

**Environmental Protection Agency
2008 Annual Performance Plan and Congressional Justification**

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**Environmental Protection Agency
FY 2008 Annual Performance Plan and Congressional Justification**

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

	FY 2006 Actuals	FY 2007 Pres Bud	FY 2008 Pres Bud	FY 2008 Pres Bud v. FY 2007 Pres Bud
Leaking Underground Storage Tanks				
Budget Authority	\$86,184.4	\$72,759.0	\$72,461.0	(\$298.0)
Total Workyears	69.8	76.9	75.3	-1.6

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

Program Project	FY 2006 Actuals	FY 2007 Pres Bud	FY 2008 Pres Bud	FY 2008 Pres Bud v. FY 2007 Pres Bud
Compliance				
Compliance Assistance and Centers	\$481.3	\$839.1	\$688.0	(\$151.1)
IT / Data Management / Security				
IT / Data Management	\$130.9	\$175.9	\$177.0	\$1.1
Operations and Administration				
Acquisition Management	\$357.3	\$360.8	\$165.0	(\$195.8)
Central Planning, Budgeting, and Finance	\$760.9	\$1,014.8	\$1,102.0	\$87.2
Facilities Infrastructure and Operations	\$769.6	\$916.8	\$901.0	(\$15.8)
Human Resources Management	\$3.0	\$3.0	\$3.0	\$0.0
Subtotal, Operations and Administration	\$1,890.8	\$2,295.4	\$2,171.0	(\$124.4)
Research: Land Protection				
Research: Land Protection and Restoration	\$617.2	\$651.3	\$660.0	\$8.7
Underground Storage Tanks (LUST / UST)				
LUST / UST	\$11,889.1	\$10,590.1	\$10,558.0	(\$32.1)
LUST Cooperative Agreements	\$71,175.1	\$58,207.2	\$58,207.0	(\$0.2)
Subtotal, LUST Cooperative Agreements	\$71,175.1	\$58,207.2	\$58,207.0	(\$0.2)
Subtotal, Underground Storage Tanks (LUST / UST)	\$83,064.2	\$68,797.3	\$68,765.0	(\$32.3)

Program Area: Compliance

Compliance Assistance and Centers

Program Area: Compliance

Goal: Land Preservation and Restoration

Objective(s): Preserve Land

(Dollars in Thousands)

	FY 2006 Actuals	FY 2007 Pres Bud	FY 2008 Pres Bud	FY 2008 Pres Bud v. FY 2007 Pres Bud
Environmental Program & Management	\$27,774.3	\$28,890.7	\$29,547.0	\$656.3
<i>Leaking Underground Storage Tanks</i>	<i>\$481.3</i>	<i>\$839.1</i>	<i>\$688.0</i>	<i>(\$151.1)</i>
Oil Spill Response	\$257.8	\$280.2	\$291.0	\$10.8
Hazardous Substance Superfund	\$11.0	\$22.2	\$22.0	(\$0.2)
Total Budget Authority / Obligations	\$28,524.4	\$30,032.2	\$30,548.0	\$515.8
Total Workyears	197.9	212.1	208.4	-3.7

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 2008 Activities and Performance Plan:

In FY 2008, 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 2008 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 will also 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, at OMB’s direction, 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 result of this review, EPA is beginning to transition the Enforcement and Compliance Assurance program from a tool-oriented to a problem-oriented GPRA strategic

¹ For more information refer to: www.epa.gov/swerust1/cat/index.htm.

architecture, and as new measures are developed they will replace existing measures in the Agency's Strategic Plan.

Performance Targets:

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

FY 2008 Change from FY 2007 President's Budget (Dollars in Thousands):

- (-0.7 FTE) This decrease reflects the Agency's plans to realign FTE to address the increased number of Brownfields grant reviews which are becoming more complex and resource intensive.
- (-\$152.0) This decrease is the net effect of increases for payroll and cost of living for existing FTE, combined with a reduction based on the recalculation of base workforce cost.
- (+\$0.9) Change due to rounding in the FY 2008 President's Budget.

