

**Environmental Protection Agency
2009 Annual Performance Plan and Congressional Justification**

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**Environmental Protection Agency
FY 2009 Annual Performance Plan and Congressional Justification**

**APPROPRIATION: Leaking Underground Storage Tanks
Resource Summary Table
(Dollars in Thousands)**

	FY 2007 Actuals	FY 2008 Pres Bud	FY 2008 Enacted	FY 2009 Pres Bud	FY 2009 Pres Bud v. FY 2008 Enacted
Leaking Underground Storage Tanks					
Budget Authority	\$83,673.9	\$72,461.0	\$105,816.0	\$72,284.0	(\$33,532.0)
Total Workyears	67.3	75.3	75.3	75.3	0.0

**Program Projects in LUST
(Dollars in Thousands)**

Program Project	FY 2007 Actuals	FY 2008 Pres Bud	FY 2008 Enacted	FY 2009 Pres Bud	FY 2009 Pres Bud v. FY 2008 Enacted
Compliance					
Compliance Assistance and Centers	\$644.1	\$688.0	\$709.0	\$753.0	\$44.0
IT / Data Management / Security					
IT / Data Management	\$136.5	\$177.0	\$174.0	\$162.0	(\$12.0)
Operations and Administration					
Facilities Infrastructure and Operations					
Rent	\$717.1	\$696.0	\$685.0	\$696.0	\$11.0
Facilities Infrastructure and Operations (other activities)	\$131.4	\$205.0	\$202.0	\$206.0	\$4.0
Subtotal, Facilities Infrastructure and Operations	\$848.5	\$901.0	\$887.0	\$902.0	\$15.0
Acquisition Management	\$223.1	\$165.0	\$162.0	\$165.0	\$3.0
Central Planning, Budgeting, and Finance	\$812.6	\$1,102.0	\$1,085.0	\$1,131.0	\$46.0
Human Resources Management	\$3.0	\$3.0	\$3.0	\$3.0	\$0.0
Subtotal, Operations and Administration	\$1,887.2	\$2,171.0	\$2,137.0	\$2,201.0	\$64.0
Research: Land Protection					
Research: Land Protection and Restoration	\$657.0	\$660.0	\$650.0	\$413.0	(\$237.0)

Program Project	FY 2007 Actuals	FY 2008 Pres Bud	FY 2008 Enacted	FY 2009 Pres Bud	FY 2009 Pres Bud v. FY 2008 Enacted
Underground Storage Tanks (LUST / UST)					
LUST / UST					
EPAAct & Related Authorities Implementation	\$0.0	\$0.0	\$1,575.0	\$0.0	(\$1,575.0)
LUST / UST (other activities)	\$14,996.1	\$10,558.0	\$10,393.0	\$10,548.0	\$155.0
Subtotal, LUST / UST	\$14,996.1	\$10,558.0	\$11,968.0	\$10,548.0	(\$1,420.0)
LUST Cooperative Agreements					
EPAAct & Related Authorities Implementation	\$0.0	\$0.0	\$28,941.0	\$0.0	(\$28,941.0)
LUST Cooperative Agreements (other activities)	\$65,353.0	\$58,207.0	\$61,237.0	\$58,207.0	(\$3,030.0)
Subtotal, LUST Cooperative Agreements	\$65,353.0	\$58,207.0	\$90,178.0	\$58,207.0	(\$31,971.0)
Subtotal, Underground Storage Tanks (LUST / UST)	\$80,349.1	\$68,765.0	\$102,146.0	\$68,755.0	(\$33,391.0)
TOTAL, EPA	\$83,673.9	\$72,461.0	\$105,816.0	\$72,284.0	(\$33,532.0)

Program Area: Compliance

Compliance Assistance and Centers

Program Area: Compliance

Goal: Land Preservation and Restoration

Objective(s): Preserve Land

(Dollars in Thousands)

	FY 2007 Actuals	FY 2008 Pres Bud	FY 2008 Enacted	FY 2009 Pres Bud	FY 2009 Pres Bud v. FY 2008 Enacted
Environmental Program & Management	\$28,226.9	\$29,547.0	\$27,725.0	\$26,435.0	(\$1,290.0)
<i>Leaking Underground Storage Tanks</i>	<i>\$644.1</i>	<i>\$688.0</i>	<i>\$709.0</i>	<i>\$753.0</i>	<i>\$44.0</i>
Oil Spill Response	\$267.9	\$291.0	\$286.0	\$303.0	\$17.0
Hazardous Substance Superfund	\$11.1	\$22.0	\$22.0	\$22.0	\$0.0
Total Budget Authority / Obligations	\$29,150.0	\$30,548.0	\$28,742.0	\$27,513.0	(\$1,229.0)
Total Workyears	205.7	208.4	208.4	198.4	-10.0

Program Project Description:

To improve compliance with environmental laws, regulated entities, Federal agencies, and the public benefit from easy access to tools that help them understand these laws and find efficient, cost-effective means for putting them into practice. To protect our nation’s groundwater and drinking water from petroleum releases from Underground Storage Tanks (UST), EPA will continue to provide compliance assistance tools, technical assistance, and training to promote and enforce UST systems compliance.¹

FY 2009 Activities and Performance Plan:

In FY 2009, EPA will continue to provide general and targeted compliance assistance to the regulated community and integrate assistance into its enforcement and compliance assurance efforts. In FY 2009, the Agency also will continue to obtain state commitments to increase their inspection and enforcement presence where state-specific UST compliance goals are not met. The Agency and states will use innovative compliance approaches, along with outreach and education tools, to bring more USTs into compliance. The Agency also will continue to provide guidance to foster the use of new technology to enhance compliance.

