

# Underground Storage Tanks/State Compliance Violations: Association of State and Territorial Solid Waste Management Officials Report



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The Association of State and Territorial Solid Waste Management Officials (“ASTSWMO”) issued on October 5th a report addressing underground storage tank (“UST”) inspections conducted by state UST programs.

The report was based on a fourth request for data collection on compliance violations undertaken by the ASTSWMO UST Task Force.

Previous data collections have been undertaken by the organization in 2010, 2012, and 2014.

The recently issued report addresses compliance violation data from federal fiscal year 2018. This date range is October 1, 2017 – September 30, 2018.

By way of background, in the mid-1980s the United States Congress concluded that a significant percentage of the USTs had or would suffer leaks or spills (often called “releases”). Congress also decided 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 Congressional response was legislation mandating that the United States Environmental Protection Agency (“EPA”) develop a UST regulatory program. EPA subsequently promulgated UST regulations in 1989 requiring that petroleum USTs meet various registration, installation, design, leak detection, recordkeeping, and closure requirements.

Most states (including Arkansas) decided to play a role in the regulation of USTs after the promulgation of the initial federal regulations. For example, the State of Arkansas enacted legislation that included the adoption of the federal UST technical standards, creation of a petroleum storage tank trust fund, and initiation of a contractor or licensing program.

EPA maintains oversight to ensure that the technical standards and financial responsibilities are being attained in the various delegated states.

The ASTSWMO report lists various types of UST regulatory violations and calculates the number of violations based on reports by various states. Examples of the types of UST regulatory violations that are identified include:

- Failure to perform monthly monitoring (tank)

- Failure to perform monthly monitoring (pressure piping)
- Release prevention violation
- Spill prevention
- Corrosion prevention
- Secondary containment violation
- Financial responsibility violation
- Operating training violation
- Notification permit and fee requirements violation
- Not reporting or investigating suspected release
- Improper temporary closure violation

The various violations are ranked according to percentage of the total.

A link to report can be found [here](#).