



U. S. Environmental Protection Agency

Office of Solid Waste and Emergency
Response

FY 2008 National Program Manager's
Guidance

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Executive Summary: Office of Solid Waste and Emergency Response (OSWER)

I. Program Offices

This guidance contains implementation priorities for all major OSWER offices: the Office of Superfund Remediation and Technology Innovation (OSRTI), the Federal Facilities Restoration and Reuse Office (FFRRO), the Office of Emergency Management (OEM), the Office of Brownfields Cleanup and Redevelopment (OBCR), the Office of Solid Waste (OSW) and the Office of Underground Storage Tanks (OUST). OSWER's enforcement counterparts, principally the Office of Enforcement and Compliance Assurance's (OECA's) Office of Site Remediation Enforcement (OSRE) and Federal Facilities Enforcement Office (FFEO), also are represented in this guidance. Basic approaches remain the same from last year.

II. Introduction/Context

All major OSWER programs and their enforcement counterparts are covered by this guidance. The guidance defines national policy, strategic goals and priority activities consistent with *OSWER's Action Plan*¹, as well as Superfund enforcement goals managed by OECA. This guidance, prepared to implement priorities described in *EPA's 2006-2011 Strategic Plan*² and in *EPA's FY 2008 Annual Performance Plan and Congressional Justification*³, should be used to assist in National Environmental Performance Partnership System (NEPPS) discussions.

Changes from the prior-year guidance include: revised dates and statistics throughout the document; refined implementation strategy and measures under the Resource Conservation Challenge (RCC); adjusted strategies as a result of the new energy legislation; and further integration of the Office of Management and Budget (OMB) Program Assessment and Rating Tool (PART) assessments and measures.

III. Program Priorities

The following objectives characterize EPA's land program activities: Revitalization; Recycling, Waste Minimization and Energy Recovery; Emergency Preparedness, Response and Homeland Security; and implementation of the Energy Policy Act of 2005.

- **Revitalization:** All of EPA's cleanup programs (Superfund Remedial, Superfund Removal, Superfund Federal Facilities Response, Resource Conservation and Recovery Act (RCRA) Corrective Action, Brownfields, and Underground Storage Tanks) and their partners are taking proactive steps to accommodate and facilitate the cleanup and revitalization of contaminated properties. Revitalizing these once

¹ OSWER's Action Plan can be found at <http://www.epa.gov/oswer/actionplan/index.htm>

² The 2006-2011 EPA Strategic Plan can be found at <http://www.epa.gov/ocfopage/plan/plan.htm> Waste programs and their enforcement components are contained in goals 3, 4 and 5.

³ The EPA FY 2008 Annual Performance Plan and Congressional Justification can be found at <http://www.epa.gov/ocfopage/budget/2008/2008cj.htm>

productive properties can provide numerous positive impacts for communities such as removing blight, satisfying the growing demand for land, limiting urban sprawl, fostering ecologic habitat enhancements, enabling economic development, and maintaining or improving quality of life. With the emergence of revitalization as a priority, the need for cleanup programs to measure their performance and report accomplishments in terms related to the availability of land for use or reuse of land is increasingly important. OSWER's development of new acres-based, cross-programmatic revitalization measures is described in Section V below and in the program-specific discussions of this guidance.

- Recycling, Waste Minimization and Energy Recovery: EPA's strategy for reducing waste generation and increasing recycling is based on: (1) establishing and expanding partnerships with businesses, industries, states, communities, and consumers; (2) stimulating infrastructure development, environmentally responsible behavior by product manufacturers, users, and disposers ("product stewardship"), and new technologies; and (3) helping businesses, government, institutions, and consumers through education, outreach, training, and technical assistance. In 2006, EPA finalized an implementation plan for municipal solid waste (MSW) recycling, including specific activities, approaches, and tools to contribute to the national goal of 35% recycling. In 2007, EPA will develop an implementation plan to increase industrial materials recycling.
- Emergency Preparedness, Response, and Homeland Security: EPA has a major role in reducing the risk to human health and the environment posed by accidental or intentional releases of harmful substances and oil. EPA will improve its capability to effectively prepare for and respond to these incidents, working under its statutory authorities and, for Incidents of National Significance, working closely with other Federal agencies within the National Response Plan (NRP).
- Implementing New Energy Legislation: EPA has a critical role in implementing the provisions of the Energy Policy Act (EPAAct) of 2005. The EPAAct substantially overhauls the underground storage tank (UST) release prevention program to minimize future releases from USTs and provide additional emphasis on remediation of leaking USTs, with a particular focus on fuel oxygenates such as methyl tertiary butyl ether (MTBE). Implementing the EPAAct provisions includes conducting more frequent inspections, prohibiting delivery to noncompliant tanks, and requiring either secondary containment for new tank systems or financial responsibility for manufacturers and installers. For further information and final EPA grant guidance, see <http://www.epa.gov/swerust1/fedlaws/EPAActUST.htm>.

IV. Regional Priorities

In late 2005, the Deputy Administrator asked the regions to identify a limited number of Regional and state priorities. These priorities were based upon dividing the nation into geographic groups and establishing performance measures to support the priorities.

The geographic areas are:

Northeast
Midwest
Great South
Great American West
Tribes
U.S. – Mexico Border
Islands

Many of the OSWER program measures included in this guidance align or support the measures used to report on progress for the Northeast, Great American West, Tribes, U.S. - Mexico Border and Islands. The selected regional priorities that align with or support OSWER's national goals include Superfund and Brownfields site assessments; Superfund construction completions; Brownfields acres made ready for reuse; emergency preparedness exercises; and tribal efforts to increase the number of tribes covered by integrated waste management plans, to close, cleanup, or upgrade open dumps, and to assess, cleanup, and redevelop Brownfields properties.

The U.S. Mexico border priority concerning removal and disposal of scrap tires supports OSWER's waste management priorities. Under the Midwest's Lead Poisoning priority, residential properties are being restored using Superfund authorities. These actions support Superfund priorities. Finally, the OSWER program-related measures for the Great South are very specific to Hurricanes Katrina and Rita and are not included in the FY 2008 NPM guidance.

V. Tribal Program Development

OSWER supports tribal governments through capacity building, technical assistance and outreach. In tandem with existing tribal program support, in FY 2008, OSWER will focus on the following key areas to help improve tribal program development and performance:

- Creating a new OSWER Tribal Council to facilitate dialogue, outreach and information sharing between EPA and tribes.
- Communicating clear tribal program priorities.
- Improving results from tribal training.
- Developing tools for Indian country that focus on: tribal program implementation, compliance, hazard assessment, integrated waste management planning, resource conservation, risk assessment, and revitalization.
- Improving tribal baseline data for better program decision-making.

VI. Innovations and Environmental Justice

OSWER supports innovative and collaborative approaches to environmental problem-solving. Environmental justice (EJ) is a priority throughout all of OSWER's waste

programs, promoting healthy and environmentally sound conditions for all people. OSWER will ensure accountability for implementing environmental justice measures by continuing to develop and implement EJ Action Plans which are linked to our Government Performance and Results Act (GPRA) goals. The waste programs will continue to be in the forefront of EPA's efforts to advance environmental justice and integrate these concerns into our daily business by developing assessment methodologies and tools.

OSWER also will support the Agency's priorities for protecting children and upholding citizens' rights to be knowledgeable about the health of their environment. Efforts in this area include the Environmental Justice Toolkit and Community Action for a Renewed Environment (CARE). Implemented during FY 2005, CARE is designed to help communities identify and reduce multiple sources of toxics in their environment through cooperative agreements. The Administration has requested funding for this program in FY 2008, and Regions should continue their ongoing efforts to promote this program. Information about CARE can be found at <http://epa.gov/care/>.

VII. Implementation Strategies

The Superfund Remedial program will focus on cleaning up sites and making them available for beneficial reuse. These goals will be achieved by assessing the worst sites first, ensuring that human exposure to toxic chemicals and migration of contaminated groundwater are under control, completing construction of remedies and ensuring sites are ready for anticipated use. States and tribes are key partners in the cleanup of Superfund hazardous waste sites, and Superfund's Regional offices will continue to work closely with these partners in accomplishing key goals and objectives under the EPA FY 2006 - 20011 Strategic Plan.

The Superfund Federal Facilities Response program will continue to focus on achieving site construction completions and promoting reuse at Federal facilities listed on the National Priorities List (NPL) and specific Base Realignment and Closure (BRAC) bases. Work at these sites will be done collaboratively with our Federal, state, tribal and local partners as well as affected communities. The Federal Facilities Enforcement program will continue to use the most appropriate enforcement and compliance tools to address the significant problems at these sites. In addition, the program will try to resolve outstanding site-specific disputes as well as obtain statutorily mandated Interagency Agreements (IAGs)/Federal Facility Agreements (FFAs) at those NPL sites without one. The Superfund Federal Facilities Response and Enforcement programs will continue to work together to ensure that the Federal government addresses its responsibilities at NPL and BRAC sites.

The Superfund Removal and Oil programs will continue to ensure that releases of hazardous substances and oil in the inland zone are appropriately addressed to reduce the threat to human health and the environment. The Oil program will promote spill prevention by communicating the revised Spill Prevention, Control and Countermeasures (SPCC) regulation and working with industry to implement the requirements. EPA will

continue to support local, state and other Federal responders at incidents when Federal support is needed and appropriate, and direct and/or monitor responses by responsible parties. EPA will ensure a coordinated effort concerning homeland security issues, among its own offices and with other Federal agencies, to prepare for coordinated and effective responses to Incidents of National Significance. EPA will also actively audit facilities that are required to have Risk Management Plans (RMP) and analyze RMP data to understand trends in and causes of chemical accidents; these RMP data will be utilized to conduct outreach to improve chemical safety.

The Brownfields program will promote assessment, cleanup, and redevelopment of brownfields; fund grant programs and other research efforts; clarify liability issues; enter into partnerships with local, state, tribal and Federal entities; conduct outreach activities; and support brownfields job training programs. In FY 2008, Regions will continue to implement the Brownfields program; support the national grant competition; emphasize performance and outcome measurement; work with state and tribal co-implementers of the Brownfields law; provide technical outreach support; and address environmental justice issues.

The RCRA program continues its focus on two primary areas for FY 2008. One is the continued existing statutory obligations to ensure the safe management of hazardous and non-hazardous waste and to clean up hazardous and non-hazardous releases. The other is our emphasis on resource conservation and materials management through partnerships. Much of the effort toward solid waste and chemicals reduction and recycling is under the RCC program. In addition, the RCRA program will continue its efforts to meet the commitments made as part of the Special Regional Priority for the Mexico Border area.

The Underground Storage Tank (UST) program will continue to assist states and tribes in implementing the UST program. The program has a strong focus on preventing leaks from USTs, and detecting, as early as possible, those leaks that do occur. The program also has a strong cleanup focus to assess and clean up leaks from USTs, including those at brownfield sites contaminated with petroleum. The UST program places a high priority on close collaboration with tribes to conduct the UST program in Indian Country and to build tribal capacity in the program. In addition, the program will continue to work very closely with and provide assistance to states to help them meet their new responsibilities authorized under the EPAct of 2005, Title XV, Subtitle B.

In addition to these program priorities, OSWER is emphasizing the importance of cross-program revitalization measures to promote and communicate cleanup and revitalization-related accomplishments and associated benefits/values to society (see October 20, 2006 Interim Guidance for OSWER Cross-Program Revitalization Measures available at http://www.epa.gov/oswer/landrevitalization/ai_measuringprogress.htm). These acres-based measures will allow OSWER for the first time to describe the collective scope of sites all of its cleanup programs are addressing. During FY 2007, OSWER programs are developing approaches to efficiently implement the following three cross-program revitalization measures which will be predominantly based on information the programs already collect:

- *Universe Indicator* - the total number of sites and acres being addressed by all OSWER's cleanup programs.
- *Protective for People Performance Measure* - the number of acres at which there is no complete pathway for human exposures to unacceptable levels of contamination based on current site conditions.
- *Ready for Anticipated Uses (RAU) Performance Measure* - the number of acres at which cleanup goals have been achieved for media that may affect current as well as reasonably expected future land uses, and institutional controls⁴ identified as part of the remedy are in place.

VIII. Measures

On October 11, 2006, the Deputy Administrator signed a memorandum entitled, *State Reporting Burden and Measures Streamlining Initiatives*,⁵ to provide an important opportunity for our state partners and EPA to identify burdensome requirements and measures for potential deletion or modification. The purpose of these initiatives is to help develop a smaller set of reporting requirements including performance measures that are useful for monitoring Agency performance. EPA also has been working to align and strengthen regional and national program priority setting. In Fall 2005, the Deputy Administrator asked the regions to identify a limited number of regional and state priorities.

OSWER considered the outcome of each of these initiatives when drafting the list of performance measures included in this Guidance. The result of these and earlier streamlining efforts was the removal of seven measures from the Agency's Annual Commitment System (ACS) for FY 2007 and FY 2008. Furthermore, OSWER consulted with its regional partners, responding to concerns and elevating issues raised by the Regions, as requested. In particular, OSWER coordinated with OECA concerning a regional request to create a measure to account for enforcement-lead removal actions under the Superfund program.

