

**ENVIRONMENTAL PROTECTION AGENCY
2010 Annual Performance Plan and Congressional Justification**

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**Environmental Protection Agency
FY 2010 Annual Performance Plan and Congressional Justification**

**APPROPRIATION: Oil Spill Response
Resource Summary Table
(Dollars in Thousands)**

	FY 2008 Actuals	FY 2009 Enacted	FY 2010 Pres Bud	FY 2010 Pres Bud v. FY 2009 Enacted
Oil Spill Response				
Budget Authority	\$17,325.3	\$17,687.0	\$18,379.0	\$692.0
Total Workyears	92.1	102.2	102.2	0.0

**Program Projects in Oil Spills
(Dollars in Thousands)**

Program Project	FY 2008 Actuals	FY 2009 Enacted	FY 2010 Pres Bud	FY 2010 Pres Bud v. FY 2009 Enacted
Compliance				
Compliance Assistance and Centers	\$285.3	\$277.0	\$317.0	\$40.0
Enforcement				
Civil Enforcement	\$1,851.0	\$2,117.0	\$2,406.0	\$289.0
IT / Data Management / Security				
IT / Data Management	\$15.0	\$24.0	\$24.0	\$0.0
Oil				
Oil Spill: Prevention, Preparedness and Response	\$13,880.8	\$13,953.0	\$14,397.0	\$444.0
Operations and Administration				
Facilities Infrastructure and Operations				
Rent	\$431.0	\$538.0	\$438.0	(\$100.0)
Facilities Infrastructure and Operations (other activities)	\$67.6	\$58.0	\$60.0	\$2.0
Subtotal, Facilities Infrastructure and Operations	\$498.6	\$596.0	\$498.0	(\$98.0)
Subtotal, Operations and Administration	\$498.6	\$596.0	\$498.0	(\$98.0)
Research: Land Protection				
Research: Land Protection and Restoration	\$794.6	\$720.0	\$737.0	\$17.0
Subtotal, Research: Land Protection and Restoration	\$794.6	\$720.0	\$737.0	\$17.0
TOTAL, EPA	\$17,325.3	\$17,687.0	\$18,379.0	\$692.0

Program Area: Compliance

Compliance Assistance and Centers

Program Area: Compliance

Goal: Land Preservation and Restoration

Objective(s): Restore Land

(Dollars in Thousands)

	FY 2008 Actuals	FY 2009 Enacted	FY 2010 Pres Bud	FY 2010 Pres Bud v. FY 2009 Enacted
Environmental Program & Management	\$28,063.5	\$23,770.0	\$26,070.0	\$2,300.0
Leaking Underground Storage Tanks	\$787.5	\$817.0	\$788.0	(\$29.0)
<i>Oil Spill Response</i>	\$285.3	\$277.0	\$317.0	\$40.0
Hazardous Substance Superfund	\$33.1	\$22.0	\$0.0	(\$22.0)
Total Budget Authority / Obligations	\$29,169.4	\$24,886.0	\$27,175.0	\$2,289.0
Total Workyears	197.0	181.1	180.1	-1.0

Program Project Description:

EPA's Compliance Assistance program includes a range of activities and tools designed 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.

This portion of the Compliance Assistance program is designed to prevent oil spills using compliance assistance and civil enforcement tools and strategies and to prepare for and respond to any oil spill affecting the inland waters of the United States. EPA's Oil Program has a long history of effective response to major oil spills, and the lessons learned have helped to improve our country's prevention and response capabilities.

FY2010 Activities and Performance Plan:

Pursuant to the Clean Water Act (CWA) Section 311 (oil spill and hazardous substances) requirements, the Agency will continue in FY 2010 to provide compliance assistance to regulated entities to assist them in understanding their legal requirements under the CWA and provide them with cost effective compliance strategies to help prevent oil spills.

The measures pertaining to enforcement and compliance actions are under review and may be modified in the coming months.

Performance Targets:

These three measures on the total entities that change behavior resulting in direct and preventative environmental benefits are new performance measures beginning in FY 2010; no performance targets exist for these new measures for FY 2008-2009.

