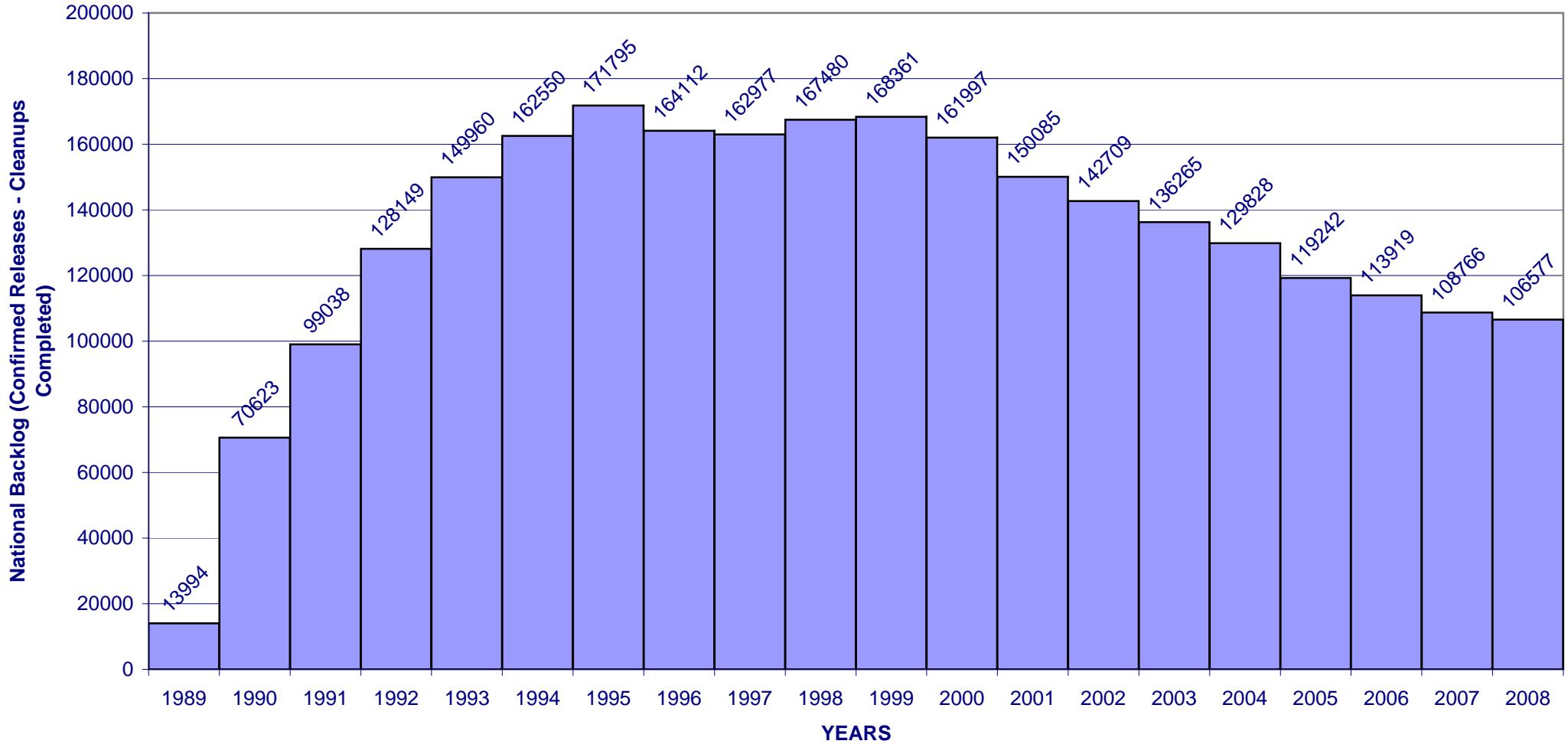
Region/ State	Number of On-Site Inspections Conducted	Number of USTs (or UST Facilities) Identified as Being Ineligible for Delivery or Acceptance of Product
SEVEN		
IA	411	0
KS	798	139
MO	219	0
NE	201	0
SUBTOTAL	1629	139
EIGHT		
CO	933	0
MT	162	2
ND	5	0
SD	127	0
UT	1047	14
WY	224	0
SUBTOTAL	2498	16
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 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.

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

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