The EPA Enforcement of Environmental Laws (Civil) PART program received an “adequate” rating in 2004 with the development of a measure implementation plan. In FY 2006, EPA conducted a review of enforcement and compliance measures used by states, other Federal agencies, and other countries, as well as consulting with academics and other measurement experts. The purpose of the review was to identify opportunities to improve measurement. As a

¹ For more information refer to: www.epa.gov/swrust1/cat/index.htm.

result of this review, EPA is considering transitioning the Enforcement and Compliance Assurance program from a tool-oriented to a problem-oriented GPRA strategic architecture.

Performance Targets:

Work under this program supports the goal to preserve land. Currently, there are no performance measures for this specific Program.

FY 2009 Change from FY 2008 Enacted Budget (Dollars in Thousands):

- (+\$53.0) This reflects an increase for payroll and cost of living for existing FTE.
- (-\$9.0) This change reflects restoration of the 1.56% rescission to all program projects in addition to small technical changes such as realignment of IT, travel or other support costs across programs.

Statutory Authority:

PPA; CERFA; NEPA; AEA; UMTRLWA.

Program Area: IT / Data Management / Security

IT / Data Management

Program Area: IT / Data Management / Security

Goal: Provide Agency-wide support for multiple goals to achieve their objectives. This support involves Agency-wide activities primarily provided by EPA's six (6) support offices - the Office of Administration and Resources Management (OARM), Office of the Chief Financial Officer (OCFO), Office of Environmental Information (OEI), Office of General Counsel (OGC), Office of the Administrator (OA), and the Office of Inspector General (OIG).

(Dollars in Thousands)

	FY 2007 Actuals	FY 2008 Pres Bud	FY 2008 Enacted	FY 2009 Pres Bud	FY 2009 Pres Bud v. FY 2008 Enacted
Environmental Program & Management	\$99,196.3	\$91,019.0	\$90,753.0	\$94,360.0	\$3,607.0
Science & Technology	\$4,522.1	\$3,499.0	\$3,453.0	\$3,859.0	\$406.0
<i>Leaking Underground Storage Tanks</i>	<i>\$136.5</i>	<i>\$177.0</i>	<i>\$174.0</i>	<i>\$162.0</i>	<i>(\$12.0)</i>
Oil Spill Response	\$23.8	\$34.0	\$33.0	\$24.0	(\$9.0)
Hazardous Substance Superfund	\$15,975.5	\$16,338.0	\$16,083.0	\$16,872.0	\$789.0
Total Budget Authority / Obligations	\$119,854.2	\$111,067.0	\$110,496.0	\$115,277.0	\$4,781.0
Total Workyears	497.4	488.0	488.0	488.0	0.0

Program Project Description:

Agency offices rely on the IT/Data Management Leaking Underground Storage Tanks (LUST) program and its capabilities to develop and implement tools for ready access to accurate and timely data. This program houses all of the critical IT infrastructure that allows rapid efficient communication exchange and storage of data, analysis and computations. It also allows public access to the scientific, regulatory, and best practice infrastructure needed by Agency staff, the regulated community, and the public. These functions are integral to the implementation of Agency information technology programs and systems like the Exchange Network, the Central Data Exchange (CDX), and the Permit Compliance System (PCS). Recent partnerships include portals projects with the Research and Development and Air and Radiation offices to access scientific and program data. Because the IT/Data Management function supports the entire Agency, funds are provided in each operating appropriation including LUST.

This program manages and coordinates the Agency's Enterprise Architecture and develops analytical tools (e.g., Environmental Indicators) to ensure sound environmental decision-making. The program implements the Agency's e-Government (e-Gov) responsibilities and designs, develops, and manages the Agency's internet and intranet resources, including the Integrated Portal. The program: (1) supports the development, collection, management, and analysis of environmental data (to include both point source and ambient data) to manage statutory programs and to support the Agency in strategic planning at the national, program, and regional levels; (2) provides a secure, reliable, and capable information infrastructure based on a sound enterprise

architecture which includes data standardization, integration, and public access; (3) manages the Agency's Quality System ensuring EPA's processes and data are of quality and adhere to Federal guidelines; and (4) supports Regional information technology infrastructure, administrative and environmental programs, and telecommunications.

