UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460
Mail Code 5401G

JUN 20 2006

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

MEMORANDUM

SUBJECT: FY 2006 Mid-Year Activity Report

FROM: Cliff Rothenstein, Director
Office of Underground Storage Tanks

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

This memo provides you with the FY 2006 semi-annual mid-year activity report (see attached) for the Underground Storage Tank program. I want to thank you and your staff for providing the information to OUST and conducting a thorough quality assurance/quality control review of the numbers reported.

I am pleased that we are continuing to make progress in cleaning up petroleum leaks, in reducing the cleanup backlog, and in preventing future releases. As you know, for FY 2006 our GPRA goals include: (1) completing 13,600 cleanups; (2) completing 30 cleanups in Indian Country; (3) increasing our significant operational compliance rate to 66 percent; and (4) decreasing newly reported confirmed releases to fewer than 10,000.

At mid-year we:

- Completed 7,332 cleanups, 54 percent of the GPRA goal;
- Completed 20 cleanups in Indian Country; 67 percent of the GPRA goal;
- Achieved 63 percent significant operational compliance, 3 percent below the GPRA goal; and
- Confirmed 4,123 new releases.

These numbers indicate that the program is continuing to make incremental progress in preventing and cleaning up releases. While we are slightly below our GPRA goal for compliance, some states have begun targeting inspections at previously uninspected facilities in response to the Energy Policy Act, which may account for the decrease in compliance rates.

Finally, as I stated in my memorandum of March 31, 2006, requesting the FY 2006 mid-year data, we will need your states' estimates of the FY 2006 End-of-Year data by September 14, 2006 (see attached Timeline). As you are aware, the LUST cleanups

completed data is an element of the organizational assessment and the data must be reported no later than September 30, 2006. Further details will be forthcoming in my FY 2006 End-of-Year Memo request to be sent by the end of July.

Attachments (FY06 MY Report, EOY Timeline, UST National Backlog Chart)

cc: Barry Breen, OSWER
Susan Bromm, OECA
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Michael Stahl, OECA
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UST Regional Branch Chiefs 1-10
UST Regional Program Managers 1-10

UST Corrective Action Measures for Mid-Year FY 2006 (as of March 31, 2006)

Region/State	Number of Active Tanks	Number of Closed Tanks	Confirmed Releases	Cleanups Initiated	Cleanups Completed	Emergency Responses
ONE						
CT	11,691	20,099	2,483	2,431	1,636	111
MA	11,317	22,256	6,147	5,934	5,152	5,019
ME	3,335	12,285	2,285	2,205	2,136	430
NH	2,925	10,920	2,254	2,254	1,436	616
RI	1,670	7,138	1,253	1,253	997	26
VT	3,027	5,233	1,937	1,925	1,159	283
SUBTOTAL	33,965	77,931	16,359	16,002	12,516	6,485
TWO						
NJ	17,713	55,400	9,799	8,942	5,807	51
NY	29,658	82,087	24,447	24,432	21,459	1,300
PR	4,637	5,371	1,023	872	448	183
VI	139	278	22	14	4	14
SUBTOTAL	52,147	143,136	35,291	34,260	27,718	1,548
THREE						
DC	724	3,081	830	830	583	235
DE	1,561	6,474	2,309	2,194	2,044	402
MD	9,402	27,878	10,346	10,089	9,489	335
PA	25,368	60,255	14,017	13,542	10,031	28
VA	23,858	54,061	10,641	10,364	9,845	63
WV	5,993	18,754	2,938	2,738	1,804	10
SUBTOTAL	66,906	170,503	41,081	39,757	33,796	1,073
FOUR						
AL	19,078	28,793	10,962	10,802	9,362	333
FL	30,628	95,290	24,224	14,893	9,311	204
GA	30,167	44,810	11,183	10,798	8,683	12
KY	12,748	35,756	13,354	13,320	10,888	156
MS	8,660	21,856	6,583	6,396	6,267	122
NC	29,785	63,787	23,681	22,493	17,229	569
SC	12,073	31,692	8,757	8,269	5,406	98
TN	17,665	34,421	12,993	13,090	12,144	68
SUBTOTAL	160,804	356,405	111,737	100,061	79,290	1,562

UST Corrective Action Measures for Mid-Year FY 2006 (as of March 31, 2006)

