

**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: Environmental Program & Management  
Resource Summary Table  
(Dollars in Thousands)**

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b>Environmental Program &amp; Management</b>				
Budget Authority	\$2,362,491.2	\$2,392,079.0	\$2,940,564.0	\$548,485.0
Total Workyears	10,605.2	10,786.2	10,892.6	106.4

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

<b>Program Project</b>	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
Air Toxics and Quality				
Clean Air Allowance Trading Programs	\$19,774.8	\$19,993.0	\$20,548.0	\$555.0
Federal Stationary Source Regulations	\$27,253.7	\$26,488.0	\$27,179.0	\$691.0
Federal Support for Air Quality Management				
Clean Diesel Initiative	\$349.5	\$0.0	\$0.0	\$0.0
Federal Support for Air Quality Management (other activities)	\$94,206.5	\$96,480.0	\$100,510.0	\$4,030.0
Subtotal, Federal Support for Air Quality Management	\$94,556.0	\$96,480.0	\$100,510.0	\$4,030.0
Federal Support for Air Toxics Program	\$25,208.5	\$22,836.0	\$24,960.0	\$2,124.0
Radiation: Protection	\$10,820.8	\$10,957.0	\$11,272.0	\$315.0
Radiation: Response Preparedness	\$2,899.4	\$2,997.0	\$3,087.0	\$90.0
Stratospheric Ozone: Domestic Programs	\$4,939.0	\$5,703.0	\$5,844.0	\$141.0
Stratospheric Ozone: Multilateral Fund	\$9,683.0	\$9,697.0	\$9,865.0	\$168.0
Subtotal, Air Toxics and Quality	\$195,135.2	\$195,151.0	\$203,265.0	\$8,114.0
Brownfields				
Brownfields	\$25,200.3	\$22,957.0	\$25,254.0	\$2,297.0
Climate Protection Program				
Climate Protection Program				
Energy STAR	\$38,713.6	\$49,735.0	\$50,748.0	\$1,013.0

<b>Program Project</b>	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
Methane to markets	\$6,348.1	\$4,497.6	\$4,582.0	\$84.4
Asian Pacific Partnership	\$1,567.0	\$0.0	\$0.0	\$0.0
Greenhouse Gas Reporting Registry	\$3,205.7	\$6,388.0	\$17,005.0	\$10,617.0
Climate Protection Program (other activities)	\$47,529.9	\$33,650.4	\$39,299.0	\$5,648.6
Subtotal, Climate Protection Program	\$97,364.3	\$94,271.0	\$111,634.0	\$17,363.0
Subtotal, Climate Protection Program	\$97,364.3	\$94,271.0	\$111,634.0	\$17,363.0
<b>Compliance</b>				
Compliance Assistance and Centers	\$28,063.5	\$23,770.0	\$26,070.0	\$2,300.0
Compliance Incentives	\$10,250.7	\$8,992.0	\$10,702.0	\$1,710.0
Compliance Monitoring	\$92,048.1	\$96,064.0	\$99,859.0	\$3,795.0
Subtotal, Compliance	\$130,362.3	\$128,826.0	\$136,631.0	\$7,805.0
<b>Enforcement</b>				
Civil Enforcement	\$131,986.8	\$137,182.0	\$145,949.0	\$8,767.0
Criminal Enforcement	\$40,128.8	\$45,763.0	\$49,399.0	\$3,636.0
Enforcement Training	\$2,924.9	\$2,938.0	\$3,097.0	\$159.0
Environmental Justice	\$4,332.1	\$6,993.0	\$7,203.0	\$210.0
NEPA Implementation	\$14,690.1	\$16,281.0	\$18,295.0	\$2,014.0
Subtotal, Enforcement	\$194,062.7	\$209,157.0	\$223,943.0	\$14,786.0
<b>Environmental Protection / Congressional Priorities</b>				
Congressionally Mandated Projects	\$12,403.5	\$17,450.0	\$0.0	(\$17,450.0)
<b>Geographic Programs</b>				
Geographic Program: Chesapeake Bay	\$36,494.1	\$31,001.0	\$35,139.0	\$4,138.0
Geographic Program: Great Lakes	\$22,968.4	\$23,000.0	\$0.0	(\$23,000.0)
Geographic Program: Long Island Sound	\$4,827.0	\$3,000.0	\$3,000.0	\$0.0
Geographic Program: Gulf of Mexico	\$4,429.0	\$4,578.0	\$4,638.0	\$60.0
Geographic Program: Lake Champlain	\$2,919.9	\$3,000.0	\$1,434.0	(\$1,566.0)
Geographic Program: Other				
San Francisco Bay	\$0.0	\$5,000.0	\$5,000.0	\$0.0
Puget Sound	\$8,696.1	\$20,000.0	\$20,000.0	\$0.0
Lake Pontchartrain	\$1,490.0	\$978.0	\$978.0	\$0.0
Community Action for a Renewed Environment (CARE)	\$3,360.1	\$2,000.0	\$2,448.0	\$448.0
Geographic Program: Other (other activities)	\$4,474.4	\$3,402.0	\$3,493.0	\$91.0

<b>Program Project</b>	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
Subtotal, Geographic Program: Other	\$18,020.6	\$31,380.0	\$31,919.0	\$539.0
Great Lakes Restoration	\$0.0	\$0.0	\$475,000.0	\$475,000.0
Regional Geographic Initiatives	\$5,515.8	\$0.0	\$0.0	\$0.0
Subtotal, Geographic Programs	\$95,174.8	\$95,959.0	\$551,130.0	\$455,171.0
Homeland Security				
Homeland Security: Communication and Information	\$6,611.6	\$6,899.0	\$7,030.0	\$131.0
Homeland Security: Critical Infrastructure Protection				
Decontamination	\$124.7	\$98.0	\$99.0	\$1.0
Homeland Security: Critical Infrastructure Protection (other activities)	\$4,689.7	\$6,739.0	\$6,915.0	\$176.0
Subtotal, Homeland Security: Critical Infrastructure Protection	\$4,814.4	\$6,837.0	\$7,014.0	\$177.0
Homeland Security: Preparedness, Response, and Recovery				
Decontamination	\$592.6	\$3,378.0	\$3,443.0	\$65.0
Homeland Security: Preparedness, Response, and Recovery (other activities)	\$3,512.7	\$0.0	\$0.0	\$0.0
Subtotal, Homeland Security: Preparedness, Response, and Recovery	\$4,105.3	\$3,378.0	\$3,443.0	\$65.0
Homeland Security: Protection of EPA Personnel and Infrastructure	\$5,462.5	\$6,292.0	\$6,414.0	\$122.0
Subtotal, Homeland Security	\$20,993.8	\$23,406.0	\$23,901.0	\$495.0
Indoor Air				
Indoor Air: Radon Program	\$5,269.5	\$5,383.0	\$5,576.0	\$193.0
Reduce Risks from Indoor Air	\$24,009.8	\$20,512.0	\$21,073.0	\$561.0
Subtotal, Indoor Air	\$29,279.3	\$25,895.0	\$26,649.0	\$754.0
Information Exchange / Outreach				
Children and Other Sensitive Populations: Agency Coordination	\$7,226.7	\$6,071.0	\$6,515.0	\$444.0
Environmental Education	\$9,050.3	\$8,979.0	\$9,038.0	\$59.0
Congressional, Intergovernmental, External Relations	\$48,777.5	\$48,456.0	\$50,980.0	\$2,524.0
Exchange Network	\$14,133.2	\$16,860.0	\$18,213.0	\$1,353.0
Small Business Ombudsman	\$3,778.4	\$2,981.0	\$3,065.0	\$84.0
Small Minority Business Assistance	\$2,995.6	\$2,296.0	\$2,364.0	\$68.0
State and Local Prevention and Preparedness	\$12,518.5	\$13,008.0	\$13,555.0	\$547.0

<b>Program Project</b>	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
TRI / Right to Know	\$15,213.2	\$15,719.0	\$15,656.0	(\$63.0)
Tribal - Capacity Building	\$12,152.4	\$11,973.0	\$12,439.0	\$466.0
Subtotal, Information Exchange / Outreach	\$125,845.8	\$126,343.0	\$131,825.0	\$5,482.0
<b>International Programs</b>				
US Mexico Border	\$6,110.1	\$5,561.0	\$5,047.0	(\$514.0)
Commission for Environmental Cooperation	\$4,289.2	\$0.0	\$0.0	\$0.0
Environment and Trade	\$1,903.7	\$0.0	\$0.0	\$0.0
International Capacity Building	\$5,107.0	\$0.0	\$0.0	\$0.0
POPs Implementation	\$1,811.9	\$0.0	\$0.0	\$0.0
International Sources of Pollution	\$0.0	\$7,830.0	\$8,851.0	\$1,021.0
Trade and Governance	\$0.0	\$6,273.0	\$6,451.0	\$178.0
Subtotal, International Programs	\$19,221.9	\$19,664.0	\$20,349.0	\$685.0
<b>IT / Data Management / Security</b>				
Information Security	\$6,157.6	\$5,854.0	\$6,015.0	\$161.0
IT / Data Management	\$91,928.2	\$93,171.0	\$103,305.0	\$10,134.0
Subtotal, IT / Data Management / Security	\$98,085.8	\$99,025.0	\$109,320.0	\$10,295.0
<b>Legal / Science / Regulatory / Economic Review</b>				
Administrative Law	\$5,657.9	\$5,128.0	\$5,352.0	\$224.0
Alternative Dispute Resolution	\$1,136.8	\$1,374.0	\$1,423.0	\$49.0
Civil Rights / Title VI Compliance	\$11,109.6	\$11,488.0	\$12,000.0	\$512.0
Legal Advice: Environmental Program	\$39,021.3	\$40,247.0	\$41,922.0	\$1,675.0
Legal Advice: Support Program	\$13,524.9	\$14,676.0	\$15,611.0	\$935.0
Regional Science and Technology	\$3,293.3	\$3,219.0	\$3,283.0	\$64.0
Regulatory Innovation	\$23,392.1	\$19,811.0	\$20,606.0	\$795.0
Regulatory/Economic-Management and Analysis	\$17,379.6	\$16,729.0	\$22,403.0	\$5,674.0
Science Advisory Board	\$5,653.4	\$5,451.0	\$5,631.0	\$180.0
Subtotal, Legal / Science / Regulatory / Economic Review	\$120,168.9	\$118,123.0	\$128,231.0	\$10,108.0
<b>Operations and Administration</b>				
<b>Facilities Infrastructure and Operations</b>				
Rent	\$157,406.5	\$160,366.0	\$162,040.0	\$1,674.0
Utilities	\$7,019.4	\$10,973.0	\$13,514.0	\$2,541.0
Security	\$24,194.9	\$25,676.0	\$27,997.0	\$2,321.0



<b>Program Project</b>	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
Facilities Infrastructure and Operations (other activities)	\$107,614.2	\$106,869.0	\$117,061.0	\$10,192.0
Subtotal, Facilities Infrastructure and Operations	\$296,235.0	\$303,884.0	\$320,612.0	\$16,728.0
Central Planning, Budgeting, and Finance	\$68,083.1	\$73,432.0	\$85,215.0	\$11,783.0
Acquisition Management	\$29,868.9	\$31,872.0	\$32,281.0	\$409.0
Financial Assistance Grants / IAG Management	\$24,174.4	\$25,868.0	\$26,681.0	\$813.0
Human Resources Management	\$40,886.6	\$44,141.0	\$47,106.0	\$2,965.0
Subtotal, Operations and Administration	\$459,248.0	\$479,197.0	\$511,895.0	\$32,698.0
Pesticides Licensing				
Pesticides: Protect Human Health from Pesticide Risk	\$59,536.1	\$60,103.0	\$61,747.0	\$1,644.0
Pesticides: Protect the Environment from Pesticide Risk	\$37,443.3	\$41,236.0	\$42,318.0	\$1,082.0
Pesticides: Realize the Value of Pesticide Availability	\$11,529.6	\$12,984.0	\$13,372.0	\$388.0
Pesticides: Field Programs	\$5,764.6	\$0.0	\$0.0	\$0.0
Pesticides: Registration of New Pesticides	\$1,417.6	\$0.0	\$0.0	\$0.0
Pesticides: Review / Reregistration of Existing Pesticides	\$3,918.4	\$0.0	\$0.0	\$0.0
Science Policy and Biotechnology	\$2,105.9	\$1,738.0	\$1,750.0	\$12.0
Subtotal, Pesticides Licensing	\$121,715.5	\$116,061.0	\$119,187.0	\$3,126.0
Resource Conservation and Recovery Act (RCRA)				
RCRA: Waste Management	\$66,432.8	\$64,511.0	\$67,550.0	\$3,039.0
RCRA: Corrective Action	\$39,960.6	\$38,909.0	\$40,459.0	\$1,550.0
RCRA: Waste Minimization & Recycling	\$14,731.9	\$13,471.0	\$14,122.0	\$651.0
Subtotal, Resource Conservation and Recovery Act (RCRA)	\$121,125.3	\$116,891.0	\$122,131.0	\$5,240.0
Toxics Risk Review and Prevention				
Endocrine Disruptors	\$7,102.4	\$8,498.0	\$8,659.0	\$161.0
Toxic Substances: Chemical Risk Review and Reduction	\$48,399.3	\$47,078.0	\$55,005.0	\$7,927.0
Pollution Prevention Program	\$15,538.0	\$18,334.0	\$18,874.0	\$540.0
Toxic Substances: Chemical Risk Management	\$6,518.9	\$5,422.0	\$5,923.0	\$501.0
Toxic Substances: Lead Risk Reduction Program	\$12,083.7	\$13,927.0	\$14,442.0	\$515.0
Subtotal, Toxics Risk Review and Prevention	\$89,642.3	\$93,259.0	\$102,903.0	\$9,644.0
Underground Storage Tanks (LUST / UST)				

<b>Program Project</b>	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
LUST / UST	\$11,157.9	\$11,946.0	\$12,451.0	\$505.0
Water: Ecosystems				
Great Lakes Legacy Act	\$27,416.2	\$37,000.0	\$0.0	(\$37,000.0)
National Estuary Program / Coastal Waterways	\$26,046.7	\$26,557.0	\$26,967.0	\$410.0
Wetlands	\$21,868.0	\$22,539.0	\$23,336.0	\$797.0
Subtotal, Water: Ecosystems	\$75,330.9	\$86,096.0	\$50,303.0	(\$35,793.0)
Water: Human Health Protection				
Beach / Fish Programs	\$2,307.5	\$2,806.0	\$2,870.0	\$64.0
Drinking Water Programs	\$107,454.8	\$98,779.0	\$102,856.0	\$4,077.0
Subtotal, Water: Human Health Protection	\$109,762.3	\$101,585.0	\$105,726.0	\$4,141.0
Water Quality Protection				
Marine Pollution	\$13,430.4	\$13,045.0	\$13,399.0	\$354.0
Surface Water Protection	\$197,780.0	\$197,772.0	\$210,437.0	\$12,665.0
Subtotal, Surface Water Protection	\$197,780.0	\$197,772.0	\$210,437.0	\$12,665.0
Subtotal, Water Quality Protection	\$211,210.4	\$210,817.0	\$223,836.0	\$13,019.0
TOTAL, EPA	\$2,362,491.2	\$2,392,079.0	\$2,940,564.0	\$548,485.0

**Program Area: Air Toxics And Quality**

## Clean Air Allowance Trading Programs

Program Area: Air Toxics and Quality  
Goal: Clean Air and Global Climate Change  
Objective(s): Healthier Outdoor Air

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$19,774.8</i></b>	<b><i>\$19,993.0</i></b>	<b><i>\$20,548.0</i></b>	<b><i>\$555.0</i></b>
Science & Technology	\$9,253.9	\$9,152.0	\$9,979.0	\$827.0
Total Budget Authority / Obligations	\$29,028.7	\$29,145.0	\$30,527.0	\$1,382.0
Total Workyears	88.9	88.6	88.6	0.0

### **Program/Project Description:**

The Acid Rain Program, established under Title IV of the Clean Air Act Amendments of 1990, requires major reductions in sulfur dioxide (SO<sub>2</sub>) and nitrogen oxide (NO<sub>x</sub>) emissions from power plants nationwide. It continues to be recognized as a model for flexible and effective air pollution regulation, both in the U.S. and abroad. The authorizing legislation specifies two phases and numerous deadlines for both the SO<sub>2</sub> and NO<sub>x</sub> program components. The program also is responsible for implementing U.S. commitments under the US-Canada Air Quality Agreement of 1991 to reduce and maintain lower SO<sub>2</sub> and NO<sub>x</sub> emissions. EPA's Acid Rain Program provides affected sources flexibility to select their own methods of compliance so the required emission reductions are achieved at the lowest cost (both to industry and government). For additional information on the Acid Rain program, please visit <http://www.epa.gov/acidrain/>.

The SO<sub>2</sub> program component uses a market-based approach with tradable units called "allowances" (one allowance authorizes the emission of one ton of SO<sub>2</sub>) and sets a permanent cap in 2010 on the total amount of SO<sub>2</sub> that may be emitted by affected sources at approximately one-half the amount these sources emitted in 1980. Both the SO<sub>2</sub> and NO<sub>x</sub> program components require accurate and verifiable measurement of emissions.

The Clean Air Interstate Rule (CAIR), promulgated in May 2005, must be revised, but may remain in operation in the interim, according to the U.S. Court of Appeals for the District of Columbia Circuit Court's December 2008 decision to "allow CAIR to remain in effect until it is replaced by a rule consistent with [the Court's July 11, 2008] opinion" so as to "at least temporarily preserve the environmental values covered by CAIR."<sup>1</sup> Using a market-based approach for controlling both SO<sub>2</sub> and NO<sub>x</sub>, CAIR is projected to reduce Regional emissions from power plants in 28 eastern states and the District of Columbia (D.C.).

At the request of the states, EPA has administered the NO<sub>x</sub> Budget Program (NBP), a Regional market-based cap-and-trade program for reducing NO<sub>x</sub> emissions and transported ozone in the eastern U.S., for over a decade. The NBP was established initially in the late 1990s under a

<sup>1</sup> U.S. Court of Appeals for the D.C. Circuit, No. 05-1244, page 3 (decided December 23, 2008).

Memorandum of Understanding among nine states and D.C. in the Northeast Ozone Transport Region (OTR) and expanded under the NO<sub>x</sub> State Implementation Plan (SIP) call to add 12 states from the Midwest and Southeast and double the number of affected sources. Affected sources include boilers, turbines, and combined cycle units from a diverse set of industries as well as electric utility units. For additional information on the NBP, please visit <http://www.epa.gov/airmarkets/progsregs/nox/sip/>.

**FY 2010 Activities and Performance Plan:**

In FY 2010, through the Clean Air Allowance Trading Programs, EPA is projected to measure, quality assure, and track emissions for SO<sub>2</sub> and/or NO<sub>x</sub> from Continuous Emissions Monitoring systems (CEMs) or equivalent direct measurement methods at over 4,600 electric generating units and 230 industrial units. In addition, the program will conduct audits and certify emissions monitors. Pursuant to title IV provisions, the program will continue to track and report annual carbon dioxide (CO<sub>2</sub>) emissions and heat input for approximately 3,500 electric utility units in the Acid Rain Program. Through the SO<sub>2</sub> Allowance Tracking System (ATS) and NO<sub>x</sub> Allowance Tracking System (NATS), allowance transfers are recorded and reconciled against emissions for all affected sources to ensure compliance.

By the start of FY 2010, the NO<sub>x</sub> Budget Program (NBP) will have become the CAIR seasonal NO<sub>x</sub> program, through implementation of existing rules, and will include six additional states and approximately 600 additional units. EPA will assist all the states, both prior NBP and new states, with program implementation, especially activities related to allowance trading, emissions monitoring, and end-of-season reconciliation of emissions with allowances.

Both the Academy of Sciences and OMB have commended EPA on Acid Rain’s accountability program which relies on the Clean Air Status and Trends Network (CASTNET) for monitoring deposition, ambient sulfate and nitrate concentrations, and other air quality indicators.

The program issues comprehensive annual reports on compliance and environmental results from implementation of the Acid Rain and NO<sub>x</sub> Budget trading programs. These reports track progress in not only reducing SO<sub>2</sub> and NO<sub>x</sub> emissions from the affected sources, but also assess the impacts of these reductions on acid deposition, air quality (e.g., ozone levels), surface water acidity, forest health, and other environmental indicators. For additional information on the program’s annual reports, please see <http://www.epa.gov/airmarkets/progress/progress-reports/>.

**Performance Targets:**

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Tons of sulfur dioxide emissions from electric power generation sources	Avail. 2009	8,000,000	8,000,000	8,450,000	Tons Reduced

Reducing emissions of SO<sub>2</sub> and NO<sub>x</sub> continues to be a crucial component of EPA's strategy for cleaner air. Particulate matter can be formed from direct sources (such as diesel exhaust or smoke), but can also be formed through chemical reactions in the air. Emissions of SO<sub>2</sub> and NO<sub>x</sub>

can be chemically transformed into sulfates and nitrates (“acid rain particulate”), which are very tiny particles that can be carried, by winds, hundreds of miles. When inhaled, these fine particles can cause serious respiratory problems, particularly for individuals who suffer from asthma or are in sensitive populations. Numerous studies have even linked these exposures with premature mortality from heart and lung diseases. These same small particles are also a main pollutant that impairs visibility across large areas of the country, particularly damaging in national parks that are known for their scenic views.

Achieving and maintaining EPA's national air quality standards is an important step towards ensuring the air is safe to breathe. EPA, states, Tribes, and local governments work as partners toward this goal. The Agency tracks percent change in average annual sulfur deposition and average annual nitrogen deposition. Targets have been established for every third year; the next planned report date is FY 2010.

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

- (+\$450.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$105.0) This change reflects an increase to support more accountability in the seasonal NOx program to reduce transported ozone pollution.

**Statutory Authority:**

CAA (42 U.S.C. 7401-7661f).

### **Federal Stationary Source Regulations**

Program Area: Air Toxics and Quality

Goal: Clean Air and Global Climate Change

Objective(s): Healthier Outdoor Air

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$27,253.7</b>	<b>\$26,488.0</b>	<b>\$27,179.0</b>	<b>\$691.0</b>
Total Budget Authority / Obligations	\$27,253.7	\$26,488.0	\$27,179.0	\$691.0
Total Workyears	119.0	105.8	105.8	0.0

#### **Program Project Description:**

Under the Clean Air Act (CAA), EPA is responsible for setting, reviewing, and revising the National Ambient Air Quality Standards (NAAQS) and for setting national emission standards for sources of criteria and air toxics. These national standards form the foundation for air quality management and air toxics programs implemented at the national, state, local, and Tribal levels, and establish goals that protect public health and the environment. Please see <http://www.epa.gov/oar/caa/> for more details.

The CAA requires EPA to set NAAQS for pollutants considered harmful to public health and the environment. The Clean Air Act established two types of national air quality standards. Primary standards set limits to protect public health, including the health of "sensitive" populations such as asthmatics, children, and the elderly. Secondary standards set limits to protect public welfare, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings. EPA has established NAAQS for six of the most pervasive air pollutants: particulate matter (PM), ozone, sulfur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>2</sub>), carbon monoxide (CO), and lead.

This program includes activities directed toward reducing air emissions of toxic pollutants from stationary sources. People exposed to certain toxic air pollutants are at increased risk of cancer or other serious health effects. Specifically, this program relates to the development of control technology-based standards for major sources (i.e., Maximum Achievable Control Technology (MACT) standards) and area sources, the development of standards of performance and emissions guidelines for waste combustion sources, the assessment and regulation of residual risk remaining after implementation of the control technology-based standards, the periodic review and revision of the control technology-based standards, implementation of the Urban Air Toxics strategy, and associated national guidance and outreach information. This program also includes issuing, reviewing, and periodically revising, as necessary, new source performance standards for criteria and certain listed pollutants, standards to limit emissions of Volatile Organic Compounds (VOC) from consumer and commercial products, and establishment of Reasonably Available Control Technology (RACT) through issuance and periodic review and revision of control technique guidelines.

**FY 2010 Activities and Performance Plan:**

In FY 2010, EPA will review criteria pollutants in accordance with an aggressive multi-year schedule.

The following chart illustrates EPA’s schedule to review criteria pollutants (listed in priority order) and the current status of the NAAQS reviews:

<b>Proposal</b>	<b>Criteria Pollutant</b>	<b>Final</b>
January 2011	Next PM	October 2011
June 2012	Ozone	March 2013
October 2011	CO	July 2012
January 2013	Lead	October 2013
<b>Proposal</b>	<b>Criteria Pollutant</b>	<b>Final</b>
June 2009 February 2010	Nitrogen Dioxide Primary Secondary	January 2010 October 2010
November 2009 February 2010	Sulfur Dioxide Primary Secondary	June 2010 October 2010

EPA will increasingly examine opportunities to meet multiple CAA requirements for stationary sources in more integrated ways, resulting in fewer individual standards in preference for rules that meet multiple CAA objectives for controlling both criteria and hazardous air pollutants in more consistent, cost-effective, and economically efficient ways. EPA will work with the regulated community to develop ways to optimize control of pollutant emissions through strategies that reach beyond classical source categories to allow for more flexible, multi-pollutant, and cost-effective sector-based approaches. In FY 2010, resources will be devoted to the area source standards currently under court-ordered deadlines, as well as updating several MACT standards recently vacated by the courts.

EPA is working to implement program improvements, within current statutory limitations, that address deficiencies in design and implementation and identify and evaluate needed improvements that are beyond current statutory authority.

**Performance Targets:**

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Cumulative percentage reduction in tons of toxicity-weighted (for cancer risk) emissions of air toxics from 1993 baseline.	Data Avail. 2011	35	36	36	Percentage



<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Cumulative percentage reduction in tons of toxicity-weighted (for noncancer risk) emissions of air toxics from 1993 baseline.	Avail. 2011	59	59	59	Percentage

- Performance targets for reduction of toxicity weighted emissions are also supported by work under the Federal Support for Air Toxics program.
- Implementation of the MACT standards is expected to result in the reduction of over 1.7 million tons of hazardous air pollutants.

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

- (+\$489.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$202.0) This change reflects an increase to support the regulatory workload associated with the upcoming NAAQS reviews.

**Statutory Authority:**

CAA (42 U.S.C. 7401-7661f).

**Federal Support for Air Quality Management**

Program Area: Air Toxics and Quality  
Goal: Clean Air and Global Climate Change  
Objective(s): Healthier Outdoor Air

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$94,556.0</i></b>	<b><i>\$96,480.0</i></b>	<b><i>\$100,510.0</i></b>	<b><i>\$4,030.0</i></b>
Science & Technology	\$12,676.0	\$11,133.0	\$11,542.0	\$409.0
Total Budget Authority / Obligations	\$107,232.0	\$107,613.0	\$112,052.0	\$4,439.0
Total Workyears	691.5	709.7	714.7	5.0

**Program Project Description:**

The Federal support program assists state, Tribal, and local air pollution control agencies in the development, implementation, and evaluation of programs to implement the National Ambient Air Quality Standards (NAAQS) and the visibility protection program. EPA develops Federal measures and Regional strategies that help to reduce emissions from stationary and mobile sources; however, states and tribes have the primary responsibility for developing clean air measures necessary to meet the NAAQS and protect visibility. EPA partners with states, tribes, and local governments to create a comprehensive compliance program to ensure that multi-source and multi-pollutant reduction targets and air quality improvement objectives are met and sustained, including consideration of Environmental Justice issues.

For each of the six criteria pollutants, EPA tracks two kinds of air pollution trends: air pollutant concentrations based on actual measurements in the ambient (outside) air at selected monitoring sites throughout the country, and emissions based on engineering estimates or measurements of the total tons of pollutants released into the air each year. EPA works with state and local governments to ensure the technical integrity of the source controls in the State Implementation Plans (SIPs). EPA assists areas in identifying the most cost-effective control options available including consideration of multi-pollutant reduction and innovative strategies. The Federal support program includes working with other Federal agencies to ensure a coordinated approach and working with the United Nations and other countries to address pollution sources outside U.S. borders that pose risks to public health and ecological welfare within the U.S. This program also supports the development of risk assessment methodologies for the criteria air pollutants.

**FY 2010 Activities and Performance Plan:**

Particulate Matter (PM) is linked to tens of thousands of premature deaths per year and repeated exposure to ozone can cause acute respiratory problems and lead to permanent lung damage. Elevated levels of lead in children have been associated with IQ loss, poor academic achievement, and delinquent behavior; while effects in adults include increased blood pressure, cardiovascular disease, and decreased kidney function.

Therefore, implementation of the PM, Ozone, and Lead standards is one of the Agency's highest priorities. EPA will continue to support these revised NAAQS by taking Federal oversight actions and developing regulations and policies to ensure continued health protection during the transition between the pre-existing and new standards. EPA will provide technical and policy assistance to states developing or revising attainment SIPs. EPA will designate areas as attaining or not attaining the 2008 ozone standards.

EPA will develop a revised Clean Air Interstate Rule (CAIR) to address a court remand, and will continue to implement the existing CAIR to ensure that the Agency maximizes the Phase I CAIR reductions that occur by FY 2010, as required, to support attainment of the PM<sub>2.5</sub> and ozone standards. EPA will work with states to develop information needed to designate areas for the revised lead standards, and for possible new SO<sub>2</sub> and NO<sub>2</sub> standards. EPA also will provide technical and policy assistance to states developing or revising Regional haze implementation plans. EPA will continue to review and act on SIP submissions in accordance with the CAA.

EPA will continue to implement the recommendations of the National Research Council (NRC). This includes: (1) developing a more integrated multiple pollutant management framework that incorporates criteria and toxic air pollutants, (2) incorporating ecosystem impacts, community effects, and future air quality and climate interactions, and (3) assessing the progress of air programs through an accountability framework. EPA will continue to evaluate and implement, as appropriate, a limited set of reform recommendations of the Clean Air Act Advisory Committee's Subcommittee on Air Quality Management, focusing on the longer-term improvements recommended in 2007. This includes working with selected state and local agencies to pilot comprehensive multi-pollutant air quality planning programs. In addition, EPA will continue to review issues on reactivity of volatile organic compounds (VOC) and propose appropriate updates to the VOC control policy.

EPA will provide assistance to state, local, and Tribal agencies in implementing national programs and assessing their effectiveness. EPA uses a broad suite of analytical tools such as source characterization analyses, emission factors and inventories, statistical analyses, source apportionment techniques, quality assurance protocols and audits, improved source testing and monitoring techniques, augmented cost/benefit tools to assess control strategies, including voluntary measures, and urban and Regional-scale numerical grid air quality models. Please see <http://www.epa.gov/ttn/> for further details. EPA will maintain these tools (integrated multiple pollutant emissions inventory and air quality modeling platforms) to provide the technical underpinnings for more efficient and comprehensive air quality management and integration with climate change activities.

In addition, EPA will continue to implement the National Ambient Air Monitoring Strategy to maintain, where possible, multiple pollutant monitoring sites to support the development and evaluation of multiple pollutant air management strategies. This includes significant changes necessary to effectively implement revised ozone and lead NAAQS monitoring requirements. EPA will continue development of emissions measurement methods for condensable PM<sub>2.5</sub> for cross-industry application to ensure accurate and consistent measurement methods can be employed in the NAAQS implementation program.

EPA also will continue to assist other Federal agencies and state and local governments in implementing the conformity regulations during this period. The regulations require Federal agencies, taking actions in nonattainment and maintenance areas, to determine that the emissions caused by their actions will conform to the SIP.

EPA will continue to participate in global and continental air quality management efforts addressing transboundary air pollution. EPA will continue to participate in negotiations under international treaties (e.g., US-Canada, Convention on Long Range Transboundary Air Pollution, Stockholm Convention on Persistent Organic Pollutants (POPs)) and to lead and participate in partnerships (e.g., the Global Mercury Programme partnerships) to address fine particles, ozone, mercury, and POPs; assess trends and impact on US air quality using sophisticated models; and build capacity to reduce transboundary air pollution in key Regions and countries of the world (e.g., India, China, and Mexico).

EPA will continue to operate and maintain the automated Air Quality Subsystem (AQS), which houses the nation's air quality data and allows for data and technology exchange/transfer. EPA will modify the AQS, as necessary, to reflect new ambient monitoring regulations and to ensure that it complies with only the most critical programmatic needs and EPA's architecture and data standard requirements. The AQS Data Mart will continue to provide access to the scientific community and others to obtain air quality data via the internet. Please see <http://epa.gov/ttn/airs/airsaqs> for more details. EPA also will continue to operate and maintain AirNow which provides real-time air quality data and forecasts nationwide. Further, EPA will complete the development of the new emissions inventory system (EIS) and will begin its operation and maintenance. The EIS will allow EPA and its stakeholders comprehensive national access to needed program information more efficiently than ever before.

EPA will continue to focus on the timely issuance of renewal permits and to respond to veto petitions under the Title V operating permits program. EPA also will continue to address monitoring issues in underlying Federal and state rules. EPA also will take appropriate action to more broadly improve the Title V program by implementing a limited set of recommendations from the Clean Air Act Advisory Committee's Task Force on Title V program performance. Please see <http://www.epa.gov/air/oaqps/permits/> for further details.

EPA also will support the expansion of energy permitting work in the Regions. Among other areas, EPA will perform monitoring support associated with permit issuance and NEPA evaluation.

EPA will revise or develop New Source Review (NSR) regulations to more effectively address sources of criteria pollutants and greenhouse gases. EPA will continue to work with state and Tribal governments to implement revisions to the Prevention of Significant Deterioration requirements and NSR rules, including updates to delegation agreements (for delegated states) and review of implementation plan revisions (for SIP-approved states). EPA also will continue to review and respond to reconsideration requests and (working with DOJ) legal challenges related to NSR program revisions, and will take any actions necessary to respond to court decisions. EPA also will continue to work with states and industries on NSR applicability issues.

To improve the NAAQS Federal program, EPA will continue to implement program improvements, within current statutory limitations, that address deficiencies in design and implementation and identify and evaluate needed improvements that are beyond current statutory authority. To improve the Air Quality Grants and Permitting Program, EPA has updated current grant allocation processes to ensure resources are properly targeted, and will continue to develop measures of permit program efficiency and make program adjustments.

**Performance Targets:**

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Cumulative percent reduction in population-weighted ambient concentration of fine particulate matter (PM-2.5) in all monitored counties from 2003 baseline.	Avail. 2009	4	5	6	Percentage

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Cumulative percent reduction in population-weighted ambient concentration of ozone in monitored counties from 2003 baseline.	Avail. 2009	8	10	11	Percentage

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Cumulative percent reduction in the average number of days during the ozone season that the ozone standard is exceeded in baseline non-attainment areas, weighted by population.	Avail. 2009	19	23	26	Percentage

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Output	Percent of major NSR permits issued	Avail. 2009	78	78	78	Percentage

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
	within one year of receiving a complete permit application.					

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Output	Percent of new Title V operating permits issued within 18 months of receiving a complete permit application.	Avail. 2009	97	100	100	Percentage

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Output	Percent of significant Title V operating permit revisions issued within 18 months of receiving a complete permit application.	Avail. 2009	91	95	99	Percentage

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Efficiency	Cumulative percent reduction in the number of days to process State Implementation Plan revisions, weighted by complexity.	Avail Spring 2009	-1.2	-2.4	-2.9	Percentage

EPA, collaborating with the states, will continue implementing Federal measures and assisting with the development of clean air plans to move the remaining PM<sub>2.5</sub> nonattainment areas into attainment by 2015 and the remaining ozone nonattainment areas into attainment by the CAA-prescribed date, ranging from FY 2009 - FY 2024.

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

- (+\$2,922.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$675.0 / +5.0 FTE) This reflects a shift of FTE and associated payroll from the Regulatory Innovation program. EPA's workforce management strategy indicates a need for project officers greater than the amount funded by the American Recovery and

Reinvestment Act (ARRA) for the Diesel Emissions Reduction Act (DERA) program. These 5 FTE and their payroll are in addition to those already covered by ARRA funds.

- (+\$300.0) This increase supports increased travel needs in the Regional offices related to program requirements such as meeting with state and local officials regularly on: system audits, permitting activities where EPA has direct responsibility, Tribal air programs (technical assistance, consultation), grantee site visits (post-award monitoring), and development of SIPs and FIPs for new nonattainment areas.
- (+\$133.0) This increase supports technical analyses related to SIP development.

**Statutory Authority:**

CAA Amendments of 1990 (42 U.S.C. 7401-7661f).

**Federal Support for Air Toxics Program**

Program Area: Air Toxics and Quality

Goal: Clean Air and Global Climate Change

Objective(s): Healthier Outdoor Air

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$25,208.5</b>	<b>\$22,836.0</b>	<b>\$24,960.0</b>	<b>\$2,124.0</b>
Science & Technology	\$2,907.9	\$2,279.0	\$2,339.0	\$60.0
Total Budget Authority / Obligations	\$28,116.4	\$25,115.0	\$27,299.0	\$2,184.0
Total Workyears	135.9	141.8	146.8	5.0

**Program Project Description:**

The Federal support program assists state, Tribal and local air pollution control agencies and communities with modeling, inventories, monitoring, assessments, strategy, and program development of community-based toxics programs, including assessment of air toxics outside schools. EPA also provides support for voluntary programs including: those that reduce inhalation risk or deposition to water bodies and ecosystems, international cooperation to reduce transboundary and intercontinental air toxic pollution, National Emissions Inventory (NEI) development and updates, Great Waters, the development of risk assessment methodologies for toxic air pollutants, Persistent Bioaccumulate Toxics (PBT) activities, and training for air pollution professionals. In addition, the program includes activities for implementation of Federal air toxics standards and the triennial National Air Toxics Assessments. Effective implementation of air toxics standards will lead to reduction of emissions of air toxics, which are known to cause increased risk of cancer or other serious health effects.

**FY 2010 Activities and Performance Plan:**

National Emissions Inventory (NEI) - The NEI will be used by EPA, states, and others to analyze the public health risks from air toxics and develop strategies to manage those risks and support multipollutant analysis covering air toxics, NAAQS pollutants, and greenhouse gases. EPA will maintain the in-use version of the NEI and begin accepting and performing data quality and initial analytical work on the state national inventory files for use in developing the 2008 NEI. These files will be submitted via the new Emission Inventory System (EIS). The completed EIS will be a better-automated, more accurate, multi-pollutant inventory system integrating criteria pollutants, Hazardous Air Pollutants (HAP) data and greenhouse gases.<sup>2</sup>

EPA will complete initial air monitoring and analysis work of the air toxics at 50-100 schools nationwide. Initial results from this assessment will be available and opportunities for additional monitoring will be identified. EPA will continue to work with state and local agencies to implement the National Air Toxics Monitoring Network. The network has two main parts: the National Air Toxics Trends Sites (NATTS), and Local Scale Monitoring (LSM) projects. The

<sup>2</sup> Additional information at: <http://www.epa.gov/ttn/chief/net/neip/index.html>



NATTS, designed to capture the impacts of widespread pollutants, is comprised of 27 permanent monitoring sites. The LSMs are comprised of scores of short-term monitoring projects, each designed to address specific local issues.<sup>3</sup>

EPA also will update the National Air Pollution Assessment (NAPA), an analytical effort designed to provide nationwide information on ambient levels of criteria and toxics air pollutants. These efforts replace the former National Air Toxics Assessment (NATA) analyses, integrating the analytical capabilities of both programs into a one-stop website with geographic information on all pollutants. EPA is requesting increased resources for monitoring near schools.

In addition to meeting Clean Air Act requirements, EPA will build on its multi-pollutant and sector pilot efforts by constructing and organizing initiatives around industrial sectors. The focus of these efforts will be to address an individual sector's emissions comprehensively and prioritize regulatory efforts on the pollutants of greatest concern. EPA will look at all pollutants in an industrial sector and look for ways to take advantage of the co-benefits of pollution control. In developing the sector and multi-pollutant approaches, EPA will evaluate several approaches currently used in pollution control (e.g. cap and trade, opt-in, plant-wide programs) and will continue to seek innovative solutions that address the differing nature of the various sectors. EPA will continue to improve both ambient and source air toxics measurement/monitoring methods via these innovative approaches.

EPA will provide information and training to states and communities through case examples, documents, websites, and workshops on tools to help them in conducting assessments and identifying risk reduction strategies for air toxics. This will allow state, local and Tribal governments, industry, public interest groups, and local citizens to work together to determine if actions are needed, and if so, what should be done.

The Air Toxics program is working on improving monitoring systems to fill data gaps and get a better assessment of actual population exposure to toxic air pollution. This will include using the higher-quality 2008 NEI data to develop nationwide assessment of air toxics exposures and potential risks as part of the air program's NAPA effort.

### **Performance Targets:**

Performance targets for reduction of toxicity weighted emissions are supported by work under the Federal Stationary Source Regulations program project. For measures, reference Federal Support for Air Toxics Program under Science and Technology.

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

- (+\$1,367.0/ +5.0 FTE) This increase supports updates to the National Air Pollution Assessment (NAPA), including 5 FTE and associated payroll of \$828.0. Special emphasis will be placed on school monitoring analyses. These FTE will support enhanced efforts by states to monitor air toxics around school locations.

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<sup>3</sup> Additional information at: <http://www.epa.gov/ttn/amtic/airtoxpg.html>

- (+\$757.0) This reflects an increase for payroll and cost of living for existing FTE.

**Statutory Authority:**

CAA (42 U.S.C. 7401-7661f).

**Radiation: Protection**

Program Area: Air Toxics and Quality

Goal: Clean Air and Global Climate Change

Objective(s): Healthier Outdoor Air; Radiation

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$10,820.8</i></b>	<b><i>\$10,957.0</i></b>	<b><i>\$11,272.0</i></b>	<b><i>\$315.0</i></b>
Science & Technology	\$2,069.1	\$2,156.0	\$2,242.0	\$86.0
Hazardous Substance Superfund	\$2,165.0	\$2,295.0	\$2,596.0	\$301.0
Total Budget Authority / Obligations	\$15,054.9	\$15,408.0	\$16,110.0	\$702.0
Total Workyears	85.8	88.6	88.6	0.0

**Program Project Description:**

The Radiation Protection Program includes activities that minimize public radiation exposure. EPA provides oversight of operations at the Waste Isolation Pilot Plant (WIPP). EPA also sets protective limits on radioactive air emissions and ensures that the Agency has appropriate methods to manage radioactive releases and exposures. EPA works with other Federal agencies, states, tribes, and private sector entities to develop and use training, public information, and voluntary programs to reduce public exposure to radiation.<sup>4</sup> Other EPA approaches include radiation clean-up and waste management guidance, radiation pollution prevention, and guidance on radiation protection standards and practices to Federal agencies.

EPA also supports assessment of new scientific findings in order to conduct radiation risk assessments and develops the technical tools for generating radionuclide-specific risk coefficients. Risk managers use this information to assess health risks from radiation exposure and to determine appropriate levels for contaminated site clean-up. This information also is utilized by EPA to develop radiation protection and risk management policy, guidance, and rulemakings.

**FY 2010 Activities and Performance Plan:**

EPA will continue its oversight work to ensure that all radioactive waste shipped by the Department of Energy (DOE) to the Waste Isolation Pilot Plant (WIPP) is permanently and safely disposed of, consistent with EPA standards<sup>5</sup>. EPA will conduct inspections of waste generator facilities and evaluate DOE's compliance with applicable environmental laws and regulations every five years.

EPA will continue protecting people and the environment from harmful and avoidable exposure to radiation by providing information about radiation and hazards from radioactive materials. EPA, in partnership with other Federal agencies, will continue to promote the management of

<sup>4</sup> Additional information at: <http://www.epa.gov/radiation/assessment/index.html>

<sup>5</sup> Additional information at: <http://www.epa.gov/radiation/wipp/background.html>

radiation risks in a consistent and safe manner at water treatment facilities, and during cleanups at Superfund, DOE, Department of Defense (DOD), state, local and other Federal sites. EPA will continue to conduct risk assessments on radiation, including radon, and provide technical tools.

In response to a Science Advisory Board (SAB) advisory issued in January 2008, EPA prepared a draft update to its 1994 document, *Estimating Radiogenic Cancer Risks*, also referred to as the Blue Book. The 2009 revised Blue Book (draft) implements revisions to its cancer risk models and projections based on recommendations of the National Academy of Sciences report, Biological Effects of Ionizing Radiation (BEIR). The SAB Radiation Advisory Committee is now reviewing the changes in methods for estimating risks described in the new draft Blue Book. Once EPA receives the SAB's report on the Blue Book, expected in early FY 2010, it will begin revising the tables of radionuclide-specific cancer risk coefficients currently found in Federal Guidance Report No. 13 (FGR 13), *Cancer Risk Coefficients for Environmental Exposure to Radionuclides*. EPA will continue to provide national guidance on the risks posed by radiation in the environment, including technical guidance for conducting and documenting risk assessments.

EPA recently developed several outcome-oriented strategic and annual performance measures for this program in response to OMB recommendations. The measures all have baseline data and some historical data which provide a benchmark to assist in the development of the outyear targets.

**Performance Targets:**

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Ouput	Percentage of most populous US cities with a RadNet ambient radiation air monitoring system, which will provide data to assist in protective action determinations.	92	85	90	95	Percentage

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Output	Time to approve site changes affecting waste characterization at DOE waste generator sites to ensure safe disposal of transuranic radioactive waste at WIPP.	50	46	53	53	Percentage

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Efficiency	Population covered by Radiation Protection Program monitors per million dollars invested.	4,536,000	4,729,000	5,254,000	5,779,000	Dollars

EPA is on track through its ongoing work to accomplish its 2011 strategic plan goal of protecting public health and the environment from unwanted releases of EPA regulated radioactive waste and to minimize impacts to public health from radiation exposure.