FY 2009 Activities and Performance Plan:

In FY 2009, EPA's Information Technology community will continue to focus on improving the Agency's use of technology, pursuing enterprise solutions, and protecting privacy and security of data holdings while improving delivery of information and services to partners and citizens. The Agency's IT/Data Management program forms the core of this effort with its focus on building and implementing the Agency's Integrated Portal and Enterprise Content Management System, developing Environmental Indicators, and continuing to deploy enterprise-wide IT infrastructure solutions.

The Environmental Information programs technology efforts have three major components:

- OEI's efforts in the areas of Analytical Capacity and Indicators are expected to help identify data gaps, and suggest areas where additional capacity is needed;
- Through use of the portal and Exchange Network, the Technology Initiative program will increase the integration of quality data, streamline transactions to foster collaboration, reduce the data entry burden, and improve decision making;
- OEI's Readiness to Serve initiative will build the capacity and infrastructure needed to allow more EPA employees to telecommute or work safely and securely in the field.

In FY 2009 the IT/Data Management LUST resources continue to support EPA's "Readiness to Serve" infrastructure program. This program delivers secure information services to ensure that the Agency and its programs have a full range of information technology infrastructure components (e.g., user equipment, network connectivity, e-mail, application hosting, remote access) that make information accessible across the spectrum of mission needs at all locations. The Program uses performance-based, outsourced services to obtain the best solutions (value for cost) for the range of program needs. This includes innovative multi-year leasing that sustains and renews technical services in a least-cost, stable manner as technology changes over time (e.g., desktop hardware, software and maintenance).

Performance Targets:

Work under this program supports multiple strategic objectives. Currently, there are no performance measures specific to this program project.

FY 2009 Change from FY 2008 Enacted Budget (Dollars in Thousands):

- (-\$12.0) This change reflects a redirection of costs from general expenses, grants and contracts originating in the LUST funded portion of this program, as well as the restoration of the 1.56% rescission to all program projects.

Statutory Authority:

FACA; GISRA; CERCLA; CAAA; CWA and amendments; ERD, and DAA; TSCA; FIFRA; FQPA; SDWA and amendments; FFDCA; EPCRA; RCRA; SARA; GPRA; GMRA; CCA; PRA; FOIA; CSA; PR; EFOIA.

Program Area: Operations and Administration

Facilities Infrastructure and Operations
Program Area: Operations and Administration

Goal: Provide Agency-wide support for multiple goals to achieve their objectives. This support involves Agency-wide activities primarily provided by EPA's six (6) support offices - the Office of Administration and Resources Management (OARM), Office of the Chief Financial Officer (OCFO), Office of Environmental Information (OEI), Office of General Counsel (OGC), Office of the Administrator (OA), and the Office of Inspector General (OIG).

(Dollars in Thousands)

	FY 2007 Actuals	FY 2008 Pres Bud	FY 2008 Enacted	FY 2009 Pres Bud	FY 2009 Pres Bud v. FY 2008 Enacted
Environmental Program & Management	\$327,954.1	\$303,728.0	\$297,189.0	\$311,068.0	\$13,879.0
Science & Technology	\$32,886.2	\$73,859.0	\$72,707.0	\$74,884.0	\$2,177.0
Building and Facilities	\$28,672.1	\$26,931.0	\$26,511.0	\$26,931.0	\$420.0
<i>Leaking Underground Storage Tanks</i>	<i>\$848.5</i>	<i>\$901.0</i>	<i>\$887.0</i>	<i>\$902.0</i>	<i>\$15.0</i>
Oil Spill Response	\$500.4	\$490.0	\$488.0	\$496.0	\$8.0
Hazardous Substance Superfund	\$70,265.0	\$74,956.0	\$73,787.0	\$76,270.0	\$2,483.0
Total Budget Authority / Obligations	\$461,126.3	\$480,865.0	\$471,569.0	\$490,551.0	\$18,982.0
Total Workyears	399.2	415.9	415.9	410.6	-5.3

Program Project Description:

LUST resources in the Facilities Infrastructure and Operations Program Project are used to manage activities and support services in many centralized administrative areas at EPA. These include health and safety, environmental compliance, occupational health, medical monitoring, fitness/wellness, and environmental management functions. LUST resources for this program also support a full range of ongoing facilities management services including: facilities maintenance and operations; Headquarters security; space planning; shipping and receiving; property management; printing and reproduction; mail management; and transportation services. Because this program supports the entire Agency, funds are included in most appropriations.

FY 2009 Activities and Performance Plan:

- For FY 2009, the Agency is requesting a total of \$696 thousand for rent and \$55 thousand for transit subsidy in the LUST appropriation.
- The Agency will continue to manage its lease agreements with General Services Administration and other private landlords by conducting rent reviews and verifying that monthly billing statements are correct.

- EPA will provide transit subsidy to eligible applicants as directed by Executive Order 13150² *Federal Workforce Transportation*.

Performance Targets:

Work under this program supports multiple strategic objectives. Performance information is included in the Program Performance and Assessment section.

