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Underground Storage Tank Releases: U.S. Environmental Protection Agency Announces the Federal Agency and States Have Conducted More Than 500,000 Cleanups

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The United States Environmental Protection Agency (“EPA”) issued a December 1st news release stating that the federal agency and its state partners have:

... reached a milestone of cleaning up more than 500,000 petroleum releases from UST systems across the nation.

EPA characterizes these cleanups as meaning that:

... roughly 90 percent of these releases no longer pose a threat to the public’s health or our soil and groundwater.

In the mid 1980s the United States Congress concluded that a significant percentage of the UST population had or would suffer leaks or spills (often called “releases”). Congress also determined that some releases had or would cause significant subsurface and/or groundwater contamination. A related concern was the possibility that releases in certain areas or settings might infiltrate structures or drinking water supplies.

The federal response was the promulgation of regulations in the late 1980s requiring that petroleum USTs meet various registration, installation, design, leak detection, record keeping and closure requirements.

A key requirement was the requirement that UST releases be investigated and remediated. Most states decided to play a role in the regulation of USTs after the promulgation of the initial federal standards.

Arkansas developed its own UST programs and therefore has been delegated this authority by EPA.

The Arkansas General Assembly enacted legislation in 1989 that provided the then Arkansas Department of Pollution Control & Ecology the statutory authority to regulate USTs and develop the necessary program elements. The state agency subsequently adopted Arkansas Pollution Control & Ecology Commission Regulation No. 12 to implement this UST legislation. Also enacted was legislation setting up a petroleum storage tank trust fund to provide assistance to UST owners and operators to meet the federal EPA financial responsibility requirements.

As a result, the State of Arkansas has at least 30 years of experience regulating USTs including supervising remediation of petroleum releases.

EPA notes, in further describing the national 500,000 release milestone, that:

. . . Achieving this milestone is the culmination of significant work by the many partners—states, territories, tribes, industry, and EPA—who are dedicated to managing and cleaning up UST releases.

The federal agency further states that such cleanups “foster reuse and redevelopment, and provide community based economic revitalization.”

It is noted that there are at least 61,981 UST releases remaining.

The news release includes a number of charts addressing information such as:

- Number of active petroleum UST systems
- Number of closed petroleum UST systems
- Number of active hazardous substance UST systems
- Number of closed hazardous substance UST systems
- Total active UST systems
- Total closed UST systems

Additional information provided in EPA charts includes:

- Percentage in compliance with 2015 spill prevention requirements
- Percentage in compliance with 2015 overfill prevention requirements.
- Percentage in compliance with 2015 corrosion protection requirements
- Percentage in compliance with 2015 release detection requirements
- Percentage of UST facilities meeting the technical requirements in compliance with all TCR categories

A link to the EPA news release can be found [here](#).