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

- (+\$285.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$30.0) This reflects additional resources to support continued risk assessment of radionuclides.

**Statutory Authority:**

AEA of 1954, as amended, 42 U.S.C 2011 et seq. (1970), and Reorganization Plan #3 of 1970; CAA Amendments of 1990; CERCLA as amended by the SARA of 1986; Energy Policy Act of 1992, P.L. 102-486; Executive Order 12241 of September 1980, National Contingency Plan, 3 CFR, 1980; NWPA of 1982; PHSA as amended, 42 U.S.C 201 et seq.; SDWA; UMTRCA of 1978; WIPP Land Withdrawal Act.

**Radiation: Response Preparedness**  
 Program Area: Air Toxics and Quality  
 Goal: Clean Air and Global Climate Change  
 Objective(s): Radiation

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$2,899.4</b>	<b>\$2,997.0</b>	<b>\$3,087.0</b>	<b>\$90.0</b>
Science & Technology	\$3,780.3	\$3,967.0	\$4,164.0	\$197.0
Total Budget Authority / Obligations	\$6,679.7	\$6,964.0	\$7,251.0	\$287.0
Total Workyears	39.7	42.3	42.3	0.0

**Program Project Description:**

EPA generates policy guidance and procedures for EPA radiological emergency response under the National Response Framework (NRF) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). EPA maintains its own Radiological Emergency Response Team (RERT), is a member of the Federal Radiological Preparedness Coordinating Committee (FRPCC), and also supports the federal Advisory Team for Environment, Food, and Health (the “A-Team”). EPA responds to radiological emergencies, conducts national and regional radiological response planning and training and develops response plans for radiological incidents or accidents.

**FY 2010 Activities and Performance Plan:**

In FY 2010, EPA’s RERT, a component of the Agency’s emergency response structure, will continue to ensure that it maintains and improves the level of readiness to support Federal radiological emergency response and recovery operations under the NRF and NCP. EPA will design training and exercises to enhance the RERT’s ability to fulfill EPA responsibilities as well as analyze them for improvements needed for overall radiation response preparedness.<sup>6</sup> Through personnel and asset training and exercises, EPA will continue to enhance and maintain its state of readiness for radiological emergencies.

EPA will continue to coordinate with its interagency partners under the Federal Radiological Preparedness Coordinating Committee to revise Federal radiation emergency response plans and develop radiological emergency response protocols and standards. The Agency will continue to develop guidance addressing lessons learned from incidents and exercises to ensure more effective coordination of EPA support with that of other Federal and state response agencies. EPA also will continue to develop and maintain Protective Action Guides (PAGs) for use by Federal, state, and local responders. EPA will provide training on the use of the PAGs to users through workshops and radiological emergency response exercises.

<sup>6</sup> Additional information can be accessed at: <http://www.epa.gov/radiation/rert/>

In addition, EPA will continue to participate in planning and implementing international and Federal table-top and field exercises including radiological anti-terrorism activities, with the Nuclear Regulatory Commission (NRC), Department of Energy (DOE), Department of Defense (DOD) and Department of Homeland Security (DHS). EPA also will continue to train state, local, and Federal officials and provide technical support to federal and state radiation, emergency management, solid waste, and health programs that are responsible for radiological emergency response and for development of their own preparedness programs.

EPA recently developed several outcome-oriented strategic and annual performance measures for this program in response to OMB recommendations. The measures all have baseline data and some historical data which provide a benchmark to assist in the development of the outyear targets.

**Performance Targets:**

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Level of readiness of radiation program personnel and assets to support federal radiological emergency response and recovery operations (measured as percentage of radiation response team members and assets that meet scenario-based response criteria).	87	85	90	90	Percentage

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Output	Average time of availability of quality assured ambient radiation air monitoring data during an emergency.	0.8	1.0	0.8	0.7	Days

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Output	Level of readiness of national environmental radiological	87	85	90	90	Percentage

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
	laboratory capacity (measured as percentage of laboratories adhering to EPA quality criteria for emergency response and recovery decisions).					

EPA expects to be on track through its ongoing work to accomplish its 2011 strategic plan goal of protecting public health and the environment from unwanted releases of EPA regulated radioactive material and to minimize impacts to public health from radiation exposure.

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

- (+\$80.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$10.0) This reflects additional resources to support national and regional radiological response planning activities.

**Statutory Authority:**

Atomic Energy Act (AEA) of 1954, as amended, 42 U.S.C 2011 et seq. (1970), and Reorganization Plan #3 of 1970; Clean Air Act (CAA) Amendments of 1990; Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR 300; Executive Order 12241 of September 1980, National Contingency Plan, 3 CFR, 1980; Executive Order 12656 of November 1988, Assignment of Emergency Preparedness Responsibilities, 3 CFR, 1988; Homeland Security Act of 2002; Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA); Public Health Service Act (PHSA), as amended, 42 U.S.C 201 et seq.; Robert T. Stafford Disaster Relief and EAA, as amended, 42 U.S.C 5121 et seq.; Safe Drinking Water Act (SDWA); and Title XIV of the Natural Disaster Assistance Act (NDAA) of 1997, PL 104-201 (Nunn-Lugar II).



## **Stratospheric Ozone: Domestic Programs**

Program Area: Air Toxics and Quality

Goal: Clean Air and Global Climate Change

Objective(s): Protect the Ozone Layer

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$4,939.0</b>	<b>\$5,703.0</b>	<b>\$5,844.0</b>	<b>\$141.0</b>
Total Budget Authority / Obligations	\$4,939.0	\$5,703.0	\$5,844.0	\$141.0
Total Workyears	25.8	23.8	23.8	0.0

### **Program Project Description:**

The stratospheric ozone layer protects life on earth by shielding the earth's surface from harmful ultraviolet (UV) radiation. Scientific evidence amassed over the past 30 years has shown that Ozone-Depleting Substances (ODS) used around the world destroy the stratospheric ozone layer.<sup>7</sup> Overexposure to increased levels of UV radiation due to ozone layer depletion is expected to raise the incidence of skin cancer, cataracts, and other illnesses.<sup>8</sup> Skin cancer is the most common cancer diagnosed in the United States. One American dies almost every hour from melanoma, the deadliest form of skin cancer.<sup>9</sup> Increased UV levels also have been associated with other human and non-human risks, including cataracts, immune suppression, and effects on aquatic ecosystems and agricultural crops.

EPA estimates that in the United States alone, the worldwide phaseout of ODS will avert 6.3 million deaths from melanoma and non-melanoma skin cancer, 299 million cases of non-fatal skin cancers, and 27.5 million cases of cataracts between 1990 and 2165.<sup>10</sup> This estimate is based on the assumption that international ODS phaseout targets will be achieved, allowing the ozone layer to recover by the middle of this century. According to current atmospheric research, the ozone layer is not expected to recover until midcentury at the earliest, due to the very long lifetimes of ODS.<sup>11</sup>

EPA's Stratospheric Ozone Protection Program will implement the provisions of the Clean Air Act Amendments of 1990 (the Act) and the Montreal Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol), continuing the reduction and control of ODS in the U.S. and lowering health risks to the American public due to exposure to UV radiation. Since ODS and many of their substitutes are also potent greenhouse gases, reduction and appropriate control of these materials also will provide the important co-benefit of reduced emissions of greenhouse

<sup>7</sup> World Meteorological Organization (WMO). Scientific Assessment of Ozone Depletion: 2006. Geneva, Switzerland. 2007.

<sup>8</sup> Fahey, D.W. (Lead Author), World Health Organization, et. al. "Twenty Questions and Answers About the Ozone Layer: 2006 Update. Scientific Assessment of Ozone Depletion, World Meteorological Organization, March 2007.

<sup>9</sup> American Cancer Society. "What are the Key Statistics for Melanoma?" Accessed July 18, 2007. Available on the Internet at [http://www.cancer.org/docroot/CRI/content/CRI\\_2\\_4\\_1X\\_What\\_are\\_the\\_key\\_statistics\\_for\\_melanoma\\_50.asp?sitearea=](http://www.cancer.org/docroot/CRI/content/CRI_2_4_1X_What_are_the_key_statistics_for_melanoma_50.asp?sitearea=)

<sup>10</sup> U.S. Environmental Protection Agency (EPA). The Benefits and Costs of the Clean Air Act 1990-2010: EPA Report to Congress. EPA: Washington, DC. November 1999.

<sup>11</sup> WMO, 2007.

gases. The Act provides for a phaseout of production and consumption of ODS and requires controls on various products containing ODS or their substitutes. As a signatory to the Montreal Protocol, the U.S. also is committed to regulating and enforcing its terms domestically.

**FY 2010 Activities and Performance Plan:**

In carrying out the requirements of the Act and the Montreal Protocol in FY 2010, EPA will continue to implement the domestic rulemaking agenda for reduction and control of ODS. EPA will provide compliance assistance and enforce rules controlling their production, import, and emission.

In FY 2010, EPA will focus its work to ensure that ODS production and import caps under the Montreal Protocol are met, including a significant reduction in the U.S. cap beginning January 1, 2010. Under the Significant New Alternatives Policy (SNAP) program, EPA will review newly-developed alternatives to ODS to assist the market’s transition to safer, non-ozone-depleting alternatives. As necessary, EPA will restrict use of alternatives for given applications that are more harmful to human health and the environment on an overall basis. Under the National Recycling and Emission Reduction Program, required by Section 608 of the Act, venting of ODS and ODS Substitutes are not permitted. In addition, EPA will require recovery and recycling or reclamation of ODS, primarily in the air-conditioning and refrigeration sectors. Also, EPA will work with Federal and international agencies to curb illegal import of ODS and foster the smooth transition to non-ozone depleting alternatives in various sectors.

Given that Americans will be exposed to higher levels of UV radiation for many years, EPA will continue its work to inform the public about health risks associated with UV radiation exposure and to encourage sun safety behaviors that help to reduce risk.

Investments in this program will help to assure that it continues to meet existing performance goals and continues work on performance measures and targets to track intermediate outcomes.

**Performance Targets:**

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Remaining US Consumption of HCFCs in tons of Ozone Depleting Potential (ODP).	Avail. 2009	<9,900	<9,900	<3,811	ODP MTs

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Efficiency	Total federal dollars spent per school joining the SunWise program	Avail. 2009	485	0	0	Dollars

- Annual performance goals are set to meet Clean Air Act requirements for the quantities and schedule for the phaseout of ODS production and import. These requirements correspond to the domestic consumption cap for class II HCFCs as set by the Parties to the Montreal Protocol. The ozone-depletion potential (ODP) of an ODS reflects the damage it does to stratospheric ozone. Beginning on January 1, 1996, HCFC consumption was capped at the sum of 2.8 percent of the domestic ODP-weighted consumption of chlorofluorocarbons (CFCs) in 1989 plus the ODP-weighted consumption of HCFCs in 1989. Consumption equals production plus import minus export.
- The next U.S cap for HCFC consumption is 3,810 ODP-weighted metric tons beginning January 1, 2010. Further incremental reductions are required through 2020, until all ODS production and import is phased out except for exempted amounts.

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

- (+\$98.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$43.0) Additional funding is requested for work on developing alternatives to ODS.

**Statutory Authority:**

CAA Amendments of 1990, Title I, Parts A and D (42U.S.C. 7401-7434, 7501-7515), Title V (42 U.S.C. 7661-7661 f), and Title VI (42 U.S.C. 7671-7671q); The Montreal Protocol on Substances that Deplete the Ozone Layer.

**Stratospheric Ozone: Multilateral Fund**

Program Area: Air Toxics and Quality  
Goal: Clean Air and Global Climate Change  
Objective(s): Protect the Ozone Layer

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$9,683.0</b>	<b>\$9,697.0</b>	<b>\$9,865.0</b>	<b>\$168.0</b>
Total Budget Authority / Obligations	\$9,683.0	\$9,697.0	\$9,865.0	\$168.0
Total Workyears	0.0	0.0	0.0	0.0

**Program Project Description:**

The stratospheric ozone layer protects life on earth by preventing harmful ultraviolet (UV) radiation from reaching the Earth’s surface. Scientific evidence amassed over the past 30 years has shown that Ozone-Depleting Substances (ODS) used around the world are destroying the stratospheric ozone layer.<sup>12</sup> Increased levels of UV radiation due to ozone depletion are expected to raise the incidence of skin cancer, cataracts, and other illnesses.<sup>13</sup> Skin cancer is the most common type of cancer and accounts for more than 50 percent of all cancers in adults.<sup>14</sup> Increased UV levels also have been associated with other human and non-human risks, including immune suppression and effects on aquatic ecosystems and agricultural crops.

Under the *Montreal Protocol on Substances that Deplete the Ozone Layer*, the U.S. and other developed countries contribute to the Multilateral Fund to support projects and activities that eliminate the production and use of ODS in developing countries. Currently, the U.S. and 192 other countries are parties to the Montreal Protocol. The U.S. affirms its commitment to this international treaty and demonstrates world leadership by phasing out domestic production of ODS, as well as helping other countries find suitable alternatives.

EPA estimates that in the U.S. alone, the worldwide phaseout of ODS will avert 299 million cases of non-fatal skin cancer, 6.3 million cases of fatal skin cancer, and 27.5 million cases of cataracts between 1990 and 2165.<sup>15</sup> This estimate is based on the assumption that international ODS phaseout targets will be achieved, allowing the ozone layer to recover by the middle of this century. According to current research, the ozone layer is not expected to recover until midcentury at the earliest, due to the very long atmospheric lifetimes of ODS.<sup>16</sup>

<sup>12</sup> World Meteorological Organization (WMO). *Scientific Assessment of Ozone Depletion: 2006*. Geneva, Switzerland. 2007.

<sup>13</sup> Fahey, D.W. (Lead Author), World Health Organization, et. al. “Twenty Questions and Answers About the Ozone Layer: 2006 Update. *Scientific Assessment of Ozone Depletion*, World Meteorological Organization, March 2007.

<sup>14</sup> American Cancer Society. “What are the Key Statistics for Melanoma?” Accessed July 18, 2007. Available on the Internet at [http://www.cancer.org/docroot/CRI/content/CRI\\_2\\_4\\_1X\\_What\\_are\\_the\\_key\\_statistics\\_for\\_melanoma\\_50.asp?sitearea=..](http://www.cancer.org/docroot/CRI/content/CRI_2_4_1X_What_are_the_key_statistics_for_melanoma_50.asp?sitearea=..)

<sup>15</sup> U.S. Environmental Protection Agency (EPA). *The Benefits and Costs of the Clean Air Act 1990-2010: EPA Report to Congress*. EPA: Washington, DC. November 1999.

<sup>16</sup> WMO, 2007.

**FY 2010 Activities and Performance Plan:**

EPA’s contributions to the Multilateral Fund in FY 2010 will help continue support for cost-effective projects designed to build capacity and eliminate ODS production and consumption in over 60 developing countries. Today, the Multilateral Fund continues to support over six thousand activities in 148 countries, and when fully implemented, will prevent annual emissions of more than 431 thousand metric tons of ODS. Additional projects will be considered and approved in accordance with Multilateral Fund guidelines.

**Performance Targets:**

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Remaining US Consumption of HCFCs in tons of Ozone Depleting Potential (ODP).	Avail. 2009	<9,900	<9,900	<3,811	ODP MTs

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Efficiency	Total federal dollars spent per school joining the SunWise program	Avail. 2009	485	0	0	Dollars

- Performance targets for ozone layer protection also are supported by work under Stratospheric Ozone: Domestic Programs.
- Annual performance goals are set to meet Clean Air Act requirements for the quantities and schedule for phasing out the production and import of ODS. These requirements correspond to the domestic consumption cap of class II hydrochlorofluorocarbons (HCFCs), as set by the Parties to the Montreal Protocol. Each ODS is weighted based on the damage it does to stratospheric ozone -- this is the ozone depletion potential (ODP). Beginning on January 1, 1996, the cap was set at the sum of 2.8 percent of the domestic ODP-weighted consumption of CFCs in 1989 plus the ODP-weighted level of HCFCs in 1989. Consumption equals production plus import minus export.
- The next incremental reduction in production and import of class II HCFCs that the U.S. is required to meet is no more than 3810 MT starting in 2010. Further incremental reductions are required through 2020, until all ODS production and import is phased out, except for exempted amounts.
- Long-term performance goals are set to reflect environmental response to actions to reduce consumption of ODS. Meeting the long-term performance goal of reduced levels of effective equivalent stratospheric chlorine requires successful action not only by the U.S. and other developed countries, but by all developing nations worldwide.

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

- (+\$168.0) Funding is to support the Montreal Protocol activities.

**Statutory Authority:**

CAA Amendments of 1990, Title 1, Parts A and D (42 U.S.C. 7401-7434, 7501-7515), Title V (42 U.S.C. 7661-7661f), and Title VI (42 U.S.C. 7671-7671q); The Montreal Protocol on Substances that Deplete the Ozone Layer.

**Program Area: Brownfields**

**Brownfields**

Program Area: Brownfields

Goal: Healthy Communities and Ecosystems

Objective(s): Communities

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$25,200.3</b>	<b>\$22,957.0</b>	<b>\$25,254.0</b>	<b>\$2,297.0</b>
Total Budget Authority / Obligations	\$25,200.3	\$22,957.0	\$25,254.0	\$2,297.0
Total Workyears	121.5	125.9	135.9	10.0

**Program Project Description:**

The Brownfields program is designed to help states, tribes, local communities and other stakeholders in economic redevelopment to work together to assess, safely cleanup, and reuse brownfields. Revitalizing these once productive properties helps communities by removing blight, satisfying the growing demand for land, helping limit urban sprawl, fostering ecologic habitat enhancements (i.e. Rocky Mountain arsenal, former Superfund site), enabling economic development, and maintaining or improving quality of life. This specific program is basically the administrative component of the Brownfields program, supporting human resources, travel, training, technical assistance and research activities.

EPA's work is focused on removing barriers and creating incentives for Brownfield redevelopment. EPA's Brownfields program funds research efforts, clarifies liability issues, enters into Federal, state, and local partnerships, conducts outreach activities, and creates related job training and workforce development programs. The program provides financial assistance for: 1) hazardous substances training for organizations representing the interests of states and Tribal co-implementers of the Brownfields law; and 2) Tribal technical outreach support to address environmental justice issues and support Brownfields research.

EPA's enforcement program develops guidances and tools that define potential liability, thereby providing greater certainty and comfort for parties seeking to reuse these properties. Through discussions and the use of enforcement tools, the enforcement program can also provide direct support to facilitate transactions by parties seeking to reuse contaminated properties.

The EPA Smart Growth<sup>17</sup> program works with stakeholders to create an improved economic and institutional climate for Brownfields redevelopment. The Smart Growth program removes barriers and creates incentives for Brownfields redevelopment by changing development standards that affect the viability of Brownfields redevelopment; and creating cross-cutting solutions that improve the economic, regulatory and institutional climate for Brownfields redevelopment.

<sup>17</sup> For more information please refer to <http://www.epa.gov/livability/>



## **FY 2010 Activities and Performance Plan:**

In addition to supporting the operations and management of the Brownfields program, funds in 2010 will provide financial assistance for training on hazardous waste to organizations representing the interests of state and Tribal co-implementers of the Brownfields law: the Small Business Liability Relief and Brownfields Revitalization Act (SBLRBRA). The program also offers outreach support for environmental justice issues involving Tribal and native Alaskan villages or other disadvantaged communities that need to address perceived or real hazardous substance contamination at sites in their neighborhood or community.

EPA will provide technical assistance to communities that were awarded funding to combine smart growth policies with Brownfields redevelopment. EPA will also conduct further research on incentives for cleanup that encourage Brownfields redevelopment, pilot additional techniques to accomplish redevelopment within communities, identify new policy and research needs, and highlight best practices that can be copied in other communities.

EPA's enforcement program will continue to work collaboratively with our partners on innovative approaches to help achieve the Agency's land reuse priorities. EPA's enforcement program will continue to develop guidances and tools to provide greater certainty and comfort regarding potential liability concerns for parties seeking to reuse these properties.

The Smart Growth program will continue to address critical issues for Brownfield redevelopment including land assembly, development permitting issues, financing, parking and street standards, accountability to uniform systems of information for land use controls, and other factors that influence the economic viability of Brownfields redevelopment. Requested funding for the Smart Growth program is \$1.2 million under Brownfields program and \$3.9 million under Regulatory Innovation program.

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

- (+\$851.0) This reflects an increase for payroll and cost of living for all existing FTE.
- (+\$96.0) This change reflects a shift of resources from primarily contracts to grants.
- (+\$1,350.0/ +10.0 FTE) This reflects a shift of FTE and associated payroll from the Regulatory Innovation program. EPA's workforce management strategy indicates a need for project officers greater than the amount funded by the American Recovery and Reinvestment Act (ARRA) for the Brownfields program. These 10 FTE and their payroll are in addition to those already covered by ARRA funds.

## **Statutory Authority:**

CERCLA as amended by SBLRBRA (Public Law 107-118); RCRA, Section 8001; GMRA (1990); SWDA; FFGCAA.

**Program Area: Climate Protection Program**

## Climate Protection Program

Program Area: Climate Protection Program  
Goal: Clean Air and Global Climate Change  
Objective(s): Reduce Greenhouse Gas Intensity

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$97,364.3</b>	<b>\$94,271.0</b>	<b>\$111,634.0</b>	<b>\$17,363.0</b>
Science & Technology	\$17,156.3	\$16,828.0	\$18,975.0	\$2,147.0
Total Budget Authority / Obligations	\$114,520.6	\$111,099.0	\$130,609.0	\$19,510.0
Total Workyears	217.2	213.0	223.0	10.0

### **Program Project Description:**

EPA's climate change program targets efforts to reduce greenhouse gas emissions through voluntary programs. It also provides technical assistance and scientific and economic analysis supporting the development of climate-related policy options.

EPA's voluntary public-private partnership programs are designed to capitalize on the cost-effective opportunities that consumers, businesses, and organizations have to invest in greenhouse-gas reducing technologies, policies, and practices. These investments avoid greenhouse gas emissions from power plants, mobile sources, and various other sources.

EPA's Climate Protection Program has achieved real reductions of carbon dioxide (CO<sub>2</sub>) and other greenhouse gases such as methane and perfluorocarbons (PFCs). EPA's climate change programs promote energy efficiency and emissions reductions of non-CO<sub>2</sub> greenhouse gases. Since the investments made by EPA partners as a result of EPA programs often have lifetimes of ten years or more, actions taken today will continue to deliver environmental and economic benefits for many years to come. For every dollar spent by EPA on its voluntary climate change partnership programs, EPA estimates that the programs have reduced greenhouse gas emissions by up to 1.0 metric ton of carbon equivalent (3.67 tons of CO<sub>2</sub>), delivered more than \$75 in energy bill savings, and facilitated more than \$15 in private sector investment.<sup>18</sup> This is based upon cumulative reductions since 1995.

EPA manages a number of voluntary efforts, such as the ENERGY STAR program, SmartWay program, clean energy partnerships, and transportation efficiency programs, all of which remove barriers in the marketplace in order to deploy cost-effective technologies faster. EPA programs do not provide financial subsidies. Instead, they work by overcoming widely acknowledged barriers to energy efficiency: lack of clear, reliable information on technology opportunities; lack of awareness of energy efficient products, services, and transportation choices; and the need for additional incentives for manufacturers to invest in efficiency research and development.

<sup>18</sup> Climate Protection Partnerships Division, U.S. Environmental Protection Agency. 2007  
<http://www.energystar.gov/ia/partners/publications/pubdocs/2007%20Annual%20Report%20-%20Final%20-11-10-08.pdf>

EPA works with the Department of Energy (DOE) on the ENERGY STAR program; DOE manages the specification process for approximately seven product categories and EPA manages the specification process for about 55 product categories, the new and existing homes programs, and the commercial and industrial programs. The ENERGY STAR program continues to yield significant results. In 2008 alone, Americans, with the help of ENERGY STAR, prevented more than 43 million metric tons of carbon equivalent (MMTCE), saving more than \$19 billion on their annual utility bills. ENERGY STAR is on track to meet its goal of avoiding 52 MMTCE of greenhouse gases in 2012.<sup>19</sup>

EPA also manages the continued implementation of the Methane to Markets Partnership – a U.S.-led international initiative that promotes cost-effective, near-term methane recovery and use as a clean energy source. The Partnership has the potential to deliver, by 2015, annual reductions in methane emissions of up to 500 billion cubic feet (Bcf) of natural gas. Methane to Markets builds on the success of EPA’s domestic methane voluntary programs by creating an international forum that will achieve its goals through collaboration among developing countries, developed countries, and countries with economies in transition- together with strong participation from the private sector, development banks, and other governmental and non-governmental organizations.<sup>20</sup>

EPA’s SmartWay Partnership Program works with transportation technology and freight industry partners (shipper, carriers, etc.) to overcome the lack of reliable information and financing for cleaner more fuel efficient transportation technology. SmartWay is on track to reduce between 9 - 18 million metric tons of carbon equivalent (MMTCE) emissions and up to 200,000 tons of nitrogen oxide (NO<sub>x</sub>) emissions per year which was its established goal for 2012. At the same time, the initiative will result in fuel savings of up to 150 million barrels of oil annually.<sup>21</sup>

EPA manages a number of other partnership programs that tailor their approach to specific trades or organizations in the arena of climate change. The Climate Leaders program works with organizations to help them inventory their emissions and develop comprehensive climate change strategies. The Clean Energy-Environment State and Local Program provides assistance to local and state governments for improving their facilities and leading in energy efficiency-related GHG reduction efforts. EPA’s Combined Heat and Power (CHP) Partnership promotes cost-effective CHP projects, while its Green Power Partnership supports the procurement of green power. The National Action Plan for Energy Efficiency is assisting state decision makers to establish the state policy framework for pursuing all cost-effective energy efficiency.

In addition to EPA’s voluntary climate change programs, through this program EPA provides analytical and technical support for the development of policy options for climate-related legislation. In recent years, EPA has analyzed a number of potential legislative proposals for reducing greenhouse gases (GHGs) from a wide variety of sources using a cap-and-trade approach.

- EPA’s climate change analysis builds on the understanding of (1) the emission and sequestration of greenhouse gases, for all greenhouse gases and from all sectors of the

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<sup>19</sup> Additional information at: [www.energystar.gov](http://www.energystar.gov)

<sup>20</sup> Additional information at: [www.epa.gov/methanetomarkets/](http://www.epa.gov/methanetomarkets/)

<sup>21</sup> Additional information at: [www.epa.gov/smartway](http://www.epa.gov/smartway)

economy; (2) the economic, technical and policy issues related to wider deployment of key mitigation technologies (e.g. energy efficiency, transportation, non-CO2 greenhouse gases, carbon capture and storage); and (3) the key design elements of a cap and trade system (including coverage and point of regulation, cost containment mechanisms, offsets, allowance distribution, and market oversight).

- EPA’s economic analyses cover key questions such as: what technologies could be used to reduce GHG emissions given proposed levels of emission caps; how and when U.S. GHG emissions would be reduced; and how much such reductions would cost the U.S. economy as a whole as well as the impacts on consumption and energy prices.

**FY 2010 Activities and Performance Plan:**

- EPA will continue to implement its government/industry partnership efforts to achieve greenhouse gas reductions. In addition to reduce greenhouse gas emissions, these efforts are projected to reduce other forms of pollution, including air pollutants such as nitrogen oxides (NO<sub>x</sub>), particulate matter, and mercury by accelerating the adoption of energy efficient products and practices. In FY 2010, EPA’s voluntary climate change programs will:
  - Revising and updating specifications for ENERGY STAR product categories;
  - Expanding the ENERGY STAR residential programs to new markets around the country; and
  - Supporting more partners in the commercial and industrial sectors in the pursuit of strategic energy management through ENERGY STAR.
- Continue the ENERGY STAR program across the residential, commercial, and industrial sectors, including:
  - Revising and updating specifications for ENERGY STAR product categories;
  - Expanding the ENERGY STAR residential programs to new markets around the country; and
  - Supporting more partners in the commercial and industrial sectors in the pursuit of strategic energy management through ENERGY STAR.

The FY 2010 Budget Request for the ENERGY STAR program totals \$50.7 million.

<b>Energy Star Program Funding</b>			
Dollars in Millions			
	<b>FY 2008 Enacted</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 President's Budget</b>
Energy Star Total:	\$48.2	\$49.7	\$50.7
-Residential	\$24.0	\$25.0	\$25.5
-Commercial and Institutional	\$21.7	\$22.2	\$22.7
-Industrial	\$2.5	\$2.5	\$2.5

- Continue the SmartWay Transport Partnership to increase energy efficiency and lower emissions of freight transportation through verification, promotion and low cost financing of advanced technologies including diesel engine retrofits, anti-idling technologies, lower

rolling resistant tires, improved aerodynamic truck designs, and improved freight logistics. SmartWay also will be expanding its efforts to:

- develop GHG measurement protocols for heavy-duty diesel trucks and for the freight supply chain network;
- promote SmartWay certified light duty and heavy duty vehicles that meet SmartWay's criteria for environmentally superior performance;
- streamline and expand our SmartWay partner recruiting and management efforts;
- create a definition for low GHG emitting vehicles and develop guidance for implementation of EEISA section 141 Federal vehicle purchase requirements.

The FY 2010 Budget Request for the Smartway Transport Partnership program totals \$2.9 million.

- Continue the Methane-to-Markets Partnership by assessing the feasibility of methane recovery and use projects at landfills, agricultural waste operations, coal mines, and natural gas and oil facilities and by identifying and addressing institutional, legal, regulatory and other barriers to project development in partner countries. The FY 2010 Budget Request for the Methane to Markets program totals \$4.6 million.
- Continue policy and technical assistance to developing countries and countries with economies-in-transition to reduce emissions of greenhouse gases through cost-effective measures and assist in the fulfillment of the U.S. obligations under the U.N. Framework Convention on Climate Change (UNFCCC) to facilitate technology transfer to developing countries.
- Produce measurable international greenhouse gas emission reductions through clean industrialization partnerships with key developing countries, including China, Mexico, India, and South Korea.

In addition, EPA will continue to implement the Greenhouse Gas Registry Rule and provide technical expertise in analyzing proposed GHG limiting legislation:

- In FY 2010, EPA will continue its efforts to implement the Greenhouse Gas Reporting Rule, in which affected facilities will begin collecting emissions data. To ensure a prompt and effective start to the program, EPA will need to (1) design, develop, and test the data management system, (2) develop guidance and training materials to assist the regulated community, and (3) prepare for the review and dissemination of data collected in FY 2011. The funding request for the Greenhouse Gas Registry Rule is \$17.0 million, an increase of \$10.6 million.
- In 2010, developing cap and trade legislative options will be a focus of efforts to reduce greenhouse gases. Cap and trade legislation can meet the necessary environmental goals efficiently and with flexibility for affected entities to ensure reductions are achieved at the lowest possible costs. EPA will support Administration efforts to design an effective cap

and trade system in cooperation with Congress. EPA also will focus on key analytical and implementation issues related to the use of offsets in a GHG trading system.

**Performance Targets:**

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Output	Million metric tons of carbon equivalent (mmtce) of greenhouse gas reductions in the buildings sector.	Avail. 2009	32.4	35.5	39.0	MMTCE

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Output	Million metric tons of carbon equivalent (mmtce) of greenhouse gas reductions in the industry sector.	Avail. 2009	67.7	72.9	82.9	MMCTE

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Output	Million metric tons of carbon equivalent (mmtce) of greenhouse gas reductions in the transportation sector.	1.60	1.5	2.6	4.3	MMTCE

There are over 20 climate change programs which work with the private sector to cost effectively reduce greenhouse gas emissions and facilitate energy efficiency improvements. Each sector (buildings, industry and transportation) has performance and efficiency measures to track the amount of greenhouse gas emissions that are reduced as a result of the program's efforts.

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

- (+\$774.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$5,000.0) This funding will support EPA's efforts to provide technical expertise and analysis on effective, environmentally sound approaches to possible cap and trade programs, including the use of offsets. In addition, these resources would be used to develop protocols for monitoring and verifying the effectiveness of offset projects to ensure there are adequate performance standards and monitoring methods for all appropriate offset project categories.

- (+\$10,617.0/ +10.0 FTE) This funding will support efforts to implement the Greenhouse Gas Registry Rule, including 10 FTE and associated payroll of \$1,643.0. To ensure a prompt and effective start to the program, in FY 2010 EPA will need to (1) design, develop, and test the data management system, (2) develop guidance and training materials to assist the regulated community, and (3) prepare for the review and dissemination of collected data. These FTE will support implementation of the Greenhouse Gas Registry Rule
- (+\$68.0) This funding will support additional outreach efforts for the Methane to Markets program.
- (+\$697.0) Increased funding will support enhanced outreach and partner support activities for ENERGY STAR.
- (+\$207.0) Increased funding will support voluntary programs including SmartWay, Climate Partners and AgStar.

**Statutory Authority:**

CAA Amendments, 42 U.S.C. 7401 et seq. – Sections 102, 103, 104 and 108; PPA, 42 U.S.C. 13101 et seq. – Sections 6602, 6603, 6604 and 6605; NEPA, 42 U.S.C. 4321 et seq. – Section 102; GCPA, 15 U.S.C. 2901 – Section 1103; FTTA, 15 U.S.C. – Section 3701a; CWA, 33 U.S.C. 1251 et seq. – Section 104; SWDA, 42 U.S.C. 6901 et seq.- Section 8001; EPA, 42 U.S.C. 16104 et seq.



**Program Area: Compliance**

**Compliance Assistance and Centers**

Program Area: Compliance

Goal: Compliance and Environmental Stewardship

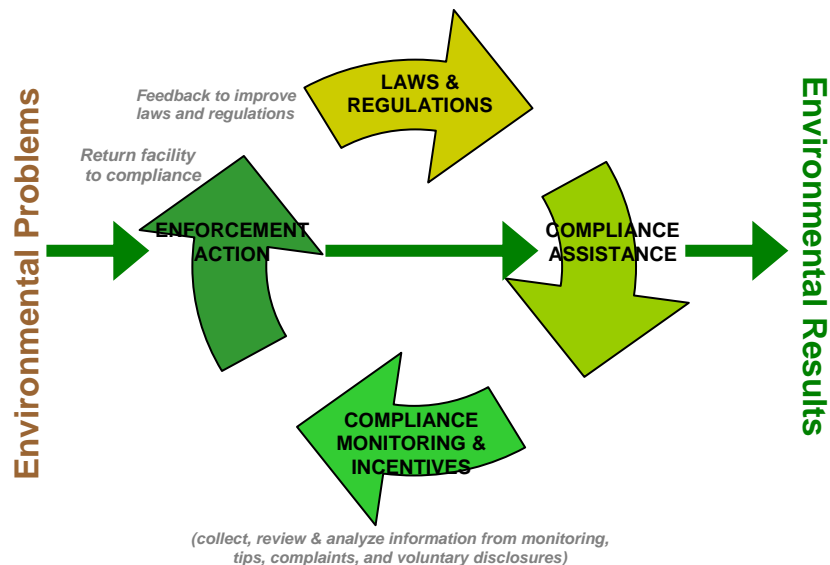
Objective(s): Achieve Environmental Protection through Improved Compliance

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$28,063.5</b>	<b>\$23,770.0</b>	<b>\$26,070.0</b>	<b>\$2,300.0</b>
Leaking Underground Storage Tanks	\$787.5	\$817.0	\$788.0	(\$29.0)
Oil Spill Response	\$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:**

The Enforcement and Compliance Assurance program provides compliance information and assistance to the regulated community, monitors compliance with environmental laws, and takes civil or criminal enforcement action when needed. The primary goal is to ensure that the environmental and public health benefits that are promised by our nation’s environmental laws are realized. The diagram below illustrates how these activities work together to accomplish that goal.



Ensuring that the entities subject to environmental requirements understand those requirements, and what they need to do to be sure they are in full compliance is critical to the life cycle of the enforcement program. Regulated entities have a right to fair notice about legal requirements that

apply to them, and a chance to understand their obligations. Compliance can then be monitored, which may identify additional areas for future education. If appropriate, EPA can offer incentives for returning to compliance, and compel compliance through enforcement actions. EPA's success in returning facilities to compliance relies on using the appropriate combination of approaches to effectively confront noncompliance problems.

EPA's compliance assistance programs provide information to millions of regulated entities, Federal agencies, particularly small businesses and local governments, to help them understand and meet their environmental obligations. This information lets regulated entities know of their legal obligations under federal environmental laws. Compliance assistance resources include comprehensive Web sites, compliance guides, emission calculators, and training materials aimed at specific business communities or industry sectors. Also, onsite compliance assistance and information is sometimes provided by EPA inspectors during an inspection.

The primary audiences for EPA's assistance resources are the nation's 20 million small businesses, 80,000 small local governments, and over 560 Tribal communities, all of whom typically do not have the resources for in-house staff or consultants to help manage environmental compliance. Reports by the Small Business Administration (SBA) have specifically highlighted and praised EPA's compliance assistance efforts as examples of effective federal agency interaction with small businesses. EPA was the leading example in the SBA's 2007 Report to Congress of how federal agencies can foster fair enforcement by providing compliance assistance.

Consistent with the lifecycle of the compliance assurance program described above, compliance assistance often precedes consideration of enforcement. Initial outreach to the regulated community not only enables EPA to provide "fair notice" regarding new requirements, it also helps prevent violations. In some instances, EPA is required to provide compliance assistance to regulated entities. The Small Business Regulatory Enforcement Fairness Act (SBREFA) requires EPA to develop compliance guides or checklists for small businesses that are significantly impacted by new EPA regulations.

There are a number of Presidential Executive Orders that require EPA to provide assistance to Federal facilities. In FY 2010, the Federal Facility Enforcement program will provide technical guidance to other Federal agencies on compliance with applicable Executive Orders and environmental laws. EPA will continue to ensure continued support of the Federal Facilities Stewardship and Compliance Assistance Center.<sup>22</sup>

### **FY2010 Activities and Performance Plan:**

In FY 2010, the compliance assistance resources and activities EPA provides fall into three categories: direct assistance, indirect assistance, and capacity building.

- Direct compliance assistance activities include in-person activities such as on-site assistance visits, workshops, trainings, and responses to inquiries about specific requirements. These activities help achieve measurable changes in behavior (e.g.,

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<sup>22</sup> For more information visit: <http://www.fedcenter.gov/>

modification to operations or practices in order to return to compliance) that in turn have an impact on human health or the environment (e.g., reduction, elimination or treatment of pollution). These activities are generally more resource intensive than the indirect assistance activities.

- Indirect assistance includes the creation and dissemination of information through targeted mailings and Web sites. EPA provides effective and efficient compliance information to regulated entities, primarily small businesses, through 17 Web-based Compliance Assistance Centers. The Centers assist users by providing compliance tools and contacts for over 20 topics, including federal requirements for control of contaminated stormwater, air and hazardous waste, lead, and mercury. The Centers provide easy access to state-specific regulations and compliance resources.
  - The regulated community relies heavily upon the Compliance Assistance Centers. During FY 2008, EPA reached more than 2.2 million entities through online compliance assistance activities. The Centers reach a much larger audience than other methods of compliance assistance, and have provided an increasingly large proportion of EPA's compliance assistance over the past five years.
- Capacity building enables state and local agencies to efficiently and effectively provide a consistent message about national regulatory requirements while allowing the state and local agencies to tailor the message if they have their own additional requirements. National consistency for compliance information is important, particularly for businesses that operate in more than one jurisdiction.

The Agency uses all three forms of assistance to support both core programs and national priorities. In FY 2010, EPA will continue to rely on the Integrated Compliance Information System (ICIS) to track and report on its compliance assistance activities.

Core/National Priority Compliance Assistance: EPA's national enforcement and compliance assurance program is responsible for maximizing compliance with 12 environmental statutes, 28 distinct programs under those statutes, and dozens of regulatory requirements under those programs (referred to as the "core program") which apply in various combinations to a universe of 40 million regulated federal and private entities. EPA will encourage the use of cost-effective webinars, over in-person workshops, as a means for helping regulated entities understand their environmental obligations. Guides, check-lists, fact sheets, and similar assistance tools will be produced as on-line versions. Regional initiatives will focus on a limited number of sectors and greater efficiencies will be explored in an effort to continue providing capacity building to local governments and States.

EPA will also focus on assistance aspects of the integrated strategies supporting three of the nine National Compliance and Enforcement Priorities: Mineral Processing, Indian Country, and Financial Assurance. For Mineral Processing, EPA will complete the development of two compliance tools – one for industry and one for inspectors. For Indian Country, EPA will focus national attention on three key compliance assurance and enforcement issues: (1) drinking water

systems, (2) illegal dumping and solid waste management, and (3) schools. For Financial Assurance, EPA will provide assistance to the Resource Conservation and Recovery Act (RCRA) Subtitle C regulated universe that has not been assessed for compliance, and to certain entities in the Underground Injection Control program. EPA will continue to measure outcomes from direct compliance assistance as a statistically valid indicator of the results achieved through assistance activities.

Indian Country Compliance Assurance: In FY 2010, EPA will support up to five circuit riders to provide on-the-ground technical assistance, training and investigations. Circuit riders are expected to reach approximately 270 of the 981 drinking water systems in Indian country, covering approximately 227,000 residents in Indian country (which is about 22 percent of the Indian country residents). The waste management circuit riders are expected to reach approximately 95 tribes of the 562 tribes nationwide. Funding these circuit riders is consistent with the National Enforcement Priority for Indian Country. Focused training and capacity building to tribal regulators will be provided in the most seriously impacted areas.

Web-Based Compliance Assistance Centers: In FY 2010, EPA will provide \$1.4 million for the operation, maintenance, and enhancement of EPA's 17 on-line compliance assistance centers. Specifically, the content of the 17 Centers<sup>23</sup> will be updated to include environmental requirements and best practices, as well as new compliance resources and training information as it is developed. In addition, the state-specific compliance information managed by the Centers program (State Resources Locator) will expand to include more focus areas. The Agency will continue to realize cost-efficiencies in managing the Centers through reliance on the Center Platform, which provides centralized resources and infrastructure for most existing Centers. In addition, EPA will continue working with other Federal agencies to ensure continued support of the Federal Facilities Stewardship and Compliance Assistance Center<sup>24</sup>. The Centers are a key information resource, especially for small businesses and communities seeking plain language information on how to comply with environmental laws. They were visited over 2 million times last year through Internet Web sites, telephone assistance lines, and e-mail discussion groups. The Centers provide a "first-stop" and "one-stop" easy-to-access forum to help businesses, local governments, and Federal facilities understand Federal environmental requirements and save money through pollution prevention techniques.

Compliance Assistance users have provided positive feedback that supports the Enforcement and Compliance Assurance program goal to ensure that environmental and public health benefits are realized. Over 85 percent of on-line users surveyed report the Centers helped them understand applicable environmental requirements, over 70 percent reported improved environmental management practices, and over 40 percent reported reduced, treated, or eliminated pollution at their establishments as a result of Center use<sup>25</sup>.

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<sup>23</sup> The 17<sup>th</sup> Center is expected to come on-line in May 2009.

<sup>24</sup> For more information visit: <http://www.fedcenter.gov/>

<sup>25</sup> These performance measures are not calculated from a representative sample of the regulated entity universe. The percentages are based on the number of regulated entities that answer affirmatively to these questions on our voluntary surveys. The percentages do not account for the number of regulated entities who chose not to answer these questions or the majority of entities who chose not to answer the survey.

As part of the Agency's transition to a new strategic plan for FY 2009-2014, the Enforcement and Compliance Assurance program is shifting from a tool-based approach to a problem-based approach for program measurement. This will allow the program to highlight its results from its national priority work in the problem-based areas of the strategic plan - air, water, and waste; and to better characterize results by pollutants and impacts on ecological and human health benefits. 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				213	Entities

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
	environment for land as a result of EPA enforcement and compliance actions.					

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

- (+\$848.0) This reflects an increase for payroll and cost of living for all FTE.
- (+\$56.0) This reflects an increase for IT and telecommunications resources.
- (+\$1,408.0) This change reflects an increase to fund the Agency's on-line Compliance Assistance Centers.
- (-\$12.0 \ -1.0 FTE) This reflects the redirection of nonpayroll resources and a FTE supporting international capacity building to the Civil Enforcement program.

**Statutory Authority:**

RCRA; CWA; SDWA; CAA; TSCA; EPCRA; RLBPHRA; FIFRA; ODA; NEPA; CERCLA; NAAEC; LPA-US/MX-BR; EPAAct.