FY 2009 Change from FY 2008 Enacted Budget (Dollars in Thousands):

- (+\$2.0) Provides additional resources for increases in transit subsidy cost.
- (+\$13.0) This change reflects restoration of the 1.56% rescission to all program projects to fund increases in transit subsidy and rent.

Statutory Authority:

Federal Property and Administration Services Act; Public Building Act; annual Appropriations Acts; CWA; CAA; D.C. Recycling Act of 1988; Executive Orders 10577 and 12598; Homeland Security Presidential Decision Directive 63 (Critical Infrastructure Protection).

² Additional information available at <http://ceq.eh.doe.gov/nepa/regs/eos/eo13150.html>

Acquisition Management

Program Area: Operations and Administration

Goal: Provide Agency-wide support for multiple goals to achieve their objectives. This support involves Agency-wide activities primarily provided by EPA's six (6) support offices - the Office of Administration and Resources Management (OARM), Office of the Chief Financial Officer (OCFO), Office of Environmental Information (OEI), Office of General Counsel (OGC), Office of the Administrator (OA), and the Office of Inspector General (OIG).

(Dollars in Thousands)

	FY 2007 Actuals	FY 2008 Pres Bud	FY 2008 Enacted	FY 2009 Pres Bud	FY 2009 Pres Bud v. FY 2008 Enacted
Environmental Program & Management	\$23,654.1	\$29,992.0	\$28,629.0	\$31,195.0	\$2,566.0
<i>Leaking Underground Storage Tanks</i>	<i>\$223.1</i>	<i>\$165.0</i>	<i>\$162.0</i>	<i>\$165.0</i>	<i>\$3.0</i>
Hazardous Substance Superfund	\$19,129.3	\$24,645.0	\$24,327.0	\$24,985.0	\$658.0
Total Budget Authority / Obligations	\$43,006.5	\$54,802.0	\$53,118.0	\$56,345.0	\$3,227.0
Total Workyears	340.9	357.3	357.3	362.9	5.6

Program Project Description:

LUST resources in this program support contract and acquisition management activities at Headquarters, Regional Offices, Research Triangle Park and Cincinnati facilities. Sound contract management fosters efficiency and effectiveness assisting all of EPA's programs. EPA focuses on maintaining a high level of integrity in the management of its LUST-related procurement activities, and in fostering relationships with state and local governments, to support the implementation of environmental programs.

FY 2009 Activities and Performance Plan:

In FY 2009, the Agency will continue to refine electronic government capabilities and enhance the education of its contract workforce. In addition, LUST resources will also support the Superfund/RCRA Regional Procurement Operations Division (SRPOD) in its contract and acquisition management activities.

Performance Targets:

Work under this program supports multiple strategic objectives. Currently, there are no performance measures for this specific Program.

FY 2009 Change from FY 2008 Enacted Budget (Dollars in Thousands):

- (+\$3.0) This change reflects restoration of the 1.56% rescission to all program projects.

Statutory Authority:

EPA's Environmental Statutes; Annual Appropriations Acts; FAR; contract law.

Central Planning, Budgeting, and Finance
Program Area: Operations and Administration

Goal: Provide Agency-wide support for multiple goals to achieve their objectives. This support involves Agency-wide activities primarily provided by EPA's six (6) support offices - the Office of Administration and Resources Management (OARM), Office of the Chief Financial Officer (OCFO), Office of Environmental Information (OEI), Office of General Counsel (OGC), Office of the Administrator (OA), and the Office of Inspector General (OIG).

(Dollars in Thousands)

	FY 2007 Actuals	FY 2008 Pres Bud	FY 2008 Enacted	FY 2009 Pres Bud	FY 2009 Pres Bud v. FY 2008 Enacted
Environmental Program & Management	\$64,431.2	\$74,960.0	\$73,949.0	\$80,623.0	\$6,674.0
<i>Leaking Underground Storage Tanks</i>	<i>\$812.6</i>	<i>\$1,102.0</i>	<i>\$1,085.0</i>	<i>\$1,131.0</i>	<i>\$46.0</i>
Hazardous Substance Superfund	\$20,428.7	\$24,306.0	\$24,008.0	\$26,102.0	\$2,094.0
Total Budget Authority / Obligations	\$85,672.5	\$100,368.0	\$99,042.0	\$107,856.0	\$8,814.0
Total Workyears	519.9	530.0	530.0	538.1	8.1

Program Project Description:

Activities under the Central Planning, Budgeting and Finance program support the management of integrated planning, budgeting, financial management, performance and accountability processes and systems to ensure effective stewardship of resources. PART and GPRA coordination is also a priority. (Refer to <http://www.epa.gov/ocfo/functions.htm> for additional information).

FY 2009 Activities and Performance Plan:

The Agency works to ensure sound financial and budgetary management through the use of routine and ad hoc analysis, statistical sampling and other evaluation tools. In addition, more structured and more targeted use of performance measurements has led to better understanding of program impacts as well as leverage points to increase effectiveness.

