



# LUST TASK FORCE ORIENTATION MANUAL

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## Introduction

This document was prepared to formally recognize the goals of the ASTSWMO Leaking Underground Storage Tank (LUST) Task Force, describe its organization, and outline its functions.

The LUST Task Force (the Task Force) is one of three active task forces within the ASTSWMO Tanks Subcommittee. LUST Task Force participants are State and Territorial LUST officials whose primary responsibility is to protect public health and the environment by developing and maintaining effective corrective action programs, overseeing and conducting corrective actions for soil and groundwater contamination at LUST and petroleum Brownfield cleanup sites, and in many cases, managing state petroleum cleanup funds. Therefore, the Task Force's primary efforts focus on corrective action issues that are important to State and Territorial LUST programs and the U.S. Environmental Protection Agency (USEPA).

## Mission Statement

The LUST Task Force represents the unique concerns of state LUST Programs responsible for oversight, investigation, and remediation of releases of controlled substances from underground storage tanks. The LUST Task Force recognizes the important role of State LUST Programs in protecting human health and environment through reducing exposure risk to contamination from underground storage tank releases. The Task Force will serve as a liaison between State and Territorial LUST Programs and the USEPA, and act as a clearing house for distributing technical information and ideas among State LUST regulatory officials.

## Goals of the Task Force

- Identify issues and challenges pertinent to State and Territorial LUST Programs;
- Create a forum for the development and exchange of ideas, information and solutions to overcome identified issues and challenges;
- Help LUST program managers and staff overcome challenges;
- Provide a unified, recognized voice on critical LUST cleanup issues; and
- Bring regional and national issues to the attention of USEPA to foster communication that allows the USEPA and the states to work together.

## Role of the Task Force

The LUST Task Force serves the ASTSWMO Tanks Subcommittee as a source of technical expertise for review and comment on technical papers and documents regarding issues and policies pertinent to LUST programs. In addition, the Task Force serves in an advisory capacity to the Tanks Subcommittee regarding appropriate responses to developing initiatives affecting underground storage tank regulation.

## Membership of Task Force

The Task Force (TF) is made up of State officials who are responsible for the day-to-day operations of their State LUST programs. Membership is on a voluntary basis. ASTSWMO Task Forces are designed to have at least 10 members, one representing each USEPA region. If regional representation is not attained, the TF Chair should consult with the Subcommittee Chair in order to allow multiple representations from a region, with the understanding that ASTSWMO

will not provide travel funds for more than one representative from a region without demonstration of good cause.

The Subcommittee Chair, in consultation with the Vice-President and Past President of ASTSWMO, has the option of increasing the TF membership up to 15 people, to address special issues or to achieve balance between small States and large States. However, this is only possible if adequate funds are available to accommodate the TF size or if the additional TF members agree to pay their own travel expenses for face-to-face meetings.

A chairman and vice-chairman will be responsible for providing leadership and organization to the group. TF Chairs and Vice-Chairs are selected to serve a term of 3 years. At the end of each term the Subcommittee Chair will undertake a process to select a new Chair. A staff member will be assigned from ASTSWMO to provide logistical support to the task force.

### Expectation of Task Force Members

Effectively serving on a TF requires a person to devote significant time, energy, and expertise. TF members are expected to consider the interest of their home region, keeping each State in their respective region up to date on issues and soliciting and representing each State's viewpoint. Task Force Members are expected to travel to 1-3 meetings per year and participate on monthly or periodic conference calls and travel/participate at other meetings as required.

Time commitment outside of formal meetings or conference calls will be necessary in order to work on subject topics or issues and to develop policy recommendations on issues of concern. This time commitment will vary depending upon the individual issue or subject matter. It is likely that a TF member may also be assigned to write sections of white papers, review and comment on TF or USEPA work products, such as technical guidance documents and proposed rulemaking, coordinate TF member comments on proposed rules or guidance, or serve as a workgroup coordinator on a specific issue.

The Task Force recognizes that primary work commitments often prevent full participation; however, it is expected that every effort will be made to contribute to the group. The Task Force Chair may ask a member to withdraw from the Task Force if they cannot fulfill their duties.

