

Leaking Underground Storage Tank Trust Fund: Petroleum Marketers Association of America Notes Omnibus Funding Level



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The Petroleum Marketers Association of America (“PMAA”) addressed the funding level in the recently enacted Congressional spending package for the federal Leaking Underground Storage Tank (“LUST”) trust fund.

PMAA notes in a May 5th publication that the Omnibus Bill that funds the federal government through the fiscal year (September 30th) maintains the same level of funding as was provided in fiscal 2016 (i.e., LUST trust fund level at \$91.9 million).

Congress created the LUST trust fund in 1986 to address petroleum releases from federally regulated underground storage tanks (“USTs”). The LUST trust fund provides money to:

- oversee cleanups of petroleum releases by responsible parties;
- enforce cleanups by recalcitrant parties;
- pay for cleanups at sites where the owner or operator is unknown, unwilling or unable to respond, or which require emergency action; and
- conduct inspections and other release prevention activities.

The trust fund is financed by a 0.1 cent tax on each gallon of motor fuel sold nationwide.

The various states (including Arkansas) enter into assistance agreements with the United States Environmental Protection Agency to spend the money for its intended purpose. States generally use trust fund money to support UST cleanup prevention programs. These include:

- oversight of corrective action by responsible parties; and
- investigation and/remediation of sites that require expeditious action to protect public health and environment and/or where the responsible party is unknown, unwilling or unable to perform the cleanup.