Region/State	Number of Active Tanks	Number of Closed Tanks	Confirmed Releases	Cleanups Initiated	Cleanups Completed	Emergency Responses
FIVE						
IL	23,267	62,309	22,626	21,415	14,969	1,825
IN	14,084	35,488	8,373	7,581	5,254	247
MI	20,562	65,531	20,962	20,525	11,924	83
MN	14,366	28,057	9,623	9,096	8,588	511
OH	23,832	42,728	23,799	23,224	20,838	417
WI	13,737	65,069	18,451	17,817	15,284	385
SUBTOTAL	109,848	299,182	103,834	99,658	76,857	3,468
SIX						
AR	9,669	20,013	1,308	1,002	976	14
LA	12,860	30,123	3,034	3,034	1,810	802
NM	4,081	12,262	2,483	1,802	1,691	83
OK	11,560	24,512	3,557	3,557	2,940	140
TX	56,919	109,924	24,460	21,721	20,750	523
SUBTOTAL	95,089	196,834	34,842	31,116	28,167	1,562
SEVEN						
IA	7,603	22,246	5,817	5,540	4,008	0
KS	7,169	19,624	4,648	4,425	2,705	117
MO	10,275	28,614	6,214	5,837	4,873	345
NE	6,941	14,180	5,975	4,214	3,901	10
SUBTOTAL	31,988	84,664	22,654	20,016	15,487	472
EIGHT						
CO	8,017	20,928	6,620	6,683	5,684	42
MT	3,310	12,186	2,918	2,131	1,799	44
ND	2,171	6,966	813	804	779	3
SD	3,019	6,788	2,354	2,354	2,170	21
UT	4,064	12,677	4,191	4,163	3,733	3
WY	2,063	7,784	1,992	1,592	933	63
SUBTOTAL	22,644	67,329	18,888	17,727	15,098	176

UST Corrective Action Measures for Mid-Year FY 2006 (as of March 31, 2006)

Region/State	Number of Active Tanks	Number of Closed Tanks	Confirmed Releases	Cleanups Initiated	Cleanups Completed	Emergency Responses
NINE						
AZ	7,055	19,898	8,221	5,712	6,619	2
CA	38,405	121,104	44,510	44,510	30,133	0
HI	1,762	5,048	1,856	1,760	1,532	0
NV	3,703	6,733	2,418	2,410	2,188	52
CNMI	77	21	9	8	2	0
GU	282	403	135	135	111	0
AS	16	52	7	7	7	1
SUBTOTAL	51,300	153,259	57,156	54,542	40,592	55
TEN						
AK	1,062	6,280	2,292	2,218	1,577	48
ID	3,433	9,624	1,356	1,321	1,193	12
OR	6,238	25,298	6,886	6,643	5,543	56
WA	10,327	35,117	6,181	5,846	4,158	37
SUBTOTAL	21,060	76,319	16,715	16,028	12,471	153
REGIONAL CORRECTIVE ACTIONS FOR INDIAN COUNTRY						
REGION 1	12	2	0	0	0	0
REGION 2	179	21	7	1	0	2
REGION 3	0	0	0	0	0	0
REGION 4	61	55	11	10	4	0
REGION 5	399	988	202	199	136	0
REGION 6	300	211	43	42	40	1
REGION 7	82	97	20	15	8	0
REGION 8	546	1,914	433	408	268	5
REGION 9	710	1,233	215	162	121	0
REGION 10	396	876	149	143	119	2
SUBTOTAL	2,685	5,397	1,080	980	696	10
	Active Tanks	Closed Tanks	Confirmed Releases	Cleanups Initiated	Cleanups Completed	Emergency Responses
National Total	648,436	1,630,959	459,637	430,147	342,688	16,564

[1] The terms “confirmed release,” “cleanup initiated,” and “cleanup completed” are defined terms available on the OUST website at http://www.epa.gov/swerust1/cat/pmo32603.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.