### Term of Task Force Members

TF members are selected to serve an initial term of 3 years. TF members can serve additional terms; however, at the end of each 3-year term the TF Chair, with the assistance of the ASTSWMO staff liaison, will conduct an assessment of other States' interest in participating on the TF and will evaluate re-appointment of each member based on two factors: (1) whether rotation of membership to another State in the USEPA region is appropriate; and (2) whether the current member is contributing to the effectiveness of the TF.

The TF Chair must also insure continuity within the TF by staggering the terms of TF members so as to avoid a situation where multiple members are rotating off of the TF at the same time. When a member's term ends, every endeavor should be made to recruit a new member from the same region as the retiring member. Ideally, both the retiring member and the new member will participate in the TF meeting of the term ending year. The goal of this strategy is to promote information sharing, insure continuity of thought, and facilitate document hand-off.

The TF Chair, with the concurrence of the Subcommittee Chair, will determine if the rotation is appropriate. In addition, if a current member is not significantly contributing to the goals of the TF, the TF Chair, with the concurrence of the Subcommittee Chair, may select a new TF member.

## Appendix A – Task Force Accomplishments since 1995

Since its inception, the LUST Task Force has worked on many issues involving State and Territorial LUST Programs. Some of the most noteworthy task force efforts include, in chronological order, the following:

### 1995

- Contributed to the ASTM Standard *Remediation by Natural Attenuation at Petroleum Release Sites*. The comment period continued through 1996.

### June 1995-March 1996

- Developed and executed a survey on State experience with administrative land use issues, institutional controls, offsite impacts and RBCA goals. This led to the creation of a “*Toolbox*” of *Administrative Procedures for Managing Contaminated Sites* document.

### May 1996

- Authored a letter to OUST regarding Reporting Measures.

### June 1996

- Authored a letter to Congress on Federal proposed budget to USEPA and OUST.

### 1996-1997

- Formed the MTBE and Fuel Oxygenates Workgroup.
  - Met with USEPA regarding emerging MTBE issues
  - Developed a State’s MTBE Survey
  - Prepared and presented an MTBE Fact Sheet
  - Testified before the USEPA Blue Ribbon Panel on MTBE

### February 1997

- MTBE Workgroup met with OUST in DC to discuss MTBE issues and set course for future work.

### 1997

- Significant participation in prepared and comments on the OUST Fact Sheets:
  - “MTBE Overview”
  - “Use and Distribution of MTBE and Ethanol”
  - “Remediation of MTBE-Contaminated Soil and Groundwater”

### **1997-1998**

- Provided significant comments on the USEPA Innovative Technology Document, “*Chapter on Oxygen Addition Technologies*” for the booklet, “*How to Evaluate Alternative Cleanup Technologies for Underground Storage Tank Sites*”.

### **1998**

- First of 14 technical newsletters prepared and sent to all states on MTBE/oxygenate issues.
- Printed and distributed the “*Report Card on the Federal UST/LUST Program*.”
- Tested University of Massachusetts survey in late 1997 which led to findings presented in 2/98.
- Organized first of annually recurring MTBE Fuel Oxygenate Workgroup meetings held in conjunction with the National Tanks Conference.
- Prepared a Hazardous Substance Underground Storage Tank Fact Sheet and presented results of work at the UST/LUST National Conference.
- Participated in the USEPA Environmental Indicators Task Force.
- Prepared an Environmental Indicators Fact Sheet.
- Prepared and printed the ASTSWMO Tanks Subcommittee Report “*Report Card on the UST/LUST Program, 1998*.”

### **1998-2000**

- Provided formal testimony at meetings of the USEPA Blue Ribbon Panel on MTBE. Provided significant comments on Blue Ribbon Panel Reports.

### **1999**

- Organized and presented MTBE Technical Conference in Washington D.C. in July 1999.
- Participated in and commented on ASTM subcommittee E-50.01 work group on Standards, “Remedial Decision Making” and “Integrated Site Management”.

### **2001**

- Prepared and distributed information request on “*Preventing and Managing Abandoned UST Sites*”.
- Coordinated State comments on enhanced aerobic remediation technologies for OUST booklet “*How to Evaluate Alternative Cleanup Technologies for Underground Storage Tank Sites: A Guide for Corrective Action Plan Reviewers*” to USEPA OUST.
- Prepared significant comments summarizing on State reviews of USEPA’s draft document “*Long Term Management of In-site Residual Contamination*”.