EPA will continue efforts to modernize the Agency's financial systems and business processes. The Agency is working to replace its legacy accounting system and related modules with a new system certified to meet the latest government accounting standards. This extensive modernization effort will allow the Agency to improve efficiency and automate quality control functions to simplify use of the system as well as comply with Congressional direction and new Federal financial systems requirements. This work is framed by the Agency's Enterprise Architecture and will make maximum use of enabling technologies for e-Gov initiatives including e-Procurement, e-Payroll, and e-Travel.

EPA plans further improvements to its budgeting and planning system, financial data warehouse, business intelligence tools and reporting capabilities. These improvements will support EPA's "green" score in financial performance on the President's Management Agenda scorecard by providing more accessible data to support accountability, cost accounting, budget and performance integration, and management decision-making.

Performance Targets:

Work under this program supports multiple strategic objectives. Currently, there are no performance measures for this specific Program.

FY 2009 Change from FY 2008 Enacted Budget (Dollars in Thousands):

- (+\$147.0) This reflects an increase for payroll and cost of living for existing FTE.
- (-\$101.0) This change reflects the 1.56% rescission to all program projects combined with small technical changes such as realignment of IT, travel or other support costs across programs.

Statutory Authority:

Annual Appropriations Act; CCA; CERCLA; CSA; E-Government Act of 2002; EFOIA; EPA's Environmental Statutes, and the FGCAA; FAIR; Federal Acquisition Regulations, contract law and EPA's Assistance Regulations (40CFR Parts 30, 31, 35, 40,45,46, 47); FMFIA (1982); FOIA; GMRA(1994); IPIA; IGA of 1978 and Amendments of 1988; PRA; PR; CFOA (1990); GPRA (1993); The Prompt Payment Act (1982); Title 5 USC.

Human Resources Management
Program Area: Operations and Administration

Goal: Provide Agency-wide support for multiple goals to achieve their objectives. This support involves Agency-wide activities primarily provided by EPA's six (6) support offices - the Office of Administration and Resources Management (OARM), Office of the Chief Financial Officer (OCFO), Office of Environmental Information (OEI), Office of General Counsel (OGC), Office of the Administrator (OA), and the Office of Inspector General (OIG).

(Dollars in Thousands)

	FY 2007 Actuals	FY 2008 Pres Bud	FY 2008 Enacted	FY 2009 Pres Bud	FY 2009 Pres Bud v. FY 2008 Enacted
Environmental Program & Management	\$39,740.2	\$40,175.0	\$39,760.0	\$43,646.0	\$3,886.0
<i>Leaking Underground Storage Tanks</i>	<i>\$3.0</i>	<i>\$3.0</i>	<i>\$3.0</i>	<i>\$3.0</i>	<i>\$0.0</i>
Hazardous Substance Superfund	\$5,203.0	\$5,036.0	\$4,969.0	\$5,063.0	\$94.0
Total Budget Authority / Obligations	\$44,946.2	\$45,214.0	\$44,732.0	\$48,712.0	\$3,980.0
Total Workyears	298.6	296.3	296.3	304.6	8.3

Program Project Description:

LUST resources in this program support activities related to the provision of human capital and human resources management services to the entire Agency. EPA supports organizational development and management activities through Agency-wide and interagency councils and committees and through participation in interagency management improvement initiatives. The Agency continually evaluates human resource and workforce functions, employee development, leadership development, workforce planning, and succession management.

FY 2009 Activities and Performance Plan:

In FY 2009, EPA will continue to meet the Department of Labor requirements for distributing workmen's compensation and disability.

Performance Targets:

Work under this program supports multiple strategic objectives. Performance information is included in the Program Performance and Assessment section.

FY 2009 Change from FY 2008 Enacted Budget (Dollars in Thousands):

- No change in program funding.

Statutory Authority:

Title V USC.

Program Area: Research: Land Protection

Research: Land Protection and Restoration

Program Area: Research: Land Protection

Goal: Land Preservation and Restoration

Objective(s): Enhance Science and Research

(Dollars in Thousands)

	FY 2007 Actuals	FY 2008 Pres Bud	FY 2008 Enacted	FY 2009 Pres Bud	FY 2009 Pres Bud v. FY 2008 Enacted
Science & Technology	\$10,907.3	\$10,737.0	\$10,591.0	\$13,350.0	\$2,759.0
<i>Leaking Underground Storage Tanks</i>	<i>\$657.0</i>	<i>\$660.0</i>	<i>\$650.0</i>	<i>\$413.0</i>	<i>(\$237.0)</i>
Oil Spill Response	\$841.3	\$901.0	\$887.0	\$704.0	(\$183.0)
Hazardous Substance Superfund	\$23,859.1	\$20,081.0	\$19,768.0	\$21,021.0	\$1,253.0
Total Budget Authority / Obligations	\$36,264.7	\$32,379.0	\$31,896.0	\$35,488.0	\$3,592.0
Total Workyears	134.1	141.3	141.3	154.7	13.4

Program Project Description:

Leaking underground storage tanks (LUSTs) research addresses assessment and cleanup of leaks for fuels and various fuel additives, including methyl tertiary butyl ether (MTBE). Assessment focuses on development of source term and transport modeling modules that can be applied by state project managers. Remediation research addresses multiple remediation approaches applicable to spilled fuels, with or without oxygenates.