March 26, 2003

ATTACHMENT

Updated LUST Performance Measures

1. Number Of Confirmed Releases: 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.*

2. Number Of Cleanups Initiated: 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.*

3. Number Of Cleanups Completed: 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.***

4. Number Of Emergency Responses: 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	% in Significant Operational Compliance with Release Prevention	% in Significant Operational Compliance with Release Detection	% of UST Facilities in SOC w/both UST Release Detection and Release Prevention
ONE			
CT*	96%	65%	63%
ME	79%	69%	63%
MA	72%	19%	9%
NH	63%	54%	41%
RI*	70%	52%	40%
VT*	57%	59%	54%
SUBTOTAL	79%	48%	41%
TWO			
NJ*	16%	68%	13%
NY	83%	75%	67%
PR	86%	86%	80%
VI	90%	69%	DNA
SUBTOTAL	61%	74%	50%
THREE			
DC	84%	49%	49%
DE	75%	71%	62%
MD	90%	89%	83%
PA	83%	69%	60%
VA	72%	64%	54%
WV	77%	70%	63%
SUBTOTAL	79%	70%	61%
FOUR			
AL	85%	66%	63%
FL	87%	88%	85%
GA	84%	73%	69%
KY	56%	57%	44%
MS	80%	76%	71%
NC	66%	68%	59%
SC	87%	83%	75%
TN	84%	85%	77%
SUBTOTAL	79%	75%	69%

Region/State	% in Significant Operational Compliance with Release Prevention	% in Significant Operational Compliance with Release Detection	% of UST Facilities in SOC w/both UST Release Detection and Release Prevention
FIVE			
IL	70%	60%	51%
IN	74%	79%	73%
MI	73%	44%	38%
MN	68%	76%	58%
OH	83%	71%	65%
WI	82%	77%	68%
SUBTOTAL	75%	66%	57%
SIX			
AR	74%	69%	61%
LA	78%	64%	56%
NM	89%	87%	83%
OK	69%	77%	58%
TX	80%	74%	70%
SUBTOTAL	78%	73%	66%
SEVEN			
IA	81%	89%	78%
KS	84%	88%	74%
MO	62%	78%	51%
NE	67%	59%	51%
SUBTOTAL	73%	79%	63%
EIGHT			
CO	71%	66%	62%
MT	88%	84%	76%
ND	74%	74%	64%
SD	71%	63%	52%
UT	84%	70%	63%
WY	92%	97%	90%
SUBTOTAL	78%	73%	66%

Region/State	% in Significant Operational Compliance with Release Prevention	% in Significant Operational Compliance with Release Detection	% of UST Facilities in SOC w/both UST Release Detection and Release Prevention
NINE			
AZ	92%	86%	83%
CA	80%	85%	78%
HI	98%	88%	86%
NV	90%	87%	81%
CNMI	DNA	DNA	DNA
GU	100%	100%	100%
AS	DNA	DNA	DNA
SUBTOTAL	83%	85%	79%
TEN			
AK	84%	79%	70%
ID	68%	61%	49%
OR	87%	75%	70%
WA	68%	55%	46%
SUBTOTAL	75%	63%	55%

Region/State	% in Significant Operational Compliance with Release Prevention	% in Significant Operational Compliance with Release Detection	% of UST Facilities in SOC w/both UST Release Detection and Release Prevention
LD Compliance Measures for Indian Country			
REGION 1	DNA	DNA	DNA
REGION 2	DNA	DNA	DNA
REGION 3	N/A	N/A	N/A.
REGION 4	76%	41%	35%
REGION 5	DNA	DNA	DNA.
REGION 6	65%	74%	52%
REGION 7	0%	0%	0%
REGION 8	86%	66%	63%
REGION 9	59%	66%	45%
REGION 10	76%	21%	17%
SUBTOTAL	71%	58%	45%
NATIONAL TOTAL	77%	72%	63%

DNA = Data Not Available.
N/A = There are no active tanks in Indian Country for Region 3.

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These compliance rates indicate the percentage of recently-inspected facilities found to be in significant operational compliance with federal UST requirements. In September 2003, EPA sent guidance to states containing more detailed procedures and criteria they should use to determine the percentage of facilities in significant operational compliance. EPA prepared this guidance in close cooperation with states. States are allowed to report based on requirements more stringent than the federal SOC requirements and four states, Connecticut, New Jersey, Rhode Island and Vermont, indicated they had done so. Please see the addendum on the next page for details on the more stringent requirements used by these states.

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Attachment 2

States Reporting Based On Requirements More Stringent Than The Federal Significant Operational Compliance Requirements

CONNECTICUT

Release Prevention: Operation and Maintenance of CP

- 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.

NEW JERSEY

Release Prevention: Spill Prevention

- Hydrostatic test required when spill bucket full of debris/liquid or otherwise appears compromised.

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.
    - Tank tightness must be performed on all single walled tanks.
    - 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.
    - 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 CP

- 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.

UST National Backlog:
FY 1989 Thru Mid-Year FY 2006