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 2006 Actuals	FY 2007 Pres Bud	FY 2008 Pres Bud	FY 2008 Pres Bud v. FY 2007 Pres Bud
Environmental Program & Management	\$98,871.4	\$96,807.2	\$91,019.0	(\$5,788.2)
Science & Technology	\$4,412.9	\$4,268.0	\$3,499.0	(\$769.0)
<i>Leaking Underground Storage Tanks</i>	<i>\$130.9</i>	<i>\$175.9</i>	<i>\$177.0</i>	<i>\$1.1</i>
Oil Spill Response	\$38.8	\$32.5	\$34.0	\$1.5
Hazardous Substance Superfund	\$16,646.2	\$17,120.4	\$16,338.0	(\$782.4)
Total Budget Authority / Obligations	\$120,100.2	\$118,404.0	\$111,067.0	(\$7,337.0)
Total Workyears	515.5	488.0	488.0	0.0

Program Project Description:

This IT/Data Management Leaking Underground Storage Tanks 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, 1) implements the Agency's E-Government (E-Gov) responsibilities; designs, develops and manages the Agency's Internet and Intranet resources including the Integrated Portal, 2) 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, 3) provides a secure, reliable, and capable information infrastructure based on a sound enterprise architecture which includes data standardization, integration, and public access, 4) manages the Agency's Quality System ensuring EPA's processes and data are of quality and adhere to Federal guidelines, and, supports Regional information technology infrastructure, administrative and environmental programs, and telecommunications. These functions are integral to the implementation of Agency information technology programs and systems like the Exchange Network, the Central Data Exchange (CDX) and Permit Compliance System (PCS). Agency Offices rely on the IT/Data Management program and its capabilities to develop and implement tools for ready access to accurate and timely data.

FY 2008 Activities and Performance Plan:

In FY 2008, EPA's Information Technology community will continue focusing on the Agency's Technology Initiative¹ and fulfilling the Agency's E-Gov commitments. The Agency's IT/Data Management LUST program forms the core of this effort with its focus on building and implementing the Agency's Integrated Portal and Enterprise Content Management System (ECMS), developing Environmental Indicators, and continuing to deploy enterprise-wide IT infrastructure solutions.

In FY 2008 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 the LUST 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 for this specific program project.

FY 2008 Change from FY 2007 President's Budget (Dollars in Thousands):

- (+\$1.1) Change due to rounding in the FY 2008 President's Budget.

Statutory Authority:

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

¹ Office of Environmental Information's (OEI) FY 2006 Technology Initiative has three major components: 1) Building on its Analytical Capacity and Indicators work, OEI will uncover and fill data gaps, and develop response capacity; 2) Using the portal and Exchange Network, OEI will increase the integration of quality data, streamline transactions to foster collaboration, reduce the data entry burden, and improve decision making; and 3) OEI's Readiness to Serve initiative will build capacity and infrastructure to allow more EPA employees to telecommute or work safely and securely in the field.

Program Area: Operations and Administration

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 2006 Actuals	FY 2007 Pres Bud	FY 2008 Pres Bud	FY 2008 Pres Bud v. FY 2007 Pres Bud
Environmental Program & Management	\$23,040.8	\$25,418.3	\$29,992.0	\$4,573.7
<i>Leaking Underground Storage Tanks</i>	<i>\$357.3</i>	<i>\$360.8</i>	<i>\$165.0</i>	<i>(\$195.8)</i>
Hazardous Substance Superfund	\$19,577.1	\$23,514.3	\$24,645.0	\$1,130.7
Total Budget Authority / Obligations	\$42,975.2	\$49,293.4	\$54,802.0	\$5,508.6
Total Workyears	351.6	357.2	357.3	0.1

Program Project Description:

LUST resources in this program support contract and acquisition management activities at Headquarters, Regional Offices, Research Triangle Park and Cincinnati offices. 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 2008 Activities and Performance Plan:

The Agency will improve electronic government capabilities and enhance the education of its contract workforce. The Agency will work to eliminate paper-processing in the LUST acquisition process and manage acquisition records electronically. In addition, LUST resources will 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 project.

FY 2008 Change from FY 2007 President's Budget (Dollars in Thousands):

- (-\$91.8) This reduction reflects efficiencies gained in Agency administrative or contract management services.

- (-\$105.0) This payroll and FTE decrease reflects EPA's workforce management strategy that will help the Agency better align resources, skills and Agency priorities. These reductions will not impede Agency efforts to maximize efficiency and effectiveness in carrying out its programs.
- (+\$1.0) Change due to rounding in the FY 2008 President's Budget.
- (-0.9 FTE) This change reflects EPA's workforce management strategy that will help the Agency better align resources, skills and Agency priorities.