These research efforts are guided by the Land Multi-Year Plan (MYP)³, developed with input from across the Agency, which outlines steps for meeting the needs of Agency programs and for evaluating progress through annual performance goals and measures. Specific human health risk and exposure assessments and methods are discussed and conducted under the Human Health Risk Assessment program.

The Land Protection and Restoration research program was externally reviewed by EPA's Board of Scientific Counselors (BOSC)—a Federal advisory committee comprised of qualified, independent scientists and engineers—in FY 2006 (December 2005). The BOSC found that the program generates high quality products and conducts appropriately focused multi-disciplinary research.⁴

FY 2009 Activities and Performance Plan:

Leaking underground storage tanks (LUSTs) assessment research will focus on the development of online transport models that can be used by state project managers. Remedies being

³ EPA, Office of Research and Development, Land Research MYP. Washington, D.C.: EPA. For more information, see <http://www.epa.gov/osp/myrp.htm#land>

⁴ BOSC Land Restoration and Preservation Research Subcommittee Report. For more information, see <http://www.epa.gov/OSP/bosc/pdf/land0603rpt.pdf>

investigated include active water treatment and monitored natural attenuation, with performance influenced by the nature of the fuel oxygenate.

The Office of Management and Budget (OMB) rated the program as “adequate” in its 2006 (PART) review, which was conducted under the program title “Land Protection and Restoration Research.”⁵ This “adequate” rating was supported by findings that the program had long-term and annual output performance measures in place that reflected the purpose of the program, as well as a strong strategic and evaluation approach. In response to OMB recommendations following the 2006 PART, the program has established a process by which the BOSC will assign a performance rating to each program long-term goal as part of its reviews. These ratings will provide the data for new program long-term outcome measures that will be instated. Using the progress rating expected from the 2008 BOSC review, the program will be able to set appropriate future year targets. Additionally, to address OMB’s recommendation that the program establish an outcome-oriented efficiency measure, EPA’s Research and Development program has initiated a National Academy of Sciences (NAS) study to determine the most appropriate approach. Further, to improve its collection of partner performance information, EPA’s Research and Development program is updating its Policy and Procedures Manual on Extramural Resources Management to require that all research and development grants, contracts, and cooperative agreements be linked to one or more Multi-Year Plan Long-Term Goals (LTGs).

Performance Targets:

Work under this program supports EPA’s Strategic Plan Objective 3.3: Enhance Science and Research. Specifically, the program provides and applies sound science for protecting and restoring land by conducting leading-edge research, which, through collaboration, leads to preferred environmental outcomes. Performance measures for this specific program project are included under the Superfund Land Protection and Restoration program.

FY 2009 Change from FY 2008 Enacted Budget (Dollars in Thousands):

- (+\$81.0) This reflects an increase for payroll and cost of living for existing FTE.
- (-\$280.0) This reduction discontinues a fuel composition study for use in assessing potential contamination problems from leaking underground storage tanks, and studies on the effectiveness of *ex-situ* biotreatment.
- (-\$38.0) This change reflects restoration of the 1.56% rescission to all program projects in addition to small technical changes such as realignment of IT, travel or other support costs across programs.

Statutory Authority:

BRERA; CERCLA; ERDDA; HSWA; OPA; RCRA; SARA; SWDA.

⁵ For more information, see <http://www.whitehouse.gov/omb/expectmore/summary/10004305.2006.html>

Program Area: Underground Storage Tanks (LUST / UST)

LUST / UST

Program Area: Underground Storage Tanks (LUST / UST)

Goal: Land Preservation and Restoration

Objective(s): Preserve Land; Restore Land

(Dollars in Thousands)

	FY 2007 Actuals	FY 2008 Pres Bud	FY 2008 Enacted	FY 2009 Pres Bud	FY 2009 Pres Bud v. FY 2008 Enacted
Environmental Program & Management	\$9,836.7	\$11,719.0	\$11,572.0	\$12,256.0	\$684.0
<i>Leaking Underground Storage Tanks</i>	<i>\$14,996.1</i>	<i>\$10,558.0</i>	<i>\$11,968.0</i>	<i>\$10,548.0</i>	<i>(\$1,420.0)</i>
Total Budget Authority / Obligations	\$24,832.8	\$22,277.0	\$23,540.0	\$22,804.0	(\$736.0)
Total Workyears	112.7	131.3	131.3	132.0	0.7

Program Project Description:

The Leaking Underground Storage Tank (LUST) program promotes rapid and effective responses to releases from Federally-regulated underground storage tanks (USTs) containing petroleum and hazardous substances by enhancing state, local, and Tribal enforcement and response capability. EPA provides oversight and financial assistance for states, tribes and non-profit organizations. These efforts include providing technical information, forums for information exchange, and training opportunities to encourage program development and/or implementation. These activities support the LUST cooperative agreements, awarded by EPA to states to assist them in implementing their oversight and programmatic role.⁶

EPA works with state and Tribal UST programs to clean up LUST sites, promote innovative approaches in corrective action in order to streamline the remediation process, and measure and evaluate national program progress and performance. In addition, the Energy Policy Act⁷ (EPAct) of 2005 authorized LUST Trust Fund resources to develop and implement a strategy to implement and enforce EPAct requirements concerning USTs in Indian Country.

