



# UST Program Facts

## State UST Programs

### What is the role of states in regulating underground storage tanks?

The U.S. Environmental Protection Agency (EPA) recognizes that, because of the size and diversity of the regulated community, state and local governments are in the best position to oversee underground storage tanks (USTs):

- State and local authorities are closer to the situation in their domain and are in the best position to set priorities.
- Subtitle I of the Resource Conservation and Recovery Act (RCRA) allows state UST programs approved by EPA to operate in lieu of the federal program.
- The state program approval regulations set criteria for states to obtain the authority to operate in lieu of the federal program. State programs must be at least as stringent as EPA's.

### How do states receive program approval?

EPA's regional offices coordinate the state program approval process for states and territories under their jurisdiction. Ultimately, they approve the programs, following federal standards.

EPA regional officials work closely with state officials while state programs are under development. Once state legislatures enact statutes and state agencies develop regulations in accord with EPA requirements and put other necessary components of a program in place, states may apply for formal approval. EPA must respond to applications within 180 days.

A state program is approved if it is judged to meet three criteria:

- It sets standards for eight performance criteria that are no less stringent than federal standards.
- It contains provisions for adequate enforcement.
- It regulates at least the same USTs as are regulated under federal standards.

### Which states have approved programs?

Fourteen states have approved programs: Georgia, Kansas, Louisiana, Maine, Maryland, Mississippi, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Rhode Island, Vermont, and Washington.

### Which states may be next?

Since EPA regulations went into effect, cleanup has been a priority for many states. Increasingly, states are making program approval a priority. A total of 23 states have submitted drafts of state program approval applications which EPA regional officials are currently reviewing.

### What are the benefits of state program approval?

Because state programs operate in lieu of the federal program, states that have an approved UST program can eliminate an entire set of government regulators from their regulated community. Owners and operators do not have to deal with two sets of statutes and regulations (state and federal) that may be conflicting. States take pride in obtaining federal approval of their programs.

Once their programs are approved, states will have the lead role in UST program enforcement. In states without an approved program, EPA will work with state officials in coordinating UST enforcement actions.

**Need more information about a particular state's program?**

Contact the EPA regional office or the UST/LUST program in your state, usually located in the state environmental department. Program staff will provide information or referrals.

*"State UST Programs" is one in a series of fact sheets about underground storage tanks (USTs) and leaking USTs. The series is designed to help EPA, other federal officials, and state authorities answer the most frequently asked questions about USTs with consistent, accurate information in plain language. Keep the fact sheets handy as a resource. This fact sheet addresses federal regulations. You may need to refer to applicable state or local regulations, as well. For more information on UST publications, call the RCRA/Superfund Hotline at 800 424-9346.*



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