

ASTSWMO 2005 Mid-Year Meeting

Keystone Hotel and Conference Center
22010 U.S. Highway 6
Keystone, Colorado 80435

Taking Stock of the Nation's Waste Programs:
Where We Are, Where We're Heading

AGENDA

Thursday, April 21, 2005

8:00 - 11:00 am

EPA-OUST Roundtable - Castle Peak 1 Room Moderated by Richard Swanson (GA), Chair,
Tanks Subcommittee

- Revisions to 2005 and 2006 State Fund Administrator's Conference format and content; update on Exxon-Mobil LUST settlement.
- EPA OUST's LUST Cleanup Goals for State programs; MTBE vapor releases.
- Significant Operational Compliance (SOC) draft matrices and coordination of UST inspections with source water protection programs.

MEETING NOTES

ASTSWMO Mid-Year Meeting

As a follow-up the 2005 ASTSWMO Mid Year meeting, please find below a brief report on the State EPA-OUST roundtable at the ASTSWMO Mid-Year Meeting held April 20-21, 2005 in Keystone, Colorado.

The meeting began with introductions at 8:00 AM. Richard Spiese, VT discussed LUST site closure data and the acceptance of the data by OMB.

Sammy NG described the PART process and the ongoing negotiations between EPA-OUST and OMB. The proposed LUST site cleanup goal was 13,2000 closures per year. OUST was told they needed to demonstrate that the cleanup goal was ambitious.

Sammy Ng next discussed the ongoing efforts to determine the application of LUST Trust Fund dollars towards state LUST over site staffing. ASTSWMO had agreed to survey the states. At this writing, 29 states have provided data - Alabama, Alaska, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina,

Tennessee, Texas, Utah, Vermont, West Virginia, Wisconsin and Wyoming. EPA-OUST was utilizing the data to demonstrate to OMB how the use of LUST Trust Fund dollars for state staffing increases the overall effectiveness of the funding. Sammy next discussed that the current focus was on the 2006 cleanup goals.

The PART review process was discussed next with OUST being “PARTed” on 2006 for the 2007 cycle. The goals were for long term outcome measures, for example – inspections would be defined as output measures. The first step would be to define the outcome measure, the second step would be to define the target and goals. Richard Spiese described how the cost per cleanup seemed to be increasing each year.

The UST and LUST web based training efforts was discussed next. Sammy Ng described that the UST inspector’s module was complete, while the LUST module was finished on paper and would go online this year.

Richard Swanson next discussed the Sierra Club’s Leaking Underground Storage Tanks report [<http://www.sierraclub.org/toxics/>] and thought that members would want to be careful not to be surprised by press reaction back in the states.

Sammy Ng then mentioned how budget deficits had the potential to affect activities.

The 2006 State Fund Administrator’s conference was discussed next. Generally, Sammy Ng mentioned how the discussions were on future UST-LUST National Conference possibly being scheduled every 2-3 years. The question at the surface seemed to be - Is the expense of the conference achieving the desired results. Sammy described how regulations development, as an example, are projected to cost \$4 million after cost benefit analysis and associated research.

The overall direction of state environmental programs was discussed next. It was reported that Arizona and Mississippi were researching the possibility of reducing the budget for the environmental programs to zero. Tennessee was reported to be researching cutting their budget while retaining the authorization. Kathy Flippin, MO, reported that Missouri’s new governor proposed a substantial reduction in funding from the PSTIF for DNR’s UST program and the outsourcing of UST inspections; the legislature is proposing to restore \$1 million of the \$1.9 million cut to MDNR.

Russ Brauksieck, NY next asked Sammy Ng the status of the SOC numbers and how to best achieve consistency. Sammy mentioned that the SOC checklist was finalized after the 2005 National Conference, with some revisions. States reported that they needed the inspector’s numbers from the federally conducted SOC inspections. Rick Mattick would be the contact at EPA-OUST for follow-up. OUST is collecting more information to determine the efficiency, and the number of inspections the compliance rate is based upon.

It was reported that Cliff R. proposed the concept of adopting a gas station or adopting a community at the recent Performance Tract meeting but it was not very well received. It was noted that industry members of a Performance Tract expect regulatory relief in the form of a

guarantee that a facility would not be inspected - which isn't possible under state and federal laws and rules in the UST program.

Bill Alpine, MA next discussed the potential format change to the 2006 State Fund Administrator's Conference. A potential goal could be to identify two to three items that state fund administrators would accomplish in three to six months and report back to EPA-OUST.

It was reported that the amount of the ExxonMobile settlement with insurance companies was approximately \$260,000. State Funds should research any reimbursement after the date of the settlement, as this could represent a potential overpayment. Please contact Bill Alpine for more information.

Bill Alpine next asked for the status of the State Fund Solvency analysis. Status: A final checklist was recently sent to the regions for review with a session planned at the 2005 State Fund Conference to discuss the results. The Fund solvency analysis is planning on being conducted by the regions.

As a final question, it was asked if the Energy Bill passed in some form, would that require a change to CFR Part 280 and would that also open the possibility to other revisions to the Federal UST regulations. The answer provided: yes.

Mid Year Meeting Attendees –

Richard Swanson, GA
Bill Alpine, MA
Roy Harbert, IN
Peter Whitehouse, OH
Kathy Flippin, MO
Russ Brauksieck, NY
Richard Spiese, VT
Ed Thaulze, MT
Jennifer Kaduck, GA
Sammy Ng, EPA-OUST
Art Spratlin, EPA Region 7
Steve Crimardo, ASTSWMO