**Compliance Incentives**

Program Area: Compliance

Goal: Compliance and Environmental Stewardship

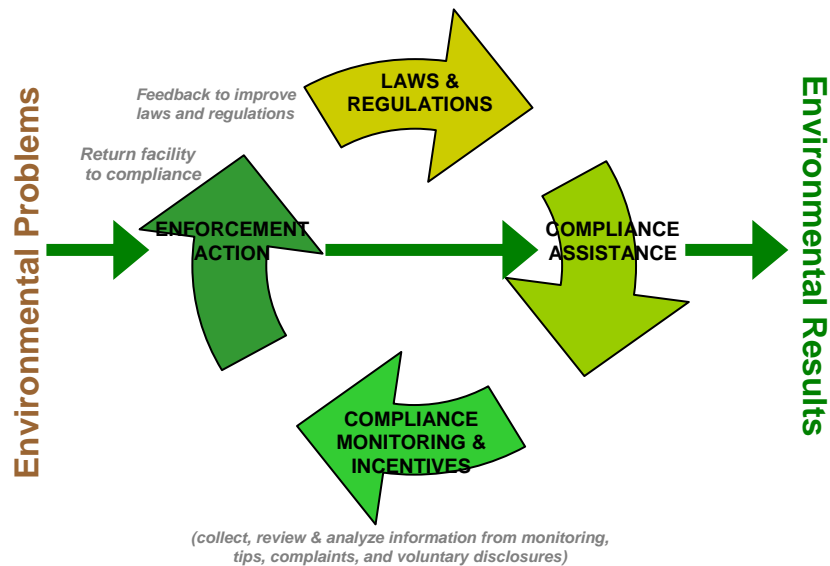
Objective(s): Achieve Environmental Protection through Improved Compliance

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$10,250.7</i></b>	<b><i>\$8,992.0</i></b>	<b><i>\$10,702.0</i></b>	<b><i>\$1,710.0</i></b>
Hazardous Substance Superfund	\$58.7	\$137.0	\$0.0	(\$137.0)
Total Budget Authority / Obligations	\$10,309.4	\$9,129.0	\$10,702.0	\$1,573.0
Total Workyears	68.1	61.8	69.4	7.6

**Program Project Description:**

The Enforcement and Compliance Assurance program provides compliance information and assistance to the regulated community, monitors compliance with environmental laws, and takes civil or criminal enforcement action when needed. The primary goal is to ensure that the environmental and public health benefits that are promised by our nation’s environmental laws are realized. The diagram below illustrates how these activities work together to accomplish that goal.



EPA uses four distinct but integrated tools to maximize compliance with the nation’s environmental laws. This includes: compliance assistance (i.e., educating regulated entities how to comply with often complex regulations), compliance monitoring (i.e., identifying existing violations through on-site inspections, investigations, and collection and analysis of compliance data), compliance incentives (i.e., motivating regulated facilities/companies to identify, disclose, and correct violations), and civil and criminal enforcement (i.e., administrative and judicial



enforcement actions). These tools are used in combinations appropriate to address specific noncompliance patterns and environmental risks.

EPA's Compliance Incentives program encourages regulated entities to monitor and quickly correct environmental violations, reduce pollution, and make improvements in regulated entities' environmental management practices. EPA uses a variety of approaches to encourage entities to self-disclose environmental violations under various environmental statutes. EPA's Audit Policy encourages internal audits of environmental compliance and subsequent correction of self-discovered violations, providing a uniform enforcement response toward disclosures of violations and accelerating compliance.

### **FY 2010 Activities and Performance Plan:**

The Agency's Enforcement program will continue to implement the Self-Policing (Audit), Small Business Compliance, and Small Local Governments Compliance Assistance policies as core elements of the Enforcement and Compliance Assurance Program. Since FY 2001, nearly 7,000 facilities at more than 3,400 companies resolved violations under EPA's Voluntary Disclosure Policies. Under the Audit Policy and the Small Business Compliance Policy, when companies voluntarily discover, promptly disclose, expeditiously correct and prevent recurrence of environmental violations, and can satisfy the criteria of either policy, EPA may waive or substantially reduce civil penalties. For the purposes of the Small Business Compliance Policy, a small business is one that employs 100 or fewer individuals across all facilities and operations that the business owns. When entities meet the conditions of the Audit or Small Business Compliance Policies then penalties are lower than the penalty given to entities that do not self-disclose environmental violations.

The [Small Local Government Compliance Assistance Policy](#) promotes environmental compliance by allowing penalty reductions for small local governments that achieve comprehensive compliance or implement an Environmental Management System (EMS). The policy explains how EPA will generally defer to a state's decision to reduce or waive the normal noncompliance penalty for a small local government that either commits to (and subsequently achieves) compliance with all of the environmental requirements that apply to its governmental operations, or commits to correct all of its known violations and to develop and implement an EMS for its governmental operations. Removing the fear of a large penalty has been instrumental in persuading local governments to participate in state programs to assess small local governments' environmental performance conditioned on the local government entering into binding agreements to correct any violations that are found.

In FY 2010, the Agency will continue to use the Audit Policy through outreach to industries. Examples of EPA's sector-specific efforts include colleges and universities and healthcare facilities. EPA actively encourages disclosures at multiple facilities owned by the same regulated entity, because such disclosures allow each entity to review their operations holistically, which more effectively benefits the environment.

Also, in FY 2010, the Agency will continue its efforts to encourage audits and to increase disclosure and settlement of violations that, once corrected, will yield significant pollutant

reductions and environmental benefits. In particular, the Agency will encourage new owners to utilize the “*Interim Approach to Applying the Audit Policy to New Owners*,” which tailors incentives to encourage new owners to use the Audit Policy to address violations that began at their recently acquired facilities prior to their ownership, which will help EPA efficiently secure high quality environmental improvements.

EPA began a pilot system in late FY 2008 to disclose Emergency Planning and Community Right-to-Know Act (EPCRA) violations through EPA’s Web site and to streamline the process for resolving routine Audit Policy disclosures of recordkeeping and reporting violations. EPA will evaluate whether to expand the system to other types of violations in FY 2010.

EPA also will track compliance incentive environmental results in the Integrated Compliance Information System (ICIS) to enable the Agency to make strategic decisions for the best utilization of resources and tools, and to respond to increasing demands for compliance and environmental information. EPA will continue to make multi-media compliance incentives results information available to the public through the Enforcement and Compliance History On-line (ECHO) internet website during FY 2010. This site provides communities with compliance status information and averages 75,000 queries per month.

As part of the Agency's transition to a new strategic plan for FY 2009-2014, the Enforcement and Compliance Assurance program is planning to shift from a tool-based approach to a problem-based approach for program measurement. This will allow the program to highlight its results from its national priority work in the problem-based areas of the strategic plan - air, water, and waste; and to better characterize results by pollutants and impacts on ecological and human health benefits. Measures pertaining to enforcement and compliance actions are under review and may be modified in the coming months.

**Performance Targets:** The last 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.

Outcome	Pounds of pollutants estimated to be reduced, treated, or eliminated, as a result of audit agreements.	5.40	0.4	0.4	0.4	Million Pounds
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):**

- (+\$1,499.0) This reflects an increase for payroll and cost of living for all FTE.
- (+\$211.0) This reflects an increase for IT and telecommunications resources.
- (+8.5 FTE) This change reflects EPA’s increased efforts in promoting compliance by encouraging regulated entities to identify and address violations consistent with incentives policies such as the Self-Policing Audit, Small Business Compliance, and Small Local Governments Compliance Assistance policies.

**Statutory Authority:**

RCRA; CWA; SDWA; CAA; TSCA; EPCRA; RLBHRA; FIFRA; ODA; NEPA; NAAEC; LPA-US/MX-BR.

**Compliance Monitoring**

Program Area: Compliance

Goal: Compliance and Environmental Stewardship

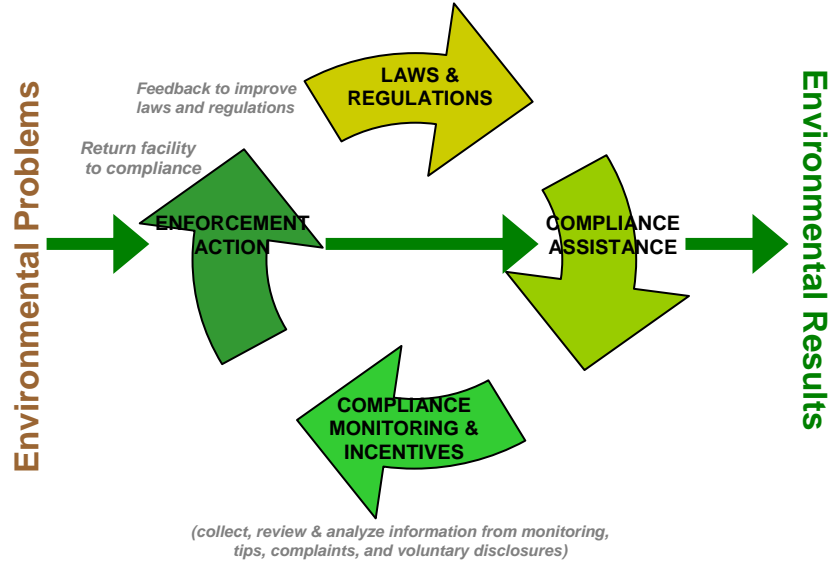
Objective(s): Achieve Environmental Protection through Improved Compliance

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$92,048.1</i></b>	<b><i>\$96,064.0</i></b>	<b><i>\$99,859.0</i></b>	<b><i>\$3,795.0</i></b>
Hazardous Substance Superfund	\$1,251.3	\$1,192.0	\$1,247.0	\$55.0
Total Budget Authority / Obligations	\$93,299.4	\$97,256.0	\$101,106.0	\$3,850.0
Total Workyears	600.6	623.0	612.3	-10.7

**Program Project Description:**

The Enforcement and Compliance Assurance program provides compliance information and assistance to the regulated community, monitors compliance with environmental laws, and takes civil or criminal enforcement action when needed. The primary goal is to ensure that the environmental and public health benefits that are promised by our nation’s environmental laws are realized. The diagram below illustrates how these activities work together to accomplish that goal.



EPA uses four distinct but integrated tools to maximize compliance with the nation’s environmental laws. This includes: compliance assistance (i.e., providing information to regulated entities about how to comply with regulations), compliance monitoring (i.e., identifying existing violations through on-site inspections, evaluations, and investigations to document compliance or non-compliance, and collection and analysis of compliance data), compliance incentives (i.e., policies to motivate regulated facilities/companies to identify, disclose, and correct violations), and civil and criminal enforcement (i.e., administrative and

judicial enforcement actions). These tools are used in combinations appropriate to address specific noncompliance patterns and environmental risks.

The Compliance Monitoring program reviews and evaluates the activities of the regulated community to determine compliance with applicable laws, regulations, permit conditions, and settlement agreements. The program conducts compliance inspections/evaluations, investigations, and reviews of facility records and monitoring reports. The program also responds to information requests and tips and complaints from the public. The program conducts these activities to determine whether conditions exist that may present imminent and substantial endangerment to human health or the environment, and to verify whether regulated entities are in compliance with environmental laws and regulations. The multi-media approaches such as cross-media inspections, sector initiatives, and risk-based targeting allow the Agency to take a more holistic approach to protecting ecosystems and to solving the more intractable environmental problems. EPA's Compliance Monitoring program includes the management of compliance and enforcement data and data systems, and the use of the data to target and manage the compliance and enforcement program.<sup>26</sup>

In addition, as a part of this program, the Agency reviews and responds to 100 percent of the notices for movement of hazardous waste across U.S. international borders. The Agency ensures that these wastes are properly handled in accordance with international agreements and Resource Conservation and Recovery Act regulations.<sup>27</sup>

EPA conducts compliance monitoring activities, as well as coordinates with and provides support to state and Tribal partners that conduct compliance inspections/evaluations and investigations either under state or Tribal programs or EPA statutory authority. EPA's activities target areas that pose significant risks to human health or the environment, display patterns of noncompliance, or involve disproportionately exposed populations. EPA's efforts complement state and Tribal programs to ensure compliance with laws throughout the United States. EPA works with states and tribes to identify where these compliance inspections, evaluations, and investigations will have the greatest impact on achieving environmental results.

### **FY 2010 Activities and Performance Plan:**

In FY 2010, the program will emphasize the core programs and priorities identified in the Enforcement and Compliance Assurance's FY 2008-2010 National Program Manager's Guidance as well as on supporting and overseeing authorized state/Tribal programs.<sup>28</sup> After consulting with EPA programs and regions, states, and tribes, these enforcement and compliance assurance priorities include:

- Clean Air Act: Air Toxics
- Clean Air Act: New Source Review & Prevention of Significant Deterioration

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<sup>26</sup> For more information, refer to: [www.epa.gov/compliance/monitoring/index.html](http://www.epa.gov/compliance/monitoring/index.html).

<sup>27</sup> For more information about the Import/Export program, refer to: [www.epa.gov/compliance/international/importexport.html](http://www.epa.gov/compliance/international/importexport.html).

<sup>28</sup> For more information, refer to: [www.epa.gov/ocfopage/npmguidance/index.htm](http://www.epa.gov/ocfopage/npmguidance/index.htm).

- Indian Country Drinking Water Systems, Schools and Waste
- Reduction of Water Pollution from Concentrated Animal Feeding Operations, Sewers, and Stormwater under the Clean Water Act
- Financial Responsibility for Hazardous and Toxic Waste
- Resource Conservation and Recovery Act Mineral Processing

To ensure the quality of compliance inspections/evaluations/investigations, EPA is continuing to develop national policies, update inspection manuals, provide required training for inspectors, and issue inspector credentials (prior to issuing credentials, EPA negotiates an authorization agreement and ensures that state and Tribal inspectors are adequately trained). EPA also conducts training to ensure that the inspectors/investigators are: 1) knowledgeable of environmental requirements and policies, 2) technically proficient in conducting compliance inspections/evaluations and taking samples, and 3) skilled at interviewing potential witnesses and documenting inspection/evaluation results. Compliance monitoring activities include oversight of and support to states and tribes and authorizing states/tribes employees to conduct inspections and evaluations on EPA's behalf.

EPA's Enforcement and Compliance program will improve its efficiency by integrating technology, especially software and portable personal computers, into the inspection and evaluation process. Adopting 21st century tools provides an opportunity to improve the timeliness and accuracy of data collection and entry, endows the program with uniformity in the inspection and evaluation process, and increases the speed for submitting inspection and evaluation reports.

The Agency will continue its multi-year project to modernize its national enforcement and compliance data system, called the Integrated Compliance Information System (ICIS). ICIS is being developed in three major phases. The FY 2010 budget for ICIS totals \$11.2 million. In addition to supporting Compliance Monitoring, ICIS also supports Civil Enforcement, Compliance Assistance, and Compliance Incentives. ICIS is being developed in three phases, including:

- Phase I of ICIS established a multi-media Federal enforcement and compliance database. It replaced outdated national and regional systems. It was implemented in FY 2002, and is the primary system that supports Enforcement and Compliance's Annual Reporting, including Government Performance Results Act (GPRA) reporting.
- Phase II of ICIS is the modernization of the Permit Compliance System (PCS), which supports EPA and state management of the National Pollutant Discharge Elimination System (NPDES) program. PCS is an old system and does not meet the current business needs of the NPDES program, especially for wet weather-related activities. In FY 2006, EPA implemented the first major release of Modernized PCS, with 21 states, two tribes, and nine territories moving to the new system. In FY 2008, an additional 6 states and 1 territory were brought into the new system; by the end of FY 2009 the total number of states using ICIS-NPDES will be 31. EPA is working on additional releases of the modernized system to move the remaining states to ICIS-NPDES. In FY 2010, we will

also begin development efforts of the functionality that would allow electronic transfer of all NPDES data by states that run their own systems to ICIS–NPDES.

- Phase III of ICIS is expansion of the system to include the unique requirements of the Clean Air Act compliance and enforcement program. This is done by modernizing the Air Facility System (AFS) to improve EPA, state, and local tracking of permit compliance and enforcement data for stationary sources of air pollution. In FY 2010, EPA will incorporate into ICIS system design, detailed business requirements and alternatives analysis for use in ICIS system development.

EPA will continue to make multi-media compliance monitoring information available to the public through the Enforcement and Compliance History On-line (ECHO) Internet website during FY 2010. This site, and its powerful companion tool that serves more than 400 government entities; the Online Targeting and Information System (OTIS), provides communities and regulators with compliance status information, averaging approximately 75 thousand queries per month.

EPA will continue to review all notices for trans-boundary movement of hazardous waste and notices for export of Cathode Ray Tubes to ensure compliance with domestic regulations and international agreements. While the vast majority of the hazardous waste trade occurs with Canada, the United States also has international trade agreements with Mexico, Malaysia, Costa Rica, and the Philippines, and is a member of the Organization for Economic Cooperation and Development (OECD), which issued a Council Decision controlling trans-boundary movement of hazardous waste applicable to all member countries. In 2008, EPA responded to 1,266 notices representing 643 import notices and 623 export notices.

The Agency will continue to implement the Energy Policy Act of 2005 by inspecting underground storage tanks covering a wide range of industries including gas stations, chemical companies, and federal facilities. The program also will focus on monitoring compliance with gasoline rules.

As part of the Agency's transition to a new strategic plan for FY 2009-2014, the Enforcement and Compliance Assurance program is planning to shift from a tool-based approach to a problem-based approach for program measurement. This will allow the program to highlight its results from its national priority work in the problem-based areas of the strategic plan - air, water, and waste, and to better characterize results by pollutants and impacts on ecological and human health benefits.

**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

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Reduce, treat, or eliminate water pollutants through concluded enforcement actions.				320	Million Pounds
Outcome	Reduce, treat, or eliminate toxics and pesticides through concluded enforcement actions.				3.8	Million Pounds
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):**

- (+\$3,242.0) This reflects an increase for payroll and cost of living for all FTE.
- (-10.7 FTE) This change reflects EPA’s workforce management strategy that will help the Agency better align resources, skills and Agency priorities. These resources will be redirected to the Civil Enforcement program to support the hiring of additional staff to support new and on-going case work.
- (-\$163.0) This reflects a decrease for IT and telecommunications resources.
- (+\$716.0) This change reflects increases in contract and travel resources to support the Agency’s inspectors in conducting inspections and other enforcement-related activities of the Compliance Monitoring program.

**Statutory Authority:**

RCRA; CWA; SDWA; CAA; TSCA; EPCRA; RLBPHRA; FIFRA; ODA; NEPA; NAAEC; LPA-US/MX-BR.



**Program Area: Enforcement**

**Civil Enforcement**

Program Area: Enforcement

Goal: Land Preservation and Restoration

Objective(s): Restore Land

Goal: Compliance and Environmental Stewardship

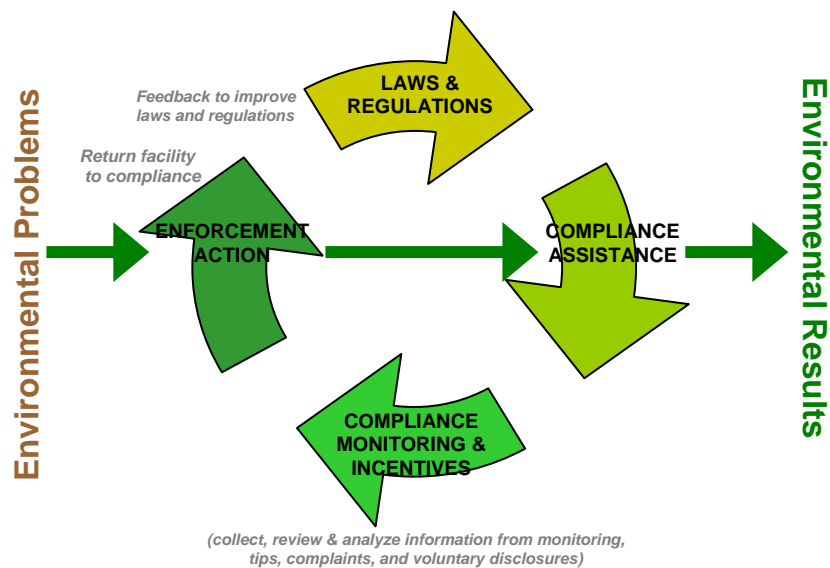
Objective(s): Achieve Environmental Protection through Improved Compliance

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$131,986.8</i></b>	<b><i>\$137,182.0</i></b>	<b><i>\$145,949.0</i></b>	<b><i>\$8,767.0</i></b>
Oil Spill Response	\$1,851.0	\$2,117.0	\$2,406.0	\$289.0
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:**

The Enforcement and Compliance Assurance program provides compliance information and assistance to the regulated community, monitors compliance with environmental laws, and takes civil or criminal enforcement action when needed. The primary goal is to ensure that the environmental and public health benefits that are promised by our nation’s environmental laws are realized. The diagram below illustrates how these activities work together to accomplish that goal.



The Civil Enforcement program’s overarching goal is to protect human health and the environment, targeting enforcement actions according to the degree of health and environmental

risk. The program collaborates with the Department of Justice to ensure consistent and fair enforcement of all environmental laws and regulations. The program seeks to level the economic playing field by ensuring that violators do not realize an economic benefit from noncompliance, and also to deter future violations. The civil enforcement program develops, litigates, and settles administrative and civil judicial cases against serious violators of environmental laws.<sup>29</sup>

EPA uses four distinct but integrated tools to maximize compliance with the nation's environmental laws. This includes: compliance assistance (i.e., educating regulated entities how to comply with often complex regulations), compliance monitoring (i.e., identifying existing violations through on-site inspections, investigations, and collection and analysis of compliance data), and compliance incentives (i.e., motivating regulated facilities/companies to identify, disclose, and correct violations). In addition to EPA's direct role in utilizing these tools, the enforcement program provides focused oversight of state performance and ensures that national environmental laws are enforced in a consistent, equitable manner that protects public health and the environment. This approach ensures that work necessary for the 28 programs and the national priorities is conducted.

EPA's national enforcement and compliance assurance program is responsible for maximizing compliance with 12 environmental statutes, 28 distinct programs under those statutes, and dozens of regulatory requirements under those programs (referred to as the "core program") which apply in various combinations to a universe of 40 million regulated Federal and private entities. In addition, as a means for focusing its efforts, the enforcement program identifies, in three year cycles, specific environmental risks and noncompliance patterns as national priorities. The enforcement program coordinates with states, tribes, and within EPA, as well as soliciting public comment, to establish these priorities.

#### **FY 2010 Activities and Performance Plan:**

In FY 2010, the Agency will aggressively implement its core Civil Enforcement program, as well as the National Compliance and Enforcement Priorities established for calendar years 2008-2010. The nation's top priorities for enforcement include Clean Water Act "Wet Weather" discharges (water contamination resulting from sewer overflows, contaminated storm water runoff, and runoff from concentrated animal feeding operations), violations of the Clean Air Act New Source Review/Prevention of Significant Deterioration requirements and Air Toxics regulations, Resource Conservation and Recovery Act (RCRA) violations at Mineral Processing facilities, violations of Financial Responsibility requirements for the RCRA, Safe Drinking Water Act, and Toxic Substances Control Act programs, and ensuring compliance in Indian Country. EPA's Civil Enforcement program will continue to rely heavily on the Integrated Compliance Information System to manage its enforcement cases by tracking the status of all civil judicial and administrative enforcement actions, including their projected and actual results. In FY 2008, through its efforts in the core program and national priorities, EPA achieved \$11.8 billion in future pollution controls and pollution reduction commitments totaling 3.9 billion pounds, and similar results are expected in FY 2010.

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<sup>29</sup> For more information visit: [www.epa.gov/compliance/civil/index.html](http://www.epa.gov/compliance/civil/index.html); [www.epa.gov/epaoswer/hazwaste/ca/backgnd.htm](http://www.epa.gov/epaoswer/hazwaste/ca/backgnd.htm).

The Federal Facilities Enforcement program will continue to expeditiously pursue enforcement actions at Federal facilities where significant violations are discovered with a specific focus on non-compliance identified at Bureau of Prison Facilities, RCRA, Small Quantity Generators, and Federal underground storage tanks.

The Civil Enforcement program also will support the Environmental Justice program by focusing enforcement actions on industries that have repeatedly violated environmental laws in communities that may be disproportionately exposed to risks and harms from the environment, including minority and/or low-income areas. EPA works to protect these and other burdened communities from adverse human health and environmental effects of its programs consistent with environmental and civil rights laws.

The passage of the Energy Independence and Security Act (EISA) of 2007 requires a dramatic increase in usage of renewable fuels. All renewable fuel will have to fit within four separate lifecycle categories based upon the fuel type, the feedstock used to produce the fuel, and the production process used to produce the fuel. In order to ensure compliance with these mandates, EPA will have to monitor and inspect the sources of various feedstocks, the production processes, and the quality of the renewable fuel. The Agency anticipates that importers will significantly increase the amount of renewable fuel being brought in from abroad to meet EISA requirements. EPA will have to devote additional resources crafting and implementing a plan to ensure importers comply with the feedstock, production, and product standards. Where violations are found, EPA will need to determine the appropriate enforcement response (e.g. issue Administrative Orders, or refer cases to the Department of Justice).

As part of the Agency's transition to a new strategic plan for FY 2009-2014, the Enforcement and Compliance Assurance program is planning to shift from a tool-based approach to a problem-based approach for program measurement. This will allow the program to highlight its results from its national priority work in the problem-based areas of the strategic plan - air, water, and waste, and to better characterize results by pollutants and impacts on ecological and human health benefits.

**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

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

EPA's Monitoring and Enforcement Program achieves pollutant reductions and improvements in regulated entities' environmental management practices through the settlement of enforcement cases. There are many programs evaluated under the Civil Enforcement OMB program assessment. These programs include Compliance Assistance, Compliance Incentives, Compliance Monitoring, Civil Enforcement, Enforcement Training, Forensics, Superfund Enforcement, and categorical grant programs for toxic substances and sectors. One of the key Civil Enforcement OMB program assessment program measures, pounds of pollutants reduced, looks at the overall reduction in pollution as a result of enforcement actions. The Agency is exploring methodologies to strengthen the measure by analyzing the risk associated with the pollutants reduced. This may entail analysis of pollutant hazards and population exposure.

Although the estimated pollution reductions, as a result of the enforcement actions taken by EPA, have grown over the past five years, they are projections of future pollution reduction based on the settlement agreements entered during each specific fiscal year and one or two cases can have a significant affect on the end-of-year results.

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

- (+\$8,309.0) This reflects an increase for payroll and cost of living for all FTE.
- (+\$90.0) This reflects an increase for travel, IT, and telecommunications resources to support the additional enforcement staff.
- (+13.3 FTE) This change reflects EPA's strengthening the Civil Enforcement program. These additional FTE will allow EPA to hire additional enforcement staff, including staff to support implementation of the Energy Independence and Security Act (EISA) of 2007.
- (+\$12.0 \ +1.0 FTE) This reflects the redirection of nonpayroll resources and a FTE supporting international capacity building from the Compliance Assistance program to the Civil Enforcement program.

- (+\$356.0) This change reflects an increase in contracts resources for case support activities, including implementation of EISA.

**Statutory Authority:**

RCRA; CWA; SDWA; CAA; TSCA; EPCRA; RLPHRA; FIFRA; ODA; NAAEC; LPA-US/MX-BR; NEPA; SBLRBREERA; CERCLA; PPA; CERFA; AEA; PPA; UMTRLWA; EPAct.

**Criminal Enforcement**

Program Area: Enforcement

Goal: Compliance and Environmental Stewardship

Objective(s): Achieve Environmental Protection through Improved Compliance

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$40,128.8</i></b>	<b><i>\$45,763.0</i></b>	<b><i>\$49,399.0</i></b>	<b><i>\$3,636.0</i></b>
Hazardous Substance Superfund	\$7,687.0	\$7,767.0	\$8,336.0	\$569.0
Total Budget Authority / Obligations	\$47,815.8	\$53,530.0	\$57,735.0	\$4,205.0
Total Workyears	254.8	281.1	291.8	10.7

**Program Project Description:**

EPA’s criminal enforcement program investigates and helps prosecute environmental violations which seriously threaten public health and the environment and which involve knowing of criminal behavior on the part of the violator. The criminal enforcement program deters violations of environmental laws and regulations by demonstrating that the regulated community will be held accountable, through jail sentences and criminal fines, for such violations. Bringing criminal cases sends a strong message for potential violators, enhancing aggregate compliance with laws and regulations.

The criminal enforcement program conducts investigations utilizing forensics techniques, and may then request that cases be prosecuted. Where appropriate, it helps secure plea agreements or sentencing conditions that will require defendants to undertake projects to improve environmental conditions or develop environmental management systems to enhance performance. The Agency is involved in all phases of the investigative process and works with other law enforcement agencies to maintain an effective criminal enforcement program that is a key component of the Agency’s overall enforcement strategy. Cases are presented to the Department of Justice for prosecution, with special agents serving as key witnesses in the proceedings.

The program also participates in task forces with state and local law enforcement, and provides specialized training at the Federal Law Enforcement Training Center (FLETC) in Glynco, GA. FLETC provides one of the few opportunities for state, local, and Tribal environmental enforcement professionals to obtain criminal investigation training.<sup>30</sup>

**FY 2010 Activities and Performance Plan:**

In FY 2010, the criminal enforcement program will continue to expand its identification and investigation of cases with significant environmental, human health, and deterrence impact while balancing its overall case load of “core” cases across all pollution statutes (e.g., traditional cases

<sup>30</sup> For more information visit: <http://www.epa.gov/compliance/criminal/index.html>.

involving wastewater; hazardous waste; the Federal Insecticide, Fungicide, and Rodenticide Act; the Toxic Substances Control Act, etc.). The program will increase the number of agents to complete its three-year hiring strategy of raising its special agent workforce to 200 criminal investigators. With these resources, the program will expand its capacity in supporting efforts to address complex environmental cases.

The criminal enforcement program will emphasize six priority areas: national compliance and enforcement priorities, regional enforcement priorities, stationary source air cases, high impact cases, repeat or chronic civil noncompliance, and import/export violations. Working with its Federal, state and local law enforcement partners, the program's emphasis on these priorities will yield greater environmental and public health benefits and deter illegal corporate and individual behavior.

The criminal enforcement program will continue to enhance its collaboration and coordination with the civil enforcement program to ensure that the enforcement program as a whole responds to violations as effectively as possible. Enforcement is accomplished by employing an effective regional case screening process to identify the most appropriate civil or criminal enforcement responses for a particular violation, and by taking criminal enforcement actions against long-term or repeated significant non-compliers where appropriate. Focusing on parallel proceedings and other mechanisms allowing the Agency to use the most appropriate tools to address environmental violations and crimes will also facilitate coordination.

EPA's criminal enforcement program is committed to fair and consistent enforcement of Federal laws and regulations, as balanced with the flexibility to respond to Region-specific environmental problems. Criminal enforcement has management oversight controls and national policies in place to ensure that violators in similar circumstances receive similar treatment under Federal environmental laws. Consistency is promoted by evaluating all investigations from the national perspective; overseeing all investigations to ensure compliance with program priorities, conducting regular "docket reviews" (detailed review of all open investigations in each EPA Regional office) to ensure consistency with investigatory discretion guidance and enforcement priorities, and developing, implementing, and periodically reviewing and revising policies and programs.

In FY 2010, the program will use data from the electronic Criminal Case Reporting System. Information associated with all closed criminal enforcement cases will be used to systematically compile a profile of criminal cases, including the extent to which the cases support Agencywide, program-specific, or Regional enforcement priorities. The program also will seek to deter environmental crime by increasing the volume and quality of leads reported to EPA by the public through the tips and complaints link on EPA's Web site. Established in 2006, the Web site has resulted in two successful prosecutions of criminal enforcement cases initiated by public feedback.



**Performance Targets:**

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Percent of recidivism				<1%	Percentage

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Percent of closed cases with criminal enforcement consequences (indictment, conviction, fine, or penalty).				33%	Percentage

During FY 2010, the two primary criminal enforcement program performance measures will be:

- recidivism (current measure, with target and baseline established in FY 2008)
- cases with an enforcement consequence (new measure, with target and baseline to be determined)

Data for the measures will be collected through the Criminal Case Reporting System.

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

- (+\$1,715.0) This reflects an increase for payroll and cost of living for all FTE.
- (+\$170.0) This reflects an increase in IT and telecommunications resources.
- (+\$1,751.0) These increased resources will support new criminal investigators' permanent change of station and mandatory training courses.
- (+10.7 FTE) These additional FTE will be used to hire additional criminal investigators and technical support for the field-based investigators, expanding the program's ability to punish and deter serious environmental offenses.

**Statutory Authority:**

RCRA; CWA; SDWA; CAA; TSCA; EPCRA; Residential Lead-Based Paint Hazard Reduction Act (RLBPHRA); FIFRA; Ocean Dumping Act (i.e., MPRSA); Pollution Prosecution Act; Title 18 General Federal Crimes (e.g., false statements, conspiracy); Powers of Environmental Protection Agency (18 U.S.C. 3063).

## **Enforcement Training**

Program Area: Enforcement

Goal: Compliance and Environmental Stewardship

Objective(s): Achieve Environmental Protection through Improved Compliance

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$2,924.9</b>	<b>\$2,938.0</b>	<b>\$3,097.0</b>	<b>\$159.0</b>
Hazardous Substance Superfund	\$785.1	\$793.0	\$851.0	\$58.0
Total Budget Authority / Obligations	\$3,710.0	\$3,731.0	\$3,948.0	\$217.0
Total Workyears	22.0	20.9	20.8	-0.1

### **Program Project Description:**

The Pollution Prosecution Act is the statutory mandate for the Agency's Enforcement Training program that provides environmental enforcement and compliance training nationwide, through EPA's National Enforcement Training Institute (NETI). The program oversees the design and delivery of core and specialized enforcement courses that sustain a well-trained workforce to carry out the Agency's enforcement and compliance goals. Courses are provided to lawyers, inspectors, civil and criminal investigators, and technical experts at all levels of government.

NETI also maintains a training center on the Internet, "NETI Online," which offers targeted technical training courses and the capability to track individual training plans. "NETI Online's" training information clearinghouse includes links to course offering lists, as well as tools for Agency training providers to assist with developing, managing, and evaluating the program's training.<sup>31</sup>

### **FY 2010 Activities and Performance Plan:**

In FY 2010, NETI will continue to develop and deliver training in enforcement and compliance assurance knowledge and skills identified in needs assessments and national strategic plans. The NETI advisory service will assist the Agency's enforcement experts to develop course agendas and materials, and determine the most effective methods to deliver quality training to the nation's enforcement professionals. The program funds training for states and tribes through cooperative agreements with state/Tribal entities.

### **Performance Targets:**

Currently, there are no specific performance measures for this program project.

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

- (+\$66.0) This reflects an increase for payroll and cost of living for existing FTE.

<sup>31</sup> For more information, refer to: <http://www.epa.gov/compliance/training/neti/index.html>

- (+\$93.0) This reflects an increase for IT and telecommunications resources.

**Statutory Authority:**

PPA; RLBPHRA; RCRA; CWA; SDWA; CAA; TSCA; EPCRA; TSCA; FIFRA; ODA; NAAEC; LPA-US/MX-BR; NEPA.

**Environmental Justice**

Program Area: Enforcement

Goal: Healthy Communities and Ecosystems

Objective(s): Communities

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$4,332.1</i></b>	<b><i>\$6,993.0</i></b>	<b><i>\$7,203.0</i></b>	<b><i>\$210.0</i></b>
Hazardous Substance Superfund	\$502.1	\$818.0	\$822.0	\$4.0
Total Budget Authority / Obligations	\$4,834.2	\$7,811.0	\$8,025.0	\$214.0
Total Workyears	21.5	20.9	32.9	12.0

**Program Project Description:**

The Environmental Justice (EJ) program addresses the environmental and public health concerns of communities disproportionately burdened by environmental harms and risks by promoting integration of environmental justice principles into EPA’s day to day activities and by supporting community efforts to better understand environmental risks in their neighborhood and better participate in efforts to address those risks.

This program facilitates the integration of EJ into all EPA programs, policies, and activities to improve environmental and public health protection for minority, low income, Tribal, and other disproportionately burdened communities. It supports proactive and meaningful approaches to encourage informed public participation, particularly among traditionally underrepresented groups, in EPA’s decision-making process. The EJ program also provides financial and technical assistance to build the long-term capacity for communities to protect and improve the conditions in their own environments. Finally, EPA’s EJ program provides leadership and assistance to other Federal agencies consistent with Executive Order (EO) 12898. EO 12898 requires each Federal agency to make achieving environmental justice part of its mission by identifying and addressing disproportionately high and adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations.<sup>32</sup>

**FY 2010 Activities and Performance Plan:**

In FY 2010, EPA’s environmental justice program will lead the integration of EJ considerations into EPA’s programs and operations and its strategic planning process. The Agency’s Strategic Plan includes a strategic target for identifying the cumulative number of communities with potential environmental justice concerns that achieve significant measurable environmental or public health improvements through collaborative problem-solving strategies. In order to effectively achieve the activities discussed below, 12 additional FTE will also support the EJ program. The program will dedicate 10 FTE to the Regions (1 per EPA Region) and 2 to the Office of Environmental Justice. The FTE will be used to promote the environmental justice

<sup>32</sup> For more information on EO 12898, please refer to: <http://www.hud.gov/offices/fheo/FHLaws/EXO12898.cfm>

integration, assist in the administration of the environmental justice grant programs, and plan for and capture measurable results in communities disproportionately burdened.

In addition, the EJ program supports each EPA Regional office and program office's efforts to implement a biennial "EJ Action Plan" that provides a roadmap for enhancing the integration of EJ into its daily work. These plans will strengthen the Agency's EJ integration efforts by establishing measurable EJ commitments from every program and regional office that will be tracked for their contributions to improvements in minority, low-income, Tribal, and other disproportionately burdened communities. The program will analyze the results of EJ program reviews conducted in FY 2009 and will be making a recommendation to the EJ Executive Steering Committee (EJ ESC) on the approach for on-going environmental justice reviews of Agency programs. In addition, the EJ program will continue to maintain an inventory of successful efforts to track and report progress in achieving results in communities disproportionately impacted.

The EJ program will work with other EPA offices to develop customized on-line tools to support the integration of EJ considerations into their day-to-day work. In addition, EPA will upgrade and maintain the on-line Environmental Justice Geographic Assessment Tool (EJGAT) to help the public, government, industry, and organizations better identify and assess environmental and public health issues in areas with EJ concerns. Available on EPA's website, the EJGAT provides ready public access to environmental, public health, and demographic information from EPA and other Federal agencies.

In FY 2010, EPA will intensify its efforts to incorporate EJ considerations in the rulemaking process. An ongoing challenge for EPA has been to develop rules that implement existing statutory authority while working to reduce disproportionate pollutant burdens and cumulative impacts from multiple sources. In FY 2010, EPA will promote a review of the statutory basis and strengthen the science to support the integration of environmental justice considerations in EPA's actions.

The EJ program also will inventory data and analytical methods suitable for decisionmaking, with regard to disproportionate environmental health impacts on minority, low-income populations. To ensure public input and knowledge about such data and analytical methods, the EJ program will host a symposium on the science of disproportionate environmental health impact analysis. The intent of this effort is to lay the foundation for developing analytical tools that can be used by Federal, state, and local governments to better quantify and characterize disproportionate environmental health impacts on minority and low income populations that may result from their programs, policies, and activities.

In FY 2010, the EJ program will continue to assist program offices and other environmental organizations and government agencies in the delivery of customized training to increase the capacity of their personnel to effectively address issues of environmental justice. This training includes both in-person presentations and development of online training. Specific topics will include EJ integration principles, incorporating EJ in regulatory analysis, and discussions of pertinent statutory authorities.

The EJ program will continue to strengthen the infrastructure for the governance and implementation of EPA activities by supporting quarterly meetings of the EJ ESC, the senior policy body for environmental justice whose leadership is critical for Agency-wide integration of environmental justice. In FY 2010, the EJ program will convene two full meetings of the National Environmental Justice Advisory Council (NEJAC), the Agency's formal advisory committee on environmental justice issues. These meetings will be augmented by meetings of issue-specific workgroups and public teleconferences. The NEJAC is an important part of the Agency's commitment to transparency and meaningful involvement. Not only will the NEJAC be charged with providing advice to EPA on broad policy issue areas such as regulatory development, climate change, fostering a green economy, and EJ integration; it will be called upon to organize community input regarding specific Agency actions such as the development of tools, monitoring plans, and community-based initiatives.

In FY 2010, EPA will maintain the Environmental Justice Collaborative Problem-Solving (CPS) Cooperative Agreement Program. This grant program provides financial assistance to affected local community-based organizations that wish to engage in constructive and collaborative problem-solving. This is achieved by utilizing tools developed by EPA and others to find viable solutions for their community's environmental and/or public health concerns. EPA also will continue to manage its Environmental Justice Small Grants program, which assists community-based organizations developing solutions to local environmental issues. Since its inception in 1994, the EJ program has awarded more than \$32 million to over 1,100 community-based organizations and others to address local environmental and/or health issues. The Agency's support of collaborative problem-solving efforts will include the annual EJ Achievement Awards, which will recognize best practices in addressing EJ issues by multiple stakeholder partnerships.

Finally, in FY 2010, the EJ program will work to promote the integration of EJ principles in the programs, policies, and activities of other Federal agencies. Pursuant to EO 12898, EPA will continue to convene the Interagency Working Group (IWG) on Environmental Justice and the EJ Program will use this mechanism to provide and foster training and technical assistance to other Federal agencies on the integration of EJ in their programs. Moreover, the EJ program will use the IWG to identify collaborative opportunities to support the achievement of environmentally sound and economically vibrant communities in keeping with environmental justice and green economy goals.

### **Performance Targets:**

Work under this program supports the Healthy Communities objective 4.2.2. In FY 2010, eight communities with potential environmental justice concerns will achieve significant measurable environmental or public health improvement through collaborative problem-solving strategies. However, measure(s) pertaining to environmental justice are under review and may be modified in the coming months.

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

- (+\$1,652.0) This reflects an increase for payroll and cost of living for all FTE.

- (+\$30.0) This reflects an increase for contracts.
- (-\$1,472.0) This change reflects a shift in grants resources to support the increase in FTE.
- (+12.0 FTE) This change reflects EPA's enhanced efforts in Environmental Justice (EJ). These resources will be used to integrate EJ considerations in EPA's programs, policies, and activities, and to provide increased support for capacity building of communities disproportionately burdened by environmental harms and risks.

**Statutory Authority:**

Executive Order 12898; RCRA; CWA; SDWA; CAA; TSCA; EPCRA; FIFRA; NEPA; Pollution Prevention Act.

**NEPA Implementation**

Program Area: Enforcement

Goal: Compliance and Environmental Stewardship

Objective(s): Improve Environmental Performance through Pollution Prevention and Other Stewardship Practices

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$14,690.1</i></b>	<b><i>\$16,281.0</i></b>	<b><i>\$18,295.0</i></b>	<b><i>\$2,014.0</i></b>
Total Budget Authority / Obligations	\$14,690.1	\$16,281.0	\$18,295.0	\$2,014.0
Total Workyears	111.5	106.0	116.0	10.0

**Program Project Description:**

As required by the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the NEPA Implementation program reviews Environmental Impact Statements (EIS) that evaluate the anticipated environmental impacts of proposed major Federal actions, including options for avoiding or mitigating them while making the comments available to the public and allowing public input. The program manages the Agency’s official filing activity for all Federal EISs, in accordance with a Memorandum of Understanding with the Council on Environmental Quality. The program also manages the review of Environmental Impact Assessments of non-governmental activities in Antarctica, in accordance with the Antarctic Science, Tourism, and Conservation Act (ASTCA).

In addition, the program fosters cooperation with other Federal agencies to ensure compliance with applicable environmental statutes, promotes better integration of pollution prevention and ecological risk assessment elements into their programs, and provides technical assistance in developing projects and associated environmental impacts that prevent adverse environmental impacts. The Agency targets high impact Federal program areas, such as energy/transportation-related projects and water resources projects. The program also develops policy and technical guidance on issues related to NEPA, the Endangered Species Act, the National Historic Preservation Act, and relevant Executive Orders (EOs).<sup>33</sup>

**FY 2010 Activities and Performance Plan:**

In FY 2010, EPA will continue to work with other Federal agencies to streamline and to improve their NEPA processes. Work also will focus on a number of key areas such as review and comment on on-shore and off-shore liquid natural gas facilities, coal bed methane development and other energy-related projects, nuclear power/hydro-power plant licensing/re-licensing, highway and airport expansion, military base realignment/redevelopment, flood control and port development, and management of national forests and public lands. The program will continue to use the web-based NEPAAssist environmental assessment tool, which assists Federal, state, and

<sup>33</sup> For more information, refer to: [www.epa.gov/compliance/nepa](http://www.epa.gov/compliance/nepa).



local agencies to identify nationally/regionally significant environmental features/resources and streamline their respective environmental review processes. EPA's successful collaboration efforts with Federal land management agencies in the West ensures the growing number of oil and natural gas development projects in that area do not cause significant adverse air quality impacts. In FY 2010, at least 70 percent of the significant impacts identified by EPA during the NEPA review of all major proposed federal actions will be mitigated in order to preserve air and water quality, wetlands, aquatic and terrestrial habitats, and endangered species; protect Environmental Justice communities; and prevent degradation of valued environmental resources.

Special emphasis will be placed in FY 2010 on implementing our NEPA responsibilities with respect to projects funded under the American Recovery and Reinvestment Act (ARRA). The ARRA is expected to increase the number of Federal projects that will require environmental review by EPA pursuant to Section 309 of the Clean Air Act and NEPA. In FY 2010, additional personnel resources will enable EPA to meet these increased environmental review responsibilities, which will help with the expeditious approval and implementation of Federal economic stimulus projects. Where appropriate, EPA will seek reimbursement for providing assistance to other agencies conducting expedited NEPA reviews under ARRA; however, such reimbursement cannot compensate the Agency for discharging its mandatory duties under section 309 of the Clean Air Act.

