



## PROCESS FOR THE COLLECTION OF EPA LUST TRUST DATA FOR MOTOR FUEL DISCHARGES

1.0 **PURPOSE.** The purpose of this document is to outline the general process for the collection of public record data to comply with statutory requirements for Subtitle I funding from the United States Environmental Protection Agency (U.S. EPA).

### 2.0 **BACKGROUND AND DOCUMENT ORGANIZATION.**

In 1986, the Leaking Underground Storage Tank (LUST) Trust Fund was established to address petroleum releases from federally regulated underground storage tanks (USTs) by amending Subtitle I of the Solid Waste Disposal Act. In 2005, the Energy Policy Act expanded eligible uses of the LUST Trust Fund to include certain leak prevention activities. The LUST Trust Fund provides money, in part, to oversee cleanups of petroleum releases by responsible 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.

As part of Maine's LUST Trust funding, the Department must collect and convey data to EPA regarding UST performance measures including the number of active and closed tanks, releases confirmed, cleanups initiated and completed, facilities in compliance with UST requirements, and inspections.

This document outlines the purpose, background, definitions, and procedure for the collection of EPA LUST Trust data for motor fuel discharges.

### 3.0 **DEFINITIONS.**

3.1 **Confirmed Release.** A Confirmed Release is the number of incidents where the owner/operator or Responsible party 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. A site visit does not have to be made to be considered a Confirmed Release. A release which requires no further action should be counted as a Confirmed Release.

3.2 **Farm Tank.** Farm Tank is a tank located on a tract of land devoted to the production of crops or raising animals, including fish, and associated residences and improvements. A farm tank must be located on the farm property. "Farm" includes fish hatcheries, rangeland and nurseries with growing operations. Farm tanks do not include those located on land to grow timber.

3.3 **Flow-through Process Tank.** Flow-through Process Tank is a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process.

Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction into the production process or for the storage of finished products or by-products from the production process. Flow-through process tanks do not include oil-water separators.

- 3.4 **Liquid Trap.** Liquid Trap means sumps, well cellars, and other traps used in association with oil and gas production, gathering, and extraction operations (including gas production plants), for the purpose of collecting oil, water, and other liquids. These liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream, or may collect and separate liquids from a gas stream.
- 3.5 **Motor fuel.** Motor Fuel means petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, or any grade of gasohol, and is typically used in the operation of a motor engine.
- 3.6 **Public Record.** Public Record<sup>1</sup> is a record of underground storage tanks regulated under Subtitle I of the Solid Waste Disposal Act. Section 1526 of the Energy Policy Act of 2005 requires states receiving federal funds under Subtitle I to maintain, update at least annually, and make available the public. The public record must include the number, sources, and causes of underground storage tank releases, the record of compliance by underground storage tanks in the state with Subtitle I or approved state program, and data on equipment failures.
- 4.0 **EXCLUDED TANKS.** According to U.S. EPA Subtitle I Regulations, nine types of tanks are excluded from the definition of an UST based on size, contents, or place of use. These tanks should not be included on the data collection form. Additionally, bare steel tanks, which are considered noncompliant should not be included. Excluded tanks are:
  - 4.1 Farm or residential tanks of 1,100 gallon or less capacity;
  - 4.2 Tanks storing heating oil for consumptive use on the premises where stored;
  - 4.3 Septic tanks;
  - 4.4 Pipeline facilities regulated under the Natural Gas Pipeline Safety Act, the Hazardous Liquid Pipeline Safety Act, or their state counterpart statutes;
  - 4.5 Surface impoundments, pits, ponds, or lagoons;
  - 4.6 Stormwater or wastewater collection systems;
  - 4.7 Flow through process tanks;

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<sup>1</sup> U.S. Environmental Protection Agency, Office of Underground Storage Tanks, Grant Guidelines To States For Implementing The Public Record Provision Of The Energy Policy Act of 2005, EPA 510-R-07-001, January 2007.

- 4.8 Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations; and
- 4.9 Storage tanks situated above the floor in an underground area, such as a basement, cellar, or mine.

The exclusion does not apply to oil-water separators, which are used following a production process.

## 5.0 PROCEDURE.

- 5.1 Public Record. The Public Record is compiled by the Director of the Division of Technical Services with assistance from the Divisions of Response Services and Petroleum Management. The Public Record is posted on the Department's website by December 31 of each year at <http://maine.gov/dep/waste/ust/pubs.html>. At a minimum, the Public Record must contain Public Record Posted Date, Total UST Facilities, Total USTs, Number of UST Facilities Inspected, Inspection Period Dates, Percent Compliance, Compliance Measurement Statement, Release Reporting Period Dates, Number Of Confirmed Releases, Number And Percent Of Releases By Source, and Number And Percent Of Causes By Source.