EPA has primary responsibility for implementing the LUST program in Indian Country, and will use a portion of its LUST funding to implement the program in Indian Country, including providing tribes with financial assistance for cleanup activities.

⁶ Refer to <http://www.epa.gov/swerust1/20clenup.htm>.

⁷ Refer to http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_public_laws&docid=f:publ058.109.pdf (scroll to Title XV - Ethanol And Motor Fuels, Subtitle B – Underground Storage Tank Compliance, on pages 500-513 of the pdf file).

FY 2009 Activities and Performance Plan:

In FY 2009, EPA will continue to work with the states and tribes to complete LUST cleanups in an effort to reduce the backlog of 108,766 cleanups⁸ not yet completed. Since the beginning of the LUST program, EPA and state programs have cleaned up approximately 77 percent (or 365,361) of all reported releases. In FY 2007, EPA and state tank programs completed 13,862 cleanups in states and territories, of which 54 cleanups were completed in Indian country.⁹ For FY 2009, the program's goal for LUST cleanups is 13,000, with a subset of 30 LUST cleanups in Indian country.

EPA's LUST cleanup program priorities continue to focus on increasing the efficiency of LUST cleanups nationwide; addressing contaminants of concern; and promoting the continued use, reuse, and long-term management of LUST sites. In FY 2009, EPA will continue to help states and tribes improve LUST cleanup performance through an active, collaborative initiative with states and tribes to identify the underlying causes for the slowing pace of cleanups. EPA will work with states in better characterizing sites still requiring remediation and develop both national and state-specific strategies to overcome obstacles and accelerate cleanups. EPA also will continue its efforts to monitor the soundness of state cleanup funds, a significant source of funding for addressing LUST cleanups, and the impact of contaminants.

The EPAct requirement to develop a strategy¹⁰ for implementing the program in Indian Country enhanced EPA's efforts and provided renewed focus to reduce the cleanup backlog and to prevent future releases in Indian Country. To address leaking USTs in Indian Country, EPA 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. EPA also will continue to provide technical expertise and assistance by utilizing in-house personnel, contractors and grants/cooperative agreements to Tribal entities; response activities; oversight of responsible party lead cleanups; and support and assistance to Tribal governments.

The LUST (cleanup) program received an overall PART rating of "adequate" in 2004. As a component of the program's improvement plan, EPA created two long-term performance measures that focus on environmental outcomes to increase the number of cleanups that meet state risk-based standards for human exposure and groundwater migration, and to increase the number of cleanups that meet risk-based standards for human exposure and groundwater migration in Indian country.

⁸ U.S. Environmental Protection Agency Memorandum, *FY 2007 End-of-Year Activity Report*, from Cliff Rothenstein, Director, Office of Underground Storage Tanks to UST/LUST Regional Division Directors, Regions 1-10, dated December 5, 2007, http://www.epa.gov/OUST/cat/ca_07_34.pdf

⁹ http://www.epa.gov/OUST/cat/ca_07_34.pdf

¹⁰ Refer to *Strategy for an EPA/Tribal Partnership to Implement Section 1529 of the Energy Policy Act of 2005*, August 2006, EPA-510-F-06-005, http://www.epa.gov/oust/fedlaws/epact_05.htm#Final.

Performance Targets:

Measure Type	Measure	FY 2007 Actual	FY 2007 Target	FY 2008 Target	FY 2009 Target	Units
Outcome	Number of cleanups that meet risk-based standards for human exposure and groundwater migration in Indian Country.	30	54	30	30	cleanups

Work under this program supports EPA's objectives under Goal 3. The program tracks the annual number of cleanups that meet state risk-based standards for human exposure and groundwater migration and the annual number of cleanups that meet risk-based standards for human exposure and groundwater migration in Indian Country.

FY 2009 Change from FY 2008 Enacted Budget (Dollars in Thousands):

- (+\$641.0) This reflects an increase for payroll and cost of living for existing FTE.
- (-\$1,600.0) This reflects funding shifted from the STAG account to the LUST account and a reduction in the additional Congressional FY 2008 Omnibus funds. This shift between the LUST appropriation and the STAG appropriation will not impact program activities.
- (-\$461.0) This change reflects the net effects of restoration of the 1.56% rescission to all program projects combined with changes in IT, travel or other support costs across programs.

