



At a Glance

Why We Did This Review

We conducted this review to evaluate the U.S. Environmental Protection Agency's (EPA's) prioritization of releases from underground storage tanks (USTs), and to determine whether the backlog has been reduced for UST cleanups, in Indian country.

An UST is one or more tanks, and any underground piping connected to the tanks, that has at least 10 percent of their combined volume underground. The EPA's federal UST regulation requires that leaking UST (or LUST) sites must be cleaned up. For example, petroleum released from a LUST, such as at a service station, can contaminate groundwater.

The Energy Policy Act of 2005, Section 1529, requires the EPA to prioritize releases from LUSTs that present the greatest threat to human health or the environment. The EPA is responsible for directly implementing the UST program in Indian country across the United States.

This report addresses the following EPA goal or cross-agency strategy:

- *Cleaning up communities and advancing sustainable development.*

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Backlog of Leaking Underground Storage Tank Cleanups in Indian Country Has Been Reduced, but EPA Needs to Demonstrate Compliance With Requirements

What We Found

The EPA is unable to demonstrate how it is complying with the requirements of the Energy Policy Act of 2005 to give priority to releases from LUST sites in Indian country that present the greatest threats to human health or the environment. The EPA can describe the prioritization process it uses to make annual funding decisions. However, this process is minimally documented, relies on inconsistent regional criteria, and lacks transparency. As a result, we do not have evidence that the EPA's process for selecting and funding sites for cleanup actions gives priority to those sites that present the greatest threat to human health or the environment. The absence of clear priorities could lead to lower-risk sites being addressed while cleanups for higher-risk sites are delayed. Delays in cleanups could create the potential for prolonged exposure to hazardous contaminants, such as gasoline leaks contaminating groundwater.

Without documentation and controls for the prioritization of UST cleanups in Indian country, the sites with the greatest health and environmental risks may not be addressed.

The EPA agreed to improve its documentation process and transparency, and clarify how funding decisions are made. The EPA is also making progress in reducing the backlog of cleanup sites in Indian country. Over the past 5 years, the number of cleanups remaining has decreased from 299 to 271. However, several challenges impede greater progress. These challenges include reliance on other parties for cleanup funds, a lengthy process to approve cleanups that cost more than \$250,000 (action memo approval), and the complexity of some remaining sites.

Recommendations and Planned Agency Corrective Actions

We recommend that the Assistant Administrator for Land and Emergency Management document how the process and criteria the EPA uses to prioritize sites comply with the Energy Policy Act of 2005, and communicate the process and criteria to the regions. We also recommend that the Assistant Administrator develop a nationwide tracking tool for LUST sites in Indian country based on the prioritization criteria, and establish a panel to review funding decisions for UST/LUST sites in Indian country. In addition, we recommend the establishment of a time period for action memo review comments from the Assistant Administrator, and identification of opportunities to strengthen staff awareness and adherence to the expectations for action memos.

The agency provided acceptable corrective actions and milestone dates for the recommendations, and all recommendations are resolved.