IX. Progress

Progress tracking will continue as normal, using established data systems (such as CERCLIS and RCRAInfo) and/or manual reporting requirements as outlined in program-specific guidance. The OSW has placed increased emphasis on state/regional planning efforts in their guidance. For the Brownfields program, grant recipients will enter Property Profile data into the Assessment, Cleanup, and Redevelopment Exchange System (ACRES). Regional Project Officers will continue to use the ACRES system to monitor progress and to perform quality reviews.

EPA and the states are working to establish more outcome-related program measures and reporting systems. As new measures are implemented we will work closely with

⁴ For more information concerning institutional controls please see <http://www.epa.gov/superfund/action/ic/>

⁵ The October 11, 2006 memorandum entitled, "State Reporting Burden and Measures Streamlining Initiatives" can be found at <http://www.epa.gov/ocfo/npmguidance/index.htm>

stakeholders to ensure timely and accurate reporting. Regions and states are encouraged to continue their review of reporting requirements and to identify areas where greater efficiencies and cost savings may be found.

X. Program Contacts (staff)

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Synopsis of OSWER's Feedback Process

Upon receiving the draft guidances from the National Program Managers (NPMs), the Office of the Chief Financial Officer (OCFO) posts those on its internet site notifies its counterparts and planners in the EPA Regional offices. EPA also notifies the Environmental Council of States and the National Tribal Caucus when the draft Guidance is posted. The review period lasts approximately one month.

OSWER program office contacts (listed at the end of the guidance's executive summary) work closely with Regional program implementers and relay any concerns to OSWER's Office of Program Management (OPM). EPA's state and tribal co-implementers and stakeholders may send their comments directly to OSWER's Assistant Administrator or to OCFO management. Once received, Regional and stakeholder comments and suggestions are considered by OSWER for the final draft of the guidance which is typically released in late-April.

Superfund Remedial and Federal Facilities Response Programs

Goal Three: Land Preservation and Restoration

Subobjective 3.2.2: Clean Up and Revitalize Contaminated Land

On December 11, 1980, Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund). CERCLA was enacted to fill a major gap in environmental and health protection by providing the Federal government with additional statutory authority to respond to releases and threats of releases of hazardous substances, pollutants and contaminants. CERCLA was later amended by the Superfund Amendments and Reauthorization Act in 1986.

The Superfund Remedial program manages the risks to human health and the environment at contaminated properties or sites through cleanup, stabilization, or other action, and in so doing helps make these properties available for reuse. Resources in this program are used to: 1) collect and analyze data on sites to determine the need for a Federal CERCLA response, which may culminate in the placement of a site on the National Priorities List (NPL), 2) conduct or oversee investigations and studies to select remedies, 3) design and construct or oversee construction of remedies and post-construction activities at non-Federal facility sites, 4) facilitate participation of other Federal agencies, state, local, and Tribal governments and communities in the program, and 5) provide sound science and continually integrate smarter technical solutions into protection strategies.

The Superfund Federal Facilities Response program, created in 1994, provides technical assistance and regulatory oversight at Federal facilities to ensure protection of human health, effective program implementation, and meaningful public involvement. Across the country, thousands of Federal facilities are contaminated with hazardous waste, unexploded ordnance, radioactive waste, fuels, and a variety of other contaminants. Those facilities include many different types of sites, such as abandoned mines, former nuclear weapons production plants, fuel distribution areas, and landfills.¹

The Federal Facilities Response program also supports the Department of Defense (DoD) at selected Base Realignment and Closure (BRAC) installations. With the enactment of BRAC legislation, more than 500 major military installations representing the Army, Navy, Air Force, and Defense Logistics Agency were slated for realignment or closure in 1988, 1991, 1993, 1995 and 2005. Under the first four rounds of BRAC, 107 of those sites were identified as requiring accelerated cleanup. Seventy-two Federal facilities currently listed on the NPL were identified under BRAC 2005 as closing, realigning or gaining personnel.²

Working together with Federal, state and Tribal partners, the Superfund program

¹ For more information on the Federal Facilities program go to <http://epa.gov/fedfac>.

² For more information on the BRAC program go to <http://epa.gov/fedfac/documents/baseclosure.htm>.

accomplished the following activities as of the end of FY 2006,³

- Completed 518 final assessment decisions, for a cumulative total of 39,288 sites evaluated since the program's inception;
- Finalized 11 new sites on the NPL, and proposed 10 sites for consideration;
- Selected final remedies at 37 sites for a cumulative total of 1,134 sites (including 70 Federal facility sites) since the program's inception;
- Initiated 18 new projects at 16 NPL sites;
- Conducted or oversaw 653 ongoing construction projects at 414 sites;
- Completed construction at 1,006 sites, including 55 Federal facility sites, representing 64% of the NPL;
- Brought human exposures under control at a cumulative total of 1,269 sites, including 144 Federal facility sites;
- Controlled the migration of contaminated groundwater at a cumulative total of 958 sites, including 98 Federal facility sites;
- Conducted 184 Five-Year Reviews, including 27 at Federal facilities sites; and
- Secured private party funding commitments of more than \$550 million to fund future response work and reimburse EPA for past response costs.

In FY 2008, as in prior years, cleanup and response work at contaminated sites remains the top priority of the Superfund Remedial and Federal Facilities programs. The Superfund program will continue to address intractable and complex environmental problems, such as contaminated soil and groundwater affecting residential areas that can cause human health problems. The goal of this work is ultimately to reduce current, direct human exposures to hazardous pollutants and provide long-term human health protection. In addition to its cleanup work, the Superfund program will also undertake temporary activities, when appropriate, to protect people from threats posed by uncontrolled hazardous wastes or contaminated groundwater, such as providing alternative drinking water supplies or relocating residents. These efforts demonstrate the Agency's commitment to protecting human health from both possible short- and long-term effects of site-related contamination.

Performance Goals for FY 2008:

- (1) 272 remedial final site assessment decisions, for a cumulative total of 39,910;
- (2) 10 additional sites with human exposures under control, for a cumulative total of 1,289;
- (3) 15 additional sites with groundwater migration under control, for a cumulative total of 983;
- (4) 30 additional sites deemed site-wide ready for anticipated use, for a cumulative total of 255;
- (5) 30 construction completions, for a cumulative total of 1,060; and
- (6) 6.4 sites with current or long-term exposure controlled per million dollars

³ For more information regarding the program's cumulative accomplishments through FY 2006, please refer to the Goal 3 Chapter of the Agency's *FY 2006 Performance and Accountability Report* at www.epa.gov/ocfo.

expended (PART efficiency measure).

Performance goals and measures for the Superfund Federal Facilities Response program are a subset of the Superfund Remedial program's measures. The Agency's ability to meet its annual Superfund targets is partially dependent on work performed by other Federal agencies at NPL Federal facility sites.

Strategies to Meet Performance Goals

This NPM guidance provides direction to the Regions to meet the priorities of the Superfund Remedial and Federal Facilities Response programs. In FY 2008, the Superfund Remedial program will focus on cleaning up sites and returning them to beneficial reuse. The general approach for achieving these goals will be assessing the worst sites first, ensuring that human exposure to toxic chemicals and migration of contaminated groundwater are under control, completing construction of remedies and ensuring sites are ready for anticipated use. States and tribes are key partners in the cleanup of Superfund hazardous waste sites, and Superfund's Regional offices will continue to work closely with these partners in accomplishing key goals and objectives under the EPA FY 2006 - 2011 Strategic Plan.

The Superfund enforcement program's goal is to maximize Potentially Responsible Party (PRP) participation at Superfund sites by leveraging PRP resources and recovering costs. The two commitments associated with this goal are included in OECA's portion of the Agency's Annual Commitment System. The Regions report the data in CERCLIS and certify it through OECA's annual certification process.

The Superfund Remedial Action program was initially assessed under PART in 2004, and the program received an overall rating of "adequate." The PART summary found that the program's two long-term outcome-based measures, "Human Exposures Under Control" and "Groundwater Migration Under Control," support the cleanup and reuse of contaminated land by tracking progress in controlling all unacceptable human exposure contaminant pathways at sites listed on the NPL.

As a result of the PART assessment and subsequent follow-up meetings with OMB, the Superfund program has begun to undertake several additional actions to improve program management and increase efficiency in FY 2008. EPA committed to develop a new outcome efficiency measure, and work was completed in FY 2006 to put such a measure in place. Beginning in FY 2007, the program will be replacing the efficiency measure relating to site-specific obligations with a new measure that tracks NPL sites with human exposures under control per million dollars. The baseline for this efficiency measure is 5.8 sites with current or long-term exposure controlled per million dollars expended and the FY 2007 and FY 2008 national targets are 6.1 and 6.4 sites controlled per million dollars expended, respectively.

As additional follow-up to the PART, EPA is working to modernize the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS)

to ensure accurate and complete information on program performance and financial management. In FY 2008, the program will build upon its efforts to make all of its site information more readily available and understandable to the public. An effort is underway to enhance the tracking system for information about institutional controls at specific NPL sites and make that information publicly accessible by April 2007. And finally, EPA will work to format NPL site information and other relevant data in a manner that enables internet data providers to utilize it. These actions as well as implementation of other recommendations of the Agency's 120-day study on management of the Superfund program will be continued in FY 2008.

The Superfund Federal Facilities Response program underwent an OMB PART assessment in 2005 and received an overall rating of moderately effective. The PART focused only on the Superfund portion of the Federal Facilities Response program, and did not address EPA's role in DoD's BRAC program. Two follow-up actions came out of the PART review: 1) work with other Federal agencies to support attainment of long-term environmental and human health goals by reviewing and recommending remedies for cleanup, and 2) conduct a program evaluation to be completed by September 2006 that would focus on recommending program improvements. As the result of the internal assessment, the program conducted an evaluation entitled, "A Comprehensive Review of EPA Policy and Guidance Regarding Federal Facility Cleanup and Property Transfer," which was submitted to OMB in September 2006. Since these two follow-up actions have been completed, the program is in discussion with OMB to consider new improvement plans to succeed these efforts.

As the program matures, and more sites reach the end of the cleanup pipeline with remedies constructed, the Superfund Remedial and Federal Facilities Response programs are increasingly focused on ensuring that those remedies will provide long-term protection of human health. As a result, EPA has developed a new measure to report program accomplishments in making land ready for reuse at NPL sites where construction is completed. The site-wide ready for anticipated use (RAU) measure complies with the Agency's responsibility to report long-term outcome-based accomplishments under the GPRA.

The site-wide RAU measure documents sites where all cleanup goals have been achieved for media that may affect current and reasonably anticipated future land uses of the site so that there are no unacceptable risks. In addition, all institutional or other controls required in the Record(s) of Decision (RODs) or other remedy decision document(s) for these sites have been put in place. The measure reflects the high priority EPA places on land revitalization as an integral part of the Agency's cleanup mission for the Superfund program as well as the priority EPA is now placing on post-construction activities at NPL sites.

Challenges remain for Superfund program in the coming years. The universe of eligible construction completion sites is diminishing. As a result, many of the remaining sites that have not reached the construction completion stage are highly complex; and the number of sites that will complete all remedies in any particular year will fluctuate. As a

result, we have accordingly adjusted the construction completion targets downward to 24 in FY 2007 and to 30 in FY 2008.

While the Superfund program has a number of projects ready to begin construction, funding must also be provided for several large, complex remedial projects to ensure construction at an optimal pace. In addition, as the program has matured, it has become necessary for the Agency to devote more resources toward post-construction activities, including long-term remedial actions and five-year reviews. In FY 2008, the Agency will continue to redirect resources from earlier phase activities toward remedial construction. Although the Agency exceeded its FY 2006 goal by nearly 100 decisions, it is anticipated that remedial final assessment decisions will be decreasing from 350 in FY 2007 to 272 in FY 2008. EPA and its partners will continue to prioritize site assessments based on risk, and the Agency maintains flexibility to manage resources within the Superfund Remedial program project depending on the need in FY 2008.

EPA will continue to maintain its focus on protection of public health and the environment by completing work at sites in a cost-effective manner. For example, in FY 2008, the Superfund program will focus attention on construction costs by working with the Army Corps of Engineers to review how each of the 10 Regional office's plan and implement construction projects, site-specifically and programmatically, in order to maximize efficient use of resources, especially in multi-year projects.

Several other cost management measures will be continued in FY 2008. On October 24, 2005, the Superfund program announced 17 cost management measures. These measures were intended to provide new ways of conducting site management as effectively and efficiently as possible. EPA anticipates that these measures can save substantial money, time, and/or resources throughout all phases of the site cleanup process.

The 17 measures were organized into five categories: 1) People Responsible for Contamination Should Pay For or Conduct Cleanup Work; 2) Getting the Most Out of Superfund Money; 3) Ensuring the Best Cleanup for the Money; 4) Getting the Most Out of Cleanup Decisions/Remedies; and 5) Utilizing Technology for Outstanding Site Management. Many of the cost management measures are consistent with previous internal and external efforts to review costs and management-related issues of the Superfund program (i.e., Resources for the Future, National Advisory Council for Environmental Policy and Technology, 120-Day Study). EPA is in the process of summarizing the progress made during the first year of implementing the 17 cost management measures. A report is expected to be issued in June 2007.

