

UST and LUST Performance Measures Definitions As of March 2022

EPA collects data about federally-regulated underground storage tanks (USTs) from state UST and leaking UST (LUST) programs based on EPA performance measures. In federal fiscal year, the program began to transition the compliance measures from significant operational compliance (SOC) to the technical compliance measures (TCR). As of mid-year FY 2022, OUST is no longer collecting SOC data. As with other recently retired measures, the SOC measures are now grayed out in the list below. Beginning FY 2022, EPA is also starting to collect locational data for cleanups completed to support the Justice40 initiative. The list of new data elements collected are noted at the end of this document. All program performance measures and associated definitions are provided on the following pages.

UST Universe Performance Measures

UST-1. Total Number of Petroleum UST Systems (Updated: October 1, 2018): 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 excluded UST systems. The count should include those systems that were previously deferred under the 1988 regulation, but are now considered regulated UST systems under the 2015 UST regulation.

UST-2. Number of Closed Petroleum UST Systems (Updated: October 1, 2018): 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 facilities where UST systems have been replaced. This measure does not include exempt or excluded UST systems. After October 1, 2018, this measure includes new tank closures for systems that were previously deferred under the 1988 regulation but are now considered regulated UST systems under the 2015 UST regulation. Do not report temporary closures. If petroleum contamination is found during closure, the facility is counted under both the "Closed Petroleum UST Systems" and "Confirmed Releases" categories.

UST-3. Total Number of Hazardous Substance UST Systems (Updated: October 1, 2018): 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. This measure does not include exempt or excluded UST systems. The count should include those systems that were previously deferred under the 1988 regulation but are now considered regulated UST systems under the 2015 UST regulation.

UST-3a. Number of Closed Hazardous Substance UST Systems (Added: October 1, 2018): The cumulative number of Subtitle I regulated hazardous substance 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 facilities where UST systems have been replaced. This measure does not include exempt or excluded UST systems. Do not report temporary closures.

UST-4. Percentage of UST Facilities in Significant Operational Compliance with UST Spill, Overfill, and Corrosion Protection Requirements (Retired: October 1, 2021).

UST-5. Percentage of UST Facilities in Significant Operational Compliance with UST Leak Detection Requirements (Retired: October 1, 2021).

UST-6. Percentage of UST Facilities in Significant Operational Compliance with UST Release Prevention (spill, overfill, and corrosion) and Detection Requirements (Retired: October 1, 2021).

UST Inspections Performance Measure

UST-7. Number of On-Site Energy Policy Act Inspections Conducted (Added: January 18, 2008): This is the number of on-site compliance inspections conducted at federally regulated UST facilities during the last six months. Each inspection must determine 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 guideline at <https://www.epa.gov/ust/inspecting-underground-storage-tanks-2005-energy-policy-act>. 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.*

UST-8. Number of USTs (or UST Facilities) Identified as Being Ineligible for Delivery, Deposit, or Acceptance of Product (Retired: October 1, 2018).

UST Compliance Performance Measures Included In Technical Compliance Rate (TCR)

Note: When determining compliance for technical compliance rate performance measures, states and regions should refer to additional information on OUST's website at <https://www.epa.gov/ust/technical-compliance-rate-tcr-performance-measures>.

UST-9a. Percentage of UST Facilities in Compliance with Spill Prevention Requirements (Added: October 13, 2018): The percentage of UST facilities deemed to be in compliance with the UST spill bucket requirements.

Clarification: This is a percentage, rather than a number, based on initial inspections at facilities during the last 12 months. This measure applies to the spill prevention requirements in the updated UST regulations, including the testing requirement for spill prevention equipment. States should report this measure on a facility basis rather than per tank; it is based on an initial, instead of follow-up, inspection at a facility.

UST-9b. Percentage of UST Facilities in Compliance with Overfill Prevention Requirements (Added: October 13, 2018): The percentage of UST facilities deemed to be in compliance with the UST overfill requirements.

Clarification: This is a percentage, rather than a number, based on initial inspections at facilities during the last 12 months. This measure applies to the overfill prevention requirements in the updated UST regulations, including the testing requirement for overfill prevention equipment. States should report this measure on a facility basis rather than per tank; it is based on an initial, instead of follow-up, inspection at a facility.

UST-9c. Percentage of UST Facilities in Compliance with Corrosion Protection Requirements (Added: October 13, 2018): The percentage of UST facilities deemed to be in compliance with the UST corrosion protection requirements.

