

Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C.

Federal Leaking Underground Storage Tank Trust Fund: Association of State And Territorial Solid Waste Management Officials Publish 2026 Fact Sheet



Walter Wright, Jr.
wwright@mwilliams.com
(501) 688.8839

02/05/2026

The Association of State And Territorial Solid Waste Management Officials (“ASTSWMO”) published a document titled:

Leaking Underground Storage Tank (LUST) Trust Fund Fact Sheet 2026 (“Fact Sheet”).

ASTSWMO states that the Fact Sheet serves three main purposes:

1. To introduce the LUST Trust Fund (LTF) to State and Territorial (hereinafter “State”) LUST programs.
2. To explain how the LTF is applied to regulated UST and LUST sites.
3. To provide State policy makers with current national data on LUST statistics.

ASTSWMO describes itself as representing the 50 States, 5 Territories and the District of Columbia whose mission is to enhance and promote effective State and Territorial programs and to affect relevant national policies for waste and materials management, environmentally sustainable practices, and environmental restoration.

The Fact Sheet was produced by ASTSWMO’s Tanks Subcommittee. Matthew McGhee of the Arkansas Department of Energy and Environment – Division of Environmental Quality is a member of the Tanks Subcommittee.

The Fact Sheet explains that the federal LUST Fund was enacted in 1986 by the United States Congress. The Trust Fund’s purpose is noted by the Fact Sheet to address petroleum releases from federally regulated Underground Storage Tanks (“USTs”). Congress in 2005 expanded eligible uses of the Trust Fund by including certain leak prevention activities.

Trust Fund monies are noted to be used by the United States Environmental Protection Agency (“EPA”), states, and Tribes to:

- Oversee and enforce cleanups of releases by responsible parties, when needed.
- Pay for cleanups at sites where the owner or operator is unknown, unwilling, or unable to respond, or which require emergency action.

- Conduct inspections and other release prevention activities.

The Lust Trust Fund is financed by a 0.1 cent tax on each gallon of motor fuel sold in the United States. The taxing authority is currently set to expire on Sept 30, 2026.

Additional information provided by the Fact Sheet includes:

- 533,277 active USTs (at approximately 190,000 facilities) and 53,777 open LUST releases that still require cleanup.
- 71 million people who live within a quarter mile of an active UST facility.
- 26 million people who live within a quarter mile of an open LUST release.
- LUST Trust Fund status by fiscal year.
- How states and Tribes use money from the LUST Trust Fund.
- Funding challenges that states face.
- State UST/LUST program revenue decrease.
- Cost to cleanup UST releases increasing.
- Aging UST system infrastructure.

A copy of the Fact Sheet can be found [here](#).