Tribal Program

The EPA Superfund program continues to encourage Federally recognized Indian tribes to be involved in assessing potential sites within their jurisdiction for Superfund eligibility or participating in activities at Superfund sites that impact or potentially impact Tribal communities, land, and natural resources. In FY 2008, EPA expects to continue to provide funding, through cooperative agreements, to tribes to carry out this activity.

Tribes may seek a Superfund Core program cooperative agreement to conduct non-site-specific activities such as building tribal program infrastructure and capacity to participate in the Superfund program. Tribes also may receive site-specific Superfund cooperative agreements, usually either Support Agency (to review, comment, and suggest appropriate response activities at a specific Superfund site) or Pre-Remedial (to assume lead responsibility for specific site assessment activities) agreements. EPA Headquarters continues to encourage the Regions to develop partnerships with tribes that will enhance capacity and participation in the environmental decision-making process.

Under various treaties with the U.S. government, tribal governments have a distinct role in the cleanup of Federal facilities. EPA works in partnership with tribal governments, both at the facility and national policy-making levels to: protect the human health and environment of American Indians and Alaskan Native villagers at and near Federal facilities; involve tribes in the cleanup process through meaningful dialogue that respects tribal needs, and develop partnerships to enhance participation in environmental decision-making at Federal facilities.

Under cleanup statutes or by congressional mandate, DoD base closures often can lead to land transfers to tribes, which would be held in trust by the Department of the Interior's Bureau of Indian Affairs. Affected tribes may have opportunities for economic development or land transfer, as well as access to archeological sites or other cultural resources.

Annual Workplanning

The Superfund Program Implementation Manual (SPIM) is a planning document that defines program management priorities, procedures and practices for the Superfund program. The SPIM describes the relationship between the Government Performance and Results Act of 1993 (GPRA), EPA's Strategic Plan, and the program's internal processes for setting priorities, tracking and planning performance, and meeting program goals. It establishes the process to track overall program progress through program targets and measures. The SPIM is developed biennially. Revisions to the document are issued during the biennial cycle as needed. New measures that are developed will be incorporated into the SPIM during the biennial cycle. Regions should continue to use the most current version of the SPIM for instructions on entering data into CERCLIS.⁴

EPA will continue to follow the annual workplanning procedures that are outlined in the SPIM. Headquarters and Regional offices will work together to develop Regional targets for each fiscal year, with the overall goal of meeting national performance goals that are established in the Strategic Plan. EPA will track progress made against measures linked to the Strategic Plan (i.e., GPRA measures) in OCFO's online commitment system known as the Annual Commitment System (ACS). New GPRA measures that are developed for the Superfund program will be added to ACS, as appropriate.

For internal management purposes, EPA will continue to track other program measures in

⁴ <http://www.epa.gov/superfund/action/process/spim06.htm>

CERCLIS, such as, Remedial Investigation/Feasibility Study starts, Remedial Design starts, Remedial Action starts and Five Year reviews. For workplanning, each Region should focus on its own individual pipeline (e.g., whether it needs to focus on final remedy selection or construction completions), the overall goals of the program including Strategic Plan objectives and sub-objectives, and how it can achieve its portion of the national effort given proposed resources. Regional workplanning efforts should include those targets that will be met by efforts from the states, tribes, or other Federal agencies. These targets should be factored into the workplanning negotiations between Headquarters and the Regions.

Emergency Preparedness, Response, and Prevention Programs

Goal Three: Land Preservation and Restoration

Subobjective 3.2.1: Prepare for and Respond to Accidental and Intentional Releases

EPA plays a major role in reducing the risks posed by accidental and intentional releases of hazardous substances and oil to human health and the environment. Under the National Response System (NRS), EPA and the U.S. Coast Guard evaluate thousands of spills and releases annually and often respond. The Federal response is essentially a safety net to address the incidents that are beyond the capability or otherwise cannot be adequately addressed by the state, Tribal or local agency or responsible party. EPA's primary role in the NRS is to serve as the Federal On-Scene Coordinators (OSCs) for spills and releases in the inland zone.

The NRS is a multi-agency preparedness and response mechanism that includes the National Response Center, the National Response Team (NRT) composed of 16 Federal agencies, 13 Regional Response Teams, and Federal OSCs. These organizations work with state and local officials to develop and maintain contingency plans that will enable the Nation to respond effectively to hazardous substance and oil emergencies. When an incident occurs, these groups coordinate with the OSC in charge to ensure that all necessary resources, such as personnel and equipment, are available and that containment, cleanup, and disposal activities proceed quickly, efficiently, and effectively.

To prepare for large-scale responses to incidents such as the World Trade Center, anthrax attacks, and the Columbia Shuttle recovery, the Agency instituted its National Approach to Response (NAR). The NAR emphasizes the need to provide the necessary levels and appropriate types of support during responses and greater consistency across the Regions in emergency response capabilities. Preparedness on a national level is essential to ensure that emergency responders are capable of managing multiple, large-scale emergencies.

As part of enhancing its readiness capabilities, EPA is continually working to improve internal and external coordination and communication mechanisms. For example, EPA's National Incident Coordination Team brings together various offices with responsibilities during a response to ensure coordination of all Agency activities. Under the Continuity of Operations/Continuity of Government program, EPA continually upgrades and tests plans, facilities, training, and equipment to ensure that essential government business can continue during a catastrophic emergency. External communication and coordination is through the National Response Team, with close coordination with the Department of Homeland Security on potential terrorism threats.

EPA will continue to improve its capability to respond effectively to incidents that may involve harmful chemical, oil, biological, and radiological substances. The Agency will explore improvements in field and personal protection equipment and response training and exercises; review response data provided in the "after-action" reports prepared by EPA emergency responders following a release; and examine "lessons learned" reports to

identify which activities work and which need to be improved. Application of this information and other data will advance the Agency's state-of-the-art emergency response operations.

EPA has enhanced its emergency response and removal capabilities through the development of the Core Emergency Response (Core ER) assessment tool program. The Core ER sets standards to ensure that each Region works toward improving and maintaining an excellent response program. Beginning in FY 2007, a revised Core ER tool is being implemented to address the current state of emergency response excellence, in light of lessons learned from responses to recent terrorist incidents (e.g., 9/11, anthrax contamination) and hurricanes Katrina and Rita. The strategic target associated these efforts is, "By 2011, achieve and maintain at least 95 percent of the maximum score on readiness evaluation criteria in each Region."

Facility Oil Spill Preparedness and Prevention

The amended Clean Water Act requires facilities with certain quantities of oil to prepare Facility Response Plans (FRPs) and submit them to EPA (or other appropriate Federal agencies) for review and approval. Approximately 4,000 facilities must submit FRPs to EPA. EPA uses information in the FRPs to develop Area Contingency Plans under the National Contingency Plan. EPA inspects FRP facilities and conducts unannounced drills to test facility preparedness.

The Spill Prevention Control and Countermeasure (SPCC) regulation under the Clean Water Act requires covered facilities to take specific steps to prevent and contain oil spills. EPA estimates that approximately 600,000 facilities are subject to the SPCC regulation. EPA amended the SPCC regulation in December 2006 and expects to propose additional amendments in 2007. Facilities will have to develop and/or amend SPCC plans in compliance with the amended regulation in 2009. EPA inspects approximately 1,000 SPCC facilities each year.

Evaluation, Measures, and Targets

In its 2006-2011 Strategic Plan, EPA has set a target to improve the Agency's homeland security and emergency response preparedness by 10% each year, as measured through the Core ER evaluation process. This process reviews Regional capabilities related to health and safety; training and exercises; proper delegation and warrant authorities; and response readiness, including equipment, transportation and outreach.

In FY 2007, the Core ER assessment tool has been expanded to gauge whether or not response staff can actually implement policies, put skills into practice and use equipment. For FY 2008, the measure has been re-phrased as, "Score on annual Core ER assessment," to more clearly state how we gauge progress toward improving our capabilities.

Under GPRA, EPA's Oil program has been tracking responses to oil spills and hazardous substance releases. The performance target for the number of Superfund removal

response actions initiated (through FY 2004) was 350 per year and the number of oil spill responses (through FY 2005) was 300 per year. In FY 2005, EPA responded to 260 oil spills; in FY 2006, EPA responded to 215 oil spills. Because the number of oil spills that require EPA's participation fluctuates from year to year the Agency cannot accurately predict a target for this measure. OSWER has removed this as an Annual Commitment System (ACS) measure in FY 2008.

In FY 2005, the Office of Management and Budget (OMB) reassessed the Superfund Removal program and assessed, for the first time, the Oil program using OMB's Program Assessment Rating Tool (PART). The Removal program achieved a rating of moderately effective and the Oil program achieved a rating of adequate. Both programs are required to implement several OMB recommendations over the next five years in order to make them more efficient and effective, including the development of better outcome measures. Those recommendations include:

For the Superfund Removal program:

- Modernize the program's data repository (CERCLIS) to ensure accurate and complete information on program performance and financial management.
- Investigate the feasibility of outcome measures that test the linkage between program activities and impacts on human health and the environment.
- Develop a plan for regular, comprehensive and independent assessments of program performance.

For the Oil program:

- Develop stronger strategic planning procedures to ensure continuous improvement in the program, including regular procedures that will track and document key decisions and work products.
- Evaluate the data quality of key data sources used by the program to improve the accuracy and reliability of performance information.
- Develop a forum for sharing and implementing best practices among Regional offices that will improve the program's overall performance and efficiency.

EPA is addressing these recommendations aggressively. For example, detailed logic models are being developed for the Removal program and Oil program to facilitate the development of new outcome measures. During FY 2007 EPA will evaluate the Core ER program to determine whether a high score in Core ER correlates with improved response capability during real or simulated incidents. EPA has also determined that "compliance" with the FRP and SPCC regulations means that a facility is found to be in compliance with the regulatory requirements at the time of an inspection (rather than coming into compliance later in the year).

As a result of the PART process, both the Superfund Removal program and the Oil program have long-term, annual, and efficiency measures for which they must report. Those measures are as follows:

Annual Output Measures (and FY 2008 targets):

- Removal: Voluntary removal actions overseen by EPA and completed (target:125)
- Removal: Superfund-lead removal actions completed (target:195)
- Oil: Compliance rate of inspected facilities subject to Spill Prevention, Control and Countermeasure (SPCC) regulations (the initial target of 100% was revised to 55% based upon the new national policy on the definition of “compliance” and new baseline numbers for FY 2006)
- Oil: Compliance rate of inspected facilities subject to Facility Response Plan (FRP) regulations (the initial target of 100% was revised to 78% based upon the new national policy on the definition of compliance and new baseline numbers for FY 2006)

Long-term Output Measures:

- Removal: Total completed voluntary removal actions overseen by EPA
- Removal: Total completed Superfund-lead removal actions
- Oil: Gallons of oil spilled to navigable waters by facilities subject to the FRP regulations
- Oil: Compliance rate of all facilities subject to FRP regulations

Efficiency Measures:

- Removal: Superfund-lead removal actions completed annually per million dollars
- Oil: Gallons of oil spilled to navigable waters per million program dollar spent annually on prevention and preparedness at FRP facilities

SUPPORTING CHEMICAL ACCIDENT PREVENTION, PREPAREDNESS, AND RESPONSE AT THE LOCAL AND STATE LEVELS

Goal 4: Healthy Communities and Ecosystems

Subobjective 4.1.2: Reduce Chemical Risks at Facilities and in Communities

The Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA, also known as Title III of the Superfund Amendments and Reauthorization Act), created requirements for state and local planning and preparedness for chemical emergencies, and public access to information concerning potential chemical hazards. State Emergency Response Commissions (SERCs) establish local emergency planning committees (LEPCs) which use information about chemicals in the community to develop comprehensive emergency plans. There are more than 3,000 LEPCs nationwide. EPA has supported this program with guidance, technical assistance, and some limited grants. EPA also worked with the National Oceanic & Atmospheric Administration (NOAA) to develop and provide, free of charge, the Computer-Aided Management of Emergency

Operations (CAMEO) software program.

In 1990, section 112(r) of the amended Clean Air Act (CAA) established requirements regarding the prevention and detection of accidental releases of hazardous chemicals. The Risk Management program established under those requirements is an extension of the EPCRA planning and preparedness programs. Facilities that handle certain quantities of regulated substances must develop risk management plans (RMPs) and submit them to EPA. In turn, EPA makes RMPs available to state agencies, LEPCs, and the public. Facilities first submitted RMPs in 1999 and updates are required at least every 5 years and more frequently as changes are made at the facility. RMPs must include an assessment of potential offsite consequences of an accidental release from a facility, a history of releases that have occurred at the facility, a program to prevent accidental releases, and an emergency response program that is coordinated with the LEPC in the area where the facility is located. The Clean Air Act required EPA to establish a system to audit RMPs. The audit system is used to continuously assess the quality of risk management programs, gather information on chemical risks, and check compliance with the requirements, all of which assist in improving RMPs and reducing chemical risks.

EPA, working with states, tribes, local communities, industry, and other Federal agencies, oversees these programs under a philosophy holding that:

- Operators of facilities who have hazardous chemicals are primarily responsible for the safe handling of those chemicals, and
- State, tribal and local governments (as well as the community) play a critical role in risk reduction as well as mitigating the effects of chemical accidents.