### **2001-2005**

- Reviewed and prepared significant comments on the chapters titled: *Enhanced Aerobic Bioremediation* and *Chemical Oxidation* in “*How to Evaluate Alternative Cleanup Technologies for Underground Storage Tank Sites*”.

### **2002**

- Worked with OUST on new Closure Goals/Targets/Mandates.

- Numerous meetings, memos, and letters to/with OUST on this issue.
- Final product convinces OUST to lower cleanup Targets.
- Organized and presented, “Oxygenates Other than MTBE” Conference in Washington D.C. in October 2002.

#### **2003-2004**

- Contributed significantly to the LUST Site Manager Training web based training module.

#### **2004-2005**

- Assisted OUST Lead Scavengers Team to identify and quantify risk posed by EDB and other chemicals in leaded gasoline.

#### **2005**

- Provided significant contributions on resolving Energy Act LUST issues
- Organized and presented “Petroleum Vapor Intrusion” Workshop in San Diego, California in September 2005.

#### **2005 - 2006**

- Worked cooperatively with USEPA to evaluate the scope of the Lead Scavenger problem across the United States.
- Coordinated meeting with NEIWPC, API and ITRC titled, *"MTBE and Other Fuel Oxygenates: Considerations for Assessments and Remediation"*, November 2 & 3, 2006, Westford, MA.

#### **2007 - 2008**

- Commented jointly with the State Fund Task Force on the GAO study, *"USEPA Should Take Steps to Better Ensure the Effective Use of Public Funding for Cleanups."*
- Provided comments to USEPA OUST on Ethanol Compendium
- Notified USEPA OUST to advise all States and Territories to consider sampling sites for lead scavengers
- Provided comment to USEPA OUST on semi-annual LUST Reporting Measures

#### **2009**

- Instrumental in issuance of a letter to USEPA OUST supporting continued funding of LUST-related research projects conducted by the USEPA Office of Research and Development (ORD).
- Significant contributions to the USEPA OUST and USEPA ORD for determining the appropriateness of sampling for the lead scavengers ethyl-dibromide (EDB) and 1,2 Dichloroethane (EDC).
- Sent letter to USEPA OUST requesting assistance in the evaluation of petroleum vapor intrusion at LUST sites and reactivation of the USEPA OUST Vapor Intrusion Workgroup.

#### **Ongoing**

- Periodic articles written for the New England Water Pollution Control Commission (NEIWPC) publication “LUSTline”.
- Comments on proposed national tanks legislation and rule changes.
- Significant contributions to various UST-related reports provided to Congress.
- Feedback and input on USEPA regulations on LUST issues through the Subcommittee Chair and the ASTSWMO Board.
- Working with USEPA OUST on petroleum vapor intrusion (PVI) which includes attendance at periodic OUST PVI Workgroup meetings, preparation of a PVI Status Report and assisting USEPA OUST with an upcoming PVI Webinar.
- Assistance with Peer Match efforts between States on various LUST issues.
- Meet semiannually or as national conferences permit to stay abreast of developing LUST issues and communicate with Tanks Subcommittee as appropriate.
- Biweekly conference call with USEPA OUST to discuss current issues affecting states.
- Continued discussion, information sharing, and identification of states needs in evolving LUST initiatives such as green remediation, alternative fuels, vapor intrusion, and long-term stewardship for LUST sites.
- Development of LUST Technical Workshop to be held in May 2010.
- Assistance in the development of and participation in every National Tanks Conference since 1997. The TF has worked hard to create a forum for the development and exchange of ideas, information and solutions to overcome identified cleanup issues and challenges by supporting the annual conference. A listing of past National Tanks Conferences is included below:
  - 1998- Long Beach, California
  - 1999- Daytona Beach, Florida
  - 2000- Portland, Oregon
  - 2001- Albuquerque, New Mexico
  - 2002- Kissimmee, Florida
  - 2003- San Francisco, California
  - 2004- New Orleans, Louisiana
  - 2005- Seattle, Washington
  - 2006- Memphis, Tennessee
  - 2007- San Antonio, Texas
  - 2008- Atlanta, Georgia
  - 2009-Sacramento, California