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 2006 Actuals	FY 2007 Pres Bud	FY 2008 Pres Bud	FY 2008 Pres Bud v. FY 2007 Pres Bud
Environmental Program & Management	\$70,768.6	\$83,548.1	\$74,960.0	(\$8,588.1)
<i>Leaking Underground Storage Tanks</i>	<i>\$760.9</i>	<i>\$1,014.8</i>	<i>\$1,102.0</i>	<i>\$87.2</i>
Hazardous Substance Superfund	\$21,783.7	\$25,540.8	\$24,306.0	(\$1,234.8)
Total Budget Authority / Obligations	\$93,313.2	\$110,103.7	\$100,368.0	(\$9,735.7)
Total Workyears	515.8	537.7	530.0	-7.7

Program Project Description:

Activities under the Central Planning, Budgeting and Finance program/project 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 2008 Activities and Performance Plan:

EPA will continue efforts to modernize the Agency's financial systems and business processes. The modernization effort will reduce cost, and comply with Congressional direction and new Federal financial systems requirements. This work is framed by the Agency's Enterprise Architecture and will ensure 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 program project.

FY 2008 Change from FY 2007 President's Budget (Dollars in Thousands):

- (+\$86.2) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$2.0) This increase provides funding for contracts to support the financial management of the LUST program.
- (-\$1.0) Change due to rounding in the FY 2008 President's Budget.

Statutory Authority:

Annual Appropriations Act; CCA; CERCLA; CSA; E-Government Act of 2002; EFOIA; EPA's Environmental Statutes, and the Federal Grant and Cooperative Agreement Act; 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.

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 2006 Actuals	FY 2007 Pres Bud	FY 2008 Pres Bud	FY 2008 Pres Bud v. FY 2007 Pres Bud
Environmental Program & Management	\$336,980.6	\$294,760.1	\$303,728.0	\$8,967.9
Science & Technology	\$8,841.7	\$70,239.5	\$73,859.0	\$3,619.5
Building and Facilities	\$30,871.3	\$28,430.9	\$26,931.0	(\$1,499.9)
Leaking Underground Storage Tanks	\$769.6	\$916.8	\$901.0	(\$15.8)
Oil Spill Response	\$366.1	\$499.3	\$490.0	(\$9.3)
Hazardous Substance Superfund	\$66,365.6	\$73,944.7	\$74,956.0	\$1,011.3
Total Budget Authority / Obligations	\$444,194.9	\$468,791.3	\$480,865.0	\$12,073.7
Total Workyears	375.1	438.6	415.9	-22.7

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 safety, 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.

FY 2008 Activities and Performance Plan:

The Agency will continue to manage its lease agreements with GSA and other private landlords by conducting rent reviews and verifying that monthly billing statements are correct. Further, EPA will provide transit subsidy to eligible applicants as directed by Executive Order 13150¹ *Federal Workforce Transportation*.

Performance Targets:

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

¹ Additional information available at <http://ceq.eh.doe.gov/nepa/regs/eos/eo13150.html>

FY 2008 Change from FY 2007 President's Budget (Dollars in Thousands):

- (-\$16.3) This decrease represents fixed cost savings in FY 2008.
- (+\$0.5) Provides additional resources for increases in transit subsidy.

Statutory Authority:

FPASA; PBA; 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).

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 2006 Actuals	FY 2007 Pres Bud	FY 2008 Pres Bud	FY 2008 Pres Bud v. FY 2007 Pres Bud
Environmental Program & Management	\$42,966.8	\$40,202.5	\$40,175.0	(\$27.5)
<i>Leaking Underground Storage Tanks</i>	\$3.0	\$3.0	\$3.0	\$0.0
Hazardous Substance Superfund	\$5,282.1	\$5,270.2	\$5,036.0	(\$234.2)
Total Budget Authority / Obligations	\$48,251.9	\$45,475.7	\$45,214.0	(\$261.7)
Total Workyears	323.5	297.6	296.3	-1.3

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 Agencywide 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 2008 Activities and Performance Plan:

In FY 2008, EPA will continue to meet the Department of Labor requirements for distributing workmen's compensation and disability. Human Resources Management resources are allocated to the LUST appropriation based on the portion of LUST FTE requiring Human Resources Management services.