In order to continue to assist state and local governments and industry in reducing the risks from chemical accidents or mitigating the effects of those accidents should they take place, EPA will:

- Continue to provide guidance, tools, and technical assistance to states, tribes, local communities, and industry to better enable them to reduce risk;
- Analyze existing RMP data as well as data gathered from audits to understand potential chemical risks and the causes and effects of releases; and
- Assist states, tribes, local communities, and industry in understanding how these chemical risks could affect communities and how to reduce risk and prepare to address and mitigate risks should a chemical accident occur.

Under GPRA, EPA has set as a strategic target to improve by ten percent by 2011 the 2007 baseline capabilities of LEPCs to prevent, prepare for, and respond to chemical emergencies. EPA will collect information from LEPCs during 2007 to establish the baseline.

EPA collects information on the number of RMP audits and/or facility inspections completed each year. The performance target for the number of RMP audits/inspections is 400 per year. In FY 2004, EPA and delegated states conducted 730 RMP field

audits/inspections; in FY 2005, 885 audits/inspections; and in FY 2006, 637 audits/inspections. Under GPRA, EPA has set the following three strategic targets for the RMP program:

- By 2011, continue to maintain the RMP prevention program and further reduce by 5 percent the number of accidents at RMP facilities. (The baseline is an annual average of 340 accidents, based on RMP program data through 2003.)
- By 2011, reduce by 5 percent the consequences of accidents at RMP facilities, as measured by injuries, fatalities, and property damage. (The baseline is an annual average of 358 injuries, 13 fatalities, and \$143.5 million in property damage at RMP facilities from 1995-2003.)
- By 2011, vulnerability zones surrounding RMP facilities will be reduced by 5 percent from the 2004 baseline, which will result in the reduction of risk for more than four million people in the community. (The 2004 baseline is 1,086,428 square miles of cumulative area of RMP facility vulnerability zones.)

Performance Goal for FY 2008:

- Number of risk management audits/ inspections completed (target 400).

EPA Regions are not required to provide data annually relative to these strategic targets. EPA will analyze data in the RMP database to determine progress toward these targets and the status of progress in 2011.

Useful Websites:

Office of Emergency Management <http://www.epa.gov/oem>

National Response Team (NRT) <http://www.nrt.org>

Risk Management program

<http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/RMPS.htm>

Oil Spills <http://www.epa.gov/oilspill>

Emergency Response <http://www.epa.gov/superfund/programs/er/>

Brownfields Cleanup and Redevelopment Program

Goal 4: Healthy Communities and Ecosystems

Subobjective 4.2.3: Assess and Clean Up Brownfields.

Strategic Measure and Target:

Working with state, tribal, and local partners, promote the assessment, cleanup, and sustainable reuse of brownfields properties.

- By 2011, conduct environmental assessments at 13,900 (cumulative) properties, make an additional 1,125 acres of brownfields ready for reuse, and leverage \$12.9 billion (cumulative) in assessment, cleanup, and redevelopment funding at brownfields properties.

Performance Goals for FY 2008:

- Number of Brownfields properties assessed (target 1,000).
- Number of Brownfields properties cleaned up using Brownfields funding (target 60).
- Acres of Brownfields property made ready for reuse.
- Number of jobs leveraged at Brownfields sites (target 5,000).
- Billions of dollars of cleanup and redevelopment funds leveraged at Brownfields sites (target \$0.9).
- Percentage of Brownfields job training trainees placed (target 65).
- Number of Tribes supported by Brownfields cooperative agreements.

EPA's Brownfields program will continue to facilitate the cleanup, redevelopment and restoration of brownfields properties. Under the Brownfields Law (Public Law 107-118, "Small Business Liability Relief and Brownfields Revitalization Act"⁵), brownfields are defined (with certain exclusions) as real properties, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Brownfield properties include, for example, abandoned industrial sites, drug labs, mine-scarred land, or sites contaminated with petroleum or petroleum products. Through its Brownfields program, EPA will continue to provide for the assessment and cleanup of these properties, to leverage redevelopment opportunities, and to help preserve green space, offering combined benefits to local communities.

Brownfields Assessment, Cleanup, Revolving Loan Fund, and Job Training Grants

EPA will continue to provide Assessment, Cleanup, Revolving Loan Fund, and Job Training grants to communities. Brownfields Assessment grants provide funding to

⁵ Signed in January 2002, for more information on Public Law 107-118 go to <http://www.epa.gov/swerosps/bf/sblrbra.htm>.

inventory, characterize, assess, and conduct planning and community involvement activities related to brownfields sites. Brownfields Revolving Loan Fund grants provide funding for a grantee to capitalize a revolving loan and for a grantee to make subgrants to carry out cleanup activities at brownfield sites. Brownfields Cleanup grants will fund cleanup activities at brownfield sites owned by grant recipients. EPA also will provide funding to create local environmental job training programs to enhance the economic benefits, derived from brownfield revitalization efforts, to the community.

EPA will publish proposal guidelines, solicit proposals, conduct a national competition, announce, and award Assessment, Cleanup, Revolving Loan Fund, and Job Training grants. To ensure a fair selection process, evaluation panels consisting of EPA Regional and Headquarters staff and other Federal agency representatives will assess how well the proposals meet the selection criteria outlined in the statute and the proposal guidelines. Final selections will be made by EPA senior management after considering the ranking of proposals by the evaluation panels. The statute requires that funds be directed to the highest ranking proposals.

- Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund and Cleanup Grants are available at: <http://www.epa.gov/brownfields/applicat.htm>
- Proposal Guidelines for Brownfields Job Training Grants are available at: <http://www.epa.gov/brownfields/applicat.htm>

Following award, EPA will assist grantees in achieving specific objectives as agreed upon in the project work plan. EPA will conduct post award monitoring activities to ensure the successful implementation of projects. Grant terms and conditions require grantees to complete Property Profile Forms or Job Training Forms. Using these forms, EPA will collect information on property acreage, assessment completion date, whether cleanup is necessary, cleanup completion date, status of institutional controls, leveraged jobs, and leveraged dollars. In addition, the program will use Property Profile Forms to collect information on the new performance measure, “Acres Made Ready for Reuse.”

- Reporting forms are available at: <http://www.epa.gov/brownfields/pubs/rptforms.htm>
- Information concerning OSWER’s Cross-Program Revitalization Measures may be found at: <http://www.epa.gov/swerrims/landrevitalization/docs/cprmguidance-10-20-06covermemo.pdf>

Recipients of Assessment, Cleanup, Revolving Loan Fund Grants, and Job Training Grants will be able to submit Property Profile Form and/or Job Training data electronically using the Assessment, Cleanup, and Redevelopment Exchange System (ACRES). EPA Regions will verify data submitted by grantees in the ACRES system. Grantees that do not have capability for electronic reporting will be able to submit paper forms.

Brownfields State and Tribal Response Programs Grants

EPA will continue to work in partnership with state and Tribal programs to address brownfield properties. The Agency will provide states and tribes with tools, information, and funding they can use to develop response programs that will address environmental assessment, cleanup, characterization, and redevelopment needs at sites contaminated with hazardous wastes and petroleum. The Agency will continue to encourage the empowerment of state, Tribal, and local environmental and economic development officials to oversee brownfield activities and the implementation of local solutions to local problems. EPA will publish an annual guidance regarding the criteria for state funding.

- Grant Funding Guidance for State and Tribal Response programs (CERCLA) Section 128(a) is available at:
http://www.epa.gov/swerosps/bf/state_tribal.htm#grant

Following award, EPA will assist grantees in achieving specific objectives as agreed upon in the project work plan. EPA will conduct post award monitoring activities to ensure the successful implementation of projects. Grantees will complete Property Profile Forms to document completion of site specific assessments and cleanups. Using these forms, EPA will collect information on property acreage, assessment completion date, whether cleanup is necessary, cleanup completion date, and the status of institutional controls. In addition, the program will use Property Profile Forms to collect information on the new performance measure, "Acres Made Ready for Reuse."

- Reporting forms are available at:
<http://www.epa.gov/brownfields/pubs/rptforms.htm>
- Information concerning OSWER's Cross-Program Revitalization Measures may be found at: <http://www.epa.gov/swerrims/landrevitalization/docs/cprmguidance-10-20-06covermemo.pdf>

Recipients of State and Tribal Response program Grants will be able to submit Property Profile Form using the ACRES system. EPA Regions will verify data submitted by grantees in the ACRES system. Grantees that do not have capability for electronic reporting will be able to submit paper forms.

The Brownfields program will also implement the Cross-Program Revitalization Measures. The program will use Property Profile Form data to report on the Universe Indicator and Types of Uses Indicator. The program will also use the Property Profile Form to collect information on the "Ready for Reuse" measure (based on status of cleanup and institutional controls (ICs)) which will equate to both "Protective for People" (PPF) and "Ready for Anticipated Use" (RAU) measures.

Brownfields and OMB's Program Assessment and Ranking Tool (PART)

The Brownfields program received a PART evaluation in 2003. At that time, the program received an “adequate” rating. The program then negotiated and is currently implementing an improvement plan. The improvement plan addresses program performance and efficiency measures, information collection procedures, and program evaluation.

- Information on the Brownfields program's PART evaluation and improvement plan is available at:
<http://www.whitehouse.gov/omb/expectmore/summary.10001132.2005.html>
- Information on EPA's 2006-2011 Strategic Plan is available at:
<http://www.epa.gov/ocfo/plan/plan.htm>

RCRA Waste Management Programs

In FY 2008, the RCRA program will have two main areas of focus – safe waste management and resource conservation. In support of safe waste management, EPA will continue existing program obligations such as ensuring the safe management of hazardous and non-hazardous waste and cleaning up hazardous and non-hazardous releases. The RCRA hazardous waste program is close to completing a major effort to bring corrective action sites under control, and will be focusing on effectively moving these sites toward final cleanup.

As the hazardous waste program completes the issuance of initial permits to the majority of facilities, the number of new facilities needing permits has been decreasing. Therefore, there will be increased emphasis on permit renewals. For both hazardous and non-hazardous wastes, the RCRA program will continue to work with tribes on a government-to-government basis to foster improved practices. The non-hazardous waste regulatory program will continue to provide technical assistance to our state partners, and to other Federal agencies, in areas where particular Agency expertise can be of help, such as bioreactor and other landfill technologies, homeland security issues, and disaster waste management. In addition, the RCRA program will continue to work to meet the commitments made as part of the Special Regional Priority for the Mexico Border area.

Under our resource conservation efforts, EPA will continue to focus on effective materials management and increased efforts regarding municipal solid waste, non-hazardous industrial materials, and chemicals reduction. We will build upon the successful efforts of the Resource Conservation Challenge (RCC) to meet the objectives of the 2020 Vision Paper (Beyond RCRA) to reduce the generation of wastes, increase recycling of industrial materials and municipal solid waste, and look at sustainable use of all resources.

The following information provides strategic targets, direction, and priorities for the FY 2008 operating year and is organized according to the Agency's Strategic Plan sub-objectives.

Goal 3: Land Preservation and Restoration

Subobjective 3.1.1: Reduce Waste Generation and Increase Recycling

The RCRA program will emphasize its strategy to conserve resources, reduce waste, and reduce priority chemicals. The RCC, one of OSWER's highest priorities, continues to be a principal mechanism for achieving these objectives. Regions will be expected to champion and support the four national RCC focus areas:

- Recycling of municipal solid waste (MSW);
- Reusing and recycling of industrial materials;
- Reducing priority chemicals; (covered under sub-objective 5.2.2); and
- Reusing and recycling of electronics.

In these key areas, we have identified, or started to identify, targets and measures that will demonstrate the positive benefits of this program. EPA Regions and OSW will continue to work together to determine the best steps to take to conserve resources and divert more materials to reuse and recycling. For more information concerning the RCC, please see <http://www.epa.gov/epaoswer/osw/conserves/index.htm>.

Under EPA's 2006-2011 Strategic Plan, we maintain our goal of recycling 35% of municipal solid waste by 2008. The Strategic Plan builds on this goal by including a national, aspirational goal of 40% municipal solid waste recycling by 2011. OSW is working with Regions to identify a new long-term 2011 GPRA goal, to replace the current 35% MSW recycling goal, which will be included in the Agency's FY 2009 budget request. This new, long-term goal will more directly reflect EPA's influence, resources, and contributions to the nation's goal of increasing municipal solid waste recycling.

During FY 2008, the Regions and OSW will continue to focus their primary MSW recycling efforts on the three targeted materials: paper, organics (food waste and green yard waste), and packaging/containers. OSW has worked with the Regions to develop a MSW Recycling Implementation Plan, which the Regional Division Directors approved in 2006. The plan includes specific activities each Region will commit to undertake and identifies approaches and tools to support these activities. For FY 2008, OSW is requesting that all Regions identify ACS commitments in the area of MSW recycling that will help to reach our annual GPRA target.

FY 2008 will be the first year the Regions will commit to specific Annual Commitment System (ACS) MSW recycling accomplishments. OSW worked with the Regions to identify a list of guiding principles to help establish these ACS commitments based on trial matrices the Regions completed for 2007. Regions should base their ACS MSW recycling commitments on what they expect to accomplish through their Full Time Equivalents (FTEs) and extramural dollars. Regions may include WasteWise partner accomplishments as outlined in the WasteWise apportionment paper as part of their ACS MSW recycling commitments. Regions should consider both FTE/extramural dollars and partnership accomplishments when establishing their ACS MSW recycling commitments. Regions should continue general outreach efforts to promote MSW recycling and implement the activities listed in the RCC 35% MSW Recycling Goal Final Draft Implementation Strategy. Regions should work closely with states to support and complement state and local efforts. Where Regions make targeted and specific efforts to support state programs, they are encouraged to seek ways to quantify their contributions, but these should not be part of their 2008 ACS targets.