The NEPA Implementation program also guides EPA's own compliance with NEPA, other applicable statutes and EOs, and related Environmental Justice requirements. In FY 2008, the Agency implemented the revised 40 CFR Part 6 Regulations "Procedures for Implementing the Requirements of the Council on Environmental Quality on the National Environmental Policy Act," which established a number of new Categorical Exclusions to streamline EPA's NEPA compliance process. In FY 2010, 90 percent of EPA projects subject to NEPA environmental assessment (EA) or EIS requirements (e.g., water treatment facility projects and other grants, new source NPDES permits and EPA facilities) are expected to result in no significant environmental impact.

#### **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):**

- (+\$569.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$29.0) This reflects an increase for IT and telecommunications resources.
- (+\$1416.0 \ +10.0 FTE) This increase in payroll costs and FTE will be used to support NEPA-related responsibilities associated with projects funded by the American Recovery and Reinvestment Act (ARRA).

#### **Statutory Authority:**

CAA; NEPA; ASTCA; CWA; ESA; NHPA; AHPA; FCMA; FWCA; EO 12898.

**Program Area: Geographic Programs**

**Geographic Program: Chesapeake Bay**

Program Area: Geographic Programs

Goal: Healthy Communities and Ecosystems

Objective(s): Restore and Protect Critical Ecosystems

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$36,494.1</i></b>	<b><i>\$31,001.0</i></b>	<b><i>\$35,139.0</i></b>	<b><i>\$4,138.0</i></b>
Total Budget Authority / Obligations	\$36,494.1	\$31,001.0	\$35,139.0	\$4,138.0
Total Workyears	22.6	22.7	22.7	0.0

**Program Project Description:**

The Chesapeake Bay Program (CBP) is a unique regional partnership that has coordinated and conducted the restoration of the Chesapeake Bay since 1983. Partners of the Chesapeake Bay Program include the states of Delaware, Maryland, New York, Pennsylvania, Virginia and West Virginia; the District of Columbia; the Chesapeake Bay Commission (CBC), a tri-state legislative body; the Environmental Protection Agency, representing the Federal government; and advisory groups of citizens, scientists and local government officials.

In the last 25 years, the CBP partners have:

- Adopted the nation’s first consistent water quality standards and assessment procedures, prompting major state and local investments in nutrient removal technologies across hundreds of wastewater treatment facilities;
- Established nutrient management plans on 3.2 million farmland acres
- Preserved nearly 1 million acres of forests, wetlands, farmland and other natural resources, meeting the Program’s Land Preservation goal two years early;
- Developed science, data monitoring, models, and measures that are recognized as some of the best and most extensive in the country and often around the world;
- Placed moratoria on striped bass harvests, leading to restoration of the stock that supports 90 percent of the Atlantic Coast population;
- Advanced use of conservation tillage is practiced on more than 2 million acres;
- Planted 5,722 miles of streamside forested buffers;
- Restored 12,532 acres of wetlands; and
- Removed blockages to more than 2,000 miles of spawning grounds to help restore migratory fish.

Despite 25 years of progress, the health of the Bay and its watershed remains severely impaired, primarily by nutrients (nitrogen and phosphorus) and sediments from agriculture, development, wastewater, and air deposition. Agriculture accounts for over 40% of the nutrient loads and over 70% of the sediment loads to the Bay. Increasingly, the pressures of population growth and development are the greatest challenge to restoring and protecting the Chesapeake Bay and its watershed. Nutrients and sediments from stormwater runoff from suburban and urban sources are the only source of pollution that is increasing. Only by working more closely with roughly

1,800 local governments, who have control over development and zoning, can stormwater challenges be met.

In July 2008, the Agency submitted a report summarizing the new Chesapeake Action Plan (CAP) to Congress. The CAP is the means to enhance coordination of and accountability for the full spectrum of Federal, State, local and private partners' actions to restore the Watershed and Bay. The CAP:

- Aligns the Program's strategies and actions to the five goals of the Chesapeake 2000 agreement;
- Includes an activity database that captures the implementation actions of ten Federal agencies, six states, DC, the CBC and other partners. In 2007, the database identified over \$1 billion in restoration action. 2008 data is being quality assured now;
- Includes performance management dashboards that show status, projected progress, and set the stage for identifying obstacles and needs.

All CBP partners have access to the CAP database which will result in enhanced coordination and synergy. In 2008, the Government Accountability Office (GAO), at the request of Senator Mikulski, reviewed the Program's progress to improve reporting and to create a comprehensive, coordinated implementation strategy. GAO acknowledged recent positive actions with the development of the Chesapeake Action Plan. The GAO is expected to re-evaluate the Program's progress later in 2009.

The Program partners have approved and implemented (March 2009) a new organizational structure aligned with the CAP goals better emphasizing and focusing the critical goals and priorities of the program to:

- Change the business model of the Program to include specific adaptive management principles outlined in the CAP, clarify roles, and expand contributions of other partners;
- Coordinate specific actions and strategies, through Six Goal Implementation Teams, aligned to the major Chesapeake 2000 goals, to achieve focus and outcome-oriented results.

#### **FY 2010 Activities and Performance Plan:**

EPA continues to apply rigor to the adaptive management of the Bay Program emphasizing implementation and effective management, coordination and accountability through expanded use of the Chesapeake Action Plan and partner participation on Goal Implementation Teams. The CAP database aids articulation and tracking of partner actions with current and expected progress against explicit environmental measures and outcomes (i.e., restored water quality, aquatic habitat and fisheries, healthy watersheds, and fostered stewardship).

EPA will work with key partners to integrate their existing internal partner performance management data systems with the CAP and refine the CAP database to better support state and Federal implementation efforts. The partnership will develop interactive performance

dashboards through the Goal Implementation Teams that will help articulate and support the implementation activities and resources needed to close the gap between expected outcomes and established program goals. This will lead to better targeting of implementation activities in those sub-watersheds that will yield the greatest nutrient and sediment reductions and understanding of options to accelerate implementation.

The CAP will be further refined to develop state accountability and performance systems which will assist in coordinating and targeting implementation across the Chesapeake watershed and improve the cross-program implementation of the adaptive management system. EPA will augment funding for states and other monitoring and implementation activities to further leverage critical investments to reduce nutrient and sediment loads to the Chesapeake Bay.

EPA will develop an explicit strategy to engage local governments and local watershed groups in response to a program commitment to EPA's Inspector General. EPA will invest in key local governments and watershed organizations based on their ability to reduce nutrient and sediment loads via key sectors such as development and agricultural in urban and rural areas.

EPA's IG has also designated the Bay Program as a "management challenge" under the Federal Managers' Financial Integrity Act indicating that EPA lacks the tools, resources or authorities to be fully successful. In response, EPA is developing specific ideas for explicit actions, new tools, programs, authorities and resources to accelerate and improve restoration progress. The EPA CBPO will be reporting annually to the Deputy Administrator on progress addressing these challenges.

The Bay Program partnership is using independent program performance evaluation to critically review components of the Chesapeake Bay Program and support enhanced "adaptive management" efforts.

EPA is developing the nation's largest and most complex Total Maximum Daily Load (TMDL) for the entire Chesapeake Bay watershed. The Agency has committed to accelerate its completion from May 2011 to December 2010. The TMDL will rely on the latest science to set new nutrient and sediment allocations for each of the states. It is expected that the TMDL will be accompanied with detailed state implementation plans (e.g., tributary strategies) that describe how point and nonpoint source allocations will be achieved.

In November 2008, the Executive Council (EC) adopted a new strategy to speed up the pace of Bay restoration and become more accountable by setting two-year milestones to reduce pollution to the Bay and its rivers. The EC is scheduled to meet on May 12, 2009. Significant emphasis will be on actions to accelerate implementation, management and accountability. The chair of the EC has set the clear expectation that the May meeting will address:

- Setting two year milestones of progress to drive action and accountability;
- Devising "contingencies" and "consequences" if milestones are not met; and
- Setting a new "end date" for restoration measures to achieve needed nutrient and sediment reductions to the Bay.

The Bay Program will develop a Climate Change Action Plan in response to the Program's Scientific and Technical Advisory Committee (STAC) report, *Climate Change and the Chesapeake Bay: State-of-the-Science Review and Recommendations*, describing the impacts of climate change during the next century:

- Rising sea levels and increased coastal flooding and submergence of wetland;
- Elevating water temperatures which will promote growth of harmful algae, loss of underwater bay grasses and favor warmer water fish and shellfish;
- More erratic climate and weather conditions.

Near term actions to restore the Bay can also help address the anticipated impacts of climate change.

**Performance Targets:**

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Efficiency	Total nitrogen reduction practices implemented as a result of agricultural best management practice implementation per million dollars to implement agricultural BMPs.	45,533	48,134	49,237	48,134	Pounds

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Percent of point source phosphorus reduction goal of 6.16 million pounds achieved.	87	85	87	89	Percent goal achieved

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Percent of goal achieved for implementation of phosphorus reduction practices (expressed as progress meeting the phosphorus reduction goal of 14.36 million pounds).	62	66	64	66	Percent goal achieved

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Percent of goal achieved for implementation of sediment reduction practices (expressed as progress meeting the sediment reduction goal of 1.69 million pounds).	64	64	67	71	Percent goal achieved

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Percent of point source nitrogen reduction goal of 49.9 million pounds achieved.	69	74	74	79	Percent goal achieved

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Percent of goal achieved for implementation of nitrogen reduction practices (expressed as progress meeting the nitrogen reduction goal of 162.5 million pounds).	47	50	50	52	Percent goal achieved

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Output	Percent of forest buffer planting goal of 10,000 miles achieved.	57	60	62	65	Percent goal achieved

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Efficiency	Total nitrogen reduction practices implementation achieved as a result of agricultural best management practice implementation per million dollars to	45,533	48,134	49,237	48,134	Pounds

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
	implement agricultural BMPs. <sup>34</sup>					

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Percent of point source phosphorus reduction goal of 6.16 million pounds achieved.	87	85	87	89	Percent goal achieved

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Percent of goal achieved for implementation of phosphorus reduction practices (expressed as progress meeting the phosphorus reduction goal of 14.36 million pounds).	62	66	64	66	Percent goal achieved

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Percent of goal achieved for implementation of sediment reduction practices (expressed as progress meeting the sediment reduction goal of 1.69 million pounds).	64	64	67	71	Percent goal achieved

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Percent of point source nitrogen reduction goal of 49.9 million pounds achieved.	69	74	74	79	Percent goal achieved

<sup>34</sup> The FY 2010 Performance Target assumes that the FY09 Farm Bill funds for the Chesapeake Bay watershed will have been spent on conservation practices that will help to reach the FY 2010 Performance Target for total nitrogen reduction.



<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Percent of goal achieved for implementation of nitrogen reduction practices (expressed as progress meeting the nitrogen reduction goal of 162.5 million pounds).	47	50	50	52	Percent goal achieved

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Output	Percent of forest buffer planting goal of 10,000 miles achieved.	57	60	62	65	Percent goal achieved

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

- (+ \$145.0) This reflects increases in payroll and cost of living existing FTE.
- (+ \$3,993.0) This reflects an increase for improving coordination and accountability of the Bay Program partners including Federal, State, local, NGOs and others while further targeting implementation and monitoring activities that will accelerate the reduction of nutrient and sediment loadings to the Bay through continued enhancements of the Chesapeake Action Plan (with at least one-half of this increase for competitive grants); augmented competitive funding for state and local efforts to achieve nutrient and sediment loading reductions; and an independent program performance evaluator to critically review progress and efficacy of program implementation.

**Statutory Authority:**

CWA.

**Geographic Program: Great Lakes**

Program Area: Geographic Programs

Goal: Healthy Communities and Ecosystems

Objective(s): Restore and Protect Critical Ecosystems

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$22,968.4</b>	<b>\$23,000.0</b>	<b>\$0.0</b>	<b>(\$23,000.0)</b>
Total Budget Authority / Obligations	\$22,968.4	\$23,000.0	\$0.0	(\$23,000.0)
Total Workyears	57.1	63.1	0.0	-63.1

**Program Project Description:**

The Great Lakes are the largest system of surface freshwater on earth, containing 20 percent of the world's surface freshwater and accounting for 84 percent of the surface freshwater in the United States. The watershed includes two nations, eight U.S. states, a Canadian province, more than 40 tribes, and more than one-tenth of the U.S. population. The goal of the Agency's Great Lakes Program is to restore and maintain the chemical, physical and biological integrity of the Great Lakes Basin Ecosystem. The Great Lakes Program:

- Monitors and reports annual air and water monitoring data for nutrients, toxics and biota for five lakes in partnership with other Federal, state and Canadian agencies;
- Operates the bi-national Great Lakes Integrated Atmospheric Deposition Network;
- Performs toxic reduction activities by implementing the Great Lakes Bi-national Toxics Strategy for reduced loadings of targeted pollutants in accordance with the Great Lakes Water Quality Agreement (GLWQA);<sup>35</sup>
- Performs demonstrations and investigations related to contaminated sediments in Great Lakes, rivers, and harbors;
- Protects and restores habitat to decrease the loss of high quality ecological communities and rare species, and to increase ecosystem conditions and functions to sustain native plants and animals in habitat of the necessary size, mixture, and quality; and
- Addresses invasive species, though collaboration with partners, by emphasizing prevention of additional introductions.

(See <http://www.epa.gov/glnpo/> for more information.)

<sup>35</sup> U.S. EPA Great Lakes National Program Office. April 1997. *The Great Lakes Bi-national Toxics Strategy*. Washington, DC. <http://www.epa.gov/glnpo/p2/bns.html>.

**FY 2010 Activities and Performance Plan:**

In FY 2010, this program combines with existing Great Lakes efforts and the Great Lakes Restoration Initiative (GLRI) which targets the most significant problems in the region such as aquatic invasive species, nonpoint source pollution, and toxic and contaminated sediment.

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Average annual percentage decline for the long-term trend in concentrations of PCBs in whole lake trout and walleye samples.	6	5	5	5	Percent Annual Decrease

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Average annual percentage decline for the long-term trend in concentrations of PCBs in the air in the Great Lakes Basin.	7	7	7	7	Percent Annual Decrease

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Number of Beneficial Use Impairments removed within Areas of Concern.	16	11	21	26	Cum. Number of BUI removed

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

- (-\$8,795.0 / 63.1 FTE) This reflects transferring GLNPO FTE and associated payroll resources to the new Great Lakes Restoration Initiative in FY 2010.
- (-\$14,205.0) This reflects transferring GLNPO extramural resources to the new Great lakes Restoration Initiative in FY 2010.

**Statutory Authority:**

1990 Great Lakes Critical Programs Act; 2002 Great Lakes and Lake Champlain Act (Great Lakes Legacy Act); CWA; Coastal Wetlands Planning, Protection, and Restoration Act of 1990; Estuaries and Clean Waters Act of 2000; North American Wetlands Conservation Act; US-Canada Agreements; WRDA; 1909 The Boundary Waters Treaty; 1978 GLWQA; 1987 GLWQA; 1987 Montreal Protocol on Ozone Depleting Substances; 1996 Habitat Agenda; 1997 Canada-U.S. Great Lakes Bi-national Toxics Strategy.

**Geographic Program: Gulf of Mexico**

Program Area: Geographic Programs

Goal: Healthy Communities and Ecosystems

Objective(s): Restore and Protect Critical Ecosystems

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$4,429.0</b>	<b>\$4,578.0</b>	<b>\$4,638.0</b>	<b>\$60.0</b>
Total Budget Authority / Obligations	\$4,429.0	\$4,578.0	\$4,638.0	\$60.0
Total Workyears	13.0	14.0	14.0	0.0

**Program Project Description:**

EPA’s efforts in the Gulf of Mexico directly support a collaborative, multi-organizational Gulf states-led partnership comprised of regional businesses and industries, agriculture, state and local governments, citizens, environmental and fishery interests, and numerous Federal departments and agencies. The Gulf of Mexico Program is designed to assist the Gulf states and stakeholders in developing a regional, ecosystem-based framework for restoring and protecting the Gulf of Mexico. In response to the U.S. Ocean Action Plan, thirteen Federal agencies formed a Regional Partnership to provide support to the Gulf of Mexico Alliance, a partnership of the five Gulf states. The Gulf states have identified key priority coastal and ocean issues that are regionally significant and can be effectively addressed through cooperation at the local, state, and Federal levels.

The partnership has identified processes and financial authorities in order to leverage the resources needed to support the *Gulf of Mexico Governors’ Action Plan II* to be released in June 2009. Building on the success of the first Action Plan released in 2006, the Alliance has expanded the breadth and scope of Gulf of Mexico regional activities with the release of a Five-Year Regional Collaboration Blueprint. EPA supports this partnership’s efforts to effectively address the complex and pressing issues facing the Gulf of Mexico.

(See <http://www.epa.gov/gmpo> for more information)

**FY 2010 Activities and Performance Plan:**

The Gulf of Mexico’s environmental issues broadly affect water quality, public health, nutrient reductions, coastal restoration, and resilience. FY 2010 activities of the Gulf of Mexico Program and its partners will include:

- Supporting efforts to achieve the FY 2010 target to restore 96 impaired segments in the 13 priority coastal areas to water and habitat quality levels that meet state water quality standards;

- Supporting projects with the goal of creating, restoring or protecting 27,500 acres of important coastal and marine habitats in the Gulf of Mexico and addressing coastal community resilience;
- Supporting state and coastal community efforts to manage Harmful Algal Blooms (HABs) by continuing to implement integrated bi-national early-warning system pilot projects in Mexico. A system in Tabasco, Mexico, should be operational in 2010 with a 36-month period of performance for evaluation by supporting state and coastal community efforts to manage Harmful Algal Blooms (HABs) by continuing to implement integrated bi-national early-warning system pilots across the Northern Gulf of Mexico;
- Assisting the Gulf states in reducing contamination of seafood and local beaches through efforts to establish effective microbial source tracking methods and technologies to identify the sources of bacteria. This is imperative for developing best management practices to control fecal contamination, protect recreational water users from waterborne pathogens, and preserve the integrity of drinking source water supplies;
- Coordinating and standardizing state and Federal water quality data collection activities to maximize the efficiency and utility of water quality monitoring efforts for local managers in the Gulf region and to assure the continued effective implementation of core clean water programs;
- Supporting efforts to reduce nutrient loadings to watersheds and reduce the size of the hypoxic zone by focusing on both localized pollutant addition throughout the Basin and on nutrient loadings from the Mississippi River. EPA will increase watershed partnerships to implement best management practices, identify significant nutrient sources, identify opportunities for significant load reductions, and pilot new nutrient reduction technologies;
- Supporting coastal nutrient criteria and standards development with a Gulf State pilot and developing science and management tools for the characterization of nutrients in coastal ecosystems;
- Assisting with the development of information, tools, technologies, products, policies, or public decision processes that can be used by coastal communities to increase resilience to coastal natural hazards and sea level rise;
- Establishing public and private support for the development and deployment of the Gulf Coastal Ecosystem Learning Centers Rotational Educational Exhibits Initiative; and
- Fostering regional stewardship and awareness of Gulf coastal resources through annual Gulf Guardian Awards, developing a Public Awareness Campaign, and projects enhancing local capacity to reach underserved and underrepresented populations.

**Performance Targets:**

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Restore water and habitat quality to meet water quality standards in impaired segments in 13 priority coastal areas (cumulative starting in FY 07).	Data Avail 4/2008	64	96	96	impaired segmts

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Restore, enhance, or protect a cumulative number of acres of important coastal and marine habitats.	25,215	18,200	26,000	27,500	Acres

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Improve the overall health of coastal waters of the Gulf of Mexico on the "good/fair/poor" scale of the National Coastal Condition Report.	2.2	2.5	2.5	2.5	Scale

The Gulf of Mexico Program’s support for restoration of coastal and marine habitat is through cooperative and partnership agreements for projects. Regional collaboration of industry partners coordinated efforts of more than 72 organizations to restore a total of 25,215 acres.

The bi-national red tide monitoring system framework (HABSOS) was expanded to Veracruz, Mexico, and will continue to expand to additional Mexican states. The Gulf of Mexico Program will continue to support the Gulf States’ allied efforts to manage harmful algal blooms by implementing an integrated bi-national early-warning system and timely forecasts to improve the ability of U. S. and Mexican border state agencies to protect public health, warn fishermen and coastal resource harvesters, and disseminate relevant and accurate information to the public to reduce adverse economic impacts from harmful algal blooms.

The Gulf of Mexico Program continues to underpin the Gulf States Governors’ Alliance and the 36-month Action Plan I of 73 specific challenges designed to enhance the environmental and economic health of the Gulf of Mexico. Progress reported toward the number of near-term actions, with the leverage of the Federal Workgroup partnership, exceeded expectations at an overall 99% on track or completed. The success of the state-led and federally-supported Gulf of Mexico Alliance shows that the Gulf region is meeting tremendous challenges and has emerged as a governance model for the nation.

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

- (+\$50.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$10.0) This reflects an overall increase for EPA's efforts in supporting Gulf States and stakeholders in developing a regional, ecosystem-bases framework for restoring and protecting the Gulf of Mexico.

**Statutory Authority:**

CWA.

**Geographic Program: Lake Champlain**

Program Area: Geographic Programs

Goal: Healthy Communities and Ecosystems

Objective(s): Restore and Protect Critical Ecosystems

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$2,919.9</b>	<b>\$3,000.0</b>	<b>\$1,434.0</b>	<b>(\$1,566.0)</b>
Total Budget Authority / Obligations	\$2,919.9	\$3,000.0	\$1,434.0	(\$1,566.0)
Total Workyears	0.0	0.0	0.0	0.0

**Program Project Description:**

Lake Champlain was designated a resource of national significance by the Lake Champlain Special Designation Act (Public Law 101-596) that was signed into law on November 5, 1990. A management plan for the watershed, "Opportunities for Action," was developed to achieve the goal of the Act: to bring together people with diverse interests in the Lake to create a comprehensive pollution prevention, control, and restoration plan for protecting the future of the Lake Champlain Basin. EPA's efforts to protect Lake Champlain support the successful interstate, interagency, and international partnership undertaking the implementation of the Plan. "Opportunities for Action" is designed to address various threats to the Lake's water quality, including phosphorus loadings, invasive species, and toxic substances.

(See <http://www.epa.gov/NE/eco/lakechamplain/index.html>, <http://www.lcbp.org>, and [http://nh.water.usgs.gov/champlain\\_feds](http://nh.water.usgs.gov/champlain_feds) for more information.)

**FY 2010 Activities and Performance Plan:**

EPA works with state and local partners to protect and improve the Lake Champlain Basin's water quality, fisheries, wetlands, wildlife, recreation, and cultural resources. FY 2010 activities include:

- Continuing to work with Federal, state, provincial, and local partners to address high levels of phosphorous, which encourages algal blooms in parts of the lake, to help implement the joint Vermont and New York Lake Champlain TMDL to reduce phosphorus loads from all categories of sources (point, urban and agricultural nonpoint);
- Collaborate with the International Joint Commission (IJC) to determine critical source areas of phosphorus in the Missisquoi Bay sub-basin;
- Carrying out needed activities resulting from the Lake Champlain TMDL lawsuit and the Vermont NPDES withdrawal petition;



- Finalizing revisions and publishing the third edition of the Lake Champlain Basin Management Plan, incorporating recent developments and ongoing work in the Basin, and emphasizing phosphorus load reduction work that can be quantified;
- Implementing an ecological report card which tracks ecological status and restoration progress in the Lake Champlain Basin, and which reflects the updated Management Plan, the results of the critical source area work, and the outcomes of the lawsuit and petition;
- Preventing the introduction of an invasive form of *Didymosphenia geminata* into the Lake Champlain basin from the neighboring Connecticut River watershed by expanding education and outreach on detection and spread prevention methods;
- Monitoring the Basin for possible introduction of Asian clam and spiny waterflea;
- Monitoring the population of alewives, a recent invasive species affecting Lake Champlain, expanding efforts to educate the public on the perils of transporting baitfish, harmonizing baitfish regulations in Vermont and New York, as well as working to remove and/or prevent the entry or dispersal of this and other invasive plants, fish, and invertebrates in the basin;
- Working with partners such as the Army Corps of Engineers and the New York State Canal Corporation to devise means to reduce the likelihood that new invasive species can enter Lake Champlain from the Great Lakes through the Champlain Canal;
- Continuing work to understand the high seasonal concentrations of toxic cyanobacteria, particularly microcystin, in the northern reaches of Lake Champlain by monitoring the dynamics of its species composition, concentration, and toxicity levels; reporting on its potential health impacts; and providing necessary information to the health departments of New York and Vermont to close beaches, drinking water intakes, or take other actions as necessary;

**Performance Targets:**

Work under this program supports the Improve Water Quality on a Watershed Basis sub-objective and the Restore and Protect Critical Ecosystems objective. Currently, there are no performance measures for this specific program.

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

- (-\$1,566.0) This reduces congressional directed funding in FY 2009 for the Lake Champlain Basin. This reduction will reduce EPA support for the implementation of the Lake Basin Implementation Plan, “Opportunities for Action”, including monitoring and assessment, and addressing high nutrient levels and invasive species.

**Statutory Authority:**

1909 The Boundary Waters Treaty; 1990 Great Lakes Critical Programs Act; 2002 Great Lakes and Lake Champlain Act; CWA; North American Wetlands Conservation Act; U.S.-Canada Agreements; National Heritage Areas Act of 2006; Water Resources Development Act (WRDA) of 2000 and 2007.

**Geographic Program: Long Island Sound**

Program Area: Geographic Programs

Goal: Healthy Communities and Ecosystems

Objective(s): Restore and Protect Critical Ecosystems

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$4,827.0</i></b>	<b><i>\$3,000.0</i></b>	<b><i>\$3,000.0</i></b>	<b><i>\$0.0</i></b>
Total Budget Authority / Obligations	\$4,827.0	\$3,000.0	\$3,000.0	\$0.0
Total Workyears	0.0	0.0	0.0	0.0

**Program Project Description:**

EPA supports the protection and restoration of Long Island Sound through its Long Island Sound Office (LISO), established under Section 119 of the Clean Water Act (CWA), as amended. EPA assists the states in implementing the Sound's 1994 Comprehensive Conservation and Management Plan (CCMP), developed under Section 320 of the CWA. EPA and the States of Connecticut and New York work in partnership with regional water pollution control agencies, scientific researchers, user groups, environmental organizations, industry, and other interested organizations and individuals to restore and protect the Sound and its critical ecosystems.

The CCMP identified six critical environmental problem areas that require sustained and coordinated action to address: the effects of hypoxia on the ecosystem, including living marine resources and commercially valuable species (*e.g.*, American lobster); the impacts of toxic contamination in the food web and on living resources; pathogen contamination and pollution; floatable debris deposition; the impacts of habitat degradation and loss on the health of living resources; and the effects of land use and development on the Sound, its human population and public access to its resources. The CCMP also identifies public education, information, and participation as priority action items in protecting and restoring the Sound.

The States of New York and Connecticut are active in reducing nitrogen through their innovative and nationally-recognized pollution trading programs. In 2007, the States were below the yearly Total Maximum Daily Load (TMDL) nitrogen target by discharging 517 pounds per day or 95 tons per year better than TMDL levels. In 2008, the states restored or protected 1,199 cumulative acres of critical coastal habitat, and reopened 124 cumulative miles of river corridors to anadromous fish passage through construction of fishways or removal of barriers to fish passage, surpassing 2008 annual cumulative targets for these areas of 862 acres and 105.9 miles, respectively.

(See <http://www.longislandsoundstudy.net> and <http://www.epa.gov/region01/eco/lis> for further information.)

## **FY 2010 Activities and Performance Plan:**

EPA will continue to oversee implementation of the Long Island Sound Study (LISS) CCMP in FY 2010 by coordinating the cleanup and restoration actions of the LISS Management Conference as authorized under Sections 119 and 320 of the CWA. In FY 2010, EPA will dedicate \$3.0 million to focus on the following LISO efforts:

- Reducing the area of the seasonally impaired fish and shellfish habitats through continued emphasis on lowering Sound nitrogen loads to alleviate low oxygen levels (a condition called hypoxia). Specifically, LISO will work with the States of New York and Connecticut to implement the nitrogen Total Maximum Daily Load approved by EPA in April 2001.
- Coordinating priority watershed protection programs through the Long Island Sound Management Conference partners to ensure that efforts are directed toward priority, river and stream reaches that affect Long Island Sound. Watershed protection and nonpoint source pollution controls will help reduce the effects of runoff pollution on rivers and streams discharging to the Sound. Restoration and protection efforts will increase streamside buffer zones as natural filters of pollutants and runoff.
- Monitoring (year-round and seasonal) for water quality indicators including: biological indicators such as chlorophyll *a*, and environmental indicators, such as dissolved oxygen levels, temperature, salinity, and water clarity. This monitoring will assist Management Conference partners in assessing environmental conditions that may contribute to impaired water quality and in developing strategies to address impairments.
- Protecting and restoring critical coastal habitats that will improve the productivity of tidal wetlands, inter-tidal zones, and other key habitats that have been adversely affected by unplanned development, overuse, or land use-related pollution effects.
- Stewardship of ecologically and biologically significant areas, and identification and management of recreationally important areas, will assist in developing compatible public access and uses of the Sound's resources.
- Coordinating with the Long Island Sound Science and Technical Advisory Committee in conducting focused scientific research into the causes and effects of pollution on the Sound's living marine resources, ecosystems, water quality and human uses to assist managers and public decision-makers in developing policies and strategies to address environmental, social, and human health impacts.
- Coordinating with the Long Island Sound Citizens Advisory Committee to develop an educated population that is aware of significant environmental problems and understands the management approach to, and their role in, correcting problems.

**Performance Targets:**

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Percent of goal achieved in reducing trade-equalized (TE) point source nitrogen discharges to the Long Island Sound from the 1999 baseline of 59,146 TE/lbs/day).				60	Percent Goal Achieved

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Percent of goal achieved in restoring, protecting or enhancing 240 acres of coastal habitat from the 2008 baseline of 1,199 acres.			16	33	Percent Goal Achieved

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Percent of goal achieved in reopening 50 river and stream miles to diadromous fish passage from the 2008 baseline of 124 miles.			16	33	Miles

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Reduce point source nitrogen discharges to Long Island Sound as measured by the Long Island Sound Nitrogen Total Maximum Daily Load (TMDL).	40,440	37,323	37,323		Pounds per day

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Restore or protect acres of coastal habitat, including tidal wetlands, dunes,	1,199	862	912		Acres

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
	riparian buffers, and freshwater wetlands.					

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Reopen miles of river and stream corridor to anadromus fish passage through removal of dams and barriers or installation of by-pass structures such as fishways.	124.3	105.9	114		Miles

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Percent of goal achieved in reducing trade-equalized (TE) point source nitrogen discharges to the Long Island Sound from the 1999 baseline of 59,146 TE/lbs/day).				60	Percent Goal Achieved

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Percent of goal achieved in restoring, protecting or enhancing 240 acres of coastal habitat from the 2008 baseline of 1,199 acres.			16	33	Percent Goal Achieved

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Percent of goal achieved in reopening 50 river and stream miles to diadromous fish passage from the 2008 baseline of 124 miles.			16	33	Miles

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Reduce point source nitrogen discharges to Long Island Sound as measured by the Long Island Sound Nitrogen Total Maximum Daily Load (TMDL).	40,440	37,323	37,323		Pounds per day

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Restore or protect acres of coastal habitat, including tidal wetlands, dunes, riparian buffers, and freshwater wetlands.	1,199	862	912		Acres

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Reopen miles of river and stream corridor to anadromus fish passage through removal of dams and barriers or installation of by-pass structures such as fishways.	124.3	105.9	114		Miles

**FY 2010 Change from FY 2009 Enacted Budget (Dollar's in Thousands):**

- No change in program funding.

**Statutory Authority:**

Long Island Sound Restoration Act, P.L. 106-457 as amended by P.L. 109-137; 33 U.S.C. 1269.  
 Long Island Sound Stewardship Act, P.L. 109-353; 33 U.S.C. 1269 NOTE

**Geographic Program: Other**

Program Area: Geographic Programs

Goal: Healthy Communities and Ecosystems

Objective(s): Communities; Restore and Protect Critical Ecosystems

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$18,020.6</i></b>	<b><i>\$31,380.0</i></b>	<b><i>\$31,919.0</i></b>	<b><i>\$539.0</i></b>
Total Budget Authority / Obligations	\$18,020.6	\$31,380.0	\$31,919.0	\$539.0
Total Workyears	9.4	12.4	12.4	0.0

**Program Project Description:**

EPA targets efforts to protect and restore various communities and ecosystems impacted by environmental problems. Under this program, the Agency works with communities to develop and implement community-based approaches to mitigate diffuse sources of pollution and cumulative risk for geographic areas. The Agency also fosters community efforts to build consensus and mobilize local resources to target highest risks.

**The South Florida Program** leads special initiatives and planning activities in the South Florida region, which includes the Everglades and Florida Keys coral reef ecosystem. EPA implements, coordinates, and facilitates activities including the Clean Water Act (CWA) Section 404 Wetlands Protection Program, the Comprehensive Everglades Restoration Program (CERP), the Water Quality Protection Program for the Florida Keys National Marine Sanctuary (FKNMS), the Southeast Florida Coral Reef Initiative (SEFCRI) as directed by the U.S. Coral Reef Task Force, the Brownfields Program, and other programs.

**The Northwest Forest Program** supports interagency coordination, watershed assessment, conservation, and restoration efforts across five states in the Pacific Northwest. Key elements of the program include two collaborative, watershed-scale monitoring programs that help characterize watershed conditions across 70 million acres of Forest Service and Bureau of Land Management (BLM) administered lands in the northwest. In addition to providing status and trend information for aquatic and riparian habitats, the two monitoring programs help support adaptive management and state water quality/watershed health programs.

**The Lake Pontchartrain Basin Restoration Program** strives to restore the ecological health of the Basin by developing and funding restoration projects. It also supports related scientific and public education projects.

**The Puget Sound Program** works to protect and restore Puget Sound: an important ecosystem. EPA efforts are focused on the following high priority environmental activities consistent with Washington's 2020 Action Agenda:



- Improving water quality and upgrading shellfish bed classifications;
- Managing stormwater by implementing effective local watershed protection plans;
- Reducing sources of toxics and nutrients;
- Restoring and protecting near shore habitat; and
- Improving monitoring and science.

**The San Francisco Bay Watersheds Program** works to protect and restore water quality and ecological health of watershed and bay habitats through partnerships, interagency coordination, and project grants. Water quality priorities include:

- Invasive species prevention and management;
- Reduction of trash in waterways;
- Wetlands protection and restoration;
- Stormwater management including:
  - Urban stream restoration;
  - Low Impact Development (LID) and green infrastructure promotion;
- Water quality improvements through the implementation of TMDLs, watershed plans, and upgrading aging infrastructure; and
- Predicting, mitigating and adapting to climate change impacts on water quality.

### **Community Action for a Renewed Environment (CARE)**

Through the CARE program, EPA provides funding tools and technical support that enable communities to create collaborative partnerships that take effective actions to address local environmental problems. Since 2005, the CARE program has awarded 64 community partnerships across 32 states for \$10.4 million in grant awards with over 860 partners engaged.

### **FY 2010 Activities and Performance Plan:**

In FY 2010, EPA will protect and restore various communities and ecosystems impacted by diffuse sources of pollution. These community-based approaches will decrease the cumulative risk for geographic areas. EPA's FY 2010 efforts will focus on the following:

#### ***South Florida***

EPA is investing \$2.1 million in the South Florida Program in FY 2010 for the following activities:

- Assist with coordinating and facilitating the ongoing implementation of the Water Quality Protection Program for the FKNMS, including management of long-term status and trends monitoring projects (water quality, coral reef, and seagrass) and the associated data management program.
- Conduct studies to determine cause and effect relationships among pollutants and biological resources, implement wastewater and storm water master plans, and provide public education and outreach activities.

- Provide monetary and/or technical/managerial support for priority environmental projects and programs in South Florida, including:
  - Southeast Florida Coral Reef Initiative;
  - Water Quality Protection Strategy for the South Florida Ecosystem;
  - Integrated Mercury Study; and
  - Regional Environmental Monitoring and Assessment Program (REMAP) to assess ecosystem characteristics and conditions throughout the Everglades ecosystem.
- Implement the Wetlands Conservation, Permitting, and Mitigation Strategy.
- Support collaborative efforts through interagency workgroups/committees/task forces, including: South Florida Ecosystem Restoration Task Force; Florida Bay Program Management Committee; U.S. Army Corps of Engineers; and South Florida Urban Initiative.
- Assist with development of Total Maximum Daily Loads (TMDLs) for South Florida.
- Assist with development of and tracking National Pollutant Discharge Elimination System NPDES and other permits including discharge limits that are consistent with state and Federal law, and Federal Court consent decrees.

In FY 2010, EPA will continue to focus on the strategic targets in the 2009-2014 Strategic Plan that address important environmental markers such as stony coral cover, health and functionality of seagrass beds, water quality in the FKNMS, phosphorus levels throughout the Everglades Protection Area, and effluent limits for all discharges, including storm water treatment areas. The implementation of the Water Quality Protection Program for the Florida Keys National Marine Sanctuary is congressionally mandated and all work on coral reef protection issues is consistent with the directives issued and priorities identified by the U.S. Coral Reef Task Force.

### ***Northwest Forest***

Federal and state partners implement shared responsibilities for aquatic monitoring and watershed assessment. Efforts include refinement and utilization of monitoring approaches and modeling tools and increased integration of monitoring framework designs, monitoring protocols, and watershed health indicators. In FY 2010, EPA will invest \$1.3 million in the Northwest Forest Program for the following activities:

- Complete stream reach and watershed condition/trend monitoring in 1,200 sub-watersheds in California, Oregon, Idaho, Montana, and Washington.
- Use remote sensed data and GIS data layers to complete a 15 year roll-up assessment of 1,000 watersheds in western Oregon, Washington, and Northern California.
- Utilize upslope analysis, in-channel assessments, emerging research, and decision support models to inform management decisions and refine future monitoring efforts.

- Compile temperature and macroinvertebrate data from monitored streams to support state water quality and aquatic habitat reporting.
- Complete/utilize field reviews of grazing activities and tie back to monitoring trends, monitoring protocols, and necessary changes to management actions.
- Refine shade models to assist managers in prioritizing restoration opportunities to address stream temperature issues.
- Utilize aquatic monitoring to detect invasive species in streams and riparian areas.

### ***Lake Pontchartrain***

The program will work to restore the ecological health of the Lake Pontchartrain Basin. In FY 2010, EPA will invest \$978,000 in the Lake Pontchartrain Basin Program for the following activities:

- Completing plans and studies as identified in the Lake Pontchartrain Basin Program Comprehensive Management Plan (LPBCMP) which supports the following goals:
  - Planning and design of consolidated wastewater treatment systems which support the Agency's Sustainable Infrastructure goal;
  - Repair and replacement studies to improve existing wastewater systems; and
  - Investigation and design of storm water management systems.
- Conducting outreach and public education projects that address the goals of the LPBCMP, such as:
  - Improving the management of animal waste lagoons by educating and assisting the agricultural community on lagoon maintenance techniques;
  - Protecting and restoring critical habitats and encouraging sustainable growth by providing information and guidance on habitat protection and green development techniques; and
  - Reducing pollution at its source.

### ***Puget Sound Basin***

In FY 2010, EPA is investing \$20 million to improve water quality and minimize the adverse impacts of rapid development in the Puget Sound Basin. The program will significantly leverage federal funds with state and local partners to implement of Washington's 2020 Action Agenda in the following areas:

- Improving water quality by supporting local efforts to identify sources of pathogen pollution and implementing improved practices to reduce those sources. The goal is to protect human health by upgrading harvest classifications of approximately 125 acres of commercial shellfish beds in FY 2010;
- Restoring and protecting near shore habitat by implementing projects identified as priorities in consultation with federal, state, and local partners. Our target is to restore

and protect approximately 800 acres of tidally- and seasonally-influenced estuarine wetlands in FY 2010;

- Providing technical and financial support to local governments to reduce the adverse impacts of stormwater on the health of watersheds. Stormwater is a leading stressor on watershed health as identified in the 2020 Action Agenda;
- Reducing discharges of toxics and nutrient pollution by implementing reduction strategies developed with federal, state, and local partners. Quantitative targets will be developed in 2010;
- Supporting species recovery efforts with federal, tribal, state, and local partners; and
- Strengthening monitoring and science consistent with the Science Plan, developed by the Puget Sound Partnership Science Panel, and the advice of Federal Caucus and Canadian partners. Areas likely to receive support will include monitoring of indicator measures for accountability purposes; database support; refinement of nutrient and toxics loading, circulation, and fate models; and improved watershed assessment work to support more effective implementation activities related to water quality and salmon recovery.

### ***San Francisco Bay***

In FY 2010, EPA will invest \$5 million in the San Francisco Bay Watersheds Program for the following activities:

- Coordinate and facilitate the ongoing implementation of the San Francisco Estuary Project Comprehensive Conservation and Management Plan;
- Conduct studies effects of climate change in the Bay and its watersheds;
- Continue to provide monetary support for priority environmental projects that improve water quality, minimize the effects of urban runoff, reduce invasive species in bay and watershed habitats, and increase the sustainability of water and wastewater infrastructure;
- Continue to support restoration of wetlands acreage; and
- Provide monitoring information to state partners to assist in CWA reporting and TMDL implementation.

### **Performance Targets:**

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Improve water quality and enable the lifting of harvest restrictions in acres	1,566	450	600	1,800	Acres

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
	of shellfish bed growing areas impacted by degrading or declining water quality (cumulative from FY06).					

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Remediate acres of prioritized contaminated sediments (cumulative starting in FY09).	123	100	125	123	Acres

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Restore the acres of tidally and seasonally influenced estuarine wetlands (cumulative starting in FY06).	4,413	2,310	3,000	6,500	Acres

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Achieve "no net loss" of stony coral cover in FL Keys Nat'l Marine Sanctuary (FKNMS) and in the coastal waters of Dade, Broward, and Palm Beach Counties, FL working with all stakeholders.	Small Loss	No net loss	No net loss	No net loss	Mean Percent of Area

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Annually maintain the overall water quality of the near shore and coastal waters of the Florida Keys Nat'l	Not Maintained	Maintain	Maintain	Maintain	Water Quality

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
	Marine Sanctuary (FKNMS).					

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Annually maintain the overall health and functionality of sea grass beds in the Florida Keys National Marine Sanctuary (FKNMS) as measured by the long-term sea grass monitoring project.	Not Maintained	Maintain	Maintain	Maintain	Sea Grass Health

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Improve the water quality of the Everglades ecosystem as measured by total phosphorus, including meeting the 10 ppb total phosphorus criterion throughout the Everglades Protection Area marsh and the effluent limits to be established for discharges from stormwater treatment areas.	Not Maintained	Maintain	Maintain	Maintain phosphorus baseline and meet discharge limits	Parts per Billion

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Improve water quality and enable the lifting of harvest restrictions in acres of shellfish bed growing areas impacted by degrading or declining water quality (cumulative	1,566	450	600	1,800	Acres

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
	from FY06).					

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Remediate acres of prioritized contaminated sediments (cumulative starting in FY09).	123	100	125	123	Acres

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Restore the acres of tidally and seasonally influenced estuarine wetlands (cumulative starting in FY06).	4,413	2,310	3,000	6,500	Acres

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Achieve "no net loss" of stony coral cover in FL Keys Nat'l Marine Sanctuary (FKNMS) and in the coastal waters of Dade, Broward, and Palm Beach Counties, FL working with all stakeholders.	Small Loss	No net loss	No net loss	No net loss	Mean Percent of Area

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Annually maintain the overall water quality of the near shore and coastal waters of the Florida Keys Nat'l Marine Sanctuary (FKNMS).	Not Maintained	Maintain	Maintain	Maintain	Water Quality

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Annually maintain the	Not	Maintain	Maintain	Maintain	Sea Grass

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
	overall health and functionality of sea grass beds in the Florida Keys National Marine Sanctuary (FKNMS) as measured by the long-term sea grass monitoring project.	Maintained				Health

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Improve the water quality of the Everglades ecosystem as measured by total phosphorus, including meeting the 10 ppb total phosphorus criterion throughout the Everglades Protection Area marsh and the effluent limits to be established for discharges from stormwater treatment areas.	Not Maintained	Maintain	Maintain	Maintain phosphorus baseline and meet discharge limits	Parts per Billion

**FY 2010 Change from FY 2009 Enacted Budget (Dollar's in Thousands):**

- (+ \$64.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+ \$27.0) This increase will be used to protect and restore various communities and ecosystems impacted by environmental problems.
- (+ \$448.0) This increase will be used to create local collaborative partnerships that implement local solutions to minimize exposure to toxic pollutants and reduce their release.

**Statutory Authority:**

Florida Keys National Marine Sanctuary and Protection Act of 1990; National Marine Sanctuaries Program Amendments Act of 1992; CWA; Water Resources Development Act of 1996; Water Resources Development Act of 2000; RCRA; CERCLA; Economy Act of 1932; Intergovernmental Cooperation Act; CAA; SWDA; TSCA.



