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Underground Storage Tanks/Association of State and Territorial Solid Waste Management Officials: 2021 Annual State Fund Survey/Tanks Update

06/22/2022

The Association of State and Territorial Solid Waste Management Officials (“ASTSWMO”) published its annual survey addressing state underground storage tank (“USTs”) trust funds titled:

2021 Annual State Fund Survey/Tanks Update (“Survey”)

ASTSWMO conducts the Survey with the Vermont Department of Environmental Conservation.

The Survey addresses all State UST Financial Assurance Fund programs. It addresses:

- Design characteristics
- Funding
- Funding activity each year

Charts are provided for the years 2017-2021. Data provided includes:

- Approximate Annual Revenue (billions)
- Approximate Current Balance (billions)
- Outstanding Claims (millions)
- Number of Releases with Claims
- Number of Sites with Third Party Claims
- Number of Claims Received
- Total Number of Sites
- Approximate Total Amount Paid (billions)
- Average Amount Paid/Release
- States in Which Outstanding Claims Exceed Balance
- Number of States Which Are Serving as Financial Responsibility Mechanisms
- Number of Sites Greater than \$1 Million

The State of Arkansas received delegation of the federal UST program many years ago. Concerns regarding the ability of Arkansas UST owners and operators to comply with the federal UST financial responsibility requirements prompted the state to create a petroleum UST trust fund. There was a particular concern in Arkansas because many of the state’s UST owners and operators were (and still are)

small businesses. As a rural state, the loss of retail motor fuel businesses in some towns could lead to inadequate supply availability in some areas. Therefore, the Arkansas General Assembly in the late 1980's enacted an UST trust fund.

One of the purposes of the Arkansas trust fund has been to enable UST owners and operators to partially or completely comply with federal UST responsibility requirements and to have the resources to address UST releases. Further, the trust fund, along with other federal funds and/or grants have enabled the state to address UST releases for which an owner or operator is either unable or unwilling to remediate a release.

Key ASTSWMO data for the State of Arkansas includes:

- Funds serving as financial responsibility mechanism for active USTs
- Percentage of USTs using funds for financial responsibility (99%)
- Funds sunset date (No)
- Approximate annual revenue (millions \$7.44)
- Approximate current balance (millions \$38.24)
- Amount of outstanding claims (millions \$0.40)
- Cumulative number of releases eligible for reimbursement
- UST sites (61 eligible plus 36 possibly eligible)
- Aboveground storage tank sites (4 eligible plus 26 possibly eligible)
- UST annual (millions \$3.27)
- UST total cumulative (millions \$120.29)
- Aboveground storage tank (millions \$0.70)
- Aboveground storage tank total cumulative (millions \$21.79)
- COVID-19 impact on funding – none

A link to the Survey can be found [here](#).