Electronics Program

The RCC national electronics program focuses on three main goals: environmental design and procurement, operation and maintenance (extending product life), and reuse and recycling. EPA has developed several programs which address these goals. OSW

will continue to expand our partnership program, Plug-In to eCycling, increasing on an annual basis the pounds of electronics recycled nationwide and strengthening our outreach for recycling of electronics equipment. Encouraging widespread use of the EPEAT tool is a key component of a vigorous electronics reuse and recycling program. In 2008, Regions will continue to strive to achieve the gold rating under the Federal Electronics Challenge.

Industrial Materials Program

As EPA's industrial materials recycling program matures, we will follow the MSW recycling model and develop an industrial materials reuse and recycling implementation plan, while working to improve our construction and demolition materials data and measures. The industrial materials reuse and recycling program will continue to focus on coal combustion products (CCPs), construction and demolition (C&D) materials, and foundry sands. Recycling these materials can conserve resources, reduce energy use, reduce greenhouse gas emissions, reduce costs, and extend the life of landfills. Regions have developed effective working relationships with their state counterparts and should continue to foster collaborative efforts to share information and data and to coordinate among state programs. OSW will continue to partner with the Industrial Recycling Council (IRC), the industrial materials component of the National Recycling Coalition, and the Association of State and Territorial Solid Waste Management Official's Beneficial Use Task Force.

Measuring and reporting on success is a critical component of any credible program. We established two 2011 GPRA goals in the strategic plan: increase the use of coal combustion ash to 50%; and, increase the reuse and recycling of C&D materials to 65%. We will track progress for the coal ash goal at the national level. We updated the construction and demolition materials characterization report and asked several stakeholders for their review. The reviewers identified a number of potential improvements, and OSW will be working with the stakeholders to improve this characterization report. We intend to use the report, updated annually, to track progress in meeting the C&D materials GPRA goal.

For 2008, the ACS includes our C&D materials measure. For 2008, we encourage the Regions to add ACS commitments in this area. We will be working with all Regions to identify activities that could be included in their ACS commitments, to develop a C&D materials implementation plan, and to improved data collection.

For FY 2008, Regions should build on their prior successes and continue to increase the reuse and recycling of industrial materials in an environmentally sound manner. As in 2007, Regions should focus their efforts on two programs: the Industrial Materials Construction Initiative, which is a comprehensive venue for fostering reuse and recycling of all three of EPA's focus materials; and the Coal Combustion Products Partnership (C2P2).

The Industrial Materials Construction Initiative

Several Regions have had great success in working with large construction projects. Other Regions have initiated discussions which appear quite promising. In 2006, each Region committed to identifying and working with at least one major construction project in their Region. In FY 2008, Regions should continue their efforts in this area. Regions are asked to identify significant, upcoming construction projects and initiate discussions with developers, builders, and others who influence materials use to encourage the wider use of coal ash, reusable, construction and demolition materials, and foundry sands. OSW provided the Regions with a list of top Regional construction projects and continues to forward new projects as they are identified. OSW also will provide Regions with materials to use as tools to move this effort forward.

In FY 2008, OSW will be tracking Regional accomplishments and challenges in the Industrial Materials Construction Initiative through routine calls and other efforts. Regions should document construction project case studies to capture and share the knowledge gained and lessons learned, including challenges to reuse and recycling and how those challenges are overcome. Regions then can apply the case study information in marketing the concept to other projects. Effective case studies should include the amount of material used, reused, and/or recycled, as well as energy savings, greenhouse gas reductions, and cost savings.

Coal Combustion Products Partnership (C2P2)

Regions should continue to expand the C2P2 and encourage the use of coal combustion products (CCPs). Actions include nurturing the current membership, recruiting new members to the partnership (including generators), creating case studies of CCPs used, and working with state agencies and others to put CCPs to use in transportation and building projects. Concerns have been raised that EPA's air regulations will negatively affect CCP characteristics. OSW and Regions will seek to address such concerns with assistance from experts within the Agency, other agencies, industry, and academia. With the potential loss of a significant DOE data source, OSW will be working with industry and other partners to ensure continued effective reporting on coal ash usage.

Performance Track

OSWER continues to support Performance Track (<http://www.epa.gov/performancetrack>), an Agency-wide priority innovation program that recognizes and rewards private and public facilities that demonstrate top environmental performance. OSWER has worked with OPEI to develop RCRA incentives (<http://www.epa.gov/performancetrack/benefits/regadmin/waste.htm>) for member facilities. RCRA programs are encouraged to promote adoption of these incentives by the states and assist in their implementation. In FY 2006, OSWER collaborated with Performance Track to promote voluntary priority chemical reductions as an important commitment to continuous environmental improvement. Specifically OSWER's National Partnership for Environmental Priorities (NPEP), a partnership program that targets priority chemical reduction has worked with Performance Track to

form the National Challenge Commitment for Priority Chemicals. Under this challenge, Performance Track members declaring a 10% reduction goal for one or more priority chemicals can use that single goal to count as two of four goals needed to demonstrate continuous environmental improvement over a three year period.

In addition, in FY 2006, OSWER collaborated with Performance Track to create a community land revitalization indicator. Performance track members can also select the community revitalization indicator as one of its continuous environmental improvement commitments over a three year period. The Performance Track member provides financial or other substantive support to cleanup a contaminated property in its community, working with partners who have a revitalization plan for that property. Performance Track members do not own or have a financial interest in the selected property.

Goal 3: Land Preservation and Restoration

Subobjective 3.1.2: Manage Hazardous Wastes and Petroleum Products Properly

The strategic target for permitting or other approved controls is 95% for 2008. To reach this target, Regions are expected to meet the annual goal of 1.8% of the universe. Since all but two states are authorized to issue permits, and because states receive grant funds to implement the RCRA hazardous waste program, Regions must work with states to:

- Develop and implement multi-year strategies to meet the annual goals.
- Identify what is needed for each facility to achieve approved controls and determine when each facility is projected to achieve approved controls.
- Consider risk in determining the prioritization of facilities to be addressed in the multi-year strategies.

To meet the long-term FY 2008 strategic target of updating controls to prevent releases at the approximately 150 facilities due for permit renewal, Regions should work with states to develop and implement multi-year strategies to implement updated controls. The national annual goal for FY 2008 is 50 updated controls, which equates to approximately 13% of the baseline. More information on approved controls for the permitting program is at <http://www.epa.gov/epaoswer/hazwaste/permit/pgprarpt.htm>

In 2004, OMB assessed the RCRA base program, permits and grants under the PART, which is used to determine the effectiveness of Federal programs. As part of that process, an efficiency measure was established, based on: (1) total facilities under control, and (2) permit costs and base program appropriations. Calculations for the baseline year 2005 are 2,143 facilities under control at a cost of \$674,566,000 (.0000031 facilities/dollar) and an efficiency measure target for FY 2008 of a 3 percent improvement from the baseline.

Regions will support and work closely with states to ensure that environmental regulations, applicable Federal environmental justice (EJ) policies, strategies, tools and training programs are used to adequately address EJ concerns. Progress towards RCRA

GPRAs in potential EJ communities should advance at least at the same pace as in non EJ areas.

Tribal Programs

EPA has important responsibilities relating to safe waste management in Indian country. Regions with Federally-recognized tribes will devote resources to assisting tribes, consistent with the 2006-2011 EPA Strategic Plan. EPA is developing baseline data and tools to assist tribal governments and Regions will be expected to achieve the following during FY 2008:

- Assist tribal governments to ensure that 26 tribes are covered by an integrated waste management plan approved by an appropriate governing body;
- Assist tribal governments to ensure that 30 open dumps in Indian Country and on other tribal lands are closed, cleaned up, or upgraded.

Goal 3: Land Preservation and Restoration

Subobjective 3.2.2: Clean Up and Revitalize Contaminated Land

Achieving the 2008 GPRAs is the highest priority of the RCRA corrective action program. The 2008 GPRAs, which build on the success achieved in 2006 and 2007, are as follows:

- Control all identified unacceptable human exposures from site contamination to health-based levels for current land and/or ground-water use conditions at 95 percent of RCRA baseline facilities.
- Control the migration of contaminated ground water at 81 percent of RCRA baseline facilities.
- Complete construction of remedies at 27 percent of RCRA baseline facilities.

These 2008 national goals are based on a revised corrective action baseline (or universe) of 1,968 facilities that was developed in FY 2004 (herein referred to as the “2008 baseline”). National FY 2008 GPRAs have been established for each Region based on Regional commitments (see chart below). Additionally, the RCRA program agreed with OMB to increase its groundwater migration target from 80 to 81 percent, based on recent successes and estimates provided by the Regions.

OECA encourages the Regions to use enforcement authorities and tools where appropriate to address these three GPRAs. In addition, the Superfund and RCRA Corrective Action enforcement program commitments for the financial assurance priority are included in OECA's portion of the annual commitment system and accomplishments are reported manually.

EPA's goals, that we've committed to achieve in the President's FY 2008 Annual Plan and Congressional Justification, are listed on the following page:

FY 2008 President's Budget Commitments

Region	GPRA Baseline Facilities	Human Exposure Annual Goal	Groundwater Annual Goal	Construction Complete Annual Goal
1	190	5	9	7
2	164	6	13	7
3	289	1	4	4
4	308	4	8	5
5	399	38	30	15
6	233	2	2	4
7	109	3	3	6
8	60	2	0	1
9	164	5	12	3
10	52	0	0	1
Total	1,968	66	81	53

Each Region should work with states to update their strategies to achieve their 2008 GPRA goals. The strategies should be facility-specific, and should describe how available resources will be used to achieve the goals. The strategy should include plans for frequent contact with states to discuss their progress in meeting the 2008 goals.

Each Region should also work with their states to promote making RCRA ready-for-anticipated-use determinations to support OSWER's Cross-Program Revitalization measure. (See "Guidance for Documenting and Reporting RCRA Subtitle C Corrective Action Land Revitalization Indicators and Measures" at www.epa.gov/correctiveaction.)

The annual target for increasing the efficiency of the RCRA Corrective Action program is three percent. Each Region should work with its states to increase the number of final remedy components constructed during FY 2008 and future years by three percent per year, presuming that costs remain constant. The number of final remedy components constructed will be measured from RCRAInfo as the total number of area-specific and facility-wide construction completions (CA550) completed during 2008.

Regions will support and work closely with their states to ensure that environmental regulations, applicable Federal environmental justice (EJ) policies, strategies, tools and training programs are used to adequately address EJ concerns. Progress towards RCRA GPRA goals in potential EJ communities should advance at least at the same pace as in non EJ areas. Regions should work with their states to help develop and offer innovative approaches that will empower citizens' groups to ensure successful voluntary cleanups.

PCBs

In an effort to improve program and administrative efficiencies, the FY 2008 President's budget request proposes to transfer management of the PCB cleanup and disposal program to the Office of Solid Waste and Emergency Response (OSWER) in FY 2008. EPA's Office of Prevention, Pesticides and Toxic Substances (OPPTS) currently

manages the PCB program under the requirements of the Toxic Substances Control Act (TSCA) and its regulations. OPPTS will continue to oversee PCB issues relating to use and manufacturing. If this transfer is included in the FY 2008 enacted budget, EPA will publish a procedural rule to move the administration of the TSCA PCB cleanup and disposal regulations from OPPTS to OSWER. During FY 2008, Regions are expected to continue to issue approvals for PCB cleanup and disposal as required under 40 CFR 761.61 and to enter commitments and progress into the ACS.

Goal 5: Compliance and Environmental Stewardship

Subobjective 5.2.1: Prevent Pollution and Promote Environmental Stewardship

Priority Chemical Reductions

The National Partnership for Environmental Priorities (NPEP) is an important part of the RCC. The strategic goal, as stated in the Agency's 2006 – 2011 Strategic Plan, is a four million pound reduction of priority chemicals by 2011, as measured by NPEP contributions, Supplemental Environmental Projects (SEPs) and other tools used by EPA to achieve priority chemical reductions. In FY 2008, EPA will achieve NPEP priority chemical reduction goals by identifying for partnership and enrolling individual facilities, and when possible multiple facilities, in industrial and manufacturing sectors which are responsible for the highest volume of priority chemicals released to the environment. Partners enrolled by regional and state representatives will contribute to the national priority chemical goal and may contribute to additional regional or state specific chemical reduction goals. Decisions regarding chemicals (in addition to the 31 priority chemicals) selected for reduction should be based on the chemical waste minimization potential, risk, and generation trends as well as volume of chemical released to the environment. Information on the specific actions and means by which reductions are achieved is provided in the RCC Priority Chemical Action Plan. At this time there are no specific GPRA goals associated with the identification of other chemicals of national concern.