## 6.0 FORMS. The BRWM Six (6) Month EPA LUST Trust Report Data Collection Form and LUST Site Release Report must be used to collect semiannual data. The Public Record template must be used to collect annual LUST Trust data.

- 6.1 BRWM Six (6) Month EPA LUST Trust Report Data Collection Form (Data Collection Form). The Data Collection Form includes the spill number, facility name, whether the discharge was an emergency, whether a clean-up was initiated and completed, and whether a site was referred to the Division of Technical Services.

- 6.1.1 Was This An Emergency? Emergency Sites are sites where the state or responsible party 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, immediately providing point-of-entry treatment or providing bottled water).

- 6.1.2 Clean-up Initiated. Clean-up Initiated means a confirmed release at which the state or responsible party has evaluated the site and initiated:

- 6.1.2.1 The management of petroleum-contaminated soil;

- 6.1.2.2 The removal of free product (from the surface or subsurface environment);

6.1.2.3 The management or treatment of dissolved petroleum contamination;

6.1.2.4 The monitoring of the groundwater or soil being remediated by natural attenuation; or

6.1.2.5 The state has determined that no further actions are currently necessary to protect human health and the environment.

For a site undergoing closure activities, a confirmed release is counted only if petroleum contamination is discovered and verified. 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.

6.1.3 Clean-up Fully Complete. Clean-up Fully Complete means a confirmed release 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. A determination of “Clean-up Fully Complete” will allow a confirmed release that does not require further action to meet the definition of both an initiated and completed cleanup. A Clean-up is not considered fully complete if emergency response actions have been completed but the site is referred to Technical Services.

6.1.4 Site Referred To Technical Services. Sites Referred To Technical Services include any long-term remediation site where emergency response actions have been completed but long-term remediation is needed to reach clean-up goals. The number of sites counted under this category come from closures under the Priority List maintained by the Division of Technical Services.

6.2 LUST Site Release Report. The LUST Site Release Report includes site, system, and release information.

6.2.1 Release Information. Release Information includes the source and cause of the discharge. The source and cause are the two most important parameters to record when completing the forms.

6.2.1.1 Specific sources include:

6.2.1.1.1 Tank. This term means the tank that stores the product and is part of the UST system.

6.2.1.1.2 Piping. This term means the piping and connectors running from the tank or submersible turbine pump to the dispenser or other end-use equipment. It does not include vent, vapor recovery, or fill lines.

- 6.2.1.1.3 Dispenser. This term includes the dispenser and equipment used to connect the dispenser to the piping. For example, a release from a suction pump or components located above the shear valve would be considered a release from the dispenser.
- 6.2.1.1.4 Spill/Overfill. This term identifies releases that occurred during product delivery to the tank including customer spills and overfills.
- 6.2.1.1.5 Unknown/Other. This option should be used when the release source does not fit into one of the above categories. For example, releases from vent lines, vapor recovery lines, and fill lines would be included in this category.

6.2.1.2 Specific discharge causes include:

- 6.2.1.2.1 Physical Damage. Some examples of physical damage include: a puncture of the tank or piping and broken components.
- 6.2.1.2.2 Corrosion. Use this cause when a metal tank, piping, or other component has a release due to corrosion (for steel, corrosion takes the form of rust).
- 6.2.1.2.3 Mechanical Damage. Use this cause for all types of mechanical damage except corrosion. Some examples of mechanical damage include: loose fittings and components that have changed dimension (for example, elongation or swelling).
- 6.2.1.2.4 Spill/Overfill. Use this cause when a spill or overfill occurs. For example, spills may occur when the delivery hose is disconnected from the fill pipe of the tank or when the nozzle is removed from the vehicle at the dispenser. An overfill may occur from the fill pipe at the tank or when the nozzle fails to shut off at the dispenser.
- 6.2.1.2.5 Faulty Installation. Use this cause when the problem is determined to have occurred specifically because the UST system was not installed properly. Note that these problems may be difficult to determine.

- 6.2.1.2.6 Unknown. Use this option only when the cause is not known.
- 6.2.1.2.7 Other. Use this option when the cause is known but does not fit into one of the above categories. For example, accidentally or intentionally putting regulated substances into a monitoring well would be included in this category. Use the comment section to provide additional information if known.

## 7.0 REFERENCES.

- 7.1 US. EPA, UST And LUST Performance Measures Definitions, January 18, 2018.
- 7.2 U.S. EPA, Grant Guidelines To States For Implementing The Public Record Provision Of The Energy Policy Act Of 2005, Office Of Underground Storage Tanks, EPA 510-R-07-001, January 2007.
- 7.3 U.S. EPA, RCRA Subtitle I: The Federal Underground Storage Tank Program.