Clarification: This is a percentage, rather than a number, based on initial inspections at facilities during the last 12 months. This measure covers the corrosion protection requirements in the updated UST regulations. States should report this measure on a facility basis rather than per tank; it is based on an initial, instead of follow-up, inspection at a facility.

UST-9d. Percentage of UST Facilities in Compliance with Release Detection Requirements (Added: October 13, 2018): The percentage of UST facilities deemed to be in compliance with the UST release detection requirements.

Clarification: This is a percentage, rather than a number, based on initial inspections at facilities during the last 12 months. This measure applies to the release detection requirements, including testing requirements in the updated UST regulations. States should report this measure on a facility basis rather than per tank; it is based on an initial, instead of follow-up, inspection at a facility.

UST-9e. Technical Compliance Rate (Added: October 13, 2018): The percentage of UST facilities deemed to be in compliance with the spill prevention requirements (UST-9a), overfill prevention requirements (UST-9b), corrosion protection requirements (UST-9c) and the release detection requirements (UST-9d).

Clarification: This is a percentage, rather than a number, of facilities in compliance with components of the updated UST regulations covered in the measures above; it is based on initial inspections at facilities during the last 12 months. In order to be in compliance with this

combined measure, a facility must be in compliance with all of the measures listed in the definition.

UST Compliance Performance Measures Not Included In Technical Compliance Rate (TCR)

Note: When determining compliance for the remaining UST compliance performance measures, states and regions should refer to additional information on OUST's website at <https://www.epa.gov/ust/technical-compliance-rate-tcr-performance-measures>.

UST-10. Percentage of UST Facilities in Compliance with Operator Training Requirements (Added: October 13, 2018): The percentage of UST facilities deemed to be in compliance with class A and B designated operator training requirements.

***Clarification:** This measure is a percentage, rather than a number, of facilities in compliance with training requirements for class A and B designated operators over the past 12 months. This measure includes initial training and any retraining requirements set by a state. The measure is evaluated during UST compliance inspections and is determined based on status at time of the initial inspection. At the time of inspection, if a state determines that retraining is warranted or required, this is not considered a failure to meet operator training requirements or this performance measure.*

UST-11. Percentage of UST Facilities in Compliance with Financial Responsibility Requirements (Added: October 13, 2018): The percentage of UST facilities deemed to be in compliance with financial responsibility (FR) requirements.

***Clarification:** This measure is a percentage, rather than a number, of the facilities evaluated for compliance with financial responsibility requirements over the past 12 months and are deemed to be in compliance with FR requirements. Determination must cover both third party liability and cleanup. Unlike other compliance measures, compliance may be determined either at the time of inspection, even when submitted to a state in follow up to an inspection, or according to generally annually scheduled FR submissions required by a state. Inspectors should determine compliance based on FR status at the time of inspection, if evaluated on-site, or based on the first submission received by a state. If a state works with an owner and owner to come into compliance with FR later, this facility is still out of compliance for purposes of reporting the FR measure.*

UST-12. Percentage of UST Facilities in Compliance with Walkthrough Requirements (Added: October 13, 2018): The percentage of UST facilities deemed to be in compliance with the walkthrough requirements.

***Clarification:** This measure is a percentage, rather than a number, of facilities in compliance with walkthrough requirements over the last 12 months. This measure covers required monthly and annual walkthrough requirements, as well as record retention. States should report this measure on a facility basis rather than per tank; it is based on an initial, instead of follow-up, inspection at a facility.*

LUST Performance Measures

LUST-1. Number of Confirmed Releases (Updated: March 26, 2003): The cumulative number of incidents, not UST systems, where an owner or operator 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 or local implementing agency verified the release. Verification must be 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; releases should never be deleted from this category. Even when a cleanup is initiated and completed, the release remains in the “Confirmed Releases” category. For a site undergoing UST 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. Even if a release achieves no further action as determined by the implementing agency, you should still count it as a confirmed release, as well as a cleanup initiated and cleanup completed.*

Example: *A confirmed release is identified by the incident, not by the receptors. For example, 10 contaminated residential wells are considered one release if the contamination was caused by a leaking tank at a single gasoline station. This accounting is true even if it is discovered that more than one tank at that station was leaking. If tanks at three gasoline stations are found to be leaking, then three confirmed releases are 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 a gasoline station, for example, two years after completion of the original cleanup is classified as a new confirmed release.*

LUST-2(a-d). Number of Cleanups Initiated (Updated: March 26, 2003): The cumulative number of confirmed releases where a state, region or responsible party under supervision as designated by a state or region has evaluated the site and initiated:

- management of petroleum-contaminated soil,
- removal of free product from the surface or subsurface environment,
- management or treatment of dissolved petroleum contamination,
- monitoring of the groundwater or soil being remediated by natural attenuation, or
- a state has determined that no further actions are currently necessary to protect human health and the environment.