**Great Lakes Restoration**

Program Area: Geographic Programs

Goal: Healthy Communities and Ecosystems

Objective(s): Restore and Protect Critical Ecosystems

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$0.0</i></b>	<b><i>\$0.0</i></b>	<b><i>\$475,000.0</i></b>	<b><i>\$475,000.0</i></b>
Total Budget Authority / Obligations	\$0.0	\$0.0	\$475,000.0	\$475,000.0
Total Workyears	0.0	0.0	83.1	83.1

**Program Project Description:**

The Great Lakes are the largest system of surface freshwater on earth, containing 20 percent of the world’s surface freshwater and accounting for 84 percent of the surface freshwater in the United States. The watershed includes 2 nations, 8 U.S. states, a Canadian province, more than 40 tribes, and more than one-tenth of the U.S. population. The goal of the Agency’s Great Lakes Program is to restore and maintain the chemical, physical and biological integrity of the Great Lakes Basin Ecosystem. In 2010, EPA, in concert with its federal partners, begins implementation of a new Great Lakes Restoration Initiative. The Initiative identifies \$475 million for programs and projects strategically chosen to target the most significant environmental problems in the Great Lakes ecosystem. The planning, structure, programs, and projects of the Initiative are built upon the extensive work of the Great Lakes Interagency Task Force and its wide variety of stakeholders and non-governmental partners. This Initiative represents the federal government’s commitment to significantly advance Great Lakes protection and restoration pursuant to that work. Consequently, the Initiative is directing Great Lakes protection and restoration funding to the following focus areas:

- Toxic Substances and Areas of Concern
- Invasive Species
- Nearshore Health and Nonpoint Source Pollution
- Habitat and Wildlife Protection and Restoration
- Accountability, Monitoring, Evaluation, Communication, and Partnerships

Pursuant to the Initiative, EPA will work with its partners to select the best combination of programs and projects for Great Lakes protection and restoration, using principles and criteria such as:

- Ability to achieve strategic and measurable environmental outcomes.
- Feasibility for prompt implementation, for achieving visible results soon, and the ability to leverage resources.
- Opportunities for inter-agency/inter-organizational coordination and collaboration.

Funds will be used to strategically implement both federal projects and projects with states, tribes, municipalities, universities, and other organizations. Projects and activities pursuant to the Initiative will be at multiple scales (local, lake-wide, and basin-wide). (Note: These funds will not be directed toward water infrastructure activities that are addressed under the Clean Water or Drinking Water State Revolving Fund program.) EPA will transfer appropriated funding expeditiously to its partner federal agencies for subsequent use and distribution. Grants will generally be issued competitively. Agencies will be expected to maintain their base level<sup>36</sup> of Great Lakes activities and to identify new activities and projects that will support the Initiative's environmental outcomes. Priority-setting, coordination, and oversight will be done through oversight groups of the Interagency Task Force. Transparency and accountability are priorities. EPA will work with the Interagency Task Force and stakeholders in the development of an Initiative plan for 2011 and beyond.

(A Great Lakes Restoration Initiative website is under development.)

### **FY 2010 Activities and Performance Plan:**

The Initiative begins in 2010 by providing \$475 million for programs and projects strategically chosen to target the most significant environmental problems in the Great Lakes ecosystem through direct program implementation by EPA and Interagency Task Force members and by the issuance of grants and other agreements with states, tribes, municipalities, universities, and other organizations. Programs and projects expected to be initiated in FY2010 were selected in a planning process conducted through the through the Great Lakes Interagency Task Force. Specific efforts were made to determine up-front what the Initiative could accomplish in its first year and how best to make progress toward the Initiative's environmental outcomes, recognizing each agency's mission and strengths. Emphasis has been placed upon implementation and, for this first year, establishment of baselines. This process includes competitive grant programs to implement the Initiative by funding States and other partners. Interagency Task Force members plan to work together to issue requests for proposals in the summer of 2009 in order that some grants could commence as early as December, 2009.

As the lead agency for the Great Lakes Restoration Initiative, EPA has worked closely with the members of the Interagency Task Force to develop a provisional funding plan for 2010. Some details of the plan may change as we work with our Federal partners to further refine our 2010 activities; the summary below represents plans as of the time this document went to press.

Upon receiving the FY2010 appropriation for the Initiative, EPA will determine final funding targets and will develop a final 2010 funding plan, including grant programs, to present to the EPA Administrator. The Administrator, in consultation with the members of the Interagency Task Force, will select the programs and projects for funding and EPA will transfer the funds.

**Toxic Substances and Areas of Concern:** Persistent toxic substances, such as mercury and PCBs, are still present in the Great Lakes at levels which warrant fish consumption advisories in all five Lakes. Thirty (30) US Great Lakes Areas of Concern (AOCs) remain degraded with an

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<sup>36</sup> As a starting point for identifying their base, Agencies were asked to use the March 2008 OMB Great Lakes Restoration Crosscut Report to Congress.

estimated 43 millions cubic yards of contaminated sediments. Ongoing sources of persistent toxic substances to the Great Lakes include releases from contaminated bottom sediments, industrial and municipal point sources; nonpoint sources including atmospheric deposition, agricultural and urban runoff, and contaminated groundwater; and cycling of the chemicals within the Lakes. Chemicals of emerging concern may pose ecosystem health threats and must be better understood with respect to their hazards and routes of exposure, so that effective responses in a timely fashion. Principal actions proposed to protect the Great Lakes from toxic substances, clean up contaminated sediments, and restore AOCs include:

- **AOC Restoration:** EPA will issue grants to states and other stakeholders to fund projects in the AOCs to restore beneficial uses. Through the Legacy Act, four to six sediment remediation projects will commence, and will be supplemented with strategic navigational channel dredging by the US Army Corp of Engineers (USACE), habitat enhancements by US Fish and Wildlife (USFWS), and brownfield restoration and green infrastructure developments by the US Forest Service (USFS). Long term results from these activities are expected to include remediation of more than 1 million cubic yards of contaminated sediments and delisting of 5 AOCs.
- **Collections:** EPA will award grants to states, tribes, and local governments to collect up to 10 million pounds of e-waste, 10 million pills of unwanted medicines, and 1 million pounds of hazardous waste, including mercury, PCBs, and unused pesticides.
- **Human Health/Safe Fish Consumption:** EPA and Agency for Toxic Substances and Disease Registry (ATSDR) will issue grants to states and tribes to enhance and improve existing state/tribal fish consumption advisory programs. Federal agencies will issue challenge grants to health care provider associations to educate the general public with regard to benefits and risks of fish consumption. Long term results are expected to include measurable declines in mercury blood levels.
- **Total Maximum Daily Loads (TMDLs):** EPA will award grants and support contracts to define the extent of mercury and/or PCB contamination in 400 impaired Great Lakes subwatersheds and identify potential sources of mercury and/or PCB pollution in 400 impaired Great Lakes subwatersheds. Long term results are expected to include TMDLs addressing 400 impaired watersheds which identify pollutant loading capacities to guide pollutant reduction efforts in support of plans for restoring polluted watersheds. EPA will also encourage and fund implementation of the TMDLs once they are developed.
- **Early Warning System to Detect New Toxic Threats:** To inform management interventions in a timely fashion, federal agencies, including EPA, the National Oceanic and Atmospheric Administration (NOAA), USFWS, the US Geological Survey (USGS), the Agency for Toxic Substances and Disease Registry (ATSDR), and the National Park Service (NPS) will establish an early warning system to detect new toxic threats to the Great Lakes utilizing enhanced monitoring programs for Great Lakes fish, birds, mussels, and human biomonitoring, as well as sediments, tributary source loads, and air deposition studies. Agencies will also assess toxicant effects on food web dynamics and ecological health for key aquatic communities such as lake sturgeon and benthic invertebrates. As a result, agencies will work through the Great Lakes Binational Toxics Strategy to develop solutions and remedial responses.

**Invasive Species:** Progress toward restoring the Great Lakes has been significantly undermined by the effects of non-native invasive species. Over 180 non-native species now exist in the Great Lakes. The most invasive of these propagate and spread, ultimately degrading habitat, out-competing native species, and short-circuiting food webs. New invasive species can be introduced into the Great Lakes region through various pathways, including: commercial shipping, canals and waterways, trade of live organisms, and activities of recreational and resource users. Once invasive species establish a foothold in the Great Lakes, they are virtually impossible to eradicate; however, invasive species still need to be controlled to maintain the health of the Great Lakes ecosystem. Principal actions proposed to prevent new introductions of non-native invasive species in the Great Lakes basin and stop the further spread of invasives in the Great Lakes basin include:

- **Prevention:** EPA, the U.S. Coast Guard, FWS, and the Department of Transportation's Maritime Administration (DOT-MARAD) will fund the further development of up to six ballast water sampling and treatment systems for use in fresh water ecosystems by supporting the use of laboratory, land-based, and ship-board testing and coordination with the maritime industry. USFWS will increase oversight of live organisms in trade and conduct risk assessments for up to 50 nonnative species not established, but being traded, within the Great Lakes Basin. ACE and USGS will identify canals and waterways that may spread invasive species between the Great Lakes and the Mississippi River watershed so that early actions may be adopted to reduce this risk.
- **Early Detection and Control:** EPA, NOAA, USFWS, DOT-MARAD, and USGS will develop and begin implementation of coordinated monitoring surveys to detect new invaders in Great Lakes locations that have a high probability of invasion. USFWS, USGS, and ACE will begin development of invasive species control methods, and USFWS and EPA will establish competitive grant programs for the development of up to 5 new control technologies. USFWS will support on-the-ground implementation of Aquatic Nuisance Species Management Plans for each Great Lake state, supporting projects in over 60 Great Lakes communities. USFS will lead in the establishment of new weed control areas in the Great Lakes states in coordination with federal and state agencies and Great Lakes communities. The Great Lakes Fishery Commission (GLFC) proposes to improve sea lamprey control through the use of pheromones, ensuring that such implementation would not reduce existing sea lamprey control efforts. ACE will enhance the use of barriers to further reduce Sea Lamprey populations.
- **Working with User Groups:** USFWS, USFS, and NPS will enhance education and outreach to prevent the introduction and spread of invasive species through recreational uses such as hunting, fishing and recreational boating, reaching 250,000 Great Lakes users. The Animal and Plant Health Inspection Service (APHIS) will conduct an emergency response exercise to simulate the introduction of a foreign aquatic animal and expand the "Focus on Fish Health" educational campaign to heighten awareness regarding aquatic animal pathogens. NOAA and USGS will enhance the public on-line database, GLANSIS, by adding or enhancing information on ecosystem impacts of over 180 listed invaders, range-expanding invaders, and potential high-risk future invaders identified through risk-assessment and niche-matching algorithms. NPS will also demonstrate innovative techniques preventing the spread of VHS pathogen and other organisms to National Park resources.

**Nearshore Health and Nonpoint Source Pollution:** Great Lakes nearshore water quality has become degraded, as evidenced by eutrophication resulting from excessive nutrients; hazardous algal blooms; cladophora washing ashore to make unsightly, odiferous rotting mats on beaches; avian botulism; and beach closings. The environmental stressors causing these problems include excessive nutrient loadings from both point and nonpoint sources; bacteria and other pathogens responsible for beach closures and outbreaks of botulism; development and shoreline hardening which disrupt habitat and alter nutrient and contaminant runoff; and agricultural practices which increase nutrient and sediment loadings. Nonpoint sources are now the primary contributors of many pollutants, but control strategies to date have failed to deliver the degree of stream and lake restoration necessary for the protection and maintenance of the Great Lakes. Principal actions proposed to improve the health of Great Lakes nearshore areas and reduce nonpoint source pollution to levels that do not impair nearshore Great Lakes waters include:

- **Identify sources and reduce loadings of nutrients and soil erosion:** To foster reductions in the number and severity of nuisance conditions in the nearshore areas, EPA, NPS, USGS, and USDA/NRCS will collaborate to: identify the extent of pathogens, nutrients, sediment contamination, and potential sources of pollution in impaired watersheds; support implementation of approved watershed plans, including TMDLs; support research and modeling to link watershed conditions with nearshore nuisance events; document severe ecological changes to nearshore habitats of Lake Michigan; assist local governments, nonprofit organizations and agricultural producers to control erosion and sedimentation and to limit the input of associated nutrients and contaminants to the Great Lakes; and model and evaluate the impact of land use practices and changes on species, habitats, and the delivery of sediments and nonpoint pollution to the Great Lakes.
- **Improve Public Health Protection at Beaches:** To assist local health officials in better protecting beach-goers, NOAA, USGS, EPA will collaborate with state, local and tribal governments to conduct sanitary surveys at over 100 beaches that were under advisory or closed 5 or more days in 2007 to identify sources of contamination, remediate identified sources of bacteria, and create predictive models that may estimate water quality one to two days in advance. Surveys are expected to increase the percentage of known contamination sources from 24% to 79% by 2011.
- **Place-Based Watershed Implementation:** NRCS, ACE, USGS and EPA will collaborate with states and other partners to conduct on-the-ground projects to control nonpoint source runoff, erosion and sedimentation or to otherwise improve conditions on a watershed scale and by working directly with agricultural producers. Agencies will identify candidate watersheds, perform scientific analyses to target where on-the-ground actions can be most effective, and provide supplemental funding to implement those actions.
- **Generate Critical Information for Protecting Nearshore Health:** EPA, NPS, USFS, USGS and NOAA will collaborate to assess the status and trends of nearshore water conditions, tributaries and ground water; to develop nearshore environmental indicators that reflect watershed stressors; and to supplement the 2010 National Coastal Assessment project in the Great Lakes; and to develop education and outreach programs to increase awareness and understanding of various Great Lakes issues.

**Habitat and Wildlife:** A multitude of threats affect the health of Great Lakes habitats and wildlife. Habitat destruction and degradation due to development; competition from invasive species; the alteration of natural lake level fluctuations and flow regimes from dams and other control structures; toxic compounds from urban development, poor land management practices and non-point sources; and, habitat fragmentation have impacted habitat and wildlife. This has led to an altered food web, a loss of biodiversity, and poorly functioning ecosystems. The principal actions proposed to protect and restore Great Lakes habitat and wildlife include:

- **Protecting and Restoring Native Species and Habitats:** Agencies will share data and management priorities as well as implement protection and restoration actions to enhance native species and habitats. Federal agencies (FWS, ACE, NPS, NOAA, USFS, EPA, FHWA, NRCS) will begin implementation of projects directly and through grants and other agreements to reduce sedimentation and nutrient inputs, restore natural hydrological regimes, improve water quality, and protect and restore habitats including Great Lakes wetlands, islands, beaches, sand dunes, and other coastal and upland habitats. Long term results will include restoration and protection of up to 9,000 acres of upland, 1,000 acres of wetland habitats, 300 acres of globally rare island habitats, and 2,500 acres of coastal habitats; improved coastal processes and functions; and, enhanced critical migratory bird habitat.
- **Improving Aquatic Ecosystem Resiliency:** USFS, FWS, NOAA, USGS, ACE, and EPA will begin implementation of projects directly and through grants and other agreements to replace large woody debris in floodplains and streams, replace barrier culverts to restore fish passage and stream/river connectivity, and restore forested edges in riparian areas. Long term results will include benefits to populations of keystone species such as lake sturgeon, brook trout and migratory birds; removal of 40 fish passage barriers; protection and restoration of 9,000 acres of riparian and wetland habitats; and, restoration of 1,000 stream miles for fish passage and stabilization of stream banks. EPA will issue grants and contracts for projects to restore aquatic habitats leading to the delisting of two beneficial use impairments (Degraded Fish and Wildlife Populations and Loss of Fish and Wildlife Habitat) in several AOCs.
- **Managing Rare, Threatened and Endangered Species:** FWS, USFS, and USGS will begin implementation of projects directly and through grants and other agreements to benefit recovering or depleted native species endemic to the Great Lakes, thereby precluding the need for listing under the Endangered Species Act and addressing actions identified in species recovery and management plans. Long term results are expected to include progress toward restoration of populations of targeted species; quantification of landscape habitat needs for certain depleted migratory bird species; propagation of up to 1.4 million lake trout and lake sturgeon fingerlings; and completion of up to 25 fisheries population assessments for lake trout and lake sturgeon. BIA and ACE will issue grants and partnership agreements to tribal organizations for projects to protect and restore tribal wetlands and culturally significant species such as wild rice, resulting in the restoration of more than 1,500 acres of wetlands.
- **Tracking Progress on Coastal Wetlands Restoration:** EPA, FWS, and USGS will collect data for birds, amphibians, fish, invertebrates, plants, wetland extent and type, and water chemistry in 400 US coastal wetlands and provide summary information to decision makers. A combination of direct implementation and grants and other

agreements with states, tribal agencies and universities will result in the first comprehensive baseline of the health of US Great Lakes coastal wetlands. New strategies for restoring coastal wetland functions will be developed and restoration success and compliance evaluated to strengthen current and future wetland restoration projects.

**Accountability, Monitoring, Evaluation, Communication, and Partnerships:** The Great Lakes Restoration effort requires strong oversight and coordination to succeed. Existing mechanisms do not provide sufficient structure, accountability, and transparency. There are gaps in baselines and in efforts to measure and monitor key indicators of ecosystem function and to evaluate restoration progress. All of these elements are needed for informed decisions and wise investments for results. Principal efforts in order to enhance information for decision making include:

- **Accountability.** EPA will develop and implement a transparency and accountability system for the Great Lakes Restoration Initiative, including easy access via the internet to information about the Initiative such as funding, grant offerings, projects, and linkages to planning, budgeting, and results. EPA proposes to maximize the use of existing mechanisms, such as the Lakewide Management Plans, for accountability and the transfer and dissemination of information to the public.
- **Monitor and Evaluate:** Through direct program implementation, grants and other agreements, federal agencies will enhance existing monitoring and evaluation programs to the degree necessary to support informed decisions to protect and restore the physical, biological, and chemical integrity of the Great Lakes. Participation in the Global Earth Observing System of Systems by NOAA, EPA, USGS, USFWS, and other partners will enhance Great Lakes decision-making. EPA will begin to address basin wide needs such as infrastructure for uniform data quality management and real time information access. EPA will advance development and implementation of science-based indicators to better assess Great Lakes ecosystem health. EPA will continue to implement the Cooperative Science and Monitoring Initiative with Environment Canada to address Lake-specific science and monitoring needs and to include critical studies in Lake Michigan in 2010, followed by Lakes Superior, Huron, Ontario, and Erie in consecutive years. USFS will support analysis of Great Lakes forest resources and establishment of critical wildlife goals and objectives for LaMPs. Ecosystem goals and objectives will be implemented through watershed studies by ACE; fish rehabilitation and restoration plans, fish habitat partnership actions, watershed outreach/education, and fish mapping and assessment surveys by FWS; and sustainability and climate change programs by NPS. USGS proposes to develop and implement watershed models and biological indicators for ecosystem management of Great Lakes tributaries and to map groundwater in critical geographic locations (i.e., near mining and severe drawdown areas). NOAA, USEPA, USGS, USFWS, and the NPS will convene an interagency effort to develop a strategy identifying scientific priorities for assessing climate change impacts on the Great Lakes ecosystem and to better manage those impacts.
- **Communication and Partnerships:** EPA proposes to lead and support enhanced communication, coordination, and collaboration to advance both the Initiative and the US- Canada Great Lakes Water Quality Agreement. The Department of State proposes support for the Great Lakes Water Quality Agreement through binational studies or reference(s) on issues that will enhance cooperation with Canadian partners on issues of

binational importance for the Great Lakes. Partnerships will be advanced and resources and capabilities leveraged through existing collaborative efforts such as the Great Lakes Interagency Task Force and its Regional Working Group, the US-Canada Binational Executive Committee, the State of the Lakes Ecosystem Conference, the US-Canada Great Lakes Binational Toxics Strategy, Lakewide Management Plans, the Coordinated Science Monitoring Initiative and Great Lakes Fisheries management.

The following potential allocation has been developed by the Interagency Task Force, subject to factors such as funding availability, statutory authority, and development of appropriate accountability mechanisms:

Summary of FY2010 Notional Allocations by Focus Areas (thousands of dollars)							
Agency	Toxic Substances and Areas of Concern	Invasive Species	Nearshore Health and Nonpoint Source Pollution	Habitat and Wildlife Protection and Restoration	Accountability, Monitoring, Evaluation, Communication, and Partnerships	Totals	% Share
DHS-USCG	\$2,850	\$4,000				\$6,850	1.4%
DOC-NOAA	\$2,450	\$1,000	\$2,720	\$15,000	\$11,000	\$32,170	6.8%
DOD-USACE	\$9,996	\$3,250	\$14,550	\$17,600	\$500	\$45,896	9.7%
DOI-BIA				\$3,000		\$3,000	0.6%
DOI-NPS	\$2,800	\$2,738	\$1,550	\$2,862	\$500	\$10,450	2.2%
DOI-USFWS	\$5,400	\$19,859		\$32,242		\$57,501	12.1%
DOI-USGS	\$2,070	\$2,338	\$2,562	\$3,920	\$4,090	\$14,980	3.2%
DOS-GLFC		\$7,000				\$7,000	1.5%
DOS-IJC					\$300	\$300	0.1%
DOT-FHWA				\$2,500		\$2,500	0.5%
DOT-MARAD		\$3,000				\$3,000	0.6%
EPA	\$113,880	\$8,280	\$44,807	\$18,880	\$48,306	\$234,153	49.3%
HHS-ATSDR	\$5,500					\$5,500	1.2%
USDA-APHIS		\$3,000				\$3,000	0.6%
USDA-NRCS		\$1,000	\$30,642	\$2,000		\$33,642	7.1%
USDA-USFS	\$2,000	\$4,800	\$500	\$7,258	\$500	\$15,058	3.2%
<b>Totals</b>	\$146,946	\$60,265	\$97,331	\$105,262	\$65,196	\$475,000	100.0%
<b>% Share</b>	31%	13%	20%	22%	14%	100%	

### Performance Targets:

Although existing Great Lakes performance measures reflect the results of multiple EPA base programs and the activities of other organizations, some changes are expected to the measures as the Initiative is further developed. The following information pertains to EPA's existing Great Lakes measures and targets.

Since ecosystem improvement on a scale as large as the Great Lakes is likely to be reflected in time periods greater than a year, the overall Great Lakes ecosystem condition, as measured by a Great Lakes Index, will next be reported in 2011, at which time the score for overall ecosystem health of the Great Lakes is expected to improve from the score reported in FY 2007.



Following long-term trends, average concentrations of PCBs in whole lake trout and walleye samples are expected to continue to decline at a rate of 5 percent annually, on average, at monitored sites, reflecting continual improvement in Great Lakes health. Also, following long-term trends, average concentrations of toxic chemicals (PCBs) in the air at monitored sites in the Great Lakes basin are expected to continue to decline at a rate of 7 percent annually.

Forty-three AOCs have been identified: 26 located entirely within the United States; 12 located wholly within Canada; and 5 that are shared by both countries. Since 1987, the Great Lakes National Program Office (GLNPO) has tracked the 31 AOCs that are within the U.S. or shared with Canada. On June 19, 2006, the Oswego River, New York's AOC, became the first U.S. AOC to be officially removed from the list of U.S. AOCs. Through the Great Lakes Restoration Initiative, there will be a renewed efforts to de-list (clean up) the U.S. AOCs. In 2009 and 2010 States are developing targets for restoration of beneficial use impairments and long term targets for de-listing of AOCs. Concurrently, projects such as Legacy Act sediment remediation projects and WRDA projects, are being identified, and strategically implemented to help achieve those targets.

Total sediment remediation in the U.S. portion of the Great Lakes varies from year to year based on factors such as available funding and match, the number and size of projects, and the possibility of enforcement actions in various EPA programs. The Great Lakes Legacy Act allows EPA to make steadier progress toward addressing the remaining contaminated sediments in Great Lakes AOCs.

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

- (+\$414,433.0 / +25 FTE) This reflects new funding for the GLRI which will use outcome oriented performance goals and measures to target the most significant problems in the region, such as aquatic invasive species, nonpoint source pollution, and toxics and contaminated sediment.
- (+\$9,362.0 / +63.1 FTE) This reflects payroll and cost of living for existing FTE transferred from the Geographic Program: Great Lakes program project/Great Lakes National Program Office (GLNPO).
- (+\$14,205.0) This reflects the incoming transfer of extramural dollars from GLNPO.
- (+\$37,000.0) This reflects the incoming transfer of extramural dollars from the Great Lakes Legacy Act.

**Statutory Authority:**

1990 Great Lakes Critical Programs Act; 2002 Great Lakes and Lake Champlain Act (Great Lakes Legacy Act); CWA; Coastal Wetlands Planning, Protection, and Restoration Act of 1990; Estuaries and Clean Waters Act of 2000; North American Wetlands Conservation Act; US-Canada Agreements; WRDA; 1909 The Boundary Waters Treaty; 1978 GLWQA; 1987

GLWQA; 1987 Montreal Protocol on Ozone Depleting Substances; 1996 Habitat Agenda; 1997 Canada-U.S. Great Lakes Bi-national Toxics Strategy. In addition, EPA has proposed new statutory language as administrative provisions for the FY 2010 Department of the Interior, Environment, and Related Agencies Appropriations Act. Among other things, the language would give EPA independent statutory interagency agreement authority and implementing grant authority in support of the Initiative and the Great Lakes Water Quality Agreement, and additional sediment remediation authority. This new authority is important to the success of the Initiative. Agencies are expected to use numerous other statutory authorities, intrinsic to their programs, in support of the Initiative.

**Program Area: Homeland Security**

## Homeland Security: Communication and Information

Program Area: Homeland 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)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$6,611.6</b>	<b>\$6,899.0</b>	<b>\$7,030.0</b>	<b>\$131.0</b>
Total Budget Authority / Obligations	\$6,611.6	\$6,899.0	\$7,030.0	\$131.0
Total Workyears	14.3	17.0	17.0	0.0

### **Program Project Description:**

This program designs, develops, deploys and maintains a secure and stable infrastructure to support the Agency's critical communications and data-transfer demands in the event of a national or local disaster. This infrastructure provides rapid access to communication tools, accelerated transfers of data, models and maps to support response activities (e.g., plume models and maps to determine the extent of contamination), and enhance staff access to all EPA data and Web resources. This program also supports a dispersed workforce in the event of a large-scale catastrophic incident, a Continuity of Operations (COOP) Plan, or pandemic situation. This program also enables video contact between localities, headquarters, Regional offices, and laboratories in emergency situations.

The Homeland Security Strategy and use of an Agency-wide Homeland Security Collaborative Network (HSCN) support the Agency's ability to effectively implement its broad range of homeland security responsibilities, ensure consistent development and implementation of homeland security policies and procedures, avoid duplication, and build a network of partners so that EPA's homeland security efforts are integrated into Federal homeland security efforts. This program also serves to capitalize on the concept of "dual-benefits" so that EPA's homeland security efforts enhance and integrate with EPA core environmental programs that serve to protect human health and the environment. Homeland Security information technology efforts are closely coordinated with the Agency-wide Information Security and Infrastructure activities, which are managed in the Information Security and IT/Data Management programs.

### **FY 2010 Activities and Performance Plan:**

EPA will continue to coordinate with the U.S. Intelligence Community, including the Office of the Director for National Intelligence, the Department of Homeland Security, the Central Intelligence Agency, the National Security Agency, the Federal Bureau of Investigation, the Department of Defense, and the White House Homeland Security Council. EPA will ensure that

interagency intelligence-related planning and operational requirements are met. EPA also will track emerging national/homeland security issues in order to anticipate and avoid crisis situations and target Agency efforts proactively against threats to the United States.

EPA's FY 2010 resources will continue to support the Agency's rapid response infrastructure by delivering increased network capacity, expanding the Agency's bandwidth functions (e.g., Voice over IP), and other related IPV6 improvements. These capabilities will allow secure, reliable, and high-speed data access and communication to first responders, on-scene coordinators, emergency response teams, headquarters support teams, and investigators, wherever they are located (regardless of what jurisdiction they operate under), and support EPA's homeland security responsibilities.

In FY 2010, EPA will:

- Continue deployment of wireless infrastructure to all agency personnel to respond rapidly in emergency situations by enabling IT asset mobility throughout EPA facilities;
- Continue maintenance activities; and
- Perform upgrades (i.e., rewiring, infrastructure cabling, and switch replacements) in several EPA Regional offices and laboratories.

**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):**

- (+\$123.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$8.0) This increase supports additional EPA building security efforts.

**Statutory Authority:**

NCP; CERCLA; SDWA; CWA; CAA; Bio Terrorism Act; Homeland Security Act of 2002; Defense Against Weapons of Mass Destruction Act (Title XIV of Public Law 104-201).

**Homeland Security: Critical Infrastructure Protection**

Program Area: Homeland Security  
Goal: Clean Air and Global Climate Change  
Objective(s): Healthier Outdoor Air

Goal: Clean and Safe Water  
Objective(s): Protect Human Health

Goal: Compliance and Environmental Stewardship  
Objective(s): Achieve Environmental Protection through Improved Compliance

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$4,814.4</i></b>	<b><i>\$6,837.0</i></b>	<b><i>\$7,014.0</i></b>	<b><i>\$177.0</i></b>
Science & Technology	\$32,656.7	\$19,460.0	\$28,329.0	\$8,869.0
Hazardous Substance Superfund	\$1,766.3	\$1,736.0	\$1,824.0	\$88.0
Total Budget Authority / Obligations	\$39,237.4	\$28,033.0	\$37,167.0	\$9,134.0
Total Workyears	47.3	49.0	49.0	0.0

**Program Project Description:**

This program includes a number of EPA activities that coordinate and support the protection of the nation’s critical public infrastructure from terrorist threats. EPA activities support effective information sharing and dissemination to help protect critical water infrastructure. Support to state and local governments also helps develop methods to detect anomalies in ambient air. EPA also provides subject matter expertise in environmental criminal investigations and training support for terrorism-related investigations.

**FY 2010 Activities and Performance Plan:**

Information Sharing Networks & Water Security

In FY 2010, EPA will continue to build its capacity to identify and respond to threats to critical national water infrastructure. EPA’s wastewater and drinking water security efforts will continue to support the water sector by providing access to information sharing tools and mechanisms that provide timely information on contaminant properties, water treatment effectiveness, detection technologies, analytical protocols, and laboratory capabilities for use in responding to a water contamination event. EPA will continue to support effective communication conduits to disseminate threat and incident information and to serve as a clearing-house for sensitive information. EPA promotes information sharing between the water sector and such groups as environmental professionals and scientists, law enforcement and public health agencies, the intelligence community, and technical assistance providers. Through such exchange, water systems can obtain up-to-date information on current technologies in water security, accurately assess their vulnerabilities to terror acts, and work cooperatively with public

health officials, first responders, and law enforcement officials to respond effectively in the event of an emergency.

EPA continues to partner with available information sharing networks to promote drinking water and wastewater utilities' access to up-to-date security information. In FY 2010, EPA will increase the water sector's participation in these critical networks by providing access for up to 4,000 drinking water and wastewater utilities which do not currently participate in such networks. This effort will ensure that these utilities have access to a comprehensive range of important materials, including tools, training, and protocols, some of which may be sensitive and therefore not generally available through other means. This work also will enable water utilities of all sizes to gain access to a rapid notification system. Participating utilities will then receive alerts about changes in the homeland security advisory level or to Regional and national trends in certain types of water-related incidents. Access to such information sharing networks allows the water sector not only to improve their understanding of the latest water security and resiliency protocols and threats, but also to reduce their risk by enhancing their ability to prepare for an emergency. The FY 2010 request level for the information sharing networks is \$2.6 million.

EPA also supports the Regions' emergency response activities by providing specific skills trainings (e.g., ICS Group Supervisor, damage assessment, health and safety, reimbursement protocols, etc.), exercises, and personal protective equipment relevant to preparing for a water infrastructure disaster.

### Counterterrorism

In FY 2010, EPA will continue to train its criminal investigators within the Criminal Enforcement, Forensics and Training Program in "Hot Zone Forensic Evidence Collection," typically utilized at crime scenes involving Weapons of Mass Destruction (WMD), as well as environmental crimes. The program will continue this multi-year effort to train and provide these agents with the necessary specialized response skills and evidence collection equipment. This will enable the agents to collect evidence and process a crime scene safely and effectively in a contaminated environment (hot zone). Personnel trained under this program will be incorporated into the Agency's Response Support Corps and will be utilized to supplement the Agency's critical infrastructure support missions as outlined in the various Emergency Support Functions of the National Response Framework (NRF).

The Agency will provide advanced crime scene processing and forensic training to criminal investigators assigned to the National Counter Terrorism Evidence Response Team (NCERT). NCERT will continue to provide environmental expertise for criminal cases and support the FBI and Department of Homeland Security (DHS) during select National Special Security Events (NSSE) and also will supply the required support as described in the various Emergency Support Functions (ESFs) of the National Response Framework (NRF) during a national emergency. Additionally, agents in the Homeland Security program will provide more robust support, involving evidence collection, to the BioWatch, Water Security Initiative, and RadNet programs.

## Monitoring

EPA will continue to provide support for infrastructure protection by assisting state and local governments to develop methods for detecting anomalies in ambient air. This includes the continued development of source-oriented, near-field modeling science and techniques to address direct releases or emissions of toxic and/or harmful air pollutants as well as the development and improvements of multi-pollutant models to demonstrate effects of air threats to air quality. For monitoring, EPA will continue the testing and improvement of monitoring technologies and institutional infrastructure of the Federal, state and local ambient air monitoring networks and capabilities. EPA will provide technical assistance, as necessary, to respond to or be prepared for an air quality threat in the United States.

### **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):**

- (+\$82.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$95.0) This increase supports efforts to improve monitoring and information sharing networks.

### **Statutory Authority:**

SDWA; CWA; Public Health Security and Bioterrorism Emergency and Response Act of 2002; EPCRA; CAA; RCRA; TSCA; Residential Lead-Based Paint Hazard Reduction Act; FIFRA; ODA; NEPA; North American Agreement on Environmental Cooperation; 1983 La Paz Agreement on U.S.- Mexico Border Region; Pollution Prosecution Act.



**Homeland Security: Preparedness, Response, and Recovery**

Goal: Healthy Communities and Ecosystems

Objective(s): Chemical and Pesticide Risks

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$4,105.3</i></b>	<b><i>\$3,378.0</i></b>	<b><i>\$3,443.0</i></b>	<b><i>\$65.0</i></b>
Science & Technology	\$40,807.3	\$43,671.0	\$42,409.0	(\$1,262.0)
Hazardous Substance Superfund	\$45,283.2	\$53,641.0	\$53,543.0	(\$98.0)
Total Budget Authority / Obligations	\$90,195.8	\$100,690.0	\$99,395.0	(\$1,295.0)
Total Workyears	176.5	174.2	174.2	0.0

**Program Project Description:**

EPA plays a lead role in protecting U.S. citizens and the environment from the effects of attacks that release chemical, biological, and radiological agents. EPA's Homeland Security Emergency Preparedness and Response program develops and maintains an Agencywide capability to prepare for and respond to large-scale catastrophic incidents with emphasis on those that may involve Weapons of Mass Destruction (WMD). EPA continues to increase the state of preparedness for homeland security incidents. The response to chemical agents is different from the response to biological agents, but for both, the goals are to facilitate preparedness, safe response by first responders, safe re-occupancy of buildings or other locations, and to protect the production of crops, livestock, and food in the U.S. In the case of chemical agents, EPA is developing new information to assist emergency planners and first responders in assessing immediate hazards. In the case of biological agents, EPA is developing and validating test methods and surrogates used to evaluate the efficacy of antimicrobial pesticides used to decontaminate environmental surfaces contaminated with specific biological threat agents. In addition, EPA is working with USDA to test the efficacy of readily available chemical pesticide products for effectiveness against Foreign Animal Disease agents and their use in decontamination of food and agricultural facilities. Finally, EPA is participating in EPA-wide efforts to build environmental laboratory capacity and capability.

**FY 2010 Activities and Performance Plan:**

Emergency planners and first responders use Acute Exposure Guideline Levels (AEGLs) to prepare for and deal with chemical emergencies by determining safe exposure levels. Following September 11, 2001, a series of investments in the Homeland Security: Preparedness, Response, and Recovery chemical program augmented resources to support accelerated development of Proposed AEGL values. In FY 2009, the program shifted emphasis from producing Proposed values to creating Interim and ultimately Final status via peer review by the National Academies of Science. Accordingly, in FY 2010, the program plans to develop Proposed AEGL values for up to 18 additional chemicals and will remain on target to meet its long-term goal of developing Proposed AEGL values for approximately 260 chemicals by 2011. In addition, Final values will be completed for at least fourteen additional chemicals in FY 2010. By September 2009, the

AEGL Program will have addressed all of the chemicals on the current list with the possible exception of 1-5 chemicals. An additional 30 chemicals are being considered for addition to the list, but the decision about whether to add them has not yet been made. In FY 2010, the emphasis will be on finalizing already developed AEGL values. For more information, please visit <http://www.epa.gov/oppt/aegl>.

Also, in FY 2010, EPA will make decisions on pesticide registrations or emergency exemptions, if requested by industry or government agencies, to protect human health and agriculture from bio-agents. EPA also will assist DHS and other agencies in completing guidance on procedures, plans, and technologies to: 1) restore airports following a biological attack, 2) develop a risk management framework for decision-makers for restoration and recovery from a biological incident, and 3) respond to and recover from Bacillus anthracis contamination of a large urban area.

**Performance Targets:**

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Output	Annual number of chemicals with proposed values for Acute Exposure Guidelines Levels (AEGL)	28	24	18	18	Chemicals

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Output	Annual number of chemicals with final values for Acute Exposure Guidelines Levels (AEGL)	37	Baseline	6	14	Chemicals

This program has consistently exceeded its performance targets reflecting significantly greater than expected progress in developing Proposed AEGL values due in part to unanticipated opportunities to develop values for categories of similar chemicals. Cumulative results demonstrate a total of 246 proposed AEGLs completed and demonstrate significant progress towards completing 287 chemicals by 2011. In FY 2010, the program continues to shift its emphasis to interim and final status AEGLs, which explains the continuation of a reduced target of 18 in developing proposed AEGLs in FY 2010. This is offset by a commitment to complete 14 final AEGL values in FY 2010.

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

- (+\$15.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$50.0) This reflects an increase in support of AEGLs development.

**Statutory Authority:**

Public Health Security and Bioterrorism Emergency and Response Act of 2002; CERCLA; SARA; TSCA; Oil Pollution Act; Pollution Prevention Act; RCRA; EPCRA; SDWA; CWA; CAA; FIFRA; FFDCA; FQPA; Ocean Dumping Act; Public Health Service Act, as amended; 42 U.S.C. 201 et seq.; Executive Order 10831 (1970); Public Law 86-373; PRIA.

**Homeland Security: Protection of EPA Personnel and Infrastructure**

Program Area: Homeland 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)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$5,462.5</i></b>	<b><i>\$6,292.0</i></b>	<b><i>\$6,414.0</i></b>	<b><i>\$122.0</i></b>
Science & Technology	\$1,428.1	\$587.0	\$594.0	\$7.0
Building and Facilities	\$8,225.9	\$8,070.0	\$8,070.0	\$0.0
Hazardous Substance Superfund	\$585.0	\$1,194.0	\$1,194.0	\$0.0
Total Budget Authority / Obligations	\$15,701.5	\$16,143.0	\$16,272.0	\$129.0
Total Workyears	2.9	3.0	3.0	0.0

**Program Project Description:**

This Homeland Security program is composed of three distinct elements: (1) Physical Security - ensuring EPA's physical structures and critical assets are secure and operational with adequate security procedures in place to safeguard staff in the event of an emergency; (2) Personnel Security - initiating and adjudicating personnel security investigations; and (3) National Security Information - classifying and safeguarding sensitive mission critical data.

**FY 2010 Activities and Performance Plan:**

In FY 2010, the Agency will focus on issuing secure and reliable identification (smart cards) to all employees and select non-federal workers. Federal Information Processing Standard (FIPS) 201-1, issued by the National Institute of Standards and Technology, establishes the technical specifications for the smart cards. Additionally, EPA will continue its physical security activities on a regular basis, including conducting security vulnerability assessments and mitigation at EPA's facilities nationwide.

Personnel security will play a major role in the Agency's new EPA Personnel Access Security System (EPASS) deployment. Concurrent with new EPASS responsibilities, the personnel security program will continue to: perform position risk designations; prescreen prospective new hires; process national security clearances; and maintain personnel security files and information on more than 26,000 employees and select non-Federal workers.

Regarding National security information, FY 2010 activities will include classifying, declassifying, and safeguarding classified information; identifying and marking of classified information; education, training, and outreach; and audits and self inspections. In addition,

certification and accreditation of Secure Access Facilities (SAFs) and Sensitive Compartmented Information Facilities (SCIFs) will continue.

**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):**

- (+\$21.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$101.0) This provides additional resources for classifying and safeguarding classified information as part of the Agency's efforts to achieve accreditation for SAFs and SCIFs.

**Statutory Authority:**

The National Security Strategy; Intelligence Reform and Terrorism Prevention Act of 2004; Executive Orders 10450, 12958, and 12968; Title V CFR Parts 731 and 732.

**Program Area: Indoor Air**

**Indoor Air: Radon Program**

Program Area: Indoor Air

Goal: Clean Air and Global Climate Change

Objective(s): Healthier Indoor Air

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$5,269.5</b>	<b>\$5,383.0</b>	<b>\$5,576.0</b>	<b>\$193.0</b>
Science & Technology	\$437.8	\$403.0	\$422.0	\$19.0
Total Budget Authority / Obligations	\$5,707.3	\$5,786.0	\$5,998.0	\$212.0
Total Workyears	38.8	39.4	39.4	0.0

**Program Project Description:**

EPA’s non-regulatory indoor radon program promotes voluntary public action to reduce health risk from indoor radon (second only to smoking as a cause of lung cancer). EPA and the Surgeon General recommend that people do a simple home test and, if levels above EPA’s guidelines are confirmed, reduce those levels by home mitigation using inexpensive and proven techniques. EPA also recommends that new homes be built using radon-resistant features in areas where there is elevated radon. This voluntary program includes national, Regional, state, and Tribal programs and activities that promote radon risk reduction activities.

**FY 2010 Activities and Performance Plan:**

In FY 2010, EPA will:

- Continue to partner with national organizations and conduct public outreach on radon risks and solutions;
- Work with states, tribes, and localities to improve their radon programs to increase risk reduction;
- Continue partnerships that will make radon risk reduction a normal part of doing business in the marketplace; and
- Expand scientific knowledge and technologies to support and drive aggressive action on radon in conjunction with partners.

In FY 2010, EPA will continue to promote public action to test homes for indoor radon. Where levels are above the action level, the Agency will continue to: a) encourage builders to construct new homes with radon-resistant features in areas where there is elevated radon and b) encourage radon action during real estate transactions.

EPA also will continue its work with national partners to inform and motivate public action. As part of this outreach, EPA communicates risk estimates from the National Academy of Sciences that demonstrate the substantial risks associated with radon exposure.

The Indoor Air program is not regulatory; instead, EPA works toward its goal by conducting research and promoting appropriate risk reduction actions through voluntary education and outreach programs. The Agency will continue to focus on making efficiency improvements and plans to improve transparency by making state radon grantee performance data available to the public via a website or other easily accessible means.

The majority of Federal resources directed to radon risk reduction are allotted to states under the State Indoor Radon Grants program. EPA strategically employs its programmatic resources to underwrite its national leadership of the Federal/state/private coalition attacking national radon risk. EPA targets its efforts to public outreach and education activities designed to increase the public-health effectiveness of state and private efforts. This includes support for national public information campaigns that attract millions of dollars in donated air time, identification and dissemination of “best practices” from the highest achieving states for transfer across the nation, public support for local and state adoption of radon prevention standards in building codes, coordination of national voluntary standards (e.g., mitigation and construction protocols) for adoption by states and the radon industry, and numerous other activities strategically selected to promote individual action to test and mitigate homes and promote radon-resistant new construction.

**Performance Targets:**

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Number of additional homes (new and existing) with radon reducing features	Avail. 2010	225,000	265,000	280,000	Homes

In FY 2010, EPA’s goal is to add approximately 280,000 homes with radon reducing features, bringing the cumulative number of U.S. homes with radon reducing features to over two million. EPA estimates that this cumulative number will prevent over 900 future premature cancer deaths (each year these radon reducing features are in place). EPA will track progress against the measure, in the table above, triennially with the next report date in FY 2010.

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

- (+\$177.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$16.0) This increase provides additional resources to assist in radon mitigation and risk reduction efforts.

**Statutory Authority:**

CAA Amendments of 1990; IRRA, Section 306; Radon Gas and Indoor Air Quality Research Act; Title IV of the SARA of 1986; TSCA, section 6, Titles II and Title III (15 U.S.C. 2605 and 2641-2671), and Section 10.



**Reduce Risks from Indoor Air**

Program Area: Indoor Air

Goal: Clean Air and Global Climate Change

Objective(s): Healthier Indoor Air

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$24,009.8</b>	<b>\$20,512.0</b>	<b>\$21,073.0</b>	<b>\$561.0</b>
Science & Technology	\$702.9	\$717.0	\$735.0	\$18.0
Total Budget Authority / Obligations	\$24,712.7	\$21,229.0	\$21,808.0	\$579.0
Total Workyears	63.9	63.8	63.8	0.0

**Program Project Description:**

In this non-regulatory, voluntary program, EPA works through partnerships with non-governmental organizations and Federal partners as well as professional organizations to educate and encourage individuals, schools, industry, the health care community, and others to take action to reduce health risks from poor indoor air quality. Air inside homes, schools, and workplaces can be more polluted than outdoor air in the largest and most industrialized cities. (U.S. EPA. 1987. *The Total Exposure Assessment Methodology (TEAM) Study: Summary and Analysis Volume I*. EPA 600-6-87-002a. Washington, DC: Government Printing Office.) People typically spend close to 90 percent of their time indoors and may be more at risk from indoor than outdoor air pollution. (U.S. EPA. 1989. *Report to Congress on Indoor Air Quality, Volume II: Assessment and Control of Indoor Air Pollution*. EPA 40-6-89-001C. Washington, DC: Government Printing Office.)