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Total number of regulated entities that change behavior resulting in direct environmental benefits or the prevention of pollution into the environment for air as a result of EPA enforcement and compliance actions.				127	Entities
Outcome	Total number of regulated entities that change behavior resulting in direct environmental benefits or the prevention of pollution into the environment for water as a result of EPA enforcement and compliance actions.				608	Entities
Outcome	Total number of regulated entities that change behavior resulting in direct environmental benefits or the prevention of pollution into the environment for land as a result of EPA enforcement and compliance actions.				213	Entities

FY 2010 Change from FY 2009 Enacted Budget (Dollars in Thousands):

- (+\$40.0) This reflects an increase for payroll and cost of living for existing FTE.

Statutory Authority:

OPA; CWA; CERCLA; PPA; NEPA; PHSA; DREAA; SDWA; Executive Order 12241; Executive Order 12656.

Program Area: Enforcement

Civil Enforcement

Program Area: Enforcement

Goal: Land Preservation and Restoration

Objective(s): Restore Land

(Dollars in Thousands)

	FY 2008 Actuals	FY 2009 Enacted	FY 2010 Pres Bud	FY 2010 Pres Bud v. FY 2009 Enacted
Environmental Program & Management	\$131,986.8	\$137,182.0	\$145,949.0	\$8,767.0
<i>Oil Spill Response</i>	<i>\$1,851.0</i>	<i>\$2,117.0</i>	<i>\$2,406.0</i>	<i>\$289.0</i>
Hazardous Substance Superfund	\$591.0	\$0.0	\$0.0	\$0.0
Total Budget Authority / Obligations	\$134,428.8	\$139,299.0	\$148,355.0	\$9,056.0
Total Workyears	940.6	974.2	988.5	14.3

Program Project Description:

This portion of the Civil Enforcement program is designed to prevent oil spills using civil enforcement and compliance assistance approaches, and to prepare for and respond to any oil spills affecting the inland waters of the United States. EPA's oil program has a long history of effective response to oil spills, including several major incidents. The lessons learned improve our country's prevention and response capabilities.¹

FY 2010 Activities and Performance Plan:

Pursuant to Clean Water Act Section 311 (Oil Spill and Hazardous Substances) requirements, EPA's Civil Enforcement program will develop policies, issue administrative cleanup orders and/or refer civil judicial actions to the Department of Justice, assess civil penalties for violations of those orders or for spills into the environment, and assist in the recovery of cleanup costs expended by the government. In FY 2010, the program also will provide support for field investigations and inspections of spills, as well as Spill Control Countermeasure compliance assistance.

Performance Targets:

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Reduce, treat, or eliminate air pollutants through concluded enforcement actions.				480	Million Pounds

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

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Reduce, treat, or eliminate water pollutants through concluded enforcement actions.				320	Million Pounds

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Reduce, treat, or eliminate toxics and pesticides through concluded enforcement actions.				3.8	Million Pounds

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Reduce, treat, or eliminate hazardous waste through concluded enforcement actions.				6,500	Million Pounds

FY 2010 Change from FY 2009 Enacted Budget (Dollars in Thousands):

- (+\$289.0) This reflects an increase for payroll and cost of living for existing FTE.

Statutory Authority:

OPA; CWA; CERCLA; NEPA; Pollution Prosecution Act.

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 2008 Actuals	FY 2009 Enacted	FY 2010 Pres Bud	FY 2010 Pres Bud v. FY 2009 Enacted
Environmental Program & Management	\$91,928.2	\$93,171.0	\$103,305.0	\$10,134.0
Science & Technology	\$3,762.6	\$3,969.0	\$4,073.0	\$104.0
Leaking Underground Storage Tanks	\$178.0	\$162.0	\$162.0	\$0.0
<i>Oil Spill Response</i>	<i>\$15.0</i>	<i>\$24.0</i>	<i>\$24.0</i>	<i>\$0.0</i>
Hazardous Substance Superfund	\$15,929.7	\$16,896.0	\$17,124.0	\$228.0
Total Budget Authority / Obligations	\$111,813.5	\$114,222.0	\$124,688.0	\$10,466.0
Total Workyears	492.2	503.1	503.1	0.0

Program Project Description:

The Information Technology/Data Management (IT/DM) program 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. IT/DM provides a secure, reliable, and capable information infrastructure based on a sound enterprise architecture which includes data standardization, integration, and public access. IT/DM manages the Agency's Quality System ensuring EPA's processes and data are of quality and adhere to Federal guidelines. And IT/DM supports regional information technology infrastructure, administrative and environmental programs, and telecommunications.