This is a subset of the LUST-1 measure and is subdivided into four different measures based on funding/lead for the cleanup. States only see LUST-2a and 2b in the database because LUST-2c and 2d are for EPA regions only.

- LUST-2a: Number of Cleanups Initiated (RP lead or state lead with state money)
- LUST-2b: Number of Cleanups Initiated (state lead with LUST Trust Fund money)
- LUST-2c: Number of Cleanups Initiated (region lead with LUST Trust Fund money)
- LUST-2d: Number of Cleanups Initiated (tribal lead with LUST Trust Fund money)

The number of cleanups initiated using any LUST Trust Fund money must be reported separately under LUST-2b, 2c, and 2d, depending on the lead. For example, if a state conducts cleanup activities using both state money and LUST Trust Fund money, report the cleanup initiated under LUST-2b.

Clarification: *“Cleanups Initiated” is a cumulative category; releases should never be deleted from this category. Even when a cleanup is progressing and completed, it remains in the “Cleanups Initiated” category. “Cleanups Initiated” indicates that physical activity, such as pumping, soil removal, recovery well installation, has begun at the site, unless a state has evaluated the site and determined that physical activity is currently unnecessary to protect human health and the environment, and the release achieves no further action. Site investigations and emergency responses do not qualify as a cleanup initiated unless one of the five actions listed in the definition has occurred. Releases being remediated by natural attenuation can be counted in this category when site characterization, monitoring plans, and site-specific cleanup goals are established for these releases. For cleanups completed under LUST-3a-d, there must have been a corresponding cleanup initiated under LUST-2a-d.*

LUST-3(a-d). Number of Cleanups Completed (Updated: March 26, 2003): The cumulative number of confirmed releases where cleanup has been initiated and where a state has determined that no further actions are currently necessary to protect human health and the environment. This number includes releases in post-closure monitoring, as long as site-specific, that is risk-based, cleanup goals have been met. Releases using monitored natural attenuation must have completed site characterization, monitoring plans, and have established and met site-specific cleanup goals to be counted in this category.

This is a subset of the LUST-2 measure and is subdivided into four different measures based on funding/lead for the cleanup. States only see LUST-3a and 3b in the database because LUST-3c and 3d are for EPA regions only.

- LUST-3a: Number of Cleanups Completed (RP lead or state lead with state money)
- LUST-3b: Number of Cleanups Completed (state lead with LUST Trust Fund money)
- LUST-3c: Number of Cleanups Completed (region lead with LUST Trust Fund money)
- LUST-3d: Number of Cleanups Completed (tribal lead with LUST Trust Fund money).

The number of cleanups completed using any LUST Trust Fund money must be reported separately under LUST-3b, 3c, and 3d, depending on the lead. For example, if a state completes a cleanup using state money but also used LUST Trust Fund money during the course of the cleanup, report the cleanup completed under LUST-3b.

Clarification: *“Cleanups Completed” is a cumulative category; releases should never be deleted from this category. A state’s no further action determination that satisfies the “Cleanups Initiated” measure above, also satisfies this “Cleanups Completed” measure. This determination allows 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 (Retired: October 1, 2018).

Uploading Cleanup Completed Location Data for Justice40

Upload file for Justice40 (Added: March 2022). Upload an Excel or CSV spreadsheet including the following data elements for each cleanup completed reported in LUST 3a-3d during the last six-month reporting period. To upload correctly, the file must include a column for each data element below but the data can be blank if unavailable (e.g., state doesn't track county or have lat/long data for a site). The spreadsheet must include the columns in the order of the bullets below and each cleanup completed should have its own row. If you use the provided template in LUST4, please delete the first three rows with the explanatory language, leaving the column headers as row 1.

- State Release Identification number
- Site Name
- Site Address (Number and street name)
- City
- County
- State
- Zip code
- Latitude
- Longitude

Clarification: This information will be used to calculate the percentage of cleanups completed in “disadvantaged communities” as defined by the Council on Environmental Quality to support the Justice40 Initiative. EPA will calculate the cleanups completed in disadvantaged communities as a percentage of the total number of cleanups completed during each semi-annual reporting cycle.