Based on targeting information provided by OSW, and other available information, Regions will establish specific annual regional reduction goals, identifying the number of pounds of reductions the Region will seek to achieve each year to reach the 2011 Priority Chemical GPRA goal. The FY 2008 national goal is to reduce priority chemicals by one million pounds. Regional annual priority chemical reduction targets will be entered into the ACS. In addition, the RCRA program has committed to targeted cost efficiencies associated with reducing priority chemicals through its OMB PART measure, "Number of pounds (in millions) reduced in waste streams per cost to perform such actions." The program has committed to achieving a 1.5 percent increase each year in pounds of priority chemicals removed relative to cost. Contributions toward the GPRA goal can be achieved by recruiting several small generators as well as by targeting large volume generators.

Note that overall program success is measured by reduction in the volume of priority chemicals, rather than the number of facilities enrolled in the partnership program. Additionally, source reduction is the preferred means of chemical reduction, but

recycling is an acceptable alternative when viable source reductions options have been eliminated.

For further information, see <http://www.epa.gov/epaoswer/hazwaste/minimize/index.htm>

Schools Chemical Cleanout Campaign (SC3)

The Schools Chemical Cleanout Campaign (SC3) is a part of RCC. The Campaign strives to facilitate: (1) removal of legacy accumulations of dangerous chemicals from K-12 schools; (2) implementation of strong, sustainable chemical management in schools to prevent the development of accumulations of chemicals in the future; and, (3) raising awareness of the problem.

During FY 2006, EPA established a multi-Agency Steering Committee in collaboration with the Department of Education, Agency for Toxic Substances and Disease Registry, Bureau of Indian Affairs, Consumer Product Safety Commission, and Centers for Disease Control and Prevention and developed a multi-Agency strategy to address the issue. In FY 2007, EPA will make progress on building a national campaign that includes a public/private network to make responsible chemical management available to all schools across the nation. The network partnerships will help us to create sustainable chemical management programs in schools that ultimately decrease the number of injuries and school days lost due to poor chemical management and chemical spills, which is likely to improve the learning environment in K-12 schools across the nation.

While building these partnerships in FY 2008, EPA and its Federal partners will place their effort on the following goals and objectives:

- Gathering baseline data and raising national awareness of the potential dangers of chemical accumulations in K-12 schools: better characterize the scope of the problem; communicate with stakeholders and engage them in addressing the problem; and coordinate Federal agency programs to provide a clear, unified SC3 message.
- Facilitate Chemical Cleanout and prevention of future chemical management problems: improve access to information resources (tools, manuals, criteria) and provide technical assistance; institutionalize good chemical management practices, including training, purchasing, and planning; and recognize successes through SC3 awards.

In FY 2007 and 2008, EPA headquarters and the Regions will continue to analyze the state of chemical management in K-12 schools and develop tools to raise awareness and educate school and industry partners about the issues surrounding chemical management.

To bring this information, expertise, and resources to as many school districts as possible across the country, EPA headquarters and Regions will focus their efforts on developing and strengthening partnerships to build this national network. Regions will be the key to

making this vision a reality. As we sign on partners who want to help schools, it will be the regional knowledge of the local landscape that will help match partners with school districts lending their expertise to grow the campaign and assure that it complements and embraces other Agency Healthy School Environments Initiatives. Regions will also take the lead in identifying and targeting local industries that have the ability to assist with the Campaign. Success in FY 2008 will be measured by the number of partnership agreements established, schools affected, pounds of chemicals removed from K-12 schools, and sustainable practices established.

Underground Storage Tanks Program

Goal 3: Land Preservation and Restoration

Subobjective 3.1.2: Manage Hazardous Wastes and Petroleum Products Properly (UST)

Subobjective 3.2.2: Clean Up and Revitalize Contaminated Land (LUST)

The Underground Storage Tanks Program: Overview

In FY 2008, the Underground Storage Tank (UST) program will continue to assist states and tribes in implementing the UST program. The program has a strong focus on preventing leaks from USTs, and detecting, as early as possible, those leaks that do occur. The program also has a strong cleanup focus to assess and clean up leaks from USTs, including those at brownfield sites contaminated with petroleum. The UST program places a high priority on close collaboration with tribes to conduct the UST program in Indian Country and to build tribal capacity in the program. In addition, the program will continue to work very closely with and provide assistance to states to help them meet their new responsibilities authorized under the Energy Policy Act (EPAct) of 2005, Title XV, Subtitle B.

The UST Prevention Program

A key indicator of the success of our prevention program is our measure of significant operational compliance (SOC). This measures the number of tanks that comply with both our release prevention and release detection requirements, and are operating and maintaining those systems properly. We believe that the implementation of our traditional tools, supplemented by the new tools provided to the program through the EPAct, will over time show a marked increase in the SOC rates across the country. These new tools include: conducting inspections of all active tanks every three years, prohibiting delivery to noncompliant tanks, and requiring either secondary containment for new tank systems or financial responsibility for manufacturers and installers.

Inspections and compliance certifications can create incentives for owners and operators to properly operate and maintain their systems. Building on that, we believe that the more well maintained these systems are, the fewer leaks we will experience throughout the country. With groundwater being the primary source of drinking water to half of the country's population, leaks from USTs are a significant threat to human health and the environment. From the over 640,000 active tanks in the U.S., currently there are an average of fewer than 10,000 new leaks every year. By decreasing the numbers of new releases, and continuing our focus on the cleanup program as described below, we aim to make an important contribution to the nation's health.

Performance goals for FY 2008:

- Increase the rate of significant operational compliance by 1% over the previous year's rate (target). The FY 2008 target is 68%.
- No more than 10,000 confirmed releases each year.

The UST Cleanup Program

Additionally, the Underground Storage Tank program continues to make strides in our cleanup program. Over the history of the program, there have been a total of over 460,000 confirmed releases. The EPA, states, and tribes have worked together to clean up over 350,000 of these, leaving a backlog of approximately 114,000 remaining to be completed. Because there are roughly 7,000 to 8,000 new releases added to this backlog every year, this remains a challenge for the program. We have efforts underway to continue to reach out to new partners and find new information and new tools to enhance our ability to address these cleanups. For example, we are working to build on the success of the traditional brownfields program by looking for opportunities to promote the cleanup and redevelopment of abandoned gas stations. We are also working to better understand the nature of the cleanups remaining to be completed in the backlog. If we can better characterize these remaining cleanups, we hope to be able to design targeted strategies to increase the pace of addressing those sites. We are also working to monitor the financial mechanisms being used by states and private parties to finance cleanups, in order to assure there is, and will continue to be, sufficient funding available. Another important resource we provide to states and tribes is our continuing research into the specific contaminants at LUST cleanup sites, the risk associated with them, and appropriate cleanup tools to address them.

Performance goal for FY 2008:

- Number of cleanups that meet state risk-based standards for human exposure and groundwater migration (tracked as number of LUST cleanups completed). FY 2008 target is 13,000.

The OUST Tribal Strategy

The Underground Storage Tanks program has, for many years, placed a strong emphasis on implementing the program in Indian Country, and on helping tribes develop the capacity to administer UST programs. For example, funding is used to support training for Tribal staff, educate owners and operators in Indian Country about UST requirements, and maintain information on USTs located in Indian Country. In August 2006 EPA published a forward-looking strategy⁶ for the implementation of the UST program in Indian Country. This strategy was developed with the close collaboration of tribes in setting its priorities and objectives, and will guide the UST Tribal program for the next several years. The Underground Storage Tanks program will continue to provide support for site assessments, investigations and remediation, enforcement against responsible parties, cleanup of soil and/or groundwater, alternate water supplies, and cost recovery against UST owners and operators. The Underground Storage Tanks program will also continue to provide technical expertise and assistance by utilizing in-house personnel,

⁶ Refer to *Strategy For An EPA/Tribal Partnership To Implement Section 1529 Of The EPA Act Of 2005*, August 2006, EPA-510-F-06-005, http://www.epa.gov/oust/fedlaws/epact_05.htm#Final

contractors and grants/cooperative agreements to Tribal entities; response activities; oversight of responsible party lead cleanups; and support and assistance to Tribal governments. The strategy names several important aspects of the UST program in Indian Country that will be a key focus of EPA and the tribes in striving for continuing program improvement over the next several years.

Performance goal for FY 2008:

- Number of cleanups that meet risk-based standards for human exposure and groundwater migration in Indian Country. FY 2008 target is 30.

Regions also are responsible for negotiating the terms and amounts of:

- 1) Underground Storage Tanks (UST) program grants authorized by Section 2007(f)(2) of the Solid Waste Disposal Act (SWDA) and certain provisions of the EPAct and funded with State and Tribal Assistance Grant (STAG) appropriations,
- 2) State Leaking Underground Storage Tanks (LUST) cooperative agreements authorized by Section 9003(h)(7) and funded by LUST appropriations,
- 3) UST and LUST assistance agreements to tribes authorized by P.L. 105-276 and funded by STAG and LUST appropriations, and
- 4) Direct Implementation Tribal Cooperative Agreements authorized in EPA's annual appropriations and funded by STAG appropriations.

Regional offices also directly implement and enforce UST regulations in Indian Country and, to a limited extent, supplement state activities in areas that are under state jurisdiction.

National Priorities/Program-Specific Initiatives

Implement the Energy Policy Act of 2005: Key objectives include: (1) conducting more frequent inspections; (2) prohibiting delivery to noncompliant tanks⁷; and (3) requiring either secondary containment for new tank systems⁸ or financial responsibility for manufacturers and installers. For further information and final EPA grant guidance, see <http://www.epa.gov/swrust1/fedlaws/EPActUST.htm>.

Funding and Oversight: For the Energy Policy Act implementation, key objectives will be developed in FY 2007 for forthcoming implementation.

Improving Compliance: Key objectives include: (1) providing assistance to states and tribes in implementing the UST program; (2) providing assistance and alternative

⁷ Delivery prohibition http://www.epa.gov/swrust1/fedlaws/Delivery%20Prohibition_080706.pdf

⁸ Secondary containment <http://www.epa.gov/swrust1/fedlaws/Final%20Sec%20Cont%20GLs%2011-15-06.pdf>

mechanisms (e.g., conducting more frequent inspections, prohibiting delivery to noncompliant tanks, and requiring either secondary containment for tank systems or financial responsibility for manufacturers and installers) to states to help them meet their new responsibilities authorized under the Energy Policy Act (EPA Act); (3) providing assistance to tribes in conducting inspections in Indian Country of all tanks not inspected since 1998, and then conducting on-site inspections of all tanks every three years thereafter; (4) encouraging owners and operators to properly operate and maintain their USTs; (5) ensuring owners and operators routinely and correctly monitor all regulated tanks and piping in accordance with the regulations; and (6) developing state programs with sufficient authority and enforcement capabilities to operate in lieu of the Federal program. It should be noted that the Energy Policy Act imposed a number of conditions on states receiving funding, see <http://www.epa.gov/swerust1/fedlaws/EPActUST.htm>.

Expediting Effective Cleanups: Key objectives include: (1) focusing on increasing the efficiency and effectiveness of LUST cleanups nationwide; (2) addressing contaminants of concern and the impact of contaminants; (3) promoting the continued use, reuse, and long-term management of LUST sites; (4) optimizing the use of cleanup technologies; (5) streamlining cleanup decisions and processes; (6) monitoring the soundness of state cleanup funds, a significant source of funding for addressing LUST cleanups; and (7) achieving a better understanding of the current backlog of sites and remaining administrative legal and technical impediments to cleanup.

Promoting Redevelopment of Abandoned Gas Stations: Key objectives include: (1) working with Brownfields and OSWER Revitalization efforts to implement the petroleum provision of the Brownfields law, (2) working to increase state tank program participation in revitalization of petroleum contaminated sites, including measuring progress based on estimating the number of acres protective for people for future use; and (3) identify lessons learned from EPA's investment in USTfields pilots.

Cross Program Revitalization Measure: New in FY2008, all OSWER offices are reporting on the number of acres affected by our several revitalization programs. OUST will be reporting on 3 new measures regarding the acres addressed by our LUST cleanup program: Universe, Protective for People, and Ready for Anticipated Uses. These measures will not require any additional reporting from Regions or states, but will simply be calculated from the measures already reported.

One **Confirmed Release** will equal one site and one acre for the **Universe Indicator** which reports the total number of sites and acres being addressed by the LUST cleanup program.

One **Cleanup Completed** will equal one acre for the **Protective for People (PFP)** as well as the **Ready for Anticipated Uses (RAU)** Performance Measures.

- The **Protective for People (PFP) Performance Measure** is number of acres at which there is no complete pathway for human exposures to unacceptable levels of contamination based on current site conditions.

- The **Ready for Anticipated Uses (RAU) Performance Measure** is the number of acres at which:
 - cleanup goals have been achieved for media that may affect current as well as reasonably expected future land uses, and
 - institutional controls identified as part of the remedy are in place.

Conduct Enhanced Program Evaluations: Key objectives include: (1) continuing to provide analytical reports that track national and regional program performance; (2) improving data quality; (3) examining viability and identifying ways to improve underground storage tank financial assurance mechanisms, including state cleanup funds, (4) conducting evaluations of specific state cleanup workloads to determine strategies for expediting and improving state cleanups programs; (5) developing methods to explicitly highlight the environmental and public health outcomes and benefits of completing LUST cleanups; (6) considering various options for performance measure efficiency and accounting for the impacts of the Energy Policy Act of 2005 and (7) continued participation in advancing OSWER's Petroleum Brownfields and Revitalization work as well as other cross-media and cross task forces, such as long-term stewardship and identifying USTs and LUSTs in source water areas

Fostering and Expanding Partnerships: Key objective includes: fostering existing partnerships among EPA (headquarters and Regions), states, communities, tribes and industry to prevent releases and clean them up quickly and effectively when they occur.

