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Removing/Assessing Abandoned Underground Storage Tanks: ASTSWMO LUST/State Fund-Financial Responsibility Workshop Presentation Addressing Utah's Experience

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Therron Blatter of the Utah Department of Environmental Quality undertook a presentation at the Association of State and Territorial Solid Waste Management Officials LUST and State Fund-Financial Responsibility Workshop titled *Removing/Assessing Abandoned Underground Storage Tanks-Utah's Experience* ("Presentation").

The Workshop was held in late spring in Pittsburg, Pennsylvania.

The potential environmental liabilities associated with an underground storage tank ("UST") sometimes results in their "abandonment" by their owner or operator. As a result, every state has USTs for which an owner or operator is unavailable or unwilling to address either regulatory or legal responsibilities for environmental protection requirements and/or spills/releases. Even if an owner or operator can be identified, their unwillingness to provide the necessary financial resources to meet such responsibilities can be the equivalent of abandonment. These USTs can pose either perceived or real environmental threats in terms of potential soil and/or groundwater contamination. The presence of such USTs can impede the marketability of the property on which the tank sits or other properties in the area.

Mr. Blatter's presentation focused on Utah's experience addressing abandoned USTs.

A key issue addressed by the presentation was the reasons USTs are abandoned. These are stated to include:

- Site closed due to the 1998 upgrade (i.e., the federal/state underground storage tank regulations required that certain USTs be upgraded in terms of monitoring/leak prevention (which entailed some costs)
- Old sites that have become unprofitable as new stations opened near them
- Bankruptcy
- Lapsed certificate of compliance/red tag
- Releases

The possible funding sources for addressing abandoned USTs were reviewed, such as:

- Leaking underground storage tank trust grant

- Petroleum brownfield's assessment grant
- State clean-up fund
- State petroleum storage tank fund

Also explored was the process of addressing abandoned USTs. These steps include:

- Title search
- Notice of violation to "owner" requiring tank removal and a site assessment
- Issue suspected release letter
- Grant of access letter
- Procurement of contract to perform site assessment/UST removal
- Completion of the site assessment
- Cost recovery

The possibility of finding viable parties associated with supposedly abandoned USTs was discussed. It was noted that title searches often turned up a potentially viable owner and/or responsible party. If so, the Utah Department of Environmental Quality's experience has been that an owner faced with possible cost recovery will the majority of the time undertake the work themselves.

The presentation also discussed the current status of 15 Utah sites and provided a case example.

[A copy of the presentation can be downloaded here.](#)