Additionally, EPA uses technology transfer to improve the design, operation, and maintenance of buildings, including schools, homes, and workplaces, to promote healthier indoor air. EPA provides technical assistance that directly supports states, local governments and public health organizations.

**FY 2010 Activities and Performance Plan:**

In FY 2010, EPA will continue to promote community adoption of comprehensive asthma-care programs that emphasize management of environmental asthma triggers, such as tobacco smoke, dust mites, mold, pet dander, cockroaches and other pests, and nitrogen dioxide. Working principally with Federal and non-profit partners, EPA will focus its efforts on reaching populations disproportionately impacted by asthma and environmental tobacco smoke.

EPA will work in partnership and collaboration with other Federal agencies, the health care community, and state and local organizations to promote its Smoke-free Homes Pledge Campaign. In addition, EPA will continue to work with the health care provider community to integrate environmental asthma management into the standards of care for asthma.

Through its remaining partnership agreements, EPA will continue to reach out to the school community to encourage adoption of the Indoor Air Quality Tools for Schools (IAQ TfS) approach or comparable indoor air quality programs. For new construction and renovation, EPA will promote Design Tools for Schools (DTfS)<sup>37</sup>, a web-based guidance tool, as well as EPA’s Healthy School Environments Assessment Tool (HealthySEAT), which assists school districts in integrating indoor air quality and performance goals into the design, construction, and renovation of school buildings. EPA uses partnerships to inform and motivate school officials, school nurses, teachers, facility managers and planners, and parents to improve indoor air quality (IAQ) in schools.

EPA also will promote a suite of “best practice” guidance, including guidance for the control and management of moisture and mold in commercial and public buildings, comprehensive best practice guidance for IAQ during each phase of the building cycle, and subsequent best maintenance practices for indoor environmental quality and energy efficiency, due to ongoing increased growth in allergy rates.

Internationally, EPA will continue to work to provide technology transfer to developing countries so that individuals and organizations within those countries have the tools to address human health risk due to indoor smoke from cooking fires. Since 2003, the indoor air program has helped 1.4 million households across the globe, an estimated eight million people, adopt clean and efficient cooking technologies.

Asthma

EPA will continue to work under its long term 2014 goal to educate 7.2 million people with asthma in how to take the essential actions to reduce their exposure to environmental triggers. EPA’s goal has been to motivate an additional 400,000 people with asthma to take these actions in 2010, bringing the total number to approximately 5.7 million people with asthma who have been exposed to EPA’s outreach and education programs. EPA will work to reduce existing disparities between disproportionately impacted populations and the overall population.

EPA also will continue to work toward its long term 2012 goal that 40,000 primary and secondary schools (35% of schools) will be implementing effective indoor air quality management programs consistent with EPA guidance.

The Indoor Air program will continue to focus on making efficiency improvements in response to recommendations from OMB. EPA will track progress against the efficiency measures included in the tables above triennially with the next planned report date in FY 2009.

**Performance Targets:**

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Estimated annual number of schools establishing indoor air quality programs based	Avail. 2009	1100	1000	1000	Number

<sup>37</sup> [www.epa.gov/iaq/schooldesign](http://www.epa.gov/iaq/schooldesign).

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
	on EPA's Tools for Schools guidance.					

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Output	Additional health care professionals trained annually by EPA and its partner on the environmental management of asthma triggers.	Avail. 2009	2000	2000	2000	Number

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Percentage of public that is aware of the asthma program's media campaign.	Avail. 2009	>20	>20	>30	Percentage

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

- (+\$372.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$189.0) This reflects additional resources for the adoption of community-based comprehensive asthma-care programs that emphasize management of environmental asthma triggers.

**Statutory Authority:**

CAA Amendments of 1990; Title IV of the SARA of 1986.

**Program Area: Information Exchange / Outreach**

**Children and Other Sensitive Populations: Agency Coordination**

Program Area: Information Exchange / Outreach

Goal: Healthy Communities and Ecosystems

Objective(s): Communities

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$7,226.7</b>	<b>\$6,071.0</b>	<b>\$6,515.0</b>	<b>\$444.0</b>
Total Budget Authority / Obligations	\$7,226.7	\$6,071.0	\$6,515.0	\$444.0
Total Workyears	13.7	11.9	11.9	0.0

**Program Project Description:**

The Children and other Sensitive Populations: Agency Coordination program advocates for and facilitates the consideration of children's environmental health concerns, as identified in the Agency's *National Agenda to Protect Children's Health from Environmental Threats*, and Executive Order 13045, *Protection of Children's Health from Environmental Health Risks and Safety Risks*. EPA also recognizes that older adults are more susceptible to environmental health risks than the general population. EPA's Aging Initiative strives to protect the health of older adults. This cross-cutting, non-regulatory program works with other EPA offices, Federal agencies, states, Tribes, the public, healthcare providers, industry, and non-governmental organizations to achieve its mission. Core activities focus on building capacity, providing tools and information to inform decisions, and engaging in educational outreach activities.<sup>38</sup>

**FY 2010 Activities and Performance Plan:**

The Children and other Sensitive Populations: Agency Coordination program will ensure that EPA's policies and programs explicitly consider and use the most up-to-date data and methods for protecting children and older adults from heightened public health risks. In FY 2010, EPA also will work with states, tribes, and local governments to effectively incorporate environmental health considerations of children and older adults into new or existing programs, and will ensure that non-governmental organizations and the public (family members, health care providers, community leaders, etc.) have and use reliable/valid scientific information when making decisions that impact the health of children and older adults. (In FY 2010, the Children and other Sensitive Populations: Agency Coordination program will be funded at \$6.52 million and 11.9 FTE.)

The following are examples of current and planned activities:

- Work with other Agency offices to implement the *Guide to Considering Children's Health When Developing EPA Actions* and assist in assessing children's health risks as part of EPA's rule making activities and evaluating the application of such guidance throughout EPA.

<sup>38</sup> Please refer to: <http://yosemite.epa.gov/ochp/ochpweb.nsf/content/homepage.htm>.

- Work within EPA to generate and apply new scientific research, tools and assessments, and promote easy access to information regarding children’s environmental health. Support efforts within the Agency’s Regional offices to address children’s environmental health issues that are of high priority in their states.
- Provide tools, information, and support to build capacity in states, tribes, and local governments to protect children from environmental health risks. Support the Healthy Schools Environmental Health Assessment Tool.
- Support partners outside of the Agency to ensure healthcare providers, civic entities, and the public have access to tools and information needed to protect children and older adults from environmental health risks. EPA also helps provide health professionals and the public with consultation, education, and referral services through its support for Pediatric Environmental Health Specialty Units.
- Support the Prevention, Pesticides and Toxic Substances program’s implementation of a comprehensive program to address hazards created by renovating, repairing, and painting homes that have lead-based paint, and a final regulation to address lead-safe work practices for renovation, repair, and painting activities.

**Performance Targets:**

Work under this program supports EPA’s Objective 4.2: Communities. Currently, there are no performance measures for this specific Program.

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

- (+\$140.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$250.0) This reflects additional grants and contract resources for assessing the risks of lead to children’s health and finalizing a regulation to address lead-safe work practices for renovation, repair, and painting activities.
- (+\$54.0) This reflects an increase to grants, contracts, and expenses for the oversight and management of rule making and research on the effects of children’s asthma.

**Statutory Authority:**

Executive Order 13045.

**Environmental Education**

Program Area: Information Exchange / Outreach  
Goal: Compliance and Environmental Stewardship

Objective(s): Improve Environmental Performance through Pollution Prevention and Other Stewardship Practices

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$9,050.3</i></b>	<b><i>\$8,979.0</i></b>	<b><i>\$9,038.0</i></b>	<b><i>\$59.0</i></b>
Total Budget Authority / Obligations	\$9,050.3	\$8,979.0	\$9,038.0	\$59.0
Total Workyears	14.4	19.6	19.6	0.0

**Program Project Description:**

This program ensures that environmental education (EE), based on sound science and effective education practices, is used as a tool to promote the protection of human health and the environment, and to encourage student academic achievement. EPA implements the National Environmental Education Act by providing leadership and support, and working in partnership with K-12 schools, colleges and universities, Federal and state agencies, and community organizations to assess needs, establish priorities, and leverage resources. The Environmental Education program’s strategic plan, developed and revised in collaboration with the program’s multiple internal and external partners, establishes five goals that guide the program:

1. Promote the use of EE in schools and communities to improve academic achievement and environmental stewardship;
2. Increase the capacity of states to develop and deliver comprehensive statewide EE programs;
3. Promote research and evaluation that assesses the effectiveness of EE in improving environmental quality and student academic achievement;
4. Improve the quality, access, and coordination of EE information, resources, and programs;
5. Promote and encourage environmental careers.

Please see the program website for additional information ([www.epa.gov/enviroed](http://www.epa.gov/enviroed)).

**FY 2010 Activities and Performance Plan:**

(In FY 2010, a resource level of \$5.7 million and 9.7 FTE support the Environmental Education program within the EPA’s Office of Children’s Health Protection and Environmental Education.)

The National Environmental Act (NEEA) provides the foundation for the activities the Agency conducts with appropriated funds. Major programs and activities continue to include:

- National Environmental Education Grant Program;
- National Educator Training Program;

- National Network for Environmental Management Studies Fellowship Program;
- President’s Environmental Youth Awards;
- Enhancing monitoring, evaluation, and research efforts to better demonstrate program impact and results;
- Inter- and intra- agency coordination: providing technical assistance, funding, and coordination to improve EE across EPA and the Federal government;
- Managing the National Environmental Education Advisory Council and the Federal Task Force on Environmental Education;
- Providing funding to the National Environmental Education Foundation.

All activities directly support the program’s strategic plan which includes measureable objectives, and clearly identified outputs, outcomes and performance measures for each of the corresponding goals. The strategic plan ensures the program is linked to the Agency’s strategic plan and serves as the foundation for program planning, budgeting, and performance and accountability processes.

**Performance Targets:**

EPA worked with its partners to improve the program’s performance by developing measures to improve academic achievement and environmental stewardship.

<b>MEASURE TYPE</b>	<b>MEASURE</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>
Output	Cumulative number of correlations showing how national environmental education curricula can be used to meet state education standards.			160	230
Output	Percent of National Network for Environmental Management Studies (NNEMS) fellows who pursue environmental careers.			50	+25% of previous year

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

- (+\$38.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$21.0) This reflects an increase in regional grants for school systems to better integrate Environmental Education into the science curriculum.

**Statutory Authority:**

National Environmental Education Act (PL 101-619).



**Congressional, Intergovernmental, External Relations**

Program Area: Information Exchange / Outreach

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)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$48,777.5</i></b>	<b><i>\$48,456.0</i></b>	<b><i>\$50,980.0</i></b>	<b><i>\$2,524.0</i></b>
Hazardous Substance Superfund	\$145.9	\$0.0	\$0.0	\$0.0
Total Budget Authority / Obligations	\$48,923.4	\$48,456.0	\$50,980.0	\$2,524.0
Total Workyears	360.2	359.8	367.1	7.3

**Program/Project Description:**

The Congressional, Intergovernmental and External Relations program supplies the resources for several Headquarters and Regional offices to provide the vision, leadership, and support needed to enable EPA to meet its commitments to protect human health and the environment. The activities funded include Headquarters and Regional Congressional and Legislative Support associated with responding to Congressional requests for information and providing written and oral testimony, briefings, and briefing materials, the management of the Agency's Federal Advisory Committee Act (FACA) process, support for the Immediate Office of the Administrator, public affairs, administrative services, and correspondence control.

**FY 2010 Activities and Performance Plan:**

The Immediate Offices of the Administrator, Deputy Administrator, and Regional Administrators support the achievement of the Agency's strategic goals by communicating Agency proposals, actions, policy, data, research, and information through mass media, print publications, and directly via the Web. (In FY 2010, the Headquarters Office of the Administrator and Deputy Administrator will be funded at a level of \$5.82 million and 35.8 FTE.)

The Headquarters and Regional Congressional and Intergovernmental offices lead EPA's interactions with Congress, Governors and other state and local officials. In FY 2010, these offices will prepare EPA officials for hearings and meetings with Members of Congress, oversee responses to written inquiries from Members of Congress, manage Senate confirmation hearings for political appointees, and coordinate with the White House's Office of Legislative and Intergovernmental Affairs and Council for Environmental Quality. These offices also support state and local relations for EPA by managing the Administrator's Local Government Advisory

Committee (LGAC) and the Small Community Advisory Committee (SMAC) to ensure that Agency policies and regulations consider specific impacts on state and local governments and to more fully integrate the National Environmental Performance Partnerships System (NEPPS) framework and principles into the Agency's core business practices. (In FY 2010, the Headquarters Office of Congressional and Intergovernmental Relations will be funded at \$8.23 million and 61.8 FTE.)

The program manages five Federal Advisory Committee Act (FACA) committees. It is also responsible for committee management oversight to ensure that EPA's 49 federal advisory committees are in compliance with the FACA requirements and the GSA Committee Management Secretariat's administrative guidelines. In FY 2010, the Cooperative Environmental Management program will develop a framework for measuring the effectiveness of EPA's federal advisory committees, and ensure that all new or renewed committee charters include expected outputs/outcomes as a way of developing future performance measures for the committees. (In FY 2010, the Agency's Cooperative Environmental Management program (OCEM) will be funded at a level of \$2.06 million and 11.1 FTE.)

The OCEM program's key activities include establishing the Farm, Ranch, and Rural Communities Federal Advisory Committee (FRRCC) under EPA's National Strategy for Agriculture. FRRCC provides advice and recommendations to the Administrator on critical environmental policy issues impacting farms, ranches, and rural communities. The charge includes exploring impacts of climate change and renewable energy, developing tools and a comprehensive environmental strategy that considers regulatory and voluntary approaches for managing waste from livestock operations, and developing a constructive approach to address areas of common interest between sustainable agriculture and environmental protection.

In FY 2010, EPA Headquarters and Regional Public Affairs offices will utilize media and Web applications to provide easily accessible, high quality, timely, coherent, and comprehensive information concerning the Agency's activities and policies to protect human health and the environment to international and domestic populations and local, state and Tribal governments. These offices strive to increase public awareness and to enhance the public's perception of environmental issues, as well as their social, technological, and scientific solutions. Public affairs will utilize the Web to reach multiethnic and multilingual populations. (In FY 2010, the Headquarters Public Affairs Office will be funded at a level of \$5.91 million and 41.1 FTE).

In FY 2010, Executive Services will align and maximize the effective utilization of resources within the Office of the Administrator through workforce and succession planning, addressing staffing needs, conducting workload and budget projections, and providing developmental opportunities to internal and external constituencies. As the central administrative management component of the Office of the Administrator, OES provides advice, tools, and practices for the effective management, human resources, budget and financial management, and information technology. (In FY 2010, the Executive Services (OES) will be funded at \$3.43 million and 24.0 FTE.)

The Executive Secretariat manages the Administrator's and Deputy Administrator's correspondence and records, including identification and maintenance of vital records. (The Executive Secretariat will be funded at \$1.84 million and 13.6 FTE in FY 2010.)

**Performance Targets Narrative:**

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):**

- (+\$2,608.0) This reflects an increase for payroll and cost of living for existing FTE.
- (-\$84.0) This change reflects a net decrease in contract and grant expenses to provide more travel resources.
- (+7.3 FTE) This change reflects an increase in FTE to support efforts in assuring greater transparency and understanding of Headquarters policies and Regional offices' efforts in implementing these policies.

**Statutory Authority:**

As provided in Appropriations Act funding; FACA; EAlA; NAFTA Implementation Act; RLBPHRA; NAAED; LPA-US/MX-BR; CERCLA.

## Exchange Network

Program Area: Information Exchange / Outreach

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)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$14,133.2</i></b>	<b><i>\$16,860.0</i></b>	<b><i>\$18,213.0</i></b>	<b><i>\$1,353.0</i></b>
Hazardous Substance Superfund	\$1,429.8	\$1,433.0	\$1,433.0	\$0.0
Total Budget Authority / Obligations	\$15,563.0	\$18,293.0	\$19,646.0	\$1,353.0
Total Workyears	22.5	24.0	24.0	0.0

### **Program Project Description:**

The Exchange Network<sup>39</sup> (Network) is a standards-based network that uses the Internet to make it possible for states, tribes, territories, EPA and other partners to share environmental data faster, and at greater cost savings. With the Network, federal and state environmental decision-makers have better access to the right data when they need it. Access to the data will allow the sharing of information, which will improve environmental protection and results across jurisdictions. The Water Quality Exchange (WQX) project, for example, enables states to query ambient water conditions in other states and portray the quality of an entire watershed, for example along the Columbia or Missouri Rivers, or make decisions based on the totality of data available, rather than just the data they have about their own particular stream reach.

The state-led Homeland Emergency Response Exchange (HERE) uses the Network to assist environmental decision-makers. With HERE and the Exchange Network, emergency personnel can get the latest information about the location and contents of EPA and state regulated facilities containing hazardous or toxic wastes or other points of interest that may lie in the vicinity of a local emergency, such as a fire. In California firefighters have used HERE to download this GIS-displayed information onto their laptops while in their fire truck, on the way to a fire.

The Central Data Exchange<sup>40</sup> (CDX) is the largest activity within the Exchange Network program project; it is the electronic gateway through which environmental data enters the Agency. CDX enables fast, efficient and more accurate environmental data submissions from state and local governments, industry and tribes to EPA. The CDX budget supports development, test and production infrastructure, sophisticated hardware and software, data exchange and Web form programs, standards setting projects with states for e-reporting, as well

<sup>39</sup> For more information on the Exchange Network, please visit: <http://www.epa.gov/Networkg/>

<sup>40</sup> For more information on the Central Data Exchange, please visit: <http://www.epa.gov/cdx/>

as significant security and quality assurance activities. By reducing administrative burden on EPA programs, CDX helps environmental programs focus more manpower and resources on enforcement and programmatic work; less on data collection and manipulation.

Other tools and services in the Central Data Exchange and Exchange Network program project include:

- The Facility Registry System<sup>41</sup> (FRS), a widely used source of environmental data about facilities that allows multimedia display and integration of environmental information which offers obvious benefits for enforcement targeting, homeland security, data integration, as well as other benefits such as those described above with the HERE project which uses FRS as key data source.
- The National Geospatial Program, which supports environmental protection, planning, risk assessment, enforcement, permitting and outreach to the public as well as emergency response efforts by EPA, other Federal agencies, states and communities.
- The System of Registries (SOR) which adds meaning to EPA's data and promotes access, sharing and understanding of it. The SOR helps environmental professionals and the public find systems where data is stored, and ensures that those sources are identified and authentic, and that names, definitions and concepts are available and understandable.

This program also is supported by the 2009 American Recovery and Reinvestment Act (ARRA) funds. Additional details can be found at <http://www.epa.gov/recovery/> and <http://www.recovery.gov/>.

### **FY 2010 Activities and Performance Plan:**

In FY 2010, the major focus of the Exchange Network and CDX will be to increase the amount of critical environmental data flowing on the Network, expand the program's role in sharing data among partners, provide increased business value through reduced burden and better quality data, and improve data access and transparency through the use of new, innovative technologies. These activities build on prior efforts and represent the latest work of EPA and its Network partners to provide better data quality, timeliness and accessibility.

In FY 2010, EPA, states and more tribes and territories will continue developing common data standards and data formats, called schemas, so information that was previously not available, or not easily available, can be accessed via the Exchange Network. In addition, EPA is adding new features to the Network such as RSS (real simple syndication) feeds, which are news channels that Network partners can request that will promote greater data availability and encourage broader use of the Network. These efforts will be closely coordinated with the Agency's program offices as well as with EPA's partners on the Network. As data flows are added, the broader use of data standards, quality tools that check data before data is submitted, reusable schemas and other components will increase the accuracy and timeliness of the data, improve analytical capabilities and create savings through economies of scale.

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41 For more information on the Facility Registry System, please visit: <http://www.epa.gov/enviro/html/facility.html>

EPA continues to improve Network data security by implementing electronic reporting standards that support the authentication and electronic signatures of report submitters and the Agency has recently stepped up its assistance to states, tribes and territories in implementing these standards.

Because the Central Data Exchange is already in production and is designed to support cost effective data sharing, it can be used to support data exchanges with other Agencies as well. By participating in the Automated Commercial Environment/Integrated Trade Data System (ACE/ITDS), EPA will be able to share vital reference data from six environmental programs (Vehicles and Engines, Ozone Depleting Substances, Fuels, Pesticides, Toxic Substances, and Hazardous Waste) with Customs and Border Protection officers who make on-the-ground admissibility decisions about cargo entering the United States at over 300 ports nationwide. These new links will help ensure that products entering the United States meet safety and environmental standards. EPA, in FY 2010, will continue to facilitate combined programmatic technology, policy, and regulatory changes and communications/outreach on ACE/ITDS integration with our environmental mission. These efforts will facilitate meeting the OMB-directed deadline for full utilization of our ACE solution by FY 2011.

EPA will use existing CDX and Exchange Network platforms and linkages to achieve ACE/ITDS integration in a timely and cost effective way. EPA is slated, in FY 2010, to provide interoperability between environmental data systems and the new ACE M2.3 release for Cargo Control and Release. The Agency’s approach and proven success with CDX has generated cross-government interest in using this robust, secure, innovative tool to provide a low-cost, technical solution to the challenges posed by securing American imports.

**Performance Targets:**

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Output	Number of major EPA environmental systems that use the CDX electronic requirements enabling faster receipt, processing, and quality checking of data.	48	45	50	60	Systems

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Output	Number of users from states, tribes, laboratories, and others that choose CDX to report environmental data electronically to EPA.	120,000	100,000	130,000	140,000	Users

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

- (+\$256.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$1,000.0) This increase for ACE/ITDS will enable more EPA environmental systems to be linked to ACE and allow for the complete implementation of this system as planned by FY 2011.
- (+\$97.0) This is an increase in IT and telecommunication support costs.

**Statutory Authority:**

FACA; GISRA; CERCLA; CAA and amendments; CWA and amendments; ERD; DAA; TSCA; FIFRA; FQPA; SDWA and amendments; FFDCA; EPCRA; CERCLA; SARA; GPRA; GMRA; CCA; PRA; FOIA; CSA; Privacy Act; Electronic Freedom of Information Act.

**Small Business Ombudsman**

Program Area: Information Exchange / Outreach  
Goal: Compliance and Environmental Stewardship

Objective(s): Improve Environmental Performance through Pollution Prevention and Other Stewardship Practices

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$3,778.4</b>	<b>\$2,981.0</b>	<b>\$3,065.0</b>	<b>\$84.0</b>
Total Budget Authority / Obligations	\$3,778.4	\$2,981.0	\$3,065.0	\$84.0
Total Workyears	9.7	10.0	10.0	0.0

**Program Project Description:**

The Small Business Ombudsman (SBO) serves as EPA’s gateway and leading advocate for small business regulatory issues. The SBO partners with state Small Business Environmental Assistance Programs (SBEAPs) nationwide, and with hundreds of small business trade associations to reach out to the small business community. These partnerships provide the information and perspective EPA needs to help small businesses achieve their environmental goals. This is a comprehensive program that provides networks, resources, tools, and forums for education and advocacy on behalf of small businesses.<sup>42</sup>

The core SBO functions include participating in the regulatory development process, operating and supporting the program’s hotline and homepage, participating in EPA program and Regional offices’ small business related meetings, and supporting internal and external small business activities. The SBO helps small businesses learn about new EPA actions and developments, and help EPA learn about the concerns and needs of small businesses. The SBO partners with state SBEAPs in order to reach an ever increasing number of small businesses, and to assist them with updated and new approaches for improving their environmental performance. The SBO provides technical assistance in the form of workshops, conferences, hotlines, and training forums designed to help small businesses become better environmental performers and helps our partners provide the assistance that small businesses need.

Resources also support EPA’s Sector Strategies Program and assess the effect of regulatory options on small businesses. This effort proposes flexible, cost-effective solutions to environmental problems in areas such as spill prevention, storm water, air emissions, and recycling of industrial materials. The program also quantifies the environmental impact of small business sectors to help EPA and other stakeholders prioritize future activities, and works collaboratively with industry groups to create stewardship programs and meaningful assistance and tools for priority areas.

<sup>42</sup> Please refer to: <http://www.epa.gov/sbo/>.



## **FY 2010 Activities and Performance Plan:**

In FY 2010 the Small Business Ombudsman program will continue to:

- Support and promote EPA's Small Business Strategy by encouraging small businesses, states, and trade associations to comment on EPA's proposed regulatory actions, as well as providing updates on the Agency's rulemaking activities in the semi-annual Small Business Ombudsman Update.
- Serve as the Agency's Point of Contact for the Small Business Paperwork Relief Act by coordinating efforts with the Agency's program offices to further reduce the information collection burden for small businesses with fewer than 25 employees.
- Participate with the Small Business Administration and other Federal agencies in Business Gateway "one-stop" activities, which help improve services and reduce the burden on small businesses by guiding them through government rules and regulations. EPA also will support and promote a state-lead multi-media small business initiative and coordinate efforts within the Agency.
- Strengthen and support partnerships with state SBEAPs and trade associations, and provide recognition to state SBEAPs, small businesses, and trade associations that have directly impacted the improved environmental performance of small businesses. Develop a compendium of small business environmental assistance success stories that demonstrate what really works.
- Improve the environmental performance of key small business sectors by developing flexible, cost-effective solutions to environmental issues through the Sector Strategies Program.

Under this program, resources of \$1.76 million and 5.0 FTE, support the Office of Small Business Programs. The remaining \$1.3 million and 5.0 FTE in this program support the Office of Policy Economics and Innovation's activities related to the Small Business Regulatory Enforcement Fairness Act.

### **Performance Targets:**

Work under this program supports EPA's Objective 5.2: Improve environmental performance through pollution prevention and other stewardship practices. Currently, there are no performance measures for this specific Program.

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

- (+\$62.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$22.0) This reflects an increase in expense costs.

### **Statutory Authority:**

CAA, section 507.

**Small Minority Business Assistance**

Program Area: Information Exchange / Outreach

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)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$2,995.6</b>	<b>\$2,296.0</b>	<b>\$2,364.0</b>	<b>\$68.0</b>
Total Budget Authority / Obligations	\$2,995.6	\$2,296.0	\$2,364.0	\$68.0
Total Workyears	8.6	9.8	9.8	0.0

**Program Project Description:**

This program is part of the Agency's Small Business Program, which combines the resources of this program and a portion of the resources within the Small Business Ombudsman program. The Small Business Program provides technical assistance to small businesses and Headquarters and Regional employees, to ensure that small, disadvantaged, women-owned, Historically Underutilized Business Zone (HUBZone), and Service-Disabled Veteran-Owned Small Businesses (SDVOSBs) receive a fair share of EPA's procurement dollars. The program enhances the ability of these businesses to participate in the protection of human health and the environment. The functions assigned to this area involve ultimate accountability for evaluating and monitoring contracts, grants and cooperative agreements entered into, and on behalf of, EPA's Headquarters and Regional offices. This will ensure that the Agency's contract and procurement practices further the Federal laws and regulations regarding utilization of small and disadvantaged businesses, in both direct procurement acquisitions and indirect procurement assistance.

**FY 2010 Activities and Performance Plan:**

Small and disadvantaged business procurement experts will provide assistance to Headquarters and Regional program office personnel, as well as small business owners to ensure that small, disadvantaged, Women-Owned Small Businesses (WOSBs), HUBZone firms, and SDVOSBs receive a fair share of EPA's procurement dollars in FY 2010. This fair share may be received either directly or indirectly through contracts, grants, cooperative agreements, or interagency agreements. EPA has a number of national goals that it negotiates with the Small Business Administration (SBA) every two years. (In FY 2010, the funding for the Small Minority Business Assistance Program is \$2.36 million and 9.8 FTE.)

In FY 2010, EPA's contract reviews for an increasing number of Agency contracts will eliminate unnecessary contract bundling, and mitigate the effects on America's small business community. Contract bundling requires certain conditions to obtain contracts that small businesses cannot provide because of their size. Strong emphasis will be placed on implementing Section 811 of the Small Business Reauthorization Act of 2000, authorizing contracting officers to restrict competition to eligible WOSBs for certain Federal contracts in industries in which the SBA has determined that WOSBs are underrepresented or substantially underrepresented in Federal procurement. The Agency will emphasize contracting with SDVOSBs, as mandated by the White House's October 21, 2004 Executive Order, which requires increased Federal contracting opportunities for this group of entrepreneurs.

Under its Indirect Procurement Program, EPA has a statutory goal of ten percent utilization of Minority Business Enterprises/Women-Owned Business Enterprises for research conducted under the Clean Air Act Amendments of 1990, as well as a statutory eight percent goal for all other programs. The Small Minority Business Assistance program encourages the Agency to meet these direct and indirect procurement goals. These efforts will enhance the ability of America's small and disadvantaged businesses to help the Agency protect human health and the environment and create more jobs at the same time. As a result of the Supreme Court's decision in *Adarand v. Peña*, 115 S. Ct. 2097 (1995), EPA will continue implementation of the Agency's rule for the participation of Disadvantaged Business Enterprises in procurements funded through EPA's assistance agreements.

**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):**

- (+\$53.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$15.0) This reflects an increase in contract funding to carry out program activities.

**Statutory Authority:**

Small Business Act, sections 8 and 15, as amended; Executive Orders 12073, 12432, and 12138; P.L. 106-50; CAA.

**State and Local Prevention and Preparedness**  
 Program Area: Information Exchange / Outreach  
 Goal: Healthy Communities and Ecosystems  
 Objective(s): Chemical and Pesticide Risks

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$12,518.5</i></b>	<b><i>\$13,008.0</i></b>	<b><i>\$13,555.0</i></b>	<b><i>\$547.0</i></b>
Total Budget Authority / Obligations	\$12,518.5	\$13,008.0	\$13,555.0	\$547.0
Total Workyears	51.6	57.9	57.9	0.0

**Program Project Description:**

EPA works with state and local partners to help protect the public and the environment from catastrophic releases of hazardous substances that occur at chemical handling facilities. Under the Clean Air Act (CAA), EPA regulations require that facilities handling more than a threshold quantity of certain extremely hazardous substances must implement a risk management program and submit a Risk Management Plan (RMP) to EPA. The RMP also must be sent to the state, local planning entity, the Chemical Safety and Hazard Investigation Board, and made available to the public. The RMP describes the hazards of the chemicals used by the facility, the potential consequences of worst case and other accidental release scenarios, a five year accident history, the chemical accident prevention program in place at the site, and the emergency response program used by the site to minimize the impacts on the public and environment should a chemical release occur. Facilities are required to update their RMP at least once every five years and sooner if changes are made at the facility.

The Agency works with state, local and tribal partners to help them implement their own risk management program through technical assistance grants, technical support, outreach, and training and also works with industry partners to produce tools and guidance used by industry, government and local communities to control hazardous materials. EPA works with communities to provide chemical risk information on local facilities, as well as assist them in understanding how the chemical risks may affect their citizens. Additionally, EPA supports continuing development of emergency planning and response tools such as the Computer-Aided Management of Emergency Operations (CAMEO) software suite. With this information and these tools, communities are in a better position to prepare for, reduce and mitigate releases that may occur.

EPA also assists the Department of Homeland Security (DHS) as well as other federal agencies, state, and local partners by providing updated copies of the RMP database, analytical support, and ongoing technical support for integration of RMP and Emergency Planning and Community Right to Know Act (EPCRA) tools and information. In addition, EPA conducts analyses of RMP data to identify chemical accident trends and industrial sectors that may be more accident-prone and to gain knowledge on the effectiveness of risk management measures<sup>43</sup>.

<sup>43</sup> <http://www.epa.gov/emergencies/content/rmp/index.htm>.

## **FY 2010 Activities and Performance Plan:**

In FY 2010, the Agency will continue its efforts to help state and local partners implement their risk management programs. EPA will continue to refine RMP database analyses, make the data more easily available to appropriate government agencies and improve data utility for security and emergency prevention, preparedness, and response efforts. EPA also will use information generated by the RMPs with other right-to-know data to conduct initiatives and activities aimed at risk reduction in high-risk facilities, priority industry sectors, and/or specific geographic areas. The CAA requires EPA to establish a system to audit RMPs. As such, EPA has developed and implemented an RMP audit and inspection program in an effort to help agencies, states, and prospective third party auditors acquire or improve skills required to conduct audits. This program also is used to continuously improve the quality of risk management programs as well as check compliance with the requirements.

In FY 2010, EPA activities in support of these efforts include the following:

- EPA and other implementing agencies will perform their audit and inspection obligations through a combination of desk audits of RMP plans and at least 400 on-site facility inspections. Due to the increased concern over homeland security, as well as lessons learned from recent accidents, EPA will conduct RMP inspections at high-risk facilities, such as petroleum refineries and larger chemical manufacturing sites.
- EPA will continue to provide training for Federal, state and local, and tribal implementing agency inspectors under its RMP and EPCRA Inspector Training curriculum, and provide additional opportunities for qualified inspectors to obtain training in advanced inspection topics.
- Using the results of the FY 2008 survey of the Nation's Local Emergency Planning Committees (LEPCs), EPA will continue to develop guidance materials in order to meet the identified needs of the LEPCs, provide technical assistance, and work with State Emergency Response Commissions (SERCs) and the National Association of State Title III Program Officials (NASTTPO) to provide support for the LEPCs.
- EPA will continue support to CAMEO software which assists first responders by housing critical information about toxicity, behavior and movement of chemicals.

## **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):**

- (+\$461.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$86.0) This change realigns extramural spending with proposed FY 2010 plans.

**Statutory Authority:**

EPCRA; SARA of 1986; Section 112(r), Accidental Release Provisions of the CAA of 1990; Chemical Safety Information, Site Security, and Fuels Regulatory Relief Act.

**TRI / Right to Know**

Program Area: Information Exchange / Outreach

Goal: Healthy Communities and Ecosystems

Objective(s): Chemical and Pesticide Risks

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$15,213.2</i></b>	<b><i>\$15,719.0</i></b>	<b><i>\$15,656.0</i></b>	<b><i>(\$63.0)</i></b>
Total Budget Authority / Obligations	\$15,213.2	\$15,719.0	\$15,656.0	(\$63.0)
Total Workyears	42.5	43.0	43.0	0.0

**Program Project Description:**

The Toxics Release Inventory<sup>44</sup> (TRI) program provides the public with information on releases, and other waste management activities, of toxic chemicals from a broad segment of industrial facilities. TRI is the Agency's only multi-media, integrated provider of such information to the public. The program collects data on over 600 chemicals, provides quality assurance and stores that data, and then makes it available to the public annually. Due to the scope and timeliness of the data, TRI is the premier source of information for community right-to-know groups and it fulfills the Agency's statutory responsibilities under Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and the Pollution Prevention Act of 1990 (PPA). The data is also used by the financial community to monitor corporate environmental stewardship and by other EPA programs to support data quality and enforcement activities.

**FY 2010 Activities and Performance Plan:**

In FY 2010, EPA will strengthen the regulatory foundation for the TRI program to ensure that communities have access to timely and meaningful information on toxic chemical releases in their neighborhoods. The TRI program will take steps to address concerns about the 2006 TRI Burden Reduction Final Rule (71 *Federal Register* 76932-45) and to clarify the TRI reporting requirements for specific industries, as needed (e.g., metal mining facilities). In addition, the program will consider whether to regulate additional toxic chemicals and/or industry sectors and explore the feasibility of requiring reporting by individual facilities of concern.

TRI will work closely with the Enforcement and Compliance Assurance program to evaluate potential data quality issues concerning facility submissions and to support compliance assistance and enforcement efforts, as appropriate. Strong coordination between the programs and enforcement, tracking and reporting will be an increasingly important part of TRI's work at the regional level.

TRI will continue promoting the use of electronic reporting among the reporting facilities, because it helps improve the quality of the TRI data submitted to EPA and makes it possible for TRI to process, analyze and release the data to the public more quickly. Over the past several

<sup>44</sup> For more information on the Toxics Release Inventory, please visit: <http://www.epa.gov/tri/>

years, TRI program developed TRI-MEweb, an Internet-based version of its TRI Made Easy (TRI-ME) software. TRI-MEweb includes enhanced data quality checks and time-saving capabilities (e.g., pre-population of certain data using data reported by the facility in the previous year). Because TRI-MEweb is now readily available, TRI plans to discontinue the TRI-ME compact disc version in FY 2010.

The TRI Program continues to work with the Environmental Information Exchange Network to promote the efficient collection and exchange of TRI data using EPA's Central Data Exchange (CDX). In addition, TRI encourages states to participate in the TRI State Data Exchange, and encourages facilities located in participating states to utilize the TRI State Data Exchange. Where it is available, the State Data Exchange allows facilities to submit their federal and state TRI reports simultaneously, rather than separately.

In FY 2010, the TRI Program will continue to provide timely, up-to-date training materials through online training modules on TRI regulations/requirements and TRI-MEweb; however, it will no longer provide multiple in-person workshops for facility reporters at the regional level. If there is sufficient interest, the TRI Program may offer a limited number of "train-the trainer" workshops for organizations that are interested in offering their own training sessions. In addition to the online training modules, the TRI Program will continue assistance to reporting facilities through toll-free hotline services, an online Frequently-Asked-Questions service and online access to a variety of regulatory and interpretive guidance documents.

Annually, reporting facilities are required to complete their reports for the previous calendar year, by July 1<sup>st</sup>. In FY 2010, the TRI Program will continue providing public access to that data as quickly as possible, through downloadable data files and/or data publishing services. TRI will work to enhance the analytical capabilities available to data users through TRI Explorer, Envirofacts and other online tools and to provide more hazard-based information (e.g., by providing Toxic Equivalents data for dioxin and dioxin-like compounds), all of which are intended to help TRI users understand the nature of the hazards posed by the various materials reported.

The TRI Program will continue to work with outside organizations, such as the Environmental Council of the States, to foster stakeholder discussions and collaboration on the analysis, use, and application of TRI data (e.g., through the CommunityRight2Know.org Web site and the TRI National Training Conference). At the same time, TRI will work with others to promote corporate accountability and environmental stewardship. Initial efforts are focused on providing access to TRI data at the parent company level and on highlighting TRI data on pollution prevention and best management practices.

### **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):**

- (+\$375.0) This reflects an increase for payroll and cost of living for existing FTE.
- (-\$438.0) This change reflects a decrease in funding for TRI. EPA will offer comprehensive training online in lieu of in-person training, and will eliminate distribution of CDs for reporting in favor of internet-based reporting by facilities.

**Statutory Authority:**

FACA; GISRA; CERCLA; SARA; EPCRA; CAA; CWA; SDWA; TSCA; FIFRA; FQPA; FFDCA; ERD; GPRA; GMRA; CCA; PRA; FOIA; CSA; PR; EFOIA; Pollution Prevention Act and DAA

**Tribal - Capacity Building**

Program Area: Information Exchange / Outreach

Goal: Compliance and Environmental Stewardship

Objective(s): Improve Human Health and the Environment in Indian Country

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$12,152.4</i></b>	<b><i>\$11,973.0</i></b>	<b><i>\$12,439.0</i></b>	<b><i>\$466.0</i></b>
Total Budget Authority / Obligations	\$12,152.4	\$11,973.0	\$12,439.0	\$466.0
Total Workyears	75.3	73.1	73.1	0.0

**Program Project Description:**

Under Federal environmental statutes, EPA has responsibility for protecting human health and the environment in Indian country. EPA has worked to establish the internal infrastructure and organize its activities in order to meet this responsibility.

Since adopting the EPA Indian Policy in 1984, EPA has worked with tribes on a government-to-government basis in recognition of the Federal government's trust responsibility to Federally-recognized tribes. EPA's American Indian Environmental Program leads the Agencywide effort to ensure environmental protection in Indian country. See <http://www.epa.gov/indian/> and <http://www.epa.gov/indian/policyintitvs.htm> for more information.

EPA's strategy for this program has three major components:

- Work with tribes to create an environmental presence for each Federally-recognized tribe (discussed under the Tribal General Assistance Program in the STAG appropriation);
- Provide the data and information needed by Tribal governments and EPA to meet Tribal environmental priorities. At the same time, ensure EPA has the ability to view and analyze the conditions on Indian lands and the effects of EPA and Tribal actions and programs on the environmental conditions; and
- Provide the opportunity for implementation of Tribal environmental programs by tribes, or directly by EPA, as necessary.

**FY 2010 Activities and Performance Plan:**

The ability to comprehensively and accurately examine conditions and make assessments provides a blueprint for planning future activities and helps maximize limited resources. Priorities are implemented through the development of Tribal/EPA Environmental Agreements (TEAs) or similar Tribal environmental plans that address and support priority environmental multi-media concerns in Indian country. Complementary to the efforts of providing an environmental presence through the Indian General Assistance Program (GAP), EPA's enhanced

information technology infrastructure, which includes the Tribal Program Enterprise Architecture (TPEA), extracts records from databases on the basis of Tribal reservation boundaries and assigns those records to Tribal governments. This process is known as “Trially enabling” the EPA Enterprise Architecture. By FY 2010, the continued integration and merger of TPEA with the EPA Enterprise Architecture will lead to a more efficient information technology infrastructure.

To expand EPA’s effort to ensure environmental protection in Indian country, the program strives to provide support to EPA’s National Tribal Operations Committee, and Agencywide meetings, including the Indian Program Policy Council. EPA conducts program evaluations which aid in improving delivery of financial services to tribes and is committed to measures development work across the Agency that strengthens the accuracy and relevancy of Tribal measure outcomes.

Access to information is a powerful tool in assisting local Tribal priority setting and decision making and is a major emphasis for EPA’s Tribal capacity programs. In FY 2007, EPA launched the American Indian Tribal Portal. The purpose of the portal is to help American Indian communities and supporters locate Tribal related information within EPA and other government agencies. The portal is operated and maintained by EPA’s American Indian Environmental Program and work to support this effort will continue in FY 2010. See <http://www.epa.gov/Tribalportal/> for more information.

TPEA, part of the Agency’s Envirofacts system, is a multi-agency, multi-media database that is designed to support Tribal programs for all tribes, as well as the EPA National Program Managers. The database links Tribal environmental information from EPA with Tribal data systems from other agencies, including the U.S. Bureau of Reclamation and the Indian Health Service. EPA continues to enhance this database to promote management of Tribal environmental programs and to show results of environmental improvements in Indian country. TPEA organizes environmental data on a Tribal basis, bringing together data from different agencies, programs and tribes in a format providing a clear, up-to-date picture of environmental conditions in Indian country. TPEA is entirely Internet-based and is designed to track the following three classes of information:

- Environmental information from national monitoring and facility management databases;
- EPA programmatic information, generally utilizing customized databases where data are input by regional program offices; and
- Individual sets of environmental data to be submitted by tribes.

EPA’s Indian Policy affirms the principle that the Agency has a government-to-government relationship with tribes and that “EPA recognizes tribes as the primary parties for setting standards, making environmental policy decisions and managing programs for reservations, consistent with agency standards and regulations.” To that end, EPA “encourage[s] and assist[s] tribes in assuming regulatory and program management responsibilities,” primarily through the “treatment in a manner similar to a state” (TAS) processes available under several environmental

statutes. EPA continues to encourage Tribal capacity development to implement Federal environmental programs, including the use of Direct Implementation Tribal Cooperative Agreement (DITCA) authority.

EPA instituted an annual review of the national GAP grant program to ensure effective management of grant resources. This effort includes review of Regional GAP programs and individual GAP grant files. Regional reviews of the GAP program by the Agency will continue in FY 2010. All GAP grantees must meet the requirement, begun in FY 2007, to submit a standardized work plan which includes milestones, deliverables and links to the Agency's strategic plan. Standardized workplans lead to a better characterization of environmental and public health benefits of the capacity building activities in a consistent manner. EPA has developed and implemented the GAP Online database as part of TPEA. GAP Online is a web-based tool for workplan development and reporting. In addition, EPA will continue developing a framework to assist recipients in clearly identifying key procedures and milestones leading to building capacity for specific programs.

**Performance Targets:**

Work under this program supports EPA's efforts to Improve Human Health and the Environment in Indian Country. Currently, there are no performance measures for this specific program.

In FY 2010, EPA will continue to support standardization and a crosswalk of Tribal identifier codes to integrate and consistently report Tribal information across Federal agencies. One example of this effort has been the adoption by EPA of the Bureau of Indian Affairs (BIA) Tribal identifier code system as an agency standard for all the EPA databases. TPEA will compile and display the universe of Tribal EPA regulated facilities, assigning each one to a specific Tribal entity, through the use of an Indian country flag in the EPA Facility Registry System. This type of cross-platform data analysis is not possible without EPA's TPEA initiative.

These data systems will enable EPA to measure environmental quality in Tribal lands in two important areas: ambient quality of air and water, and emissions of pollutants into the environment. Both measures (ambient quality and emissions) are important in the development of outcome-based performance measures for EPA Tribal programs.

Efforts to link TPEA directly to the Sanitation Deficiency System Database (SDS) of the Indian Health Service (IHS) continue. Information in the IHS SDS system is reported in the Agency's Strategic Plan. Work under this program supports multiple strategic objectives.

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

- (+ \$432.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+ \$50.0) This reflects an increase in travel for support a more substantial partnership between EPA and the tribes in support of EPA's Indian Policy.
- (- \$16.0) This reflects a decrease in program dollars for general office expenses.

**Statutory Authority:**

Indian General Assistance Program Act, 42 U.S.C. § 4368b (1992), as amended.