Program Development

One of the influences in program development is the Federal government's program assessment rating tool (PART). The PART was developed to assess and improve program performance so that the Federal government can achieve better results. The LUST program was reviewed to identify its strengths and weaknesses to make the program more effective. In FY 2004, the LUST program received a final numerical score of 68 and an overall rating of "adequate" from OMB's third review of the program. To achieve an adequate rating, EPA was asked to create two long-term performance measures that focus on environmental outcomes: 1) increasing the number of cleanups that meet risk-based standards for human exposure and groundwater migration, and 2) a new measure of program efficiency which is LUST cleanups completed over a three-year rolling average per total cleanup dollars. Due to the recent legislative changes from the EAct of 2005, EPA and the states are re-evaluating and updating the efficiency measure.

A PART assessment of the UST (prevention) program was performed in 2006 and received the rating of "moderately effective." As a component of a PART improvement plan, the program will work with its state partners to consider various options for performance measure efficiency and to account for the impacts of the 2005 EAct.

Funding

EPA provides funds to help states implement their programs through grants or cooperative agreements under the authorities and appropriations described above, and when funding is available, from EPA's Headquarters' EPM and LUST Extramural Operating Plan resources. Specific activities eligible for funding are determined through negotiations between the states and tribes and the EPA Regional offices based on national guidance issued by OUST for implementation of the Energy Policy Act. In FY 2008, state and tribal cooperative agreements funded with LUST appropriations may only be used for leaking underground storage tank cleanup activities authorized by Section 9003(h)(7) of the SWDA. (It should be noted that if the Appropriations Committees amend EPA's FY 2008 President's Budget Request so that it is consistent with the recent legislative change, [see P.L. 109-433, which removes the tax penalty if EPA/states spend LUST Trust Fund money for the purposes authorized in the Energy Policy Act], OUST will supplement this national program guidance with new instructions concerning funding.) Any financial assistance the Agency provides with LUST appropriations under Section 8001 of the SWDA must directly support state and tribal oversight and cleanup of LUST sites under Section 9003(h) of the SWDA.

UST State and Tribal Assistance Grants (STAG) Program

The primary funding authorities for EPA to provide STAG funds to assist state and tribal prevention and detection programs will remain Section 2007(f)(2) of the SWDA for states and Public Law 105-276 for tribes. However, under the President's FY 2008 Budget Request, EPA will also have authority to make grants or cooperative agreements for new activities authorized by the Energy Policy Act of 2005, Title XV - Ethanol And Motor Fuels, Subtitle B - Underground Storage Tank Compliance, Sections 1521 - 1533, P.L. 109-58, 42 U.S.C. 15801. EPA will not use STAG funds for leaking underground storage tank cleanup activities that are authorized by section 205 of Superfund Amendments and Reauthorization Act of 1986, even if the Energy Policy Act also authorizes those activities. The Regions shall refer to OUST's website for the latest EPAct grant guidance, see <http://www.epa.gov/swerust1/fedlaws/EPActUST.htm>.

States must match funds equal to 25% of their UST program Section 2007(f) grant awards. See <http://www.epa.gov/ogd/grants/cfda.htm> (66.804). State matches may include in-kind contributions. In FY 2008, EPA may consider granting case-by-case deviations from the 25% state match requirement in 40 CFR 35.335. There is no match requirement for grants to tribes under PL 105-276. To assist the Regional offices in evaluating state and tribal programs and identifying opportunities for improvement, states and tribes need to provide a complete picture of their UST program activities and funding. EPA and the states must develop and implement systems to track the uses of the STAG funds.

LUST Trust Fund Cooperative Agreements

Funds from the Leaking Underground Storage Tank (LUST) Trust Fund appropriation can only be used for those activities that are authorized by Section 205 of the Superfund Amendments and Reauthorization Act of 1986. (It should be noted that if the Appropriations Committees amend EPA's FY 2008 President's Budget Request so that it is consistent with the recent legislative change, [see P.L. 109-433, which removes the tax penalty if EPA/states spend LUST Trust Fund money for the purposes authorized in the Energy Policy Act], OUST will supplement this national program guidance with new instructions concerning funding.) Consequently, EPA awards cooperative agreements to states under authority of Section 9003(h)(7) of the SWDA. Under Public Law 105-276, Congress authorized EPA to use LUST Trust Fund appropriations to award cooperative agreements to tribes for the same purposes as those set forth in Section 9003(h)(7). Policies and procedures applicable to EPA-State LUST Trust Fund cooperative agreements are presented in detail in OSWER Directive 9650.10A, issued May 24, 1994. See <http://www.epa.gov/OUST/directiv/d965010a.htm>.

Funds for state cooperative agreements are distributed annually among the Regional offices based on a formula that calculates: (1) a base allocation; (2) bonuses and rewards marking progress toward State Program Approval (SPA); (3) a performance-based bonus pool for states that are either initiating or completing a higher percentage of cleanups than the national average; and (4) a need allocation. Regional offices are free to reallocate the funds among states and territories based on a closer assessment of their needs in meeting or exceeding the cleanup GPRM measure, and other relevant factors.

EPA allocates LUST funding to tribes on a case-by-case basis that takes into account primarily the tribe's funding needs.

A ten (10) percent state cost share is required. There is no match requirement for cooperative agreements to tribes under PL-105-276. See <http://www.epa.gov/ogd/grants/cfda.htm> (66.805).

EPA's EPM and LUST Extramural Operating Plan Projects (Subject to availability of funds)

EPM and LUST Extramural Projects are aimed at helping states correct specific deficiencies or make specific improvements in their UST/LUST programs. When funding is available, Regional offices receive funding from OUST's EPM and/or LUST Extramural budget. Within the limitations imposed by the EPA budget and appropriations structure, Regional offices are able to support projects through cooperative agreements, grants, or by obtaining contractor assistance to help states with a specific project.

Regional offices have discretion to decide which state projects to support, but all projects must be strategically important to state UST/LUST programs and OUST's national

priorities.

Grants to Tribes - PL 105-276

In FY 1999, through PL 105-276, Congress gave EPA authority to provide assistance agreements to Federally-recognized tribes. In general, such assistance agreements can be used for the same purposes for tribes as they are used for states. However, EPA does not have authority under RCRA to approve Tribal programs to operate in lieu of the Federal program.

Grants may be used to help tribes develop the capability to administer their own UST and LUST programs. Examples of eligible projects include the development and implementation of a regulatory program in Indian Country, conducting an unregistered tank survey, and providing leak detection and installer training.

EPA will also implement the UST Tribal strategy⁹ developed in FY 2006 in Indian Country. As specified in the EPAct, EPA is required by August 8, 2007 to conduct on-site inspections in Indian country of all tanks not inspected since 1998, and subsequently to inspect all tanks every three years thereafter.

Regional Coordination

Regional Planning Meetings, Regional Division Directors' meetings, and regularly scheduled monthly conference calls between OUST and the Regional UST/LUST Program Managers provide opportunities for OUST and Regional management to assess the strengths and weaknesses of state programs and decide where EPA's support is most needed and would be most productive. OUST will hold additional Regional Planning Meetings, as needed.

State Reporting Requirements and Schedule

Mid-Year Performance Data

States must report Mid-Year performance data on or before April 5 of each year. Regional offices must report to OUST the states' Mid-Year performance data on or before April 10 of each year.

End-of-Year Performance Data

States must report to the Regional offices estimated End-of-Year performance data on or before September 7 of each year. Regional offices must report to OUST the estimated End-of-Year performance data by September 14 of each year. States must report final End-of-Year performance data on or before October 8 of each year. Regional offices

⁹ Refer to *Strategy For An EPA/Tribal Partnership To Implement Section 1529 Of The EPAct Of 2005*, August 2006, EPA-510-F-06-005, http://www.epa.gov/oust/fedlaws/epact_05.htm#Final

must report to OUST final Regional offices End-of-Year performance data on or before October 15.

The FY 2008 National GPRA Goal for Cleanups Completed is 13,000. The FY 2008 National GPRA Goal for Compliance is to increase the rate of significant operational compliance by 1% over the previous year's rate (target), which in FY 2007 is 67%.

Regional offices are expected to verify the accuracy and completeness of data provided by states. In order to avoid "last minute" reviews, verification must be an ongoing process each time states submit data to the Regional offices. Regional offices must either develop their own verification processes or follow verification guidance provided by OUST; in general, such processes should involve sufficient interaction with states that the Regional offices can be confident that the data submitted at the end of each reporting period are complete, up-to-date, and accurate. Each Regional office should conduct reviews of state data. In addition, Regional offices are held accountable for working with states to improve their data systems where appropriate.

OSWER NATIONAL PROGRAM MANAGER GUIDANCE GRANTS MANAGEMENT GUIDELINES FOR FY 2008

OSWER places a high priority on continuous promotion of accountable and effective grants management in the solicitation, selection, award, and administration of assistance agreements in support of OSWER's mission. The following key areas will be emphasized as we implement our grant programs:

1. Standardizing the timing of issuance of grants guidance for categorical grants (i.e., by April of the fiscal year prior to the year in which the guidance applies);
2. Ensuring effective management through emphasis on training and accountability standards for Project Officers and their managers; and
3. Utilizing new state grant templates to link grants performance to the achievement of environmental results as detailed in the Agency's Strategic Plan and the OSWER National Program Manager Guidance.

The Office of Grants and Debarment (OGD), in its efforts to strengthen the management and oversight of Agency assistance agreements, issued a "*Grants Management Plan for 2003-2008.*" The plan is designed to help ensure grant programs meet the highest management and fiduciary standards and further the Agency's mission of protecting human health and the environment. The plan highlights five grants management goals:

1. Enhance the skills of EPA personnel involved in grants management;
2. Promote competition in the award of grants;
3. Leverage technology to improve program performance;
4. Strengthen EPA oversight of grants; and
5. Support identifying and realizing environmental outcomes.

OSWER is committed to cooperating with OGD in accomplishing these goals and continues to work to promote effective and accountable grants management.

Timing of Guidance Issued for Categorical Grants

One of OSWER's objectives is to organize and coordinate the issuance of draft and final guidance documents, including grants guidance, to coincide as much as possible with State, tribal, and regional planning processes. As a result, all guidance packages for categorical grant programs are to be issued by April of the year in advance of the fiscal year of availability of funds if at all possible (i.e., guidance for fiscal year 2008 appropriated funds needs to be issued by April 2007). Not all categorical grant programs issue annual guidance. These programs may simply indicate that they are continuing to use their current guidance.

Effective Grants Management

OSWER's Acquisition and Resources Management Staff (ARMS) serves as liaison to OGD and the first resource for Project Officers and their managers in disseminating, implementing, and ensuring compliance with EPA new and existing grants management policies and procedures. ARMS also serves as the primary point of contact in consultations with our regional offices and Grant Coordinators Workgroup.

ARMS central coordinating role serves to ensure consistent implementation and compliance with Agency grants management policies and procedures throughout OSWER Headquarters and regional program offices. This enables OSWER project officers to focus on how best to properly manage assistance agreements to meet program goals and objectives.

ARMS provides training, on an as-needed basis, and strongly encourages OSWER Grant Coordinators, Project Officers, and their managers to participate in training which addresses the core competency areas identified in the Agency's *Long-Term Grants Management Training Plan*.

Promoting Competition

OSWER places great importance on assuring that, to the maximum extent possible, all discretionary funding opportunities are awarded in a fair and open competitive environment and that no applicant receives an unfair advantage. OSWER Project Officers must ensure that these actions are fully compliant with EPA Order 5700.5A1, *Policy for Competition of Assistance Agreements* in the solicitation, selection, and award of assistance agreements.

The competition policy, effective January 15, 2005, applies to:

1. competitive announcements issued, released, or posted after January 14, 2005;
2. assistance agreement competitions, awards, and disputes based on competitive announcements issued, released, or posted after January 14, 2005;
3. non-competitive awards resulting from non-competitive funding recommendations submitted to a Grants Management Office after January 14, 2005; and
4. assistance agreement amendments issued after January 14, 2005.

For each competitive funding opportunity announcement, OSWER's Senior Resource Official certifies that the expected outcomes from the awards are appropriate and in support of program goals and, that the announcement is written in a manner to promote competition to the maximum extent practicable.

In accordance with Agency policy, all OSWER competitive funding opportunity announcements are advertised by posting to Grants.gov, the central Federal electronic portal for applying for grant opportunities.

Ensuring Effective Oversight of Assistance Agreements

Consistent with guidance from the Grants and Interagency Agreements Management Division, OSWER develops a *Post-Award Management Plan* which presents our strategy for ensuring proper oversight and management of assistance agreements, specifically, grants and cooperative agreements. The plan, developed in accordance with EPA Order 5700.6 A1, "*Policy on Compliance, Review and Monitoring*," establishes baseline monitoring requirements for all OSWER grants and cooperative agreements and defines the responsibilities of OSWER managers for post-award monitoring of assistance agreements. The plan does not apply to OSWER regional grants or cooperative agreements, nor does it include requirements for Interagency Agreements (IAGs).