## Public Record Template - Summary Information On Motor Fuel Underground Storage Tanks (USTs)

### General Information

Total Number of Active UST Facilities:

Total Number of Active USTs:

### Summary Information for On-Site Inspections<sup>1</sup>

Number of UST Facilities Inspected:

Inspection Period Dates: \_\_\_\_\_ To \_\_\_\_\_

Percent Compliance (Combined Measure):

Note: Tank, facility, and on-site inspection information is based on inspections of UST motor fuel facilities only; heating oil USTs are not included. On-site inspections measure compliance with State of Maine and U.S. EPA laws and regulations governing the prevention and detection of petroleum releases or discharges.

### Summary Information for Releases<sup>2</sup>

Number of Confirmed UST Releases:

Release Reporting Period Dates: \_\_\_\_\_ To \_\_\_\_\_

### Summary Information for Release Sources and Causes<sup>3</sup>

(Information does not include bare steel tanks and piping)

Source			Cause												
			Spill/ Overfill		Physical/ Mechanical Damage		Corrosion		Installation Problem		Other		Unknown		
#	%		#	%	#	%	#	%	#	%	#	%	#	%	
Tank															
Piping															
Dispenser															
Delivery Problem															
Unknown															
<b>Totals</b>															

<sup>1</sup> Percent compliance is based only on the number of inspections conducted by MDEP staff (#). An additional ### inspections were conducted by Maine certified UST installers and inspectors for a total of X,XXX inspections.

<sup>2</sup> Release, source and cause information is based on reported releases at motor fuel UST facilities constructed of approved corrosion resistant materials (no bare steel). Source and cause data were compiled from data collected in the course of investigating UST system releases and using EPA's LUST Site Release Reports. Some reported releases had multiple sources. Therefore, the number of sources exceeds the number of release incidents. For information about specific petroleum spills and releases in your town go to the Department's Hazardous and Oil Spill System (HOSS) online report service (<http://www.maine.gov/dep/rwm/hoss/>). For questions about the information on this page, please contact Victoria Eleftheriou at (207) 287-2651 or [Victoria.H.Eleftheriou@maine.gov](mailto:Victoria.H.Eleftheriou@maine.gov).

<sup>3</sup> # = number, Source % = percent of total number of sources, Cause % = percent of total number of causes.







**LUST Site Release Report**



**Agency Information – Maine Department of Environmental Protection**

\_\_\_\_\_  
(Responder) \_\_\_\_\_ (Date)

**Site Information:**

\_\_\_\_\_  
(Facility ID #) \_\_\_\_\_ (Site Name/Street Address)  
\_\_\_\_\_  
(City / State) Facility type:  Retail Gasoline Outlet  
 Other \_\_\_\_\_

**System Information:**

**TANK**

Material:  Galv. Steel  Fiberglass  Composite  Unprotected bare steel  Other \_\_\_\_\_  
C.P./lining (✓ all that apply):  Lined  Sacrificial anode  Retrofit C.P./Impressed Current.  
Walls:  Single wall  Double wall (same material)  Double wall (jacketed)  Unknown  
Product:  Gasoline  Diesel  Used oil  Hazardous Substance  Heating oil  Other  
Age:  0-5yr  6-10yr  11-15yr  >15yr  Unknown  
Upgrade:  Spill bucket  Overfill protection  None  Unknown

**PIPING**

Material:  Galv. steel  C.P.  Rigid fiberglass  Flexible plastic  Other \_\_\_\_\_  
Walls:  Single wall  Double wall (rigid)  Double wall (trench liner)  
Age:  0-5yr  6-10yr  11-15yr  >15yr  Unknown  
Containment:  Dispenser sump  Turbine sump  None  Unknown

**Release Information:** Date release discovered: \_\_\_\_\_ Estimated date of initial release: \_\_\_\_\_

Source of release:  Tank  Piping  Dispenser  Spill/Overfill  Unknown  
Cause:  Physical damage  Corrosion  Mechanical failure  Spill/Overfill  
 Faulty installation  Unknown  Other \_\_\_\_\_  
How identified?  LD method(s) Specify \_\_\_\_\_  Closure/Removal  Property transfer  
 Visual/olfactory  Water in tank  Unknown  Other \_\_\_\_\_  
Estimated age of spill/release:  Recent (< 1yr)  Old (>1yr)  Unknown  
Estimated extent:  Localized tank  Localized piping  Localized Dispenser  
 Large (beyond excavated area)  Off-site  
Estimated quantity:  < 20 gallons  20 to 100 gallons  > 100 gallons  
Medium affected:  Soil  Groundwater  Surface water

***Additional Information:***

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**Key to abbreviations:**

*C.P.*       Cathodic Protection  
*LD*         Leak Detection  
*Galv.*      Galvanized