The work performed under IT/DM encompasses more than 30 distinct activities. For descriptive purposes they can be categorized into the following major functional areas: information access; geospatial information and analysis; Envirofacts; IT/information management (IT/IM) policy and planning; electronic records and content management; internet operations and maintenance (IOME); information reliability and privacy; and IT/IM infrastructure. The activity funded under the Oil Spill Response (Oil) appropriation is Internet Operations and Maintenance (IOME).

In FY 2010 the IT/Data Management Oil resources continue to provide EPA's "Readiness to Serve" IT 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 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).

FY 2010 Activities and Performance Plan:

In FY 2010, the following ITDM activities will continue to be provided for by the Oil appropriation:

- **Internet Operations and Maintenance (IOME)** – FY 2010 activities in this area implement and maintain the EPA Home Page (www.EPA.gov) and over 200 top-level pages that facilitate access to the many information resources available on the EPA Web site. In addition, IOME provides the funding to support Web hosting for all of the Agency's Web sites and pages. The EPA Web site is the primary delivery mechanism for environmental information to EPA staff, partners, stakeholders and the public, and is becoming a resource for emergency planning and response. (In FY 2010, IOME activities will be funded at \$0.01 million, under the Oil appropriation)
- **IT/IM Infrastructure** – FY 2010 activities in this area support, using funding from the Oil appropriation, the information technology infrastructure, administrative and environmental programs, and telecommunications for all EPA employees and other on-site workers at over 100 locations, including EPA Headquarters, all ten regions, and the various labs and ancillary offices. More specifically, these activities provide what is known as “workforce support,” which includes desktop equipment, network connectivity, e-mail, application hosting, remote access, telephone services and maintenance, web and network servers, IT related maintenance, IT security, and electronic records and data. (In FY 2010, the IT/IM Infrastructure activities will be funded at \$0.02 million, under the LUST appropriation)

Performance Targets:

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

FY 2010 Change from FY 2009 Enacted Budget (Dollars in Thousands):

- No change in program funding.

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.

Program Area: Oil

Oil Spill: Prevention, Preparedness and Response

Program Area: Oil

Goal: Land Preservation and Restoration

Objective(s): Restore Land

(Dollars in Thousands)

	FY 2008 Actuals	FY 2009 Enacted	FY 2010 Pres Bud	FY 2010 Pres Bud v. FY 2009 Enacted
<i>Oil Spill Response</i>	<i>\$13,880.8</i>	<i>\$13,953.0</i>	<i>\$14,397.0</i>	<i>\$444.0</i>
Total Budget Authority / Obligations	\$13,880.8	\$13,953.0	\$14,397.0	\$444.0
Total Workyears	86.7	84.0	84.0	0.0

Program Project Description:

The Oil Spill program protects U.S. waters by effectively preventing, preparing for, responding to and monitoring oil spills. EPA conducts oil spill prevention, preparedness, and enforcement activities associated with the over half million non-transportation-related oil storage facilities that EPA regulates through its spill prevention program. The Spill Prevention, Control and Countermeasures (SPCC) regulation and the Facility Response Plan (FRP) regulations establish EPA's Oil Spill program regulatory framework. In addition to its prevention responsibilities, EPA serves as the lead responder for cleanup of all inland zone spills, including transportation-related spills from pipelines, trucks, and other transportation systems. EPA accesses the Oil Spill Liability Trust Fund, administered by the U.S. Coast Guard, to obtain reimbursement for site-specific spill response activities. More than 24,000 oil spills occur in the U.S. every year, with half of these spills occurring in the inland zone for which EPA has jurisdiction. On average, one spill of greater than 100,000 gallons occurs every month from EPA-regulated oil storage facilities and the inland oil transportation network. For more information, refer to <http://www.epa.gov/oilspill/>.