Performance Targets:

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

FY 2008 Change from FY 2007 President's 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 2006 Actuals	FY 2007 Pres Bud	FY 2008 Pres Bud	FY 2008 Pres Bud v. FY 2007 Pres Bud
Science & Technology	\$12,101.5	\$10,552.8	\$10,737.0	\$184.2
<i>Leaking Underground Storage Tanks</i>	<i>\$617.2</i>	<i>\$651.3</i>	<i>\$660.0</i>	<i>\$8.7</i>
Oil Spill Response	\$828.4	\$903.1	\$901.0	(\$2.1)
Hazardous Substance Superfund	\$22,210.2	\$21,963.9	\$20,081.0	(\$1,882.9)
Total Budget Authority / Obligations	\$35,757.3	\$34,071.1	\$32,379.0	(\$1,692.1)
Total Workyears	141.6	142.8	141.3	-1.5

Program Project Description:

Research applicable to leaking underground storage tanks (LUSTs) 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.

Research is guided by the long term *Waste Research Strategy*¹, which was developed with participation from major clients and outlines research needs and priorities. These research efforts are guided by the Land Multi-Year Plan (MYP)², 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 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.

¹ EPA, Office of Research and Development, *Waste Research Strategy*. Washington, D.C.: EPA. For more information, see <http://www.epa.gov/ord/htm/documents/wastepub.pdf>.

² For more information, see <http://www.epa.gov/osp/myp>.

The *Waste Research Strategy* outlines the research needs and priorities at the time it was prepared. To guide these research efforts as progress is made and new needs emerge, EPA develops multi-year research plans that are revised periodically. EPA merged the Contaminated Sites and RCRA Multi-Year Plans (MYPs) into one cohesive Land Research MYP, with input from across the Agency, to ensure research conducted continues to support the Agency's mission to protect human health and the environment. The new plan will be posted when peer-review comments are addressed in the second quarter of FY 2007.

FY 2008 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 (R&D Criteria: Relevance). Remedies being investigated include active water treatment and monitored natural attenuation, with performance influenced by the nature of the fuel oxygenate. A report on monitored natural attenuation of ethylene dibromide (EDB) will be produced so that the program office and project managers can evaluate alternative remedies (R&D Criteria: Performance).

A major concern of EPA is the fate of pollutants released from leaking underground tanks into ground water (R&D Criteria: Relevance). In FY 2008, EPA will continue to enhance the Tools for Analysis of Contaminated Sites (TACS) version 2, which contains methodologies and software to aid in the analysis of field data from these types of sites. The TACS utilizes a two-tiered structure allowing for analysis of sites with either limited or extensive data sets to address important site management issues, such as: contaminant plumes (contracting, stable, or expanding) and the occurrence (or non-occurrence) of biodegradation (R&D Criteria: Relevance, Performance).

In 2006, the Land Protection and Restoration Research Program received an “adequate” rating in its first PART review. EPA and OMB continue to work to finalize appropriate ambitious performance measures, develop and implement a protocol for improved budget-performance integration, and develop a new efficiency measure that captures the cost effectiveness of research activities. To this end, OMB, EPA, and members of the BOSC formed a workgroup to discuss long-term measurement of EPA’s research and development programs. As part of the workgroup, EPA has devised program-specific questions to be addressed by the BOSC and used in support of long-term measurement. To identify appropriate outcome-oriented efficiency measures for research programs, EPA is soliciting input from the National Academy of Sciences.

Performance Targets:

Work under this program project supports EPA’s Enhance Science and Research objective. Performance measures for this specific program are included under the Superfund Land Protection and Restoration program.

FY 2008 Change from FY 2007 President’s Budget (Dollars in Thousands):

- (+\$7.9) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$0.9) This technical adjustment realigns workforce support costs (such as capital equipment and repairs and improvement) across the research program to better reflect FY 2008 priorities. There will be no programmatic impacts.
- (-\$0.1) This is a technical adjustment to realign travel resources across the research program to better reflect FY 2008 priorities. There will be no programmatic impacts.