**Program Area: International Programs**

**US Mexico Border**

Program Area: International Programs  
Goal: Healthy Communities and Ecosystems  
Objective(s): Communities

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$6,110.1</i></b>	<b><i>\$5,561.0</i></b>	<b><i>\$5,047.0</i></b>	<b><i>(\$514.0)</i></b>
Total Budget Authority / Obligations	\$6,110.1	\$5,561.0	\$5,047.0	(\$514.0)
Total Workyears	20.8	21.2	21.2	0.0

**Program Project Description:**

The 2,000 mile border between the U.S. and Mexico is one of the most complex and dynamic regions in the world. This region accounts for three of the ten poorest counties in the U.S., with an unemployment rate 250-300 percent higher than the rest of the United States. 432,000 of the 14 million people in the region live in 1,200 colonias<sup>45</sup>, which are unincorporated communities characterized by substandard housing and unsafe drinking water.

The U.S.-Mexico Border 2012 Program continues to be a successful joint effort between the U.S. and Mexican governments. The two governments work with the 10 Border States and with local communities to improve the region’s environmental health. The Border 2012 framework agreement is intended to protect the environment and public health along the U.S.-Mexico Border region, consistent with the principles of sustainable development. The results achieved to date include: (1) constructed adequate water and wastewater infrastructure for over 7 million border residents; (2) completed greenhouse gas emissions (GHGs) inventories for California, Baja California, Arizona, Sonora, and New Mexico following the International Panel on Climate Change protocol; (3) cleaned 62 tons of waste associated with undocumented immigration in Tohono O’odham Nation; (4) cleaned INNOR site in Mexicali (420,000 tires removed), CENTINELA site (1,200,000 tires) and Juarez site (one million tires); (5) remediated and cleaned (removal of hazardous waste and contaminated soil) at the Metales y Derivados site, amongst the first to be completed under Mexico’s new cleanup law; and (6) completed 15 Sister City plans that establish cooperative measures and exercises in response to oil and hazardous substance incidents along the border.

Note that Border water and wastewater infrastructure programs are described in the State and Tribal Assistance Grants appropriation, Infrastructure Assistance: Mexico Border Program Narrative.

<sup>45</sup> [http://www.borderhealth.org/border\\_region.php](http://www.borderhealth.org/border_region.php)

## **FY 2010 Activities and Performance Plan:**

The key areas of focus for the Border 2012 Program continue to include: (1) increasing access to drinking water and wastewater infrastructure; (2) building greenhouse gas (GHG) information capacity and expanding voluntary programs for reduction of GHG emissions; (3) developing institutional capacity to manage electronic waste and used oil; (4) piloting projects that reduce exposure to obsolete agricultural pesticides; (5) conducting binational emergency preparedness training and exercises at sister cities; and (6) utilizing the Toxics Release Inventory and Pollutant Release and Transfer Register tools to collect and report on industry pollutant releases, and to better assist border industry to go above and beyond compliance.

The Border 2012 Program continues to address water and sanitation needs along the border through the Border Environment Infrastructure Fund (BEIF), which has been instrumental in improving the quality of life of communities along the border. More than 4 million people benefit today from improved sanitation and access to drinking water and this number will increase to 7 million people when all on-going projects are completed. In addition, through the U.S. Tribal Border infrastructure program, over 8,100 homes have been provided with safe drinking water, or basic sanitation. For example, in 2008, a new sanitary facility was completed in the indigenous communities of San Jose de la Zorra and San Antonio Necua to improve access to clean water and environmentally friendly sanitary facilities.

Continued collaboration between EPA and the Mexican Environment Secretariat SEMARNAT has resulted in Mexico implementing the Transporte Limpio, modeled after EPA's SmartWay. This program was launched in November 2008 and will increase fuel efficiency and reduce pollutant and greenhouse gas emissions from diesel trucks operating along the border. In addition, California, Baja California, Arizona, Sonora, and New Mexico, completed greenhouse gas emissions (GHGs) inventories following the International Panel on Climate Change protocol. These inventories provide information on sources and volumes of emissions and enable identification of strategies for reducing emissions. Starting in FY 2010, the program will work towards building border greenhouse gas (GHG) information capacity using comparable methodologies and will expand voluntary cost-effective programs for reduction of GHG emissions in the border area.

Abandoned scrap tires continue to present environmental and public health hazards from potential fires and their resulting air pollution, and from disease-carrying pests. In addition, there are efforts of site clean-up at Matamoros, Reynosa, Piedras Negras, Palomas, Ascension, and San Luis Rio Colorado tire piles and the on-going cleanup at the Juarez site. Together, all cleanups to date have eliminated over 4 million scrap tires along the border. Previously, EPA and SEMARNAT developed the Scrap Tire Integrated Management Initiative to eliminate scrap tire piles and ensure that newly generated scrap tires are managed in an environmentally sound manner. In 2008, the Governors from the ten Border States signed a letter of understanding to formally join and support this initiative. In FY 2010, the program will continue the clean-up of the Ciudad Juarez tire pile.

The Border program successfully implemented Phase 1, the stabilization of the Metales y Derivados site, an abandoned, secondary lead smelter in Tijuana, which resulted in the removal

of nearly 2,000 tons of hazardous waste. The Metales y Derivados remediation project completed site its characterization, field sampling, and design phases. In Fall 2008, the Metales y Derivados (hazardous waste site) site cleanup was completed and is among the first to be completed under Mexico’s new cleanup law. In FY 2010, EPA will continue applying the binational framework on clean-up/remediation and restoration of sites contaminated with hazardous waste at the border of California and Baja California.

**Performance Targets:**

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Cleanup waste sites in the United-States – Mexico border region (incremental).	1	1	1	1	Sites

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

- (+\$134.0) This reflects an increase for payroll and cost of living for existing FTE.
- (-\$648.0) This change reduces congressionally-directed funding in the FY 2009 Omnibus for the US/Mexico Border—decreasing support for the implementation of Border 2012 Program, including addressing hazardous waste sites, removal of abandoned tire piles, and outreach to stakeholders such as the 10 Border States governments and with local communities along the 2,000 mile border.

**Statutory Authority:**

CWA; CAA; TSCA; RCRA; PPA; FIFRA; Annual Appropriation Acts.



**International Sources of Pollution**

Program Area: International Programs

Goal: Clean and Safe Water

Objective(s): Protect Water Quality

Goal: Healthy Communities and Ecosystems

Objective(s): Chemical and Pesticide Risks; Communities

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$0.0</i></b>	<b><i>\$7,830.0</i></b>	<b><i>\$8,851.0</i></b>	<b><i>\$1,021.0</i></b>
Total Budget Authority / Obligations	\$0.0	\$7,830.0	\$8,851.0	\$1,021.0
Total Workyears	0.0	41.4	44.4	3.0

**Program Project Description:**

EPA has improved the quality of life for all Americans by safeguarding their air, water, and land and helping protect their health. Addressing issues at home is only part of the Agency’s environmental effort. To achieve our domestic environmental objectives, it is important to address foreign sources of pollution that impact the United States, including emissions, such as mercury and toxics, from other countries. As we better understand the interdependencies of global ecosystems and the transport of pollutants from its sources, it becomes clearer that the actions of other countries affect the U.S. environment. Addressing these challenges requires strong collaboration between EPA and its international partners.

An important way to improve collaboration and address foreign sources of pollution that impact the U.S. and the global environment is through international capacity building. International capacity-building plays a key role in protecting human health and the environment by providing technical cooperation to help countries reduce air pollution, better manage air quality, waste and toxic chemicals, improve their environmental governance and reduce the global use and emission of mercury. To sustain and enhance domestic and international environmental progress, EPA enlists the cooperation of other nations and international organizations to help predict, understand, and solve environmental problems of mutual concern. EPA works in collaboration with developed countries on tackling key global issues such as climate change.

**FY2010 Activities and Performance Plan:**

*Air Quality*

Air quality in the United States is affected by emissions from other countries, such as particles, mercury and toxics, which can have a detrimental impact on human health and the environment. Solving complex environmental problems such as climate change requires strong, ongoing, and robust collaboration between EPA and its international partners. In FY 2010, EPA will coordinate its international and domestic climate change commitments in order to ensure that US international obligations are informed by domestic policy and expertise, that domestic programs

fulfill international obligations, and that actions by other countries needed to reach domestic goals are catalyzed and promoted. Specifically, EPA will augment efforts to integrate carbon control features into bilateral and multilateral relationships, particularly in countries with rapidly developing economies, develop, negotiate, coordinate, and implement US international environmental policy, technical assistance, and capacity building consistent with its domestic program, and ensure positions taken are consistent with and advance developing Agency mandates and/or statutes.

In FY 2010, EPA will continue to be an active partner in the Partnership for Clean Fuels and Vehicles (PCFV) program. The primary goal of this global partnership is to reduce vehicular air pollution in developing countries and transitioning countries by eliminating lead in gasoline and the phase down of sulphur in diesel and gasoline fuels.

Additionally, EPA will continue its efforts to reduce transboundary stationary-source pollution by focusing on practical measures to achieve reductions in PM, NO<sub>x</sub> and other emissions, particularly from power plants. For example, EPA will work with China to reduce dioxin and furans from cement kilns and assess and reduce emissions of PM and mercury from coal combustion sources. To help reduce greenhouse gas (GHG) emissions worldwide, EPA will work with China, Mexico, Russia, and India through capacity and technology transfer activities.

### *Mercury*

As part of its effort to reduce global sources of persistent bioaccumulative toxics, EPA continues to give priority to reducing the global use and emission of mercury. For example, at the February 2009 UNEP Governing Council Meeting in Nairobi, EPA joined the international community in supporting a major decision to further international action, consisting of the elaboration of a legally binding instrument on mercury which could include both binding and voluntary approaches, to reduce the health and environmental risks associated with mercury.<sup>46</sup>

In FY 2010, EPA also will continue addressing priority issues such as enhancing the capacity for mercury storage as well as reducing mercury use in products and processes and raising awareness of mercury-free alternatives. Additionally, EPA will work with China on their vinyl chloride monomer (VCM) emissions as a strategy to mitigate their anthropogenic mercury emissions, which in 2005 were estimated to be slightly over 800 metric tons. In FY 2010, EPA will release data on mercury use in five (5) VCM facilities and develop an audit report of BAT/BEP options for the industry. Working with the Chinese government, EPA will then identify the steps necessary to reduce the use and release of mercury through a Cleaner Production Program. A pilot demonstration project is also planned for FY 2010 at a VCM facility.

Also, in FY 2010, EPA will provide training and technical assistance to improve environmental governance in key countries and regions, including Africa, Russia and the Middle East. This

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<sup>46</sup> Governing Council of the United Nations Environmental Programme 20 February 2009 25<sup>th</sup> session of the Governing Council/Global Ministerial Environment Forum Nairobi Kenya “Draft Decision approved by the Chemicals Contact Group on Chemical Management, including Mercury.”

initiative will include training on environmental enforcement, inspections and investigations, and pilot demonstration projects.

### *Water Quality*

For FY 2010, EPA will continue to support the implementation of the US legislation known as the “2005 Paul Simon Water for the Poor Act” which makes access to water and sanitation in developing countries a specific policy objective of the US foreign assistance programs. To this end, EPA will promote urban drinking water quality programs which focus on comprehensive and sustainable approaches to improving drinking water systems from the catchment to the consumer and back to the environment. This approach shares EPA's principles and expertise in providing clean and safe water to other countries suffering from the health effects of poor water quality. In alignment with partners that include, but are not limited to, USGs, NGOs, international organizations and key country institutions, EPA will develop programs that promote cost-effective and sustainable drinking water and wastewater approaches with key countries and share experiences and lessons learned globally.

### *Land Pollution*

In FY 2010, EPA will continue to provide technical cooperation, expertise, and assistance to help communities and countries preserve and restore the land and to mitigate sources of land pollution. Under the Stockholm Convention<sup>47</sup>, EPA works with many countries to reduce Persistent Organic Pollutants (POPs) such as polychlorinated biphenyls (PCBs), pesticides, dioxins, and furans. To demonstrate the U.S. commitment to international action on these chemicals, EPA is working to mitigate potential risk from POPs reaching the U.S. by long range transport by: 1) reduction/elimination of sources of POPs in countries (e.g., Russia, China, India, and Central America.) of origin, focusing on PCB-containing equipment, obsolete and prohibited pesticides stockpiles, and dioxins and furans emissions from combustion sources; and 2) better inter- and intra-country coordination on POPs implementation activities through improved access to POPs technical, regulatory and program information from all sources, including the Internet.

In addition, EPA continues to partner with the Arctic Contaminants Action Program of the Arctic Council to reduce and remove all sources of POPs. For example, EPA works closely with the indigenous peoples of Alaska and the Russian Arctic to remove local sources of POPS from villages and rural communities.

In FY 2010, EPA will address the growing e-waste issue – electronic waste that is discarded in developing world countries. The Agency will partner with other nations to provide “eWaste best practices” through education and demonstration projects in developing countries. These efforts will reduce risks from exposure to toxic substances contained in e-waste such as lead, mercury,

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<sup>1</sup> For more information on the Stockholm Convention, see <http://www.pops.int>

cadmium, hexavalent chromium, and barium through awareness raising, capacity building on inspections in ports and detecting cases of noncompliance and enabling improved inter-ministerial and inter-governmental information sharing and collaboration to address e-waste issues.

**Performance Targets:**

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Number of countries completing phase out of leaded gasoline. (incremental)	7	7	4	3	Countries

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Number of countries introducing low sulfur in fuels. (incremental)	5	2	3	9	Countries

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Number of countries completing phase out of leaded gasoline. (incremental)	7	7	4	3	Countries

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Number of countries introducing low sulfur in fuels. (incremental)	5	2	3	9	Countries

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

- (+\$848.0) This reflects an increase for payroll and cost of living for all FTE
- (+\$250.0 / 3.0 FTE) This reflects an increase to support the Agency's Global Climate Change activities to integrate carbon control features into bilateral and multilateral relationships, particularly in countries with rapidly developing economies; and to, develop, negotiate, and coordinate, and implement US international environmental policy, technical assistance, and capacity building consistent with its domestic program.
- (-\$98.0) This reduction reflects a decrease in international travel
- (\$+21.0) This change provides for an increase to support the Agency's efforts to address foreign sources of pollution that impact the U.S and the global environment.

**Statutory Authority:**

PPA; FIFRA; CAA; TSCA; NEPA; CWA; SDWA; RCRA; CERCLA; NAFTA; OAPCA; MPRSA; CRCA; Annual Appropriation Acts.

## **Trade and Governance**

Program Area: International Programs  
Goal: Healthy Communities and Ecosystems  
Objective(s): Communities

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$0.0</i></b>	<b><i>\$6,273.0</i></b>	<b><i>\$6,451.0</i></b>	<b><i>\$178.0</i></b>
Total Budget Authority / Obligations	\$0.0	\$6,273.0	\$6,451.0	\$178.0
Total Workyears	0.0	16.3	16.3	0.0

### **Program Project Description:**

As our understanding of environmental issues has increased, so has our appreciation of the need to partner with other countries on environmental goals. International cooperation is vital to achieving our mission. Our shared goals for environmental protection can open doors between the United States and foreign governments. Assisting other countries in their environmental protection efforts can be an effective part of a larger U.S. strategy for promoting sustainable development and advancing democratic ideals. EPA supports U.S. diplomatic, trade, and foreign policy goals that extend far beyond our domestic agenda.

Good environmental governance abroad not only yields a cleaner environment, it helps ensure that U.S. companies and communities compete on an equal footing in the international marketplace. In particular, EPA works with U.S. trading partners to help them meet their obligations under the trade agreement to enforce their own environmental laws. Through leadership in the Commission on Environmental Cooperation (CEC), the Organization for Economic Cooperation and Development, and other international entities, EPA supports environmental performance reviews of other countries so that good governance best practices (such as providing access to information, collaborating with diverse stakeholders, and providing transparency in environmental decision making) are shared and countries continually improve.

EPA has played a key role in ensuring trade-related activities also sustain environmental protection since the 1972 Trade Act mandated inter-agency consultation by the U.S. Trade Representative on trade policy issues. U.S. trade with the world has grown rapidly from \$34.4 billion in 1960 to \$2.884 trillion in 2006 (U.S. Census Bureau, Foreign Trade Division). This increase underscores the importance of addressing the environmental consequences associated with trade. EPA is a member of the Trade Policy Staff Committee (TPSC) and the Trade Policy Review Group (TPRG), interagency mechanisms that are organized and coordinated by the Office of the United States Trade Representative (USTR) to provide advice, guidance and clearance to the USTR in the development of U.S. international trade and investment policy. This input pertains to comprehensive multilateral trade rounds (e.g., the ongoing Doha round of the World Trade Organization (WTO), bilateral free trade agreements, and other matters. In addition, USTR and EPA co-host the Trade and Environment Policy Advisory Committee (TEPAC), a Congressionally-mandated advisory group that provides advice and information in connection with the development, implementation, and administration of U.S. trade policy.

EPA, represented by the Administrator, is the lead U.S. agency to implement the North American Agreement on Environmental Cooperation (NAAEC), which involves trilateral efforts to assess and reduce the environmental effects of the recent dramatic increases in trade among the three North American nations.

The establishment of the NAAEC was driven by the notion that trade liberalization would increase trade but subsequently would likely have a negative impact on the environment in North America. North American Free Trade Agreement (NAFTA) did in fact result in increased commerce, and trade with NAFTA partner countries has increased 480.6 percent since 1985 (in 1985 total trade among Canada, Mexico and the U.S. was \$149.0 billion; in 2006 that number grew to \$865.3 billion).<sup>48</sup> Booming trade after NAFTA's entry into force has caused increasing traffic congestion and related environmental consequences, particularly in terms of air pollution.<sup>49</sup> For example, the majority of trade between Mexico and the U.S. is carried by heavy-duty diesel trucks, which are major emitters of NOx and particulate matter (PM). The increased traffic entering the U.S. at key border crossings, such as the San Diego/Tijuana area, have resulted in correspondingly higher nitrogen oxide (NOx) and PM emissions.<sup>50</sup>

To address trade-related environmental issues, EPA performs four major functions. First, by contributing to the development, negotiation and implementation of environment-related provisions in all new U.S. free trade agreements, EPA helps to ensure that U.S. trading partner countries improve and enforce their domestic environmental laws. EPA also works with USTR to promote environmental protection through liberalized trade in environmentally-preferable goods and services. A second major function involves helping to develop the U.S. Government's (USG) environmental reviews of each new free trade agreement, as well as encouraging other trade partners to assess the environmental implications of their own trade liberalization commitments. EPA's third major function in this area involves helping to negotiate and implement the environmental cooperation agreements that parallel each trade agreement, such as the NAAEC. EPA, along with USG agencies and other collaborators support implementation of agreements by assisting our trading partners to develop effective and efficient environmental protection standards. A fourth major function is to provide technical and policy guidance so as to avoid potential conflicts between trade commitments and our statutory obligations to implement domestic environmental laws and policies.

### **FY 2010 Activities and Performance Plan:**

During FY 2010, EPA will continue to provide input to U.S. engagement in multilateral trade negotiations and initiation and/or conclusion of new bilateral free trade agreements and trade and investment framework agreements. To facilitate a successful conclusion of the Doha Round of negotiations under the WTO, EPA will continue to provide the USTR with policy and technical guidance, as well as analytical data to inform environmental practices in key trade partner countries. In addition to helping the USTR develop and negotiate the environmental provisions

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<sup>48</sup> US Census Bureau, Foreign Trade Division, 2007.

<sup>49</sup> U.S. Transportation Research Board, The National Academies, "Critical Issues in Transportation," 2006.

<sup>50</sup> Short-term exposure to diesel exhaust can irritate the eye, nose and throat, cause respiratory symptoms such as increased cough, labored breathing, chest tightness and wheezing, and cause inflammatory responses in the airways and the lung. Longer-term exposure to diesel exhaust can cause chronic respiratory symptoms and reduced lung function, and may cause or worsen allergic respiratory diseases such as asthma.

of these agreements, EPA will contribute to the associated environmental reviews and environmental cooperation agreements and advocate greater attention to key environmental concerns (e.g., invasive species and air pollution) associated with the movement of traded goods.

EPA also will provide targeted capacity building support under the environmental cooperation agreements developed parallel to U.S. free trade agreements such as those with Jordan, Chile, Bahrain, Morocco, Oman, Singapore, Peru and in the Central American, North American and the Caribbean regions. Should the newly concluded agreements with Colombia, Panama or South Korea enter into force, EPA will seek to provide appropriate capacity building assistance to these countries. The priorities for a majority of this cooperative work are established through a State Department-chaired and led inter-agency process in which EPA is a full member, with additional input provided by the USTR-led inter-agency process. NAAEC priorities are set by the CEC member countries.

As the first environmental cooperation agreement under a trade agreement, the NAAEC paved the way for many of our subsequent efforts under other FTAs and is thus a good example of EPA's approach to trade-related work. Through the NAAEC, EPA will continue to work with Mexico and Canada through the CEC to facilitate trade expansion while protecting the environment by:

- Increasing the comparability, reliability and compatibility of national and sub-regional information.
- Strengthening institutions and sharing environmental knowledge among a broad range of stakeholders.
- Promoting policies and actions that provide mutual benefits for the environment, trade and the economy.

EPA will continue to strengthen cooperation and promote public participation in the development and improvement of environmental laws, regulations, procedures, policies and practices. EPA will support the CEC's efforts to strengthen capacity and improve compliance with environmental laws while encouraging voluntary measures on the part of industry. EPA also will continue to work with the CEC to implement quality assurance mechanisms, transparency, and cost effectiveness. EPA will also support CEC efforts as it works with the Parties to the NAAEC to: 1) strengthen enforcement of environmental laws; 2) facilitate the movement of legal materials across borders by improving the exchange of information, training customs and other law enforcement officials; and 3) build the capacity of legal and judicial systems, with an emphasis on Mexico.

The CEC continues efforts on the Sound Management of Chemicals program, which promotes regional cooperation and capacity building for pollution prevention, source reduction, and pollution control for chemicals of common concern. North American Regional Action Plans were developed and are being implemented for mercury, lindane, and dioxin and furans. EPA also will support the CEC's efforts to publish report data on pollutant releases and transfers from industrial activities in North America with an emphasis on increasing the comparability of Pollutant Release and Transfer Registers (PRTRs) and building Mexico's capacity to collect and report data. EPA will continue to support the development of an integrated monitoring program for the sound management of chemicals and the development of a digital North American

Environmental Atlas, which will improve the comparability of data and compatibility of information across the three countries in North America on continent-wide environmental topics, including a harmonized classification system for industrial pollutant data.

EPA will support the CEC's efforts to catalyze cooperation among the Parties to the NAAEC on North American Air Quality management through the completion and implementation of a new strategy that builds upon the previous CEC work to assist Mexico in developing emissions inventories and building air monitoring capacities that are comparable with the United States and Canada. In addition, EPA will continue to address the environmental concerns associated with increased trade. The Agency will work to decouple economic growth from negative environmental impacts by: 1) promoting the North American market for renewable energy; 2) encouraging green purchasing; and 3) expanding the use of market based mechanisms to increase sustainable trade while encouraging conservation.

**Performance Targets:**

Work under this program supports EPA's Goal 4 objective to sustain, clean up and restore communities and the ecological systems that support them, and also indirectly supports all four additional goals. There are currently no performance measures for this program.

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

- (+\$117.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$61.0) This change reflects an increase to support efforts to assist other countries in their environmental protection efforts.

**Statutory Authority:**

Trade Act of 2002; Executive Order 13141 (Environmental Review of Trade Agreements); Executive Order 13277 (Delegation of Certain Authorities and Assignment of Certain Functions Under the Trade Act of 2002); WTO Agreements; NAFTA; NAAEC; PPA.



**Program Area: IT / Data Management / Security**

**Information Security**

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)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$6,157.6</b>	<b>\$5,854.0</b>	<b>\$6,015.0</b>	<b>\$161.0</b>
Hazardous Substance Superfund	\$474.6	\$783.0	\$799.0	\$16.0
Total Budget Authority / Obligations	\$6,632.2	\$6,637.0	\$6,814.0	\$177.0
Total Workyears	10.8	15.8	15.8	0.0

**Program Project Description:**

The Agency Information Security Program is designed to protect the confidentiality, availability and integrity of EPA's information assets. The protection strategy includes, but is not limited to, enterprise policy, procedure and practice management; information security awareness, training and education; risk-based Certification & Accreditation (C&A); Plans of Action & Milestone (POA&M's) management to ensure remediation of weaknesses; defense-in-depth and breadth technology and operational security management; incident response and handling; and Federal Information Security Management Act (FISMA) reporting.

**FY 2010 Activities and Performance Plan:**

Effective information security is a constantly moving target. Every year, Agency security practitioners are challenged with responding to increasingly creative and sophisticated attempts to breach organizational protections. EPA's integrated efforts in FY 2010 will allow the Agency's Information Security Program to take a more proactive role in dealing with these threats.

EPA will continue to protect, defend and sustain its information assets by continuing to migrate its Information Security Program. The Agency will focus initially on asset definition and management, compliance, incident management, knowledge and information management, risk management, and technology management. Secondary activities in FY 2010 include, but are not limited to, access management, organizational training and awareness, measurement and analysis, and service continuity. These efforts will strengthen the Agency's ability to ensure operational resiliency. The final result will be an information security program that can rely on effective and efficient processes and documented plans when threatened by disruptive events.

Concurrently, EPA will continue its performance-based information security activities with a particular emphasis on risk management, incident management and information security architecture (defense-in-depth/breadth). These three areas are critical to the Agency's security position. They are also key components of various Federal mandates, such as the Office of Budget and Management (OMB) information security initiatives, which will be implemented throughout FY 2010, including Trusted Internet Connection (TIC), Domain Name Service Security (DNSSec) and the Federal Desktop Core Configuration (FDCC). These mandates are rapidly enhancing the Agency's security requirements for information policy, technology standards and practices.

EPA also is initiating efforts to transition from Internet Protocol version 4 (IPv4) to IPv6 in accordance with the June 30, 2008 OMB M-05-22, *Transition Planning for Internet Protocol Version 6 (IPv6)*. This effort is a Federal initiative designed to retain our nation's technical and market leadership in the Internet sector and to expand and improve services for Americans. As with many enterprise initiatives, there are significant security challenges that must be addressed in order to make this capability secure. EPA will analyze and plan our long-term strategy for implementing, monitoring and securing an IPv6 environment in FY 2010.

Additionally, EPA will begin its implementation of the Homeland Security Presidential Directive 12 (HSPD-12) requirements for logical access as identified in the Federal Information Processing Standards (FIPS) 201, *Personal Identity Verification (PIV) of Federal Employees and Contractors*. This Enterprise Identity and Access Management (IAM) project will be combined with the Enterprise Single Sign-On (SSO) to enable the required enhanced authentication mechanism without burdening EPA systems users.

**Performance Targets:**

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Output	Percent of Federal Information Security Management Act reportable systems that are certified and accredited.	100	100	100	100	Percent

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

- (+\$125.0) This reflects an increase for payroll and cost of living for existing FTEs.
- (+\$36.0) This increase reflects an increase in travel and contracts.

**Statutory Authority:**

FISMA; GPRA; GMRA; CCA; PRA; FOIA; PR; EFOIA.

**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).

Goal: Healthy Communities and Ecosystems  
Objective(s): Chemical and Pesticide Risks

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$91,928.2</i></b>	<b><i>\$93,171.0</i></b>	<b><i>\$103,305.0</i></b>	<b><i>\$10,134.0</i></b>
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
Oil Spill Response	\$15.0	\$24.0	\$24.0	\$0.0
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.

**FY 2010 Activities and Performance Plan:**

In FY 2010, the following ITDM activities will continue to be provided:

- **Information Access** – FY 2010 activities in this area will continue making environmental information accessible to all users. This includes: maintaining EPA’s libraries, access to Environmental Indicators; support for Toxics Release Inventory<sup>51</sup> (TRI) data; a major role in E-Gov activities such as to improve Freedom of Information Act (FOIA) activities using electronic workflow management, and eRule – a Web-based system to facilitate, and provide greater public access to, Federal rulemakings; and development of analytical tools to help users understand the meaning of environmental data. It includes facility data collected from numerous federal programs, and tools to help those who use information from a variety of sources to reconfigure that data so it can be easily compared and analyzed.

Of particular emphasis in FY 2010, EPA’s E-Gov participation and contributions continue with the coordination, development and implementation of the Business Gateway, Geospatial One-Stop, and e-Authentication<sup>52</sup>. Key activities ensure that access to critical data (e.g., geospatial information, federal regulations) is increased through the Geospatial One-Stop portal and the Business Gateway, and its Business Portal, providing opportunities for collaboration and intergovernmental partnerships, reducing duplication of data investments, and offering the public easy access to important Federal services for businesses. Another FY 2010, focus area, the Integrated Portal, will continue with implementing identity and access management solutions, integrating geospatial tools, and linking to the Central Data Exchange<sup>53</sup> (CDX). The Integrated Portal is a business gateway for people to access, exchange and integrate environmental and public health data at the local, Regional and national level. In this manner, the Integrated Portal gives users the ability to perform complex analyses on environmental data which is stored at many locations. The Integrated Portal is also EPA’s link to data sets and systems that are not part of the Exchange Network. (In FY 2010, the Information Access activities will be funded at \$4.82 million)

- **Geospatial Information and Analysis**<sup>54</sup> – In FY 2010 EPA will continue to provide place-based analysis of environmental conditions and trends across the country. A broad range of data pertinent to specific places (facilities, roads, waste sites, etc.) and natural features (wetlands, soil types, hydrographic features, etc.) has been cataloged and can be accessed digitally, or viewed as overlays on maps. Geospatial information and analysis play a critical role in the Agency's ability to rapidly and effectively respond in times of emergency. Additionally, geographic location is becoming a key way to access EPA digital data and documents, and the Agency is in the process of building tools that will allow Web-users to retrieve relevant documents by specifying a location that they are interested in. Implemented as a holistic, enterprise solution, these projects also save money, assure compatibility, and reduce the need for multiple subscriptions to software, data and analytical services. (In FY 2010, the Geospatial Information and Analysis activities will be funded at \$9.77 million)

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<sup>51</sup> For more information on Toxics Release Inventory data, please visit: <http://www.epa.gov/tri/>

<sup>52</sup> For more information on eAuthentication, please visit: <http://www.epa.gov/Networkg/eauth/>

<sup>53</sup> For more information on the Central Data Exchange, please visit: <http://www.epa.gov/cdx/>

<sup>54</sup> For more information on the Geospatial program, please visit: <http://www.epa.gov/geospatial/>

- **Envirofacts<sup>55</sup>** – This area supports a single point of access to EPA databases containing information about environmental activities that may affect air, water, and land anywhere in the United States; houses data that has been collected from regulated entities and the states; and makes that data accessible to environmental professionals, the regulated community, citizens groups, and to state and EPA employees through an easy-to-use, one-stop access point. Its components include databases and applications that make integrated environmental information available to all EPA stakeholders. Envirofacts directly supports the Agency's strategic goal of fulfilling Americans "Right-to-Know" about their environment which in turn supports EPA's mission to protect human health and the environment. It also supports integrated data access, a key component in the planned enterprise architecture that will support EPA's current and future business needs. Envirofacts is also being used to help plan and conduct multi-media inspections, and to support emergency response and planning. (In FY 2010, the Envirofacts activities will be funded at \$2.67 million)
- **IT/Information Management (IT/IM) Policy and Planning** – FY 2010 activities will ensure that all due steps are taken to reduce redundancy among information systems and data bases, streamline and systematize the planning and budgeting for all IT/IM activities, and monitor the progress and performance of all IT/IM activities and systems. This category includes EPA's implementation of an Enterprise Architecture and the Capital Planning and Investment Control<sup>56</sup> process (CPIC), to assist the Agency in making better informed decisions on IT/IM investments and resource allocations. (In FY 2010, the IT/IM Policy and Planning activities will be funded at \$13.75 million)
- **Electronic Records and Content Management** – FY 2010 activities in this area primarily create the systems, and establish and maintain the processes, to convert paper documents into electronic documents, convert paper-based processes into systems that rely less on paper documents, and manage the electronic documents. By doing so, these activities reduce costs, improve accessibility, and improve security for all of the documents entered into the system. Electronic documents do not take up storage space, and do not need a filing staff to locate documents for customers, and then re-file them after they are used. A single copy of an electronic document can be accessed simultaneously by numerous individuals, and from virtually any place on the planet. Using a collaborative process, in FY 2010 the Agency will continue implementing the ECMS project, an enterprise-wide, multi-media solution designed to manage and organize native and environmental data and documents for EPA, Regions, field offices and laboratories. Previously fragmented data storage approaches will be converted into a single standard platform which is accessible to everyone, reducing data and document search time, while improving security and information retention efforts. (In FY 2010, the Electronic Records and Content Management activities will be funded at \$2.94 million)
- **Internet Operations and Maintenance (IOME)** – EPA will implement and maintain the EPA Home Page ([www.epa.gov](http://www.epa.gov)) and over 200 top-level pages that facilitate access to

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55 For more information on Envirofacts, please visit: <http://www.epa.gov/enviro/>

56 For more information on the Capital Planning and Investment Control Process, please visit: <http://www.epa.gov/OEI/cpic/>

the many information resources available on the EPA Web site, as well as 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 \$9.11 million)

- **Information Reliability and Privacy** – FY 2010 EPA will continue to ensure that all of the data collected by the Agency comes from reliable sources, is stored in a manner that is consistent with its security needs, and is only made available to those who are authorized to have access. These efforts apply to environmental information, including data that is submitted by and shared among the states, tribes and territories, as well as other types of information, such as business information that is reported by various industry communities, and personal information for all EPA employees. (In FY 2010, the Information Reliability and Privacy activities will be funded at \$0.69 million)
- **IT/IM Infrastructure** – This area support 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 2010, EPA will expand the use of innovative multi-year leasing that sustains and renews technical services (e.g., desktop hardware, software and maintenance) in a stable least-cost manner as technologies change. EPA will also upgrade EPA’s Web presence to facilitate finding and using environmental information on the Internet. And EPA will expand and upgrade its Wide Area Network (WAN) to accommodate the continuously growing demands on bandwidth as system capabilities and public users grow. (In FY 2010, the IT/IM Infrastructure activities will be funded at \$59.55 million)

### **Performance Targets:**

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

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

- (+\$2,199.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$3,000.0) This increase is to improve WAN infrastructure, including adding a second Internet connection, upgrading field circuits, addressing requirements imposed on agencies managing their own internet connections, and support of high-speed networking, voice and video. EPA’s Wide Area Network capacity has not been significantly upgraded since 2004, and more than 30% of the existing network is operating at its maximum capacity.

- (+\$2,000.0) This increase is for upgrading of Web tools and allows EPA to take a number of steps to enhance public access to environmental information via the Internet. This effort includes improving search capabilities, implementing the Web Content Management System and the underlying metadata, and streamlining the design of EPA's Web pages and Web-accessible information.
- (+\$1,000.0) This increase reflects funding to maintaining the EPA library network.
- (+\$2,000.0) This increase allows EPA to stay on schedule for several projects that will provide tools needed by EPA programs. These projects include: developing improved Environmental Indicators, deploying enterprise-wide IT infrastructure solutions such as the Agency's Integrated Portal and Enterprise Content Management System, expanding the capabilities of the National Geospatial Program, upgrading desktop services in the regions, and developing enhancements to EPA's Capital Planning and Investment Control systems, the Enterprise Architecture, Envirofacts, and Identity and Access Management.
- (-\$589.0) This change reflects a decrease in EPA share of service fees for the following E-Gov initiatives: Business Gateway and E-Rulemaking.
- (+\$524.0) This increase reflects an increase in contract costs for optimizing the IT infrastructure.

**Statutory Authority:**

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



**Program Area: Legal / Science / Regulatory / Economic Review**

**Administrative Law**

Program Area: Legal / Science / Regulatory / Economic Review

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)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$5,657.9</b>	<b>\$5,128.0</b>	<b>\$5,352.0</b>	<b>\$224.0</b>
Total Budget Authority / Obligations	\$5,657.9	\$5,128.0	\$5,352.0	\$224.0
Total Workyears	35.0	33.7	33.7	0.0

**Program Project Description:**

This program provides support to EPA's Administrative Law Judges (ALJs) and Environmental Appeals Board (EAB or Board). The ALJs preside in hearings and issue initial decisions in cases initiated by EPA's enforcement program concerning those accused of environmental violations. The EAB issues final Agency decisions in environmental adjudications, primarily enforcement and permit-related, which are on appeal to the Board. In addition, the EAB serves as the final approving body for proposed settlements of enforcement actions initiated by the Agency. ALJs and the EAB issue decisions under the authority delegated by the Administrator. These decisions reflect findings of fact and conclusions of law on the issues presented.

**FY 2010 Activities and Performance Plan:**

By adjudicating disputed matters, the ALJs and EAB will further the EPA's long-term strategic goals of protecting human health and the environment in FY 2010. The EAB issues final Agency decisions in environmental adjudications on appeal to the Board. These decisions are the end point for appeals in the Agency's administrative enforcement and permitting programs. The right of affected persons to appeal these decisions within the Agency is conferred by various statutes, regulations and constitutional due process rights. The ALJs will preside in hearings and issue initial decisions in cases brought by EPA's enforcement program against those accused of environmental violations under various environmental statutes.

The Agency has sought efficiencies in this process. The ALJs have increased their use of alternative dispute resolution techniques to facilitate the settlement of cases and, thereby, avoided more costly litigation. The EAB and ALJs also use videoconferencing technology to reduce expenses for parties involved in the administrative litigation process. In FY 2010, the EAB plans to advance the use of electronic filing of documents with the Board by implementing the recommendations of its FY 2009 analysis on allowing parties the option of filing original documents electronically. This should result in greater efficiencies for all concerned. The EAB

also will implement its pilot project on the use of alternative dispute resolution in cases on appeal, and will continue to support judicial environmental training consistent with Agency priorities. (In FY 2010, the ALJ office will be funded at \$2.94 million with 18.3 FTE, and the EAB office will be funded at \$2.41 million with 15.4 FTE.)

**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):**

- (+\$222.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$2.0) This reflects an increase to support contract costs.

**Statutory Authority:**

CERCLA; FIFRA; CWA; CAA; TSCA; RCRA; SDWA; EPCRA; as provided in Appropriations Act funding.

**Alternative Dispute Resolution**

Program Area: Legal / Science / Regulatory / Economic Review

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)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$1,136.8</i></b>	<b><i>\$1,374.0</i></b>	<b><i>\$1,423.0</i></b>	<b><i>\$49.0</i></b>
Hazardous Substance Superfund	\$776.9	\$874.0	\$895.0	\$21.0
Total Budget Authority / Obligations	\$1,913.7	\$2,248.0	\$2,318.0	\$70.0
Total Workyears	6.1	7.3	7.3	0.0

**Program Project Description:**

The Agency's General Counsel and Regional Counsel Offices will provide environmental Alternative Dispute Resolution (ADR) services. The intent is to offer a cost-effective process to resolve disputes.

**FY 2010 Activities and Performance Plan:**

In FY 2010, the Agency will provide conflict prevention and ADR services to EPA Headquarters and Regional Offices and external stakeholders on environmental matters. The national ADR program assists in developing effective ways to anticipate, prevent and resolve disputes and makes neutral third parties – such as facilitators and mediators – more readily available for those purposes. Under EPA's ADR Policy, the Agency encourages the use of ADR techniques to prevent and resolve disputes with external parties in many contexts, including adjudications, rulemaking, policy development, administrative and civil judicial enforcement actions, permit issuance, protests of contract awards, administration of contracts and grants, stakeholder involvement, negotiations, and litigation.

**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):**

- (+\$43.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$6.0) This reflects an increase in support costs for the program.

**Statutory Authority:**

EPA's General Authorizing Statutes.

**Civil Rights / Title VI Compliance**

Program Area: Legal / Science / Regulatory / Economic Review

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)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$11,109.6</i></b>	<b><i>\$11,488.0</i></b>	<b><i>\$12,000.0</i></b>	<b><i>\$512.0</i></b>
Total Budget Authority / Obligations	\$11,109.6	\$11,488.0	\$12,000.0	\$512.0
Total Workyears	68.4	68.5	69.5	1.0

**Program Project Description:**

EPA’s Office of Civil Rights provides policy direction and guidance on equal employment opportunity, civil rights, affirmative employment and diversity issues for the Agency’s program offices, Regional offices, and laboratories. EPA’s Civil Rights Programs include Title VI compliance, review and complaint adjudication, intake and processing of complaints of discrimination from Agency employees and applicants for employment under Title VII, implementation of processes and programs in support of reasonable accommodation, affirmative employment program planning and implementation, and diversity initiatives primarily related to issues on ageism and sexual orientation. Additional program functions include accountability for evaluation and compliance monitoring of the Civil Rights Act of 1964 (Titles VI, VII, IX), and legislative requirements and executive orders covering civil rights, disability, alternative dispute resolution, and compliance with Equal Employment Opportunity Commission (EEOC) regulations.

**FY 2010 Activities and Performance Plan:**

In FY 2010, The Office of Civil Rights will focus on its core mission to ensure the fair and equitable treatment of all employees and applicants, and to foster an environment in which diversity is recognized as a valuable resource within the Agency as a whole. EPA expects to conduct compliance reviews of five recipients of EPA financial assistance. The Agency’s Civil Rights External Compliance Program also expects to improve its processing of external complaints. (In FY 2010, the Headquarters Office of Civil Rights will be funded at \$8.26 million with 40.5 FTE.)

In FY 2010 the Agency will:

- Continue the work begun in 2009 with the U.S. Department of Justice, Department of Health and Human Services, and the Department of Education on issues regarding

discrimination on the basis of age, sex, and other factors, as well as working with other Federal agencies that may simultaneously receive discrimination complaints from the same complainant regarding a particular recipient agency.

- Aggressively work to reduce processing time for employment complaints and increase the number of complaints resolved through the alternative dispute resolution process.
- Ensure that certification training, refresher training, and guidance are provided to more than 100 EEO Counselors in Headquarters and the Agency's Regional offices per year. The Agency will continue to train EEO Officers in the Discrimination Complaint Tracking System, and provide technical assistance as needed.
- As a follow-up to the training of over 1300 supervisors and managers conducted in 2009, OCR will begin EEO training for all EPA employees on a voluntary basis.
- Re-establish an EEO presence in the EPA Las Vegas Laboratory.
- Examine ways to more effectively and efficiently reduce the number of pending Title VI complaints, increase the number of compliance reviews conducted, and improve organizations recipients' civil rights programs through guidance and/or training. The Agency will establish an on-line training module for recipients and potential recipients of Federal financial assistance.
- Monitor and evaluate the effectiveness of the Agency's Reasonable Accommodation process(s). Continue to provide technical assistance to managers, supervisors, employees and the designated Local Reasonable Accommodation Coordinators, in the form of expert training and consultation. Review and revise current policy and procedures to ensure full implementation of the American with Disabilities Act Amendments of 2009.
- Monitor the Agency's compliance with various statutes, EEOC regulations, EPA policy and procedures related to the reasonable accommodation of qualified applicants and employees with disabilities.
- The Affirmative Employment and Diversity staff will provide programs that increase the cultural awareness of minorities and women, highlight the accomplishments of EPA employees involved in ensuring equal employment opportunity, support special emphasis programs and initiatives that involve management, unions, and community groups, meet on a regular basis with external and union officials to improve communication and relationships, and coordinate the development of recruitment and retention strategies.
- Working in coordination with the Agency's Small Business Programs, OCR will establish an environmental law curriculum for minority academic institutions.
- OCR will coordinate with EPA's Human Resources programs to conduct a comprehensive survey designed to verify Agency data on race and national origin and

- OCR will conduct a comparative analysis of EEOC's 462 reporting requirements covering fiscal years 2006-2008.

These activities are consistent with the objectives in the EEOC guidance MD-715 and will serve to move the Agency towards reaching 'model EEO program' status. Additionally, these activities serve to empower the overall workforce to operate in an environment free of discrimination and inequities.

**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):**

- (+\$580.0) This reflects an increase for payroll and cost of living for all FTE.
- (-\$68.0) This change reflects a decrease in contracts to reflect management diversity training that will be completed in FY 2009, but will not be carried over to 2010.
- (+1.0 FTE) This change reflects a shift of 1.0 FTE for Workforce Solutions staff from Human Resource Management program.

**Statutory Authority:**

CRA VII, as amended; FWPCA amended; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Age Discrimination Act of 1975; Rehabilitation Act of 1974, as amended; Americans with Disabilities Act of 1990, The ADA Amendments Act of 2008, OWBPA as amended; ADEA as amended EEOC Management Directive 715; Executive Orders 13163, 13164, 13078, 13087, 13171, 11478, 13125, 13096, 13230, 13270 July 3, 2002 (Tribal Colleges), 13339 May 13, 2004 (Asian American Participation in Federal Programs).

**Legal Advice: Environmental Program**

Program Area: Legal / Science / Regulatory / Economic Review

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)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$39,021.3</b>	<b>\$40,247.0</b>	<b>\$41,922.0</b>	<b>\$1,675.0</b>
Hazardous Substance Superfund	\$802.4	\$708.0	\$746.0	\$38.0
Total Budget Authority / Obligations	\$39,823.7	\$40,955.0	\$42,668.0	\$1,713.0
Total Workyears	244.3	248.2	247.2	-1.0

**Program Project Description:**

The Agency's General Counsel and Regional Counsel Offices will provide legal representational services, legal counseling and legal support for all Agency environmental activities. This excludes other support activities necessary for the operation of the Agency.

