

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.*