Statutory Authority:

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

Program Area: Underground Storage Tanks (LUST / UST)

LUST / UST

Program Area: Underground Storage Tanks (LUST / UST)

Goal: Land Preservation and Restoration

Objective(s): Restore Land

(Dollars in Thousands)

	FY 2006 Actuals	FY 2007 Pres Bud	FY 2008 Pres Bud	FY 2008 Pres Bud v. FY 2007 Pres Bud
Environmental Program & Management	\$9,042.3	\$11,713.7	\$11,719.0	\$5.3
<i>Leaking Underground Storage Tanks</i>	<i>\$11,889.1</i>	<i>\$10,590.1</i>	<i>\$10,558.0</i>	<i>(\$32.1)</i>
Total Budget Authority / Obligations	\$20,931.4	\$22,303.8	\$22,277.0	(\$26.8)
Total Workyears	111.7	131.3	131.3	0.0

Program Project Description:

The Leaking Underground Storage Tanks (LUST) program promotes rapid and effective responses to releases from Federally-regulated underground storage tanks (USTs) containing petroleum by enhancing state, local, and Tribal enforcement and response capability.

EPA provides technical information, forums for information exchange, and training opportunities to states, Tribes and Intertribal Consortia to encourage program development, and/or implementation of the LUST program, and to address groundwater and drinking water contamination from oxygenates. These activities support the LUST cooperative agreements, awarded by EPA to states to assist them in implementing their oversight and programmatic role. For more information, refer to <http://www.epa.gov/swerust1/20clenup.htm>.

EPA works with state UST programs to clean up LUST sites, promote innovative approaches to corrective action to streamline the remediation process, and measure and evaluate national program progress and performance. The Agency has primary responsibility for implementing the LUST program in Indian country, and uses a portion of its LUST funding to implement the program in Indian country (including but not limited to cleanup activities and enforcement).

FY 2008 Activities and Performance Plan:

In FY 2008, EPA will continue to work with the states and Tribes to complete LUST cleanups in an effort to reduce the backlog of 113,919 cleanups not yet completed.¹ Since the beginning of the LUST program, EPA has cleaned up almost 75 percent (or 350,813) of all reported releases. As of September 2006, EPA and state tank programs completed 14,493 cleanups in states and territories in FY 2006, of which 43 cleanups were completed in Indian country (refer to http://www.epa.gov/swerust1/cat/ca_06_34.pdf). For FY 2008, the program's goal for LUST cleanups in Indian country is 30.

¹ U.S. Environmental Protection Agency Memorandum, *FY 2006 End-of-Year Activity Report*, from Cliff Rothenstein, Director, Office of Underground Storage Tanks to UST/LUST Regional Division Directors, Regions 1-10, dated November 14, 2006, http://www.epa.gov/swerust1/cat/ca_06_34.pdf.

EPA's LUST 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 2008, EPA will continue to help states and Tribes improve LUST cleanup performance by targeting source water areas using a drinking water mapping application, developing and promoting the use of innovative tools such as multi-site and geographical cleanup approaches, optimizing the use of cleanup technologies, and streamlining cleanup decisions and processes. (Refer to <http://www.epa.gov/OUST/cat/index.htm>.) 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 2005 EPA Act² requirement to develop a strategy for implementing the program in Indian country enhanced EPA's efforts and provided renewed focus to improve the LUST cleanup rate 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. The 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 program was assessed under PART and in 2004 received 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 state risk-based standards for human exposure and groundwater migration, and 2) number of cleanups that meet risk-based standards for human exposure and groundwater migration on Indian country.

Performance Targets:

Measure Type	Measure	FY 2006 Actual	FY 2006 Target	FY 2007 Target	FY 2008 Target	Units
Outcome	Number of cleanups that meet risk-based standards for human exposure and groundwater migration (tracked as the number of LUST cleanups completed)	14,493	13,600	13,000	13,000	cleanups
Outcome	Number of cleanups that meet risk-based standards for human	43	30	30	30	cleanups

² For more information regarding UST/LUST provisions 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) for information on the UST/LUST provisions.

Measure Type	Measure	FY 2006 Actual	FY 2006 Target	FY 2007 Target	FY 2008 Target	Units
Outcome	Number of cleanups that meet risk-based standards for human exposure and groundwater migration (tracked as the number of LUST cleanups completed)	14,493	13,600	13,000	13,000	cleanups
	exposure and groundwater migration on Indian Country.					

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

FY 2008 Change from FY 2007 President’s Budget (Dollars in Thousands):

- (+\$28.9) This reflects an increase for payroll and cost of living for existing FTE.
- (-\$63.4) This reduction reflects an Agencywide effort to reduce international travel as well as a reduction to program travel expenses in Headquarters and the Regions.
- (+\$2.4) Change due to rounding in the FY 2008 President’s Budget.