Statutory Authority:

SWDA of 1976, as amended by the Superfund Reauthorization Amendments of 1986 (Subtitle I), Section 9003(h); Section 8001(a); Tribal Grants Public Law 105-276; EPAct 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.

LUST Cooperative Agreements

Program Area: Underground Storage Tanks (LUST / UST)

Goal: Land Preservation and Restoration

Objective(s): Preserve Land; Restore Land

(Dollars in Thousands)

	FY 2007 Actuals	FY 2008 Pres Bud	FY 2008 Enacted	FY 2009 Pres Bud	FY 2009 Pres Bud v. FY 2008 Enacted
<i>Leaking Underground Storage Tanks</i>	<i>\$65,353.0</i>	<i>\$58,207.0</i>	<i>\$90,178.0</i>	<i>\$58,207.0</i>	<i>(\$31,971.0)</i>
Total Budget Authority / Obligations	\$65,353.0	\$58,207.0	\$90,178.0	\$58,207.0	(\$31,971.0)
Total Workyears	0.0	0.0	0.0	0.0	0.0

Program Project Description:

EPA provides resources to states and territories through cooperative agreements authorized under Section 9003(h) of the Solid Waste Disposal Act (SWDA) for the oversight and cleanup of petroleum releases from Underground Storage Tanks (USTs). The Agency will continue to fund research, studies and training that directly support state oversight and Leaking Underground Storage Tank (LUST) cleanup.

There are more than 108 thousand sites with confirmed releases from leaking USTs nationwide that still need to be cleaned up and approximately 630 thousand active underground storage tanks at approximately 238 thousand sites which are regulated by the UST technical regulations under Subtitle I of RCRA. Because of the size and diversity of the regulated community, state authorities are in the best position to regulate USTs and set priorities. For additional information, refer to the following site: <http://www.epa.gov/swerust1/overview.htm>.

States are the primary implementing agencies, except in Indian country. States use the cleanup funds provided under this program to administer their corrective action programs, oversee cleanups by responsible parties, undertake necessary enforcement actions, pay for cleanups in cases where a responsible party cannot be found or is unwilling or unable to pay for a cleanup, and recover costs from responsible parties who are unwilling to pay for cleanups.¹¹

When the LUST Trust Fund is used, tank owners/operators are liable to the state for costs incurred and are subject to cost recovery actions. Approximately 40 states have UST cleanup funds that pay for most UST cleanups and are separate from the LUST Trust Fund; collectively states raise and spend more than \$1 billion annually.

FY 2009 Activities and Performance Plan:

In FY 2009, EPA's LUST cleanup program will focus on increasing the efficiency of LUST cleanups nationwide. EPA will continue to work with the states to complete cleanups and reduce

¹¹ Refer to <http://www.epa.gov/OUST/ltffacts.htm>

the backlog of 108,766 cleanups¹² not yet completed. Since the beginning of the UST program, approximately 77 percent (or 365,361) of all reported releases have been cleaned up. At the FY 2009 request level, the Agency will provide not less than 80 percent of LUST appropriated funds to states to carry out specific purposes.¹³ EPA will distribute the LUST funding to states under a previously established allocation process for the cleanup activities.

The LUST (cleanup) program received an overall rating of “adequate” in 2004. As a component of the program’s improvement plan, EPA created two long-term performance measures that focus on environmental outcomes to increase the number of cleanups that meet state risk-based standards for human exposure and groundwater migration, and to increase the number of cleanups that meet risk-based standards for human exposure and groundwater migration in Indian country.

Performance Targets:

The program tracks the annual number of cleanups that meet state risk-based standards for human exposure and groundwater migration and the annual number of cleanups that meet risk-based standards for human exposure and groundwater migration in Indian Country.

FY 2009 Change from FY 2008 Enacted Budget (Dollars in Thousands):

- (+\$1,429.0) This change reflects restoration of the 1.56% rescission to all program projects. The restored funds will provide additional support for eligible grantees to implement the Leaking Underground Storage Tank program.
- (-\$33,400.0) This reflects funding shifted from the STAG account to the LUST account and a reduction in the additional Congressional FY 2008 Omnibus funds. This shift between the LUST appropriation and the STAG appropriation will not impact program activities.

Statutory Authority:

SWDA of 1976, as amended by SARA of 1986 (Subtitle I), Section 9003(h); Section 9004(f); Section 8001(a)(1); Section 9003(h)(7) of the SWDA.

² U.S. Environmental Protection Agency Memorandum, *FY 2007 End-of-Year Activity Report*, from Cliff Rothenstein, Director, Office of Underground Storage Tanks to UST/LUST Regional Division Directors, Regions 1-10, dated December 5, 2007, http://www.epa.gov/OUST/cat/ca_07_34.pdf.

¹³ Title XV, Subtitle B of the EPAct of 2005; SWDA of 1976, as amended by the Superfund Reauthorization Amendments of 1986 (Subtitle I), Section 9004(f).