



# Underground Storage Tank Compliance Act of 2005

Presentation by Cliff Rothenstein  
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# Background

- On August 8, 2005 President Bush signed the Energy Policy Act of 2005.
- Subtitle B of Title XV established the Underground Storage Tank Compliance Act of 2005 (USTCA)
- USTCA substantially changes the underground storage tank program for EPA and States.

# Structure of USTCA

- USTCA imposes requirements on EPA, other federal agencies, and any state receiving funding under this Subtitle I of RCRA.
- EPA has historically negotiated grants and cooperative agreements with all States.
- Future funding depends on meeting program implementation deadlines.

# Major Provisions of USTCA

- Authorization for Appropriation
- Expansion of Eligible Uses of LUST Trust Fund
- Mandatory Inspections
- Cost Recovery
- Operator Training
- Cleanup of Fuel Oxygenates

# Major Provisions of USTCA

(Continued)

- Delivery Prohibition
- Secondary Containment - or –  
Installer/Manufacturer Financial  
Responsibility
- Compliance Reports/Strategies
  - Tanks in Indian Country
  - Federally-Owned Tanks
  - Government-Owned Tanks
- Waiver of Sovereign Immunity

# Deadlines

- 12 months
  - EPA
    - Delivery Prohibition Guidelines
    - Tribal Strategy
    - Grant Guidance
  - Federal Facilities
    - Report to Congress
- 18 months
  - States
    - Secondary Containment / FR Requirements

# Deadlines

- 24 months
  - EPA
    - Tribal Report to Congress
    - Operator Training Guidance
    - Initial Inspections
  - States
    - Delivery Prohibition Implementation
    - Initial Inspections (if applicable)
    - Report on Government-Owned Tanks

# Deadlines

- 36 months
  - States
    - First Round of Inspections
- 48 months
  - EPA
    - Report on Alternative Inspection Programs
  - States
    - Operator Training Requirements

# Resource Issues

- FY06
  - Budget provides
    - \$73 million LUST
    - \$12 million STAG
  - Budget does not address the new responsibilities or eligible uses
  - EPA is still evaluating impact on FY06 grants
- FY07
  - FY07 grants will need to reflect new authorities and commitments
  - EPA is reviewing Energy Policy Act resource impacts

# In Sum

- Meeting USTCA's new requirements and deadlines depends on both EPA and States
- There is not much time, with the first deadlines only 11 months away
- To meet deadlines EPA and States must make implementation of the new provisions a priority
- Meeting with ASTSWMO in two weeks to begin implementation process

# Contact Information

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