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; EPA Act of 2005.

LUST Cooperative Agreements

Program Area: Underground Storage Tanks (LUST / UST)

Goal: Land Preservation and Restoration

Objective(s): Restore Land

(Dollars in Thousands)

	FY 2006 Actuals	FY 2007 Pres Bud	FY 2008 Pres Bud	FY 2008 Pres Bud v. FY 2007 Pres Bud
<i>Leaking Underground Storage Tanks</i>	<i>\$71,175.1</i>	<i>\$58,207.2</i>	<i>\$58,207.0</i>	<i>(\$0.2)</i>
Total Budget Authority / Obligations	\$71,175.1	\$58,207.2	\$58,207.0	(\$0.2)
Total Workyears	0.0	0.0	0.0	0.0

Program Project Description:

The Leaking Underground Storage Tanks (LUST) program promotes rapid and effective responses to releases from Federally-regulated underground storage tanks (USTs) containing petroleum by enhancing state, local, and Tribal enforcement and response capability. EPA provides resources to 49 states (refer to <http://www.epa.gov/swerust1/20clenup.htm>), the District of Columbia, and five territories (Puerto Rico, Virgin Islands, the Northern Mariana Islands, American Samoa, and Guam) through cooperative agreements authorized under Section 9003(h) of the Solid Waste Disposal Act (SWDA) for the oversight and cleanup of petroleum releases from USTs. EPA will continue to fund research, studies and training under Section 8001 (a)(1) of the SWDA that directly supports state oversight and cleanup of LUST sites under Section 9003(h).

States are the primary implementing agencies (except in Indian country). States and territories have the authority to respond to petroleum releases from USTs using LUST Trust funds where owners and operators are unknown, unwilling, or unable to take corrective actions. States and territories use the LUST Trust Fund to administer their corrective action programs, oversee cleanups by responsible parties, undertake necessary enforcement actions, and pay for cleanups in cases where a responsible party cannot be found or is unwilling or unable to pay for a cleanup (refer to <http://www.epa.gov/OUST/ltffacts.htm>), and cost recover from responsible parties who are unwilling to pay for cleanups.

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. EPA, with few exceptions, does not perform the cleanup of LUSTs. 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. EPA will not use LUST appropriations to implement any provision of the Energy Policy Act (EPAct) of 2005 that is not also a leaking underground storage tank activity authorized by SARA.

FY 2008 Activities and Performance Plan:

EPA's on-going work focuses attention and efforts on increasing the efficiency of LUST cleanups nationwide. In FY 2008, EPA will continue to work with the states to complete cleanups and reduce the backlog of 113,919 cleanups¹ not yet completed. Since the beginning of the UST program, almost 75 percent (or 350,813) of all reported releases has been cleaned up. At the FY 2008 request level, the Agency will provide not less than 80percent of LUST appropriated funds to states to carry out specific purposes.² EPA will distribute LUST funding to states under a previously established allocation process.

The LUST program was assessed under PART and in 2004 received 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 state risk-based standards for human exposure and groundwater migration, and 2) LUST cleanups completed over a three-year rolling average per total cleanup dollars, which is a new measure of program efficiency. Due to the recent legislative changes from the EPAct, EPA and the states are re-evaluating and updating this measure.

Performance Targets:

Measure Type	Measure	FY 2006 Actual	FY 2006 Target	FY 2007 Target	FY 2008 Target	Units
Outcome	Number of cleanups that meet state risk-based standards for human exposure and groundwater migration (tracked as the number LUST cleanups completed).	14,493	13,600	13,000	13,000	cleanups

FY 2008 Change from FY 2007 President's Budget (Dollars in Thousands):

- (-\$0.2) Change due to rounding in the FY 2008 President's Budget.

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.

¹ U.S. Environmental Protection Agency Memorandum, *FY 2006 End-of-Year Activity Report*, from Cliff Rothenstein, Director, Office of Underground Storage Tanks to UST/LUST Regional Division Directors, Regions 1-10, dated [November 14, 2006](http://www.epa.gov/swrust1/cat/ca_06_34.pdf), http://www.epa.gov/swrust1/cat/ca_06_34.pdf

² 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).