FY 2010 Activities and Performance Plan:

FY 2010 priorities include improvements to the Oil Spill program's regulatory requirements. As appropriate, EPA will begin to implement regulatory changes, and update guidance that was issued previously to ensure it reflects current final rule requirements and input from stakeholders.

In FY 2010, EPA will continue to review/approve FRPs and conduct inspections and exercises. The largest oil storage facilities and refineries must prepare FRPs to identify response resources and ensure their availability in the event of a worst case discharge. FRPs establish communication, address security, identify an individual with authority to implement removal actions, and describe training and testing drills at the facility. EPA also will finalize and begin using guidance for FRP inspectors.

Working with state, local, tribal and Federal officials in a given geographic location, EPA will continue to strengthen area contingency plans (ACPs), regional contingency plans and to enhance preparedness exercises. The ACPs detail the responsibilities of various parties in the

event of a spill/release, describe unique geographical features, sensitive ecological resources, and drinking water intakes for the area covered, and identify available response equipment and its location. EPA conducts a small number of ACP exercises each year to evaluate and strengthen the plans.

EPA's Oil Spill program performance is determined by measuring the gallons of oil spilled to navigable waters from facilities subject to EPA's FRP regulations and measuring the compliance rate of facilities with the FRP and SPCC requirements. The efficiency measure reflects long-term performance with targets set every three years. The program is also developing stronger strategic planning procedures to ensure continuous program improvement, ensuring data quality, and developing a forum to share best spill prevention practices across regions. * The efficiency measure reflects long-term performance with targets set every three years.

In FY 2010, EPA will ensure that 15 percent of FRP facilities that are found to be non-compliant will be brought into compliance by the end of the fiscal year. EPA will emphasize emergency preparedness, particularly through the use of unannounced drills and exercises, to ensure facilities and responders can effectively implement response plans. An SPCC measure will also be instituted for FY 2010. Similar to the FRP measure mentioned above, EPA will ensure that 15 percent of SPCC facilities found to be non-compliant will be brought into compliance by the end of the fiscal year.

Performance Targets:

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Efficiency	Gallons of oil spilled to navigable waters per million program dollar spent annually on prevention and preparedness at Facility Response Plan (FRP) facilities.	152,165	90,000	no target	no target	gallons

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Output	Percent of all SPCC inspected facilities found to be non-compliant brought into compliance.				15	percent

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Output	Percent of all FRP inspected facilities found to be non-compliant brought into compliance.				15	percent

FY 2010 Change from FY 2009 Enacted Budget (Dollars in Thousands):

- (+\$1,133.0) This reflects an increase for payroll and cost of living for existing FTE.
- (-\$689.0) This decrease reduces funding for contract resources with no impact to program goals.

Statutory Authority:

Federal Water Pollution Control Act as amended by the OPA of 1990. The regulatory framework includes the Oil and Hazardous Substances NCP (40 CFR Part 300) and the Oil Pollution Prevention regulation (40 CFR Part 112) which covers the SPCC, and FRP program requirements.

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 2008 Actuals	FY 2009 Enacted	FY 2010 Pres Bud	FY 2010 Pres Bud v. FY 2009 Enacted
Environmental Program & Management	\$296,235.0	\$303,884.0	\$320,612.0	\$16,728.0
Science & Technology	\$69,239.2	\$73,835.0	\$72,882.0	(\$953.0)
Building and Facilities	\$28,081.5	\$26,931.0	\$28,931.0	\$2,000.0
Leaking Underground Storage Tanks	\$890.3	\$902.0	\$903.0	\$1.0
<i>Oil Spill Response</i>	<i>\$498.6</i>	<i>\$596.0</i>	<i>\$498.0</i>	<i>(\$98.0)</i>
Hazardous Substance Superfund	\$72,243.9	\$76,250.0	\$78,597.0	\$2,347.0
Total Budget Authority / Obligations	\$467,188.5	\$482,398.0	\$502,423.0	\$20,025.0
Total Workyears	400.4	410.6	411.1	0.5