**FY 2010 Activities and Performance Plan:**

In FY 2010, legal advice to environmental programs will include litigation support representing EPA and providing litigation support in cases where EPA is a defendant, as well as those cases where EPA is not a defendant, but may have an interest in the case. Legal advice, counsel, and support are necessary for Agency management and program offices on matters involving environmental issues including, for example, providing interpretations of, and drafting assistance on, relevant and applicable laws, regulations, directives, policy and guidance documents, and other materials.

This program also is supported by the 2009 American Recovery and Reinvestment Act (ARRA) funds. Additional details can be found at <http://www.epa.gov/recovery/> and <http://www.recovery.gov/>.

**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):**

- (+\$1,749.0) This reflects an increase for payroll and cost of living for existing FTE.



- (-\$74.0) This reflects small changes in IT, telecommunications or other support costs.
- (-1.0 FTE) This change reflects the realignment of one FTE for labor relations under this program to the Legal Advice: Support Program.

**Statutory Authority:**

EPA's General Authorizing Statutes.

**Legal Advice: Support Program**

Program Area: Legal / Science / Regulatory / Economic Review

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)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$13,524.9</i></b>	<b><i>\$14,676.0</i></b>	<b><i>\$15,611.0</i></b>	<b><i>\$935.0</i></b>
Total Budget Authority / Obligations	\$13,524.9	\$14,676.0	\$15,611.0	\$935.0
Total Workyears	81.7	85.3	86.3	1.0

**Program Project Description:**

The General Counsel and the Regional Counsel offices provide legal representational services, legal counseling and legal support for all activities necessary for the operation of the Agency. This program focuses on administrative requirements determined by statutes, GAO decisions and Federal agency regulations.

**FY 2010 Activities and Performance Plan:**

In FY 2010, legal representational services, legal counseling and legal support will be provided for all Agency activities as necessary for the operation of the Agency (i.e., contracts, personnel, information law, ethics and financial/monetary issues). Legal services include litigation support representing EPA and providing litigation support in cases where EPA is a defendant, as well as those cases where EPA is not a defendant, but may have an interest in the case. Legal advice, counsel, and support are necessary for Agency management and administrative offices on matters involving actions affecting the operation of the Agency, including, for example, providing interpretations of relevant and applicable laws, regulations, directives, policy and guidance documents, and other materials.

**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):**

- (+\$924.0) This reflects an increase for payroll and cost of living for all FTE.

- (+\$11.0) This reflects technical changes in IT, travel or other support costs across programs. Funds will support legal analyses and operations in FY 2010.
- (+1.0 FTE) This change reflects the realignment of one FTE for labor relations from the Legal Advice: Environmental Program.

**Statutory Authority:**

EPA's General Authorizing Statutes.

**Regional Science and Technology**

Program Area: Legal / Science / Regulatory / Economic Review

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)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$3,293.3</b>	<b>\$3,219.0</b>	<b>\$3,283.0</b>	<b>\$64.0</b>
Total Budget Authority / Obligations	\$3,293.3	\$3,219.0	\$3,283.0	\$64.0
Total Workyears	2.0	2.0	2.0	0.0

**Program Project Description:**

The Regional Science and Technology (RS&T) program supports the purchase of equipment for use by Regional laboratories, field investigation teams, and mobile laboratory units, as well as that equipment required for laboratory quality assurance and quality control. Regional laboratories provide essential expertise in ambient air monitoring, environmental biology, microbiology, and chemistry, and criminal investigation. Centers of Applied Science for specialty work have been established in these areas as well. In recent years, EPA has made significant strides toward improving data collection and analytical capacity and capability to strengthen science based decision-making. Funding for necessary equipment is essential for continued progress and enhanced capabilities in order to respond to emergencies and to improve efficiencies.

RS&T activities support all of the Agency's national programs and goals, especially enforcement, by supplying ongoing laboratory analysis, field sampling support, and Agency efforts to build Tribal capacity for environmental monitoring and assessment. The RS&T program provides in-house expertise and technical capabilities in the generation of data for Agency decisions. RS&T resources support the development of critical and timely environmental data, rapid data review activities in emerging situations, and develop enhanced capabilities for proper environmental management of chemical warfare agents.

**FY 2010 Activities and Performance Plan:**

In FY 2010, RS&T resources will support Regional implementation of the Agency's statutory mandates through field operations for environmental sampling and monitoring, Regional laboratories for environmental analytical testing, monitoring, special studies, and method development, quality assurance oversight and data management support, and environmental laboratory accreditation. Direct laboratory support also increases efficiencies in Regional program management and implementation by providing base level supplies and equipment.

The Agency will stay abreast of rapidly changing technologies (i.e., new software, instrumentation, and analytical capability such as Polymerase Chain Reaction Technology and Time of Flight Mass Spectrometry) that allow EPA to analyze samples more cost effectively and/or detect lower levels of contaminants, and to assay new and emerging contaminants of concern. In accordance with new policy directives, including those related to Homeland Security, the Agency will enhance laboratory capacity and capability to ensure that its laboratories implement critical environmental monitoring and surveillance systems, partner with existing laboratory networks, and develop enhanced response, recovery and cleanup procedures.

The Agency recognizes the value of accredited labs and continues to work toward the accreditation of all of its labs. For example, the National Environmental Laboratory Accreditation Program Institute and other accrediting authorities, ensure continued confidence that our environmental testing laboratories at the Federal, state, local, private and academic levels are qualified to produce data supporting environmental compliance at all levels within the regulatory community. Ninety percent of the Regional laboratories under RS&T are accredited. Regional labs are complying with the Agency's 2004 Laboratory Competency Policy by seeking and maintaining their lab accreditation. In FY 2010, Regional laboratories will sustain existing accreditations or seek accreditation according to their approved Implementation Plan.

EPA's Regional laboratories contribute to various aspects of the Agency's performance measures in each of the major Agency programs. For example, the Civil and Criminal Enforcement OMB performance assessment measures are supported through significant technical and analytical activities for civil and criminal enforcement, cases including the Resource Conservation and Recovery Act, Toxic Substances Control Act, and Superfund programs. The laboratories analyze samples associated with a variety of activities including unpermitted discharges, illegal storage and/or disposal of hazardous wastes, and illegal dumping. Resulting data are then used by the Agency's Criminal Investigation Division and by Assistant U.S. Attorneys to support prosecution cases.

Other examples of activities that support results measurement include operating laboratory equipment such as Standard Reference Photometers, which are used to ensure that the national network of ozone ambient monitors accurately measure ozone concentrations in support of Mobile Source and Air Toxics OMB performance assessment measures. Also, nearly 60 percent of the analyses performed by Regional laboratories support the cleanup of uncontrolled or abandoned hazardous waste sites associated with the Superfund Program. Analytical support also is provided for identifying and assessing risks associated with pesticides and other high risk chemicals.

### **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):**

- (+\$9.0) This reflects an increase for payroll and cost of living for existing FTE.

- (+\$55.0) This change reflects an increase for Regional laboratory equipment and supplies.

**Statutory Authority:**

CWA; CAA; TSCA; CERCLA; SDWA; PPA; RCRA; FIFRA.

**Regulatory Innovation**

Program Area: Legal / Science / Regulatory / Economic Review

Goal: Healthy Communities and Ecosystems

Objective(s): Communities

Goal: Compliance and Environmental Stewardship

Objective(s): Improve Environmental Performance through Pollution Prevention and Other Stewardship Practices

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$23,392.1</i></b>	<b><i>\$19,811.0</i></b>	<b><i>\$20,606.0</i></b>	<b><i>\$795.0</i></b>
Total Budget Authority / Obligations	\$23,392.1	\$19,811.0	\$20,606.0	\$795.0
Total Workyears	105.2	106.6	91.6	-15.0

**Program Project Description:**

Starting with passage of major environmental laws in the 1970s, America has seen steady gains in environmental and public health protection. However, today’s environmental challenges are more complex than many we have faced in the past. Issues like climate change, reducing toxic exposure in urban settings, and controlling water pollution from numerous diffuse sources are not being addressed fully through current environmental regulatory requirements. These and other challenges require innovative solutions that strengthen the current regulatory system and lay the groundwork for a cleaner, healthier, more sustainable society.

As a regulatory agency, ensuring strong and effective regulation is a fundamental responsibility. We recognize the need to continually improve regulations so they deliver better environmental results without imposing unnecessary burdens that can inhibit economic competitiveness. Because we do not always have sufficient regulatory authority or practical approaches for enforcing regulatory requirements, we also need innovations that can fill the gaps in our regulatory system using cross-media and other approaches. Finally, we need innovations that can reveal the best approach to solving an environmental problem, whether it is through regulation or other environmental protection tools.

The regulatory innovation program is designed to address these needs. We will use a proven innovation methodology to guide our work – identifying problems in need of attention, testing potential solutions, and evaluating results to inform decisions about future action. We also will engage with public and private sector partners to advance environmental policy interests. These partnerships will enable us to share expertise, examine creative solutions, and leverage resources for maximum gain. Through all of these efforts, we will give added attention to opportunities to support the development of green jobs and technologies that will be vital to growing America’s new green economy and to improving environmental results.

## **FY 2010 Activities and Performance Plan:**

In FY 2010, Regulatory Innovation activities will include:

Supporting Regulatory Innovation in the States - State Innovation Grant Program: These competitive grants provide resources to assist states in implementing system-wide innovative environmental protection strategies that are transferable to other states. Examples include expanded adoption of the Environmental Results Program model (an integrated system of multi-media compliance assistance, self-certification, and statistically-based performance measurement designed to help small business sectors improve environmental performance while providing the means for more efficient oversight) to promote improved compliance and best environmental business practices in small business sectors, further testing of “Lean and the Environment” (Lean manufacturing is a business model that emphasizes eliminating waste while delivering quality products at the least cost to the manufacturer and customers) approaches that better connect environmental performance and energy conservation to manufacturing practices, testing broader application of the use of environmental management systems in permitting and community/municipal environmental management, and permit streamlining and integration. In FY 2010, EPA anticipates making up to eight awards. In the competitions from 2002-2008, EPA has supported 38 projects with grants awarded to 25 states through this program. In 2008, EPA released its first report on results from State Innovation Grant projects (<http://www.epa.gov/innovation/stategrants/results.htm>). (In FY 2010, the State Innovation Grants program will be funded at \$3.7 million.)

Innovative Pilot Testing: While State Innovation Grants are the primary mechanism for the development, testing and evaluation of strategic innovations at the state level, pilot testing of promising new ideas is conducted through a variety of additional mechanisms. Examples include guiding the development and issuance of flexible air permits (in partnership with EPA’s Air and Radiation program), providing direct technical assistance and information to states that are adopting, or considering the Environmental Results Program as a means of regulating small sources, providing tools, information, and training to businesses and facilities, providing training and support for testing the application of innovative approaches to regulatory and other administrative processes, providing a forum for information-sharing among states experimenting with the use of environmental management systems (EMSs) in permits, and providing technical assistance to the states in evaluating the results of those experiments. (In FY 2010, the Innovative Pilot Testing program will be funded at \$2.26 million.)

Program Evaluation and Performance Analysis: Program Evaluation is one of the performance management tools EPA uses to assure the public that Agency programs are protecting human health and the environment effectively and efficiently. This is particularly important in an era of fiscal responsibility that calls for even greater federal accountability and public transparency of our programs. In FY 2010, through an annual Program Evaluation Competition managed by the National Center for Environmental Innovation, resources will be provided to EPA programs and Regional offices to conduct rigorous evaluations. Specific consideration is given to evaluations that assess program effectiveness and efficiency, provide insights on how the use of an innovative approach may help better achieve program goals and fulfill the Agency’s mission; and address issues of strategic importance to the Agency, or address cross-cutting issues that



present challenges to multiple programs. The National Center for Environmental Innovation also leads the EPA performance management training regimen (online and classroom), which enables EPA staff and managers to use essential program evaluation and performance analysis tools such as logic modeling and performance measurement. EPA's investment in program evaluation will produce rigorous, evidence-based information aimed at making programs more effective and improving productivity, and strengthening Agency decision making. (In FY 2010, the Program Evaluation and Performance Management program will be funded at \$2.46 million.)

Effective Use of Environmental Stewardship: EPA will continue activities that more fully engage all parts of society (businesses, communities, all levels of governments, and individuals) in actions that improve environmental quality and achieve sustainable results. EPA plans to improve the management of its partnership programs through technical support, training and skill building around program design, measurement, and evaluation. Additional support will be provided to Agency stewardship priorities for design and operation of site-specific projects in the Regional offices, and for incorporation into national program policies. Additionally, EPA will engage in activities within the Agency, and expand collaboration with other Departments such as Energy, Labor, and Commerce to promote sustainability goals including actions that advance the greening of the economy with direct environmental benefits (e.g., the promotion of green jobs and expanding use of renewable energy). Further, EPA will continue efforts to enhance collaboration with other government agencies at all levels, and to improve opportunities and best practices for public involvement in Agency decision-making. (In FY 2010, the Effective use of Environmental Stewardship program will be funded at \$1.23 million.)

Improving Environmental Management: This set of projects aims to improve environmental performance by promoting effective use of environmental management systems (EMS) and encouraging transparency, disclosure, and use of environmental information. EPA will provide leadership and coordination with other agencies, states, industry, and governmental organizations on promoting the wider application of EMS to protect the environment including incorporation of sustainability management goals. EPA will focus EMS implementation on several key sectors, including ports, construction, agribusiness and communities. EPA will work with stakeholders to improve the transparency and disclosure of environmental information from business. In addition, EPA will work to ensure that available environmental data is accessible and useable to determine a corporation's environmental footprint. (In FY 2010, the Improving Environmental Management program will be funded at \$1.4 million.)

Sector Strategies Program: This program supports EPA's mission by developing comprehensive performance improvement strategies with major manufacturing and service sectors of the U.S. economy, designed to promote improved environmental protection, energy efficiency, and resource management in high-impact industries and fuel production sectors. In FY 2010 there will be at least 13 participating sectors, including agribusiness; chemical manufacturing; construction; pulp and paper; steel; oil and gas; and ports, representing more than 850,000 facilities nationwide. Targeted sectors address GHG reductions (sectors represent 29% of total GHG emissions), toxic air emissions (34% of national releases), hazardous waste (80% of hazardous waste releases), and water impact issues. The Agency will develop sector-based climate and energy analyses; develop innovative sector stewardship approaches to improve ambient air quality and water conservation; leverage corporate influence on the supply chain to

address multi-media impacts from agribusiness and fuel production; and define multi-sector strategies to achieve better management of materials and risks. The voluntary removal of 2 million mercury switches from salvaged automobiles is one example of program success. EPA will also track progress in all environmental media through its *Sector Performance Reports*, which will add state-level data and electronic public access, thereby providing a more complete picture of priorities yet to be (In FY 2010, the Sector Strategies program will be funded at \$2.7 million.)

Smart Growth: The Smart Growth program achieves measurably improved environmental and economic outcomes by working with states, communities, industry leaders, and nonprofit organizations to minimize the environmental impacts of development. The program provides tools, technical assistance, education, and research to help states and communities grow in ways that minimize environmental and health impacts of development patterns and practices. The Smart Growth program shows community and government leaders how they can meet environmental standards through innovative community design and identifies and researches new policy initiatives to support environmentally friendly development patterns. EPA engages the architecture, transportation, construction, residential and commercial real estate industries to identify and remove barriers to growth and to improve the economy, community, public health, and the environment. In FY 2010, EPA plans to build upon its work in outreach and direct implementation assistance. EPA will provide national best practices to communities and use its local, on-the-ground work to communicate its national research and policy agenda. (In FY 2010, the Smart Growth will be funded at \$3.9 million under the Regulatory Innovation program, and \$1.2 million under the Brownfields program.)

Green Building: The Agency's Green Building program works to accelerate mainstream adoption of green building practices including measures that will lead to dramatic, long-term energy savings and GHG reductions. Green Building projects are coordinated with related EPA media program projects and regional work. The Green Building program communicates and develops partnerships with outside stakeholders. In FY 2010, the Green Building program will be funded at \$1.6 million and will pursue the following priorities:

- *EPA Green Building Program Coordination*: expand coordination to integrate Agency activities into a coherent Green Building Program, including building a governmental and NGO network, train EPA staff, and create an external awards program.
- *Green Home Retrofit Blitz*: Existing homes are among the worst performers in meeting energy, environmental, and health goals. During FY 2010, EPA will facilitate two to three local projects lead by local governments/NGOs to help marshal financial, technical, and educational resources for green retrofit of entire neighborhoods.
- *Green Facility Operations Partnerships*: Existing building operations and maintenance (O&M) upgrades provide the greatest energy and environmental benefits for the lowest cost--develop industry partnerships for O&M improvements.
- *Green Building Standards and Metrics*: Effective third-party standards tied to metrics are necessary to reduce energy and to address other green building attributes. This project will manage and coordinate Agency responses to these third-party standards and develop Agency positions, as appropriate.

National Environmental Performance Track: The Performance Track program is being discontinued, although it will be partially funded in FY 2010 in order to appropriately close out the program. It is EPA's intent to reflect on the program's achievement and refine its concepts and approaches. In addition, EPA will convene a multi-stakeholder subcommittee under the National Advisory Council for Environmental Policy and Technology (NACEPT). The subcommittee will conduct a dialog that focuses on the future of EPA's environmental leadership programs. The dialogue will assess the value of performance based leadership programs, and make recommendations on whether and how these programs can help the nation achieve its environmental objectives. (In FY 2010, the National Environmental Performance Track program will be funded at \$1.25 million.)

**Performance Targets:**

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	75 percent of innovative projects completed under the SIG program will achieve, on average, 8 percent or greater improvement in environmental results for sectors and facilities involved, or 5 percent or greater improvement in cost-effectiveness and efficiency.	Data unavailable	75	75	75	percentage

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

- (+\$764.0) This reflects an increase for payroll and cost of living for existing FTE.
- (-\$1,500.0 / -15.0 FTE) This change reflects a redirection of resources, including payroll and FTE, from the Performance Track program to provide additional project officers in support of Brownfields and DERA projects funded under the 2009 American Recovery and Reinvestment Act.
- (+\$1,531.0) This change reflects a net increase to grants funding of Agency programs, including but not limited to the State Innovation grant program, the Smart Growth program, and the Green Building program. Both the State Innovation Grant and Smart Growth programs are key ways in which the Agency supports state and local governments in their efforts to protect neighborhoods and communities throughout the country. The funding for State Innovation grants will support states in implementing system-wide innovative environmental protection strategies that are transferable to other states. The funding for Smart Growth will instruct and assist local government leaders in

meeting environmental standards through innovative community design and environmentally friendly development patterns. The funding for Green Building will be used to support building retrofit projects, and to promote operations & maintenance upgrades to existing buildings.

**Statutory Authority:**

Annual Appropriations Acts; CWA, Section 104(b)(3); CAA, Section 104(b)(3).

**Regulatory/Economic-Management and Analysis**

Program Area: Legal / Science / Regulatory / Economic Review

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)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$17,379.6</b>	<b>\$16,729.0</b>	<b>\$22,403.0</b>	<b>\$5,674.0</b>
Total Budget Authority / Obligations	\$17,379.6	\$16,729.0	\$22,403.0	\$5,674.0
Total Workyears	100.4	104.2	104.2	0.0

**Program Project Description:**

The Regulatory Economic, Management and Analysis program is designed to strengthen EPA's policy and program analysis, and ensure EPA's senior leaders and managers are provided with sound regulatory, policy, and program management information in a timely manner. The program works to fill gaps in EPA's ability to quantify the costs and benefits of environmental regulations and policies. The program seeks to improve operations and outcomes based on program and performance analysis. Resources are used to manage the EPA regulatory, policy, and guidance development process; develop, identify and analyze various regulatory and non-regulatory approaches and policy options; identify successful strategies and regulatory approaches; and address priority problem areas including small business and governmental entities.

Objectives of the program include:

- Ensuring that Agency decision-making processes are invested with high quality and timely information, including relevant science, policy, and economic factors, consideration of an appropriate range of alternatives to achieve the best overall environmental results, and efficient and effective internal procedures that facilitate timely action.
- Advancing the theory and practice of quality economics, and promoting policy analysis and risk analysis within the Agency.
- Providing information on the full societal impacts of reducing environmental risks, including the costs and benefits of regulatory options.

- Confirming and maintaining the accuracy and consistency of EPA's economic analysis, while promoting the use of economic, science, regulatory, and program analysis to make informed management decisions throughout the Agency.
- Leading Agency implementation of the Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), to address potential burdens on small entities.
- Improving program effectiveness and efficiency through analysis and information sharing.
- Promoting appropriate implementation of the Administrative Procedures Act, Congressional Review Act (CRA), and the Paperwork Reduction Act.

### **FY 2010 Activities and Performance Plan:**

Program activities planned for FY 2010 include:

- Managing the Agency's internal *Action Development Process* and ensuring appropriate engagement across EPA offices and regions. Leading EPA's review of other agency and department actions. Informing the public about regulatory and policy actions under development. Providing training on the Agency's Action Development process, Economic Analysis Guidelines and related requirements (e.g., OMB Circular A-4). EPA will review and revise its economic guidelines so that they remain current with advancements and reflect best practices in the profession.<sup>57</sup>
- Participating in the development of the Administrator's priority actions, reviewing economic and risk analyses conducted across EPA offices, and providing technical assistance when needed to help meet Agency goals. The Agency also will continue to chair the Small Business Advocacy Panels.
- Collaborating with state environmental agency representatives to reduce the state reporting burden associated with EPA activities.
- Conducting and supporting research on methods to improve the quality and quantity of economic science available to inform the Agency's decision makers, including management of the Science to Achieve Results in the Economic and Decision Sciences research program. Research priorities include estimation of the economic value of improvements in human health and welfare, integration of ecological and economic models to value improvements in ecological functions and services, and improvements in other data collection techniques used to measure economic costs and benefits. The Agency also will establish effective management systems to improve the quality and consistency of EPA's economic and risk assessment studies.

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<sup>57</sup> Please refer to: <http://yosemite.epa.gov/ee/epa/eed.nsf/webpages/Guidelines.html>;

- Supporting data collection and the dissemination of information on the economic benefits, costs and impact of environmental regulations. The Agency conducts analysis on the impacts of environmental regulation on businesses, funding the Pollution Abatement Costs and Expenditures (PACE) survey with the assistance of the Department of Commerce's Bureau of the Census, which measures pollution abatement expenditures by U.S. manufacturing industries.<sup>58</sup> The survey will be expanded to support Agency efforts to measure changes in expenditures resulting from newly implemented greenhouse gas reduction policies and regulations.
- Providing training on the Agency's Action Development process, Economic Analysis Guidelines, and related requirements (e.g., OMB Circular A-4) will allow the Agency to continue reviewing and updating its economic guidelines so it will remain current with advancements and reflect best practices in the profession.<sup>59</sup>
- Facilitating communication between the scientific community and Agency policy analysts by supporting workshops on priority economic and environmental policy issues (e.g., greenhouse gas reductions, environmental justice, benefits valuation, market mechanisms and incentives, and treatment of uncertainties in risk and economic analyses<sup>60</sup>.) Support the utilization of high quality outside technical peer review of influential economic models and methods used in Agency regulations.
- Improving the effectiveness and efficiency of Agency programs and policies through improved analysis, more efficient operations, and improved information sharing.

### **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):**

- (+\$736.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$3,000.0) This change reflects additional funding that will support the development of science-based methods to assess disproportionate health impacts to form the Agency's Environmental Justice assessments and policy development; advances in the measurement of the beneficial effects of reducing pollutants, including supporting analyses and development of methods to improve the utility of cancer and non-cancer risk assessments consistent with recent recommendations from the National Academy of Sciences; and to support research to explore application of the comparative risk assessment framework and tools to disproportionate impact analysis.

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<sup>58</sup> Please refer to: <http://yosemite.epa.gov/ee/epa/eed.nsf/webpages/pace2005.html>

<sup>59</sup> Please refer to: <http://yosemite.epa.gov/ee/epa/eed.nsf/webpages/Guidelines.html>;

<sup>60</sup> For more information on these workshops, please refer to: <http://yosemite.epa.gov/ee/epa/eed.nsf/webpages/WorkshopSeries.html>.

- (+\$750.0) Additional resources will finance expansion of the present PACE survey of pollution abatement expenditures by industry to support the effective collection and measurement of costs to the U.S. economy of regulations and policies directed at reducing greenhouse gas emissions.
- (+\$1,188.0) This change reflects increased resources for contracts and grants that will improve the scope and quality of economic research, deliver more empirical studies on environmental economics, and increase the capacity of society to evaluate the economic benefits, costs, and impacts of environmental programs.

**Statutory Authority:**

TSCA sections 4, 5, and 6 (15 U.S.C. 2603, 2604, and 2605); CWA sections 304 and 308 (33 U.S.C. 1312, 1314, 1318, 1329-1330, 1443); SDWA section 1412 (42 U.S.C. 210, 300g-1); RCRA/HSWA: (33 USC 40(IV)(2761), 42 USC 82(VIII)(6981-6983)); CAA: 42 USC 85(I)(A)(7403, 7412, 7429, 7545, 7612); CERCLA: 42 USC 103(III)(9651); PPA (42 U.S.C. 13101-13109); FTTA.



**Science Advisory Board**

Program Area: Legal / Science / Regulatory / Economic Review

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)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$5,653.4</b>	<b>\$5,451.0</b>	<b>\$5,631.0</b>	<b>\$180.0</b>
Total Budget Authority / Obligations	\$5,653.4	\$5,451.0	\$5,631.0	\$180.0
Total Workyears	26.6	22.3	22.3	0.0

**Program Project Description:**

Congress established the EPA Science Advisory Board (SAB) in 1978 and gave it a broad mandate to advise the Administrator on a wide range of scientific matters to ensure that EPA's technical products are of the highest quality. The SAB and two other statutorily mandated chartered Federal Advisory Committees, the Clean Air Scientific Advisory Committee and the Advisory Council on Clean Air Compliance Analysis, draw on a balanced range of non-EPA scientists and technical specialists from academia, communities, states, independent research institutions, and industry. This program provides management and technical support to these Advisory committees charged with providing EPA's Administrator with independent advice and peer review on scientific and technical aspects of environmental problems, regulations, and research planning.<sup>61</sup>

**FY 2010 Activities and Performance Plan:**

The Agency brings its highly visible and important scientific products, as well as emerging and challenging research issues to the SAB. In FY 2010, the SAB will provide scientific and technical advice on topical areas related to: (1) the technical basis of EPA National Drinking Water Standards for drinking water contaminants and revised National Ambient Air Quality Standards for criteria air pollutants (e.g. Nitrogen Oxides and Sulfur Oxides); (2) health effects assessments of Integrated Risk Information System (IRIS) chemicals (e.g. Dioxin, MTBE) and risks assessments of major sources of environmental contaminants (e.g. refinery petroleum, cement kiln); (3) economic benefits analyses of EPA's environmental programs (e.g. regulations under the Clean Air Act); and (4) strengthening of EPA's research and science programs. The SAB plans to produce 20 advisory reports on these areas. (In FY 2010, the funding for the Science Advisory Board will be \$5.63 million and 22.3 FTE.)

<sup>61</sup> Please refer to: <http://www.epa.gov/sab/>.

**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):**

- (+\$166.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$14.0) This reflects an increase to support contract costs.

**Statutory Authority:**

Environmental Research, Development, and Demonstration Authorization Act (ERDDAA); 42 U.S.C. § 4365; FACA, 5 U.S.C. App. C; CAA Amendments of 1977; 42 U.S.C. 7409(d)(2); CAA Amendments of 1990; 42 U.S.C. 7612.

**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)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$296,235.0</i></b>	<b><i>\$303,884.0</i></b>	<b><i>\$320,612.0</i></b>	<b><i>\$16,728.0</i></b>
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
Oil Spill Response	\$498.6	\$596.0	\$498.0	(\$98.0)
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:**

Environmental Program Management resources in the Facilities Infrastructure and Operations Program Project are used to fund rent, utilities, security, and energy conservation/sustainable facilities programs. EPA resources are also 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. 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:**

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. The Agency reviews space needs on a regular basis, and is implementing a long-term space consolidation plan that includes reducing the number of occupied facilities, consolidating space within the remaining facilities, and reducing the square footage where practical. (For FY 2010, the Agency is requesting a total of \$162.04 million for rent, \$13.51 million utilities, \$28 million for security, \$11.37 million for transit subsidy, and \$10.48 million for Regional moves in the EPM appropriation.)

In FY 2010, EPA will continue to improve operating efficiency and encourage the use of new, advanced technologies, and energy sources. EPA will continue to direct resources towards acquiring alternative fuel vehicles and more fuel-efficient passenger cars and light trucks to meet the goals set by Executive Order (EO) 13423<sup>62</sup>, *Strengthening Federal Environmental, Energy, and Transportation Management*. Additionally, the Agency will attain the Executive Order's building related environmental performance goals through several initiatives, including comprehensive facility energy audits, re-commissioning, sustainable building design in Agency construction and alteration projects, energy savings performance contracts to achieve energy efficiencies, the use of off-grid energy equipment, energy load reduction strategies, green power purchases, and the use of Energy Star rated products and buildings. In FY 2010, we plan to reduce energy utilization (or improve energy efficiency) by approximately 37 billion British Thermal Units or three percent. EPA should end FY 2010 using approximately 20% less energy than we did in FY 2003.

EPA will continue provide transit subsidy to eligible applicants as directed by EO 13150 *Federal Workforce Transportation*. EPA will continue its integration of Environmental Management Systems (EMS) across the Agency, consistent with requirements of Executive Order 13423. EPA will advance the implementation of Safety and Health Management Systems to identify and mitigate potential safety and health risks in the workplace to ensure a safe working environment.

The Agency's Protection Services Detail (PSD) provides physical protection of the Administrator, by coordinating security arrangements during routine daily activities, as well as in-town and out-of-town events. The PSD coordinates all personnel and logistical requirements including scheduling, local support, travel arrangements, and managing special equipment needed to carry out its protective function.

**Performance Targets:**

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Cumulative percentage reduction in energy consumption.	13	9	12	15	Percent

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

- (+\$3,082.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$2,942.0) This reflects an increase in transit subsidy.
- (+\$1,674.0) This change reflects the projected contractual rent increase in FY 2010, as well as a rebalancing of cost allocation methodologies between the EPM, S&T, and SF, and OIL appropriations.
- (+\$2,541.0) This change reflects an increase in utility costs.

<sup>62</sup> Information available at <http://www.fedcenter.gov/programs/eo13423/>

- (+\$2,321.0) This increase in security costs reflects the rebalancing of cost allocation methodologies between the EPM and S&T appropriations.
- (+\$4,045.0) This increase is for Regional office moves in San Francisco, Puerto Rico, and Seattle. Multiple leases are expiring, and the Agency is working with GSA to identify new locations for these facilities.
- (+\$123.0) This reflects an increase in additional resources to cover basic facilities management services in Regional offices.
- (+0.5 FTE) This 0.5 FTE change reflects realignment in the Agency's Research Triangle Park office into Facilities, Infrastructure, and Operations.

**Statutory Authority:**

Federal Property and Administration Services Act; Public Building Act; Annual Appropriations Act; Robert T. Stafford Disaster Relief and Emergency Assistance Act; CWA; CAA; RCRA; TSCA; NEPA; CERFA; D.C. Recycling Act of 1988; Energy Policy Act of 2005; Executive Orders 10577, 12598, 13150 and 13423; Emergency Support Functions (ESF) #10 Oil and Hazardous Materials Response Annex; Department of Justice United States Marshals Service, Vulnerability Assessment of Federal Facilities Report; Presidential Decision Directive 63 (Critical Infrastructure Protection).

**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)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$68,083.1</i></b>	<b><i>\$73,432.0</i></b>	<b><i>\$85,215.0</i></b>	<b><i>\$11,783.0</i></b>
Leaking Underground Storage Tanks	\$708.9	\$987.0	\$1,122.0	\$135.0
Hazardous Substance Superfund	\$20,861.5	\$25,478.0	\$26,746.0	\$1,268.0
Total Budget Authority / Obligations	\$89,653.5	\$99,897.0	\$113,083.0	\$13,186.0
Total Workyears	529.1	547.4	547.7	0.3

**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. Also included is EPA's Environmental Finance Program that provides grants to a network of university-based Environmental Finance Centers which deliver financial outreach services, such as technical assistance, training, expert advice, finance education, and full cost pricing analysis to states, local communities and small businesses. (Refer to <http://www.epa.gov/ocfo/functions.htm> for additional information). This program also is supported by the 2009 American Recovery and Reinvestment Act (ARRA) funds. Additional details can be found at <http://www.epa.gov/recovery/> and <http://www.recovery.gov/>.

**FY 2010 Activities and Performance Plan:**

The Agency will continue to ensure sound financial and budgetary management through the use of routine and ad hoc analysis, statistical sampling and other evaluation tools. More structured and targeted use of performance measurements continue to lead to better understanding of program results and an increase in effectiveness.

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

FY 2010 funding for the Financial System Modernization Project is \$17 million under the Environmental Program and Management appropriation and \$4.5 million under the Superfund appropriation.

In FY 2010, EPA will have made significant strides in its accountability and effectiveness of operations through improved coordination and integration of internal control assessments as required under revised OMB Circular A-123. Improvements in internal controls will further support EPA's PMA initiatives for improved financial performance. We will also continue to ensure more accessibility to 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 2010 Change from FY 2009 Enacted Budget (Dollars in Thousands):**

- (+\$4426.0) This reflects an increase of payroll and cost of living for FTE.
- (+\$7,275.0) This change reflects an increase for the Financial System Modernization Project (FSMP) to allow continuity in all activities related to the development of the Agency's new financial system and business processes.
- (+\$100.0) This increase is to support the maintenance of the Agency's automated performance reporting tool, which provides Senior Managers with quarterly performance data for use in decision-making. The tool, which improves data access and transparency, includes summary data with drill-down capabilities as well as alerts to highlight potential problem areas.
- (+\$56.0) This change is associated with an increase in the service fee for the Defense Finance and Accounting Service (DFAS) payroll system which EPA uses to process the Agency employees' payroll.
- (-\$74.0) This change reflects a decrease in travel resources.

### **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 (40 CFR 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; National Defense Authorization Act.



## **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)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$29,868.9</i></b>	<b><i>\$31,872.0</i></b>	<b><i>\$32,281.0</i></b>	<b><i>\$409.0</i></b>
Leaking Underground Storage Tanks	\$154.2	\$165.0	\$165.0	\$0.0
Hazardous Substance Superfund	\$20,705.1	\$24,361.0	\$23,229.0	(\$1,132.0)
Total Budget Authority / Obligations	\$50,728.2	\$56,398.0	\$55,675.0	(\$723.0)
Total Workyears	329.9	362.9	362.9	0.0

### **Program Project Description:**

EPM resources in this program support contract and acquisition management activities at Headquarters, Regional offices, Research Triangle Park, North Carolina, and Cincinnati, Ohio, 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 procurement activities, and in fostering relationships with state and local governments to support the implementation of environmental programs. This program also is supported by the 2009 American Recovery and Reinvestment Act (ARRA) funds. Additional details can be found at <http://www.epa.gov/recovery/> and <http://www.recovery.gov/>.

### **FY 2010 Activities and Performance Plan:**

In FY 2010, EPA will complete the deployment of its new acquisition system. The current Acquisition Management System has reached the end of its useful life. Staff increasingly spends time making the system work as opposed to using the system to accomplish their work. The system itself is obsolete, and therefore an upgrade is not feasible.

The new system will provide the Agency with a better and more comprehensive way to manage data on contracts that support mission oriented planning and evaluation. This will allow the Agency to meet E-Government (E-Gov) requirements and the needs of Agency personnel, resulting in more efficient process implementation. The benefits of the new system are that program offices will be able to track the progress of individual actions, extensive querying and reporting capabilities will allow the Agency to meet internal and external demands, and the system will integrate with the Agency's financial systems and government-wide shared services.

In addition, the Agency will utilize the Integrated Acquisition Environment (IAE), an E-Gov initiative that creates a secure business model that facilitates and supports cost-effective acquisition of goods and services by Federal agencies, while eliminating inefficiencies in the current acquisition environment. The program will also continue to implement new training requirements associated with the IAE, and the new acquisition system.

In FY 2010, EPA will reinforce its contract oversight responsibilities through A-123 Entity Level Assessments, a Federal Procurement Data System (FPDS) Verification and Validation exercise, increased targeted oversight training for acquisition management personnel, and Simplified Acquisition Contracting Officer (SACO) reviews. These measures will further strengthen EPA's acquisition management business processes through enhanced contract oversight. Additional funding devoted to contract oversight will also position EPA to respond aggressively to implement any new contracting guidelines issued pursuant to the President's March 4, 2009 Procurement Memo.

**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):**

- (+\$1,141.0) This change reflects an increase for payroll and cost of living for existing FTE.
- (+\$1,000.0) This change reflects an increase for the enhancement of contracts oversight.
- (-\$1,716.0) This change reflects a shift of development costs for the Agency's new Acquisition Management System (EAS) to support the transition to a new human resource system. The EAS move to the implementation phase which will result in requiring lower funding levels.
- (-\$117.0) This change reflects a decrease in EPA's share of the service fees for the E-Gov initiative, Integrated Acquisition Environment (IAE), and the shift of IAE – Loans and Grants initiative to the Financial Assistance Grants Management program.
- (+\$101.0) This change reflects an increase in IT and telecommunications resources.

**Statutory Authority:**

EPA's Environmental Statutes; annual Appropriations Acts; FAR.

**Financial Assistance Grants / IAG 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)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$24,174.4</b>	<b>\$25,868.0</b>	<b>\$26,681.0</b>	<b>\$813.0</b>
Hazardous Substance Superfund	\$3,044.7	\$3,168.0	\$3,283.0	\$115.0
Total Budget Authority / Obligations	\$27,219.1	\$29,036.0	\$29,964.0	\$928.0
Total Workyears	180.0	177.5	177.5	0.0

**Program Project Description:**

Grants and Interagency Agreements comprise over half of the Agency's budget. EPM resources in this program support activities related to the management of Financial Assistance Grants/Interagency Agreements (IA), and of suspension and debarment at Headquarters and within Regional offices. The key components of this program are ensuring that EPA's management of grants and IAs meet the highest fiduciary standards, and that grant funding produces measurable environmental results. This program focuses on maintaining a high level of integrity in the management of EPA's assistance agreements, and fostering relationships with state and local governments to support the implementation of environmental programs. This program also is supported by the 2009 American Recovery and Reinvestment Act (ARRA) funds. Additional details can be found at <http://www.epa.gov/recovery/> and <http://www.recovery.gov/>.

**FY 2010 Activities and Performance Plan:**

In FY 2010, EPA will achieve key objectives under its long-term Grants Management Plan. These objectives include strengthening accountability, competition, achieving positive and measurable environmental outcomes, and aggressively implementing new and revised policies on at-risk grantees.<sup>63</sup> The Grants Management Plan has provided a framework for extensive improvements in grants management at the technical administrative level, programmatic oversight level and at the executive decision-making level of the Agency.

EPA will continue to reform grants management by conducting on-site and pre-award reviews of grant recipients and applicants, by improving systems support, by performing indirect cost rate reviews, by providing Tribal technical assistance, and by implementing its Agency-wide training program for project officers, grant specialists, and managers. EPA will also continue to

<sup>63</sup> US EPA, *EPA Grants Management Plan*. EPA-216-R-03-001, April 2003, <http://www.epa.gov/ogd/EO/finalreport.pdf>.

streamline Grants Management through the E-Government (E-gov) initiative Grants Management Line of Business (GM LoB). GM LoB offers government-wide solutions to grants management activities that promote citizen access, customer service, and agency financial and technical stewardship. EPA is in the process of consolidating the administration of interagency agreements (IA) at Headquarters and Regional offices into the IA Shared Service Centers (IA SSC) into two strategic locations, Washington D.C. and Seattle. The IA SSC will provide cradle to grave IA Administration, including all pre-award, award, management, post-award, and close out activities.

**Performance Targets:**

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

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

- (+\$677.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$90.0) This change reflects a realignment of EPA's contribution for the E-gov initiative, Integrated Acquisition Environment – Loans and Grants, from the Acquisition program to this program.
- (+\$46.0) This reflects an increase in contracts.

**Statutory Authority:**

EPA's Environmental Statutes; Annual Appropriations Acts; FGCAA; Section 40 CFR Parts 30, 31, 35, 40, 45, 46, and 47.

**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)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$40,886.6</b>	<b>\$44,141.0</b>	<b>\$47,106.0</b>	<b>\$2,965.0</b>
Leaking Underground Storage Tanks	\$3.0	\$3.0	\$0.0	(\$3.0)
Hazardous Substance Superfund	\$4,681.2	\$5,386.0	\$8,068.0	\$2,682.0
Total Budget Authority / Obligations	\$45,570.8	\$49,530.0	\$55,174.0	\$5,644.0
Total Workyears	285.2	304.6	303.1	-1.5

**Program Project Description:**

EPM resources in this program support activities related to the provision of human capital and human resources management services to the entire Agency. The Agency continually evaluates and improves human resource and workforce functions, employee development, leadership development, workforce planning, and succession management.

**FY 2010 Activities and Performance Plan:**

In FY 2010, the Agency will continue its efforts to strengthen its workforce by focusing on areas that further develop our existing talent, and strengthen our recruitment and hiring programs. EPA also remains committed to fully implementing *EPA's Strategy for Human Capital*<sup>64</sup>, which was issued in December 2003 and updated in 2005. As result of that review, the desired outcomes for each strategy were strengthened to focus on measurable results. In FY 2010, the Agency will continue its efforts to implement a Workforce Planning System:

- Closing competency gaps for Toxicology, Information Technology, Human Resources, Grant and Contract specialist positions, as well as leadership positions throughout the Agency.
- Shortening the hiring timeframes for the senior executives and non-SES positions through improved automation and enhancements to application process.
- Implementing innovative recruitment and hiring flexibilities that address personnel shortages in mission-critical occupations.

<sup>64</sup> US EPA, *Investing in Our People II, EPA's Strategy for Human Capital*. Available at <http://www.epa.gov/oarm/strategy.pdf>

As part of these activities, EPA will continue to improve the effectiveness and efficiency of Agency human resources operations through the newly established Shared Service Centers. These Shared Service Centers process personnel and benefits actions for EPA's 17,000 employees, as well as vacancy announcements. The establishment of Human Resources Shared Service Centers reflects EPA's ongoing commitment to improve the Agency operations. The centers will enhance the timeliness and quality of customer service, and standardize work processes.

In addition, EPA will continue to streamline human resources management by employing the E-gov initiative, and the Human Resources Line of Business (HR LoB) program. HR LoB offers government-wide, cost effective, and standardized HR solutions while providing core functionality to support the strategic management of human capital. In FY2010, EPA will continue to support the transition to a new or improved HR system which will establish modern, cost-effective, standardized, interoperable HR solutions that provide common core functionality and support the strategic management of human capital.

**Performance Targets:**

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Efficiency	Average time to hire SES positions from date vacancy closes to date offer is extended, expressed in working days	66	73	68	68	Days

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Efficiency	Average time to hire non-SES positions from date vacancy closes to date offer is extended, expressed in working days	26.3	45	45	45	Days

Work under this program supports EPA's Strategic Plan under the cross goal strategy of results and accountability.

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

- (+\$565.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$438.0) This reflects an increase for workers compensation unemployment cost.

- (+\$1,716.0) This increase reflects the shift of funding from the Enterprise Acquisition System (EAS) development cost to support the transition to a new improved HR system.
- (-\$150.0) This reflects a decrease in resources in the Childcare Subsidy program based on current participation.
- (+\$396.0) This reflects an increase of funds to support EPA's Sign Language program.
- (-1.5 FTE) This 1.0 FTE change reflects the shift of Workforce Solutions staff to the Office of Civil Rights under the Civil Rights program, and reflects a 0.5 FTE realignment in the Agency's Research Triangle Park office into Facilities, Infrastructure, and Operations.

**Statutory Authority:**

Title V United States Code.

**Program Area: Pesticides Licensing**



**Pesticides: Protect Human Health from Pesticide Risk**

Program Area: Pesticides Licensing  
Goal: Healthy Communities and Ecosystems  
Objective(s): Chemical and Pesticide Risks

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$59,536.1</i></b>	<b><i>\$60,103.0</i></b>	<b><i>\$61,747.0</i></b>	<b><i>\$1,644.0</i></b>
Science & Technology	\$3,346.9	\$3,215.0	\$3,663.0	\$448.0
Total Budget Authority / Obligations	\$62,883.0	\$63,318.0	\$65,410.0	\$2,092.0
Total Workyears	497.4	467.9	467.9	0.0

**Program Project Description:**

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), section 3(c)(5), states that the Administrator shall register a pesticide if it is determined that, when used in accordance with labeling and common practices, the product “will not generally cause unreasonable adverse effects on the environment.” Further, FIFRA defines “unreasonable adverse effects on the environment” as “any unreasonable risk to man or the environment.”

EPA’s Pesticides program screens new pesticides before they reach the market and ensures that pesticides already in commerce are safe. As directed by FIFRA, the Federal Food, Drug, and Cosmetic Act (FFDCA), and the Food Quality Protection Act of 1996 that amended FIFRA and FFDCA, EPA is responsible for registering and re-evaluating pesticides to protect consumers, pesticide users, workers who may be exposed to pesticides, children, and other sensitive populations. To make regulatory