Monitoring activities ensure satisfaction of five core areas:

1. Compliance with all programmatic terms and conditions;
2. Correlation of the recipient's work plan/application and actual progress under the award;
3. Availability of funds to complete the project;
4. Proper management of and accounting for equipment purchased under the award; and
5. Compliance with all statutory and regulatory requirements of the program.

Baseline monitoring activities are conducted by Project Officers on every assistance agreement award issued through OSWER program offices. Project Officers are responsible for conducting baseline monitoring on an ongoing basis throughout the life of each agreement. The objective is to keep track of progress on the assistance agreement, ensuring that each recipient maintains compliance with all terms and conditions of the award, including financial and programmatic conditions.

Annually, OSWER conducts Advanced Monitoring Activities (including both on-site and off-site evaluative reviews) on a minimum of 10 percent of our assistance agreement recipients. The reviews are conducted using the "Desk and Off-site Review Protocol" and "On-Site Review Protocol" guidance offered in EPA Order 5700.6 A1. Project Officers are required to submit reports of the reviews, in the "Required Format for Writing a Programmatic Review Report for On-site and Off-site Evaluative Reviews," within 60 calendar days of completion of the evaluation.

OSWER continually stresses the importance of Project Officer's timely submission of evaluative reviews into the Grantee Compliance Database. Implementation of EPA Order 5700.8, "*EPA Policy on Assessing Capabilities of Non-Profit Applicants for Managing Assistance Awards*," effective March 31, 2005, further highlights the necessity of timely submission. Under the Order, Project Officers are required to assess the programmatic capability of the non-profit applicant, taking into account pertinent information from the Grantee Compliance Database and the grant application. Project Officers are required to provide an assurance in the funding recommendation/funding

package that the applicant possesses, or will possess, the necessary programmatic capability.

All competitive grant announcements, under which non-profit organizations can compete, must contain a programmatic capability ranking factor(s). Non-profit applicants and other applicants that compete will be evaluated under this factor. Non-profit applicants selected for funding will be subject to a review for administrative capability similar to that for non-competitive awards.

Project Officer Performance Standards

OSWER supports the requirement that all employees involved in grants management should have their grants management responsibilities appropriately addressed in their performance agreements. On January 5, 2007, the OGD issued a memorandum entitled "Assessing 2007 Grants Management Performance under the Performance Appraisal and Recognition System (PARS)." The memorandum implements recommendations resulting from a cross-Agency Performance Measures Workgroup that developed several performance measures for assessing the grants management performance of project officers, supervisors and managers.

OSWER's Senior Resource Official has mandated the inclusion of factors that address grants management responsibilities in the performance standards of our Project Officers. To assist in this effort, OSWER has disseminated the guidance provided by OGD's January 5, 2007 memorandum to all of our Project Officers, Managers, and Grant Coordinators. The guidance, as applicable, will be used in 2007 mid-year and end-of-year performance reviews and in the development of 2008 PARS agreements.

Environmental Results of Grants and Link to Strategic Plan

On January 1, 2005, EPA issued the Environmental Results Order (5700.7). Under the Order, Program Offices are required to identify and link environmental results from proposed assistance agreements to the Agency's Strategic Plan/GPRA architecture. Further, the Order requires that the linkage to the Strategic Plan, as well as anticipated outputs and outcomes are identified and addressed in assistance agreement competitive funding announcements, work plans, and performance reports submitted to Grants Management Offices after January 1, 2005.

In compliance with the Environmental Results Order, OSWER requires that Project Officers identify the linkage to the Agency Strategic Plan, including goals, objectives, and sub-objectives, and anticipated outcomes and outputs in all competitive funding announcements, prior to obtaining AA certification. Additionally, OSWER has identified environmental results as a "key topic" area in reviewing and approving funding packages for award, prior to submission to GAD.

For consistency, OSWER, in collaboration with our regional and state partners, has developed new state grant templates for Hazardous Waste Financial Assistance,

Brownfields and Underground Storage Tanks grant programs. The templates, mandated by OMB, will be useful in identifying environmental results from OSWER categorical grant activities, and their linkage to the Agency's Strategic Plan/GPRA architecture.

The *2006-2011 EPA Strategic Plan* is available at

<http://www.epa.gov/ocfo/plan/plan.htm>.

Goal 3, 4 and 5 of the *Strategic Plan* present specific OSWER objectives, sub-objectives and strategic targets that define, in measurable terms, the change in public health or environmental conditions to be accomplished by 2008.

Links to Strategic Planning and Budgeting

For the purposes of strategic planning, and formulating and implementing annual budgets, program activities are represented by a planning architecture comprised of goals, objectives and supporting program/project activities. All major OSWER programs and their enforcement counterparts are represented in *EPA's FY 2008 Annual Performance Plan and Congressional Justification* (<http://www.epa.gov/ocfopage/budget/2008/2008cj.htm>) as follows:

Goal 3: Land Preservation and Restoration

- Objective 1; By 2011, reduce adverse effects to land by reducing waste generation, increasing recycling, and ensuring proper management of waste and petroleum products at facilities in ways that prevent releases.
Program/Project Activities
 - Categorical Grant: Hazardous Waste Financial Assistance
 - Categorical Grant: Underground Storage Tanks
 - Compliance Assistance and Centers
 - LUST / UST
 - RCRA: Waste Management
 - RCRA: Waste Minimization & Recycling

- Objective 2; By 2011, control the risks to human health and the environment by mitigating the impact of accidental or intentional releases and by cleaning up and restoring contaminated sites or properties to appropriate levels.
Program/Project Activities
 - Base Realignment and Closure (BRAC)
 - Categorical Grant: Hazardous Waste Financial Assistance
 - Civil Enforcement
 - Compliance Assistance and Centers
 - Homeland Security: Preparedness, Response, and Recovery
 - Homeland Security: Protection of EPA Personnel and Infrastructure
 - LUST / UST
 - LUST Cooperative Agreements
 - Oil Spill: Prevention, Preparedness and Response
 - RCRA: Corrective Action
 - Superfund: Emergency Response and Removal
 - Superfund: Enforcement
 - Superfund: EPA Emergency Preparedness
 - Superfund: Federal Facilities
 - Superfund: Remedial
 - Superfund: Support to Other Federal Agencies
 - Superfund: Federal Facilities Enforcement

- Objective 3; Through 2011, provide and apply sound science for protecting and restoring land by conducting leading-edge research, which, through collaboration, leads to preferred environmental outcomes.
Program/Project Activities

- Research: Land Protection and Restoration
- Superfund: Remedial

Goal 4: Healthy Communities and Ecosystems

- Objective 1; Prevent and reduce pesticide and industrial chemical risks to humans, communities, and ecosystems.
Program/Project Activities
 - State and Local Prevention and Preparedness
- Objective 2; Sustain, clean up, and restore communities and the ecological systems that support them.
Program/Project Activities
 - Brownfields
 - Brownfields Projects
 - Categorical Grant: Brownfields
 - Geographic Program: Other

Goal 5: Compliance and Environmental Stewardship

- Objective 2; By 2011, Enhance public health and environmental protection and increase conservation of natural resources by promoting pollution prevention and the adoption of other stewardship practices by companies, communities, government organizations and individuals.
Program/Project Activities
 - RCRA: Waste Minimization & Recycling

**OSWER FY 2008
NPM Guidance Measures Appendix**

G/O/S ACS Cod Text			Nat. Target	01	02	03	04	05	06	07	08	09	10	HQ
3.1.1	MW9	Millions of pounds of municipal solid waste (MSW) recycled.	(pounds)	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	
3.1.1	MW0	Millions of tons of construction and demolition debris that is reused or recycled	207.7	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	
3.1.2	324	Number of inspections and exercises conducted at oil storage facilities that are required to have Facility Response Plans.	250	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	
3.1.2	HW3	Number of RCRA hazardous waste management facilities with permits or approved controls in place.	75	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	
3.1.2	HW7	Number of RCRA facilities with updated controls for preventing releases due for permit renewal by 2006.	50	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	
3.1.2	ST1	No more than 10,000 confirmed releases per year.	< 10,000 (UST releases)											
3.1.2	ST6	Increase the rate of significant operational compliance by 1% over the previous year's rate (target).	68%											
3.1.2	TR1	Number of tribes covered by an integrated waste management plan .	26	Unresolved	Unresolved		Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	
3.1.2	TR2	Number of open dumps in Indian country and other Tribal lands that are closed, cleaned up, or upgraded.	30	Unresolved	Unresolved		Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	
3.2.1	132	Number of Superfund-lead removal actions completed.	195	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	
3.2.1	133	Number of voluntary removal actions, overseen by EPA, completed.	125	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	
3.2.1	327A	Percentage of inspected facilities subject to Facility Response Plan (FRP) regulations found to be in compliance.	78%											
3.2.1	328A	Percentage of inspected facilities subject to Spill Prevention, Control and Countermeasure (SPCC) regulations found to be in compliance.	55%											
3.2.1	C1	Score in annual Core ER assessment.	65%	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	
3.2.2	112	Number of cleanups that meet state risk-based standards for human exposure and groundwater migration (tracked as number of LUST cleanups completed).	13,000											

**OSWER FY 2008
NPM Guidance Measures Appendix**

G/O/S	ACS Cod	Text	Nat. Target	01	02	03	04	05	06	07	08	09	10	HQ
3.2.2	113	Number of cleanups that meet risk-based standards for human exposure and groundwater migration on Indian Country.	30											
3.2.2	121	Number of Superfund final site assessment decisions.	272	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	
3.2.2	141	Number of Superfund construction completions.	30	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	
3.2.2	151	Number of Superfund sites with human health protection achieved (exposure pathways are eliminated or potential exposures are under health-based levels for current use of land or water resources).	10	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	
3.2.2	152	Number of Superfund hazardous waste sites with groundwater migration under control.	15	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	
3.2.2	CA1	Number of high priority RCRA facilities with human exposures to toxins controlled. (CA725)	66	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	
3.2.2	CA2	Number of RCRA hazardous waste facilities with migration of contaminated groundwater under control.	81	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	
3.2.2	CA5	Number of RCRA hazardous waste facilities with remedy construction completed.	53	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	
3.2.2	S10	Number of Superfund sites ready for anticipated use (site-wide).	30	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	
3.2.3	OSRE-01	Each year through 2008, reach a settlement or take an enforcement action before the start of a remedial action at 95 percent of Superfund sites having viable, liable responsible parties other than the federal government.	95%	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	

**OSWER FY 2008
NPM Guidance Measures Appendix**

G/O/S ACS Cod Text			Nat. Target	01	02	03	04	05	06	07	08	09	10	HQ
3.2.3	OSRE-02	Each year through 2008, address all Statute of Limitations cases for Superfund sites with unaddressed total past costs equal to or greater than \$200,000.	100%	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	
3.2.3	OSRE-03	Number of PRP-lead removal completions with enforceable instruments	50	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	
4.1.2	CH2	Number of risk management plan audits/ inspections completed.	400											
4.1.3	PC1	Number of sites receiving 40 CFR 761.61(a) or (c) approvals.	40	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	
4.1.3	PC2	Number of acres to be remediated under 40 CFR 761.61(a) or (c) approvals.	100	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	
4.2.3	B29	Number of Brownfields properties assessed.	1,000	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	
4.2.3	B32	Properties cleaned up using Brownfields funding.	60	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	
4.2.3	B33	Acres of Brownfields made ready for reuse.	N/A											
4.2.3	B34	Jobs leveraged from Brownfields activities.	5,000											
4.2.3	B36	Percentage of Brownfields job training trainees placed.	65%											
4.2.3	B37	Billions of dollars of cleanup and redevelopment funds leveraged at Brownfields sites.	0.9											
4.2.3	B38	Number of Tribes supported by Brownfields cooperative agreements.	N/A											
5.2.1	PB8	Number of pounds reduced (in millions) of priority chemicals as reported by National Partnership for Environmental Priorities members.	1,000,000	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	Unresolved	

OSWER FY08 Grants Linked to Performance

Goal: 3

Objective: 1

Subobjective: 2

Code	Commitment Text	Nat. Baseline	FY07 Nat. Commits	FY08 Nat. Target	FY05 State Baseline	FY08 State Measurement	Source of Data	Comments
HW3	Number of RCRA hazardous waste management facilities with permits or approved controls in place.	2,131		75				
ST6	Increase the rate of significant operational compliance by 1% over the previous year's rate (target).	62%		68%				

of Commitments: 3

Goal: 3

Objective: 2

Subobjective: 2

Code	Commitment Text	Nat. Baseline	FY07 Nat. Commits	FY08 Nat. Target	FY05 State Baseline	FY08 State Measurement	Source of Data	Comments
CA1	Number of high priority RCRA facilities with human exposures to toxins controlled. (CA725)	1,745		66				
CA5	Number of RCRA hazardous waste facilities with remedy construction completed.	433		53				

of Commitments: 3

Goal: 4

Objective: 2

Subobjective: 3

Code	Commitment Text	Nat. Baseline	FY07 Nat. Commits	FY08 Nat. Target	FY05 State Baseline	FY08 State Measurement	Source of Data	Comments
B29	Number of Brownfields properties assessed.	8,374		1,000				
B32	Properties cleaned up using Brownfields funding.	93		60				

of Commitments: 2