Program Project Description:

The Facilities Infrastructure and Operations Program provides wide range of activities and support services in many centralized administrative areas such as health and safety, environmental compliance, occupational health, medical monitoring, fitness, wellness, safety, and environmental management functions at EPA. Oil Spill Response appropriation 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 2010 Activities and Performance Plan:

- For FY 2010, the Agency is requesting a total of \$.44 million for rent and \$.06 million for transit subsidy in the Oil Spill Response appropriation.
- The Agency will continue to manage its lease agreements with the 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 13150 *Federal Workforce Transportation*.

Performance Targets:

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

FY 2010 Change from FY 2009 Enacted Budget (Dollars in Thousands):

- (+\$2.0) This change reflects an increase in transit subsidy.
- (-\$100.0) This decrease in rent reflects the rebalancing of cost allocation methodologies between the Superfund, Environmental Program Management, Science & Technology, and Oil Spill Response appropriations.

Statutory Authority:

Federal Property and Administration Services Act; Public Building Act; Annual Appropriations Act; CWA; CAA; D.C. Recycling Act of 1988; Executive Orders 10577 and 12598; Department of Justice United States Marshals Service, Vulnerability Assessment of Federal Facilities Report; Presidential Decision Directive 63 (Critical Infrastructure Protection).

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 2008 Actuals	FY 2009 Enacted	FY 2010 Pres Bud	FY 2010 Pres Bud v. FY 2009 Enacted
Science & Technology	\$11,212.5	\$13,586.0	\$13,782.0	\$196.0
Leaking Underground Storage Tanks	\$567.7	\$475.0	\$484.0	\$9.0
<i>Oil Spill Response</i>	<i>\$794.6</i>	<i>\$720.0</i>	<i>\$737.0</i>	<i>\$17.0</i>
Hazardous Substance Superfund	\$19,392.9	\$20,905.0	\$21,401.0	\$496.0
Total Budget Authority / Obligations	\$31,967.7	\$35,686.0	\$36,404.0	\$718.0
Total Workyears	132.9	154.7	154.7	0.0

Program Project Description:

Oil spills research focuses on three aspects: test protocol development, fate and transport modeling, and remediation. EPA's Land Research Program provides the scientific foundation for the Agency's actions to protect America's land. EPA develops and uses these protocols for testing various spill response product classes to pre-qualify products as required by the preparedness and response requirements of the Oil Pollution Act of 1990. Testing products ensures that they work as claimed and provides access to effective means to reduce damage when an oil spill occurs.

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. To enhance communication with customers, EPA developed a Land Research Program web site.³ The site includes a description of the program, fact sheets (science issues, program research, and impacts), research publications and accomplishments, and links to tools and models.

FY 2010 Activities and Performance Plan:

In FY 2010, the Land Research program will continue remediation research into advances associated with physical, chemical, and biological risk management methods for petroleum and non-petroleum oil spills in freshwater and marine environments as well as development of a protocol for testing solidifiers and treating oil. The program also will develop testing guidelines that address environment, type of oil (e.g. petroleum-based, vegetable), and agent for remediation. Additionally, the program will model the composition and properties of spilled oil, natural dispersion, emulsification, weathering, and effectiveness of control strategies. Research

² EPA, Office of Research and Development, *Land Research Program MYP*. Washington, DC: EPA. For more information, see <http://www.epa.gov/ord/htm/multi-yearplans.htm#land>.

³ For more information, see www.epa.gov/ord/landscience.

products are presented at meetings and posted or linked on EPA's oil spills web site for use by oil spill managers.

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 research activities in this program are included under the Superfund Land Protection and Restoration program.

FY 2010 Change from FY 2009 Enacted Budget (Dollars in Thousands):

- (+\$17.0) This reflects an increase for payroll and cost of living for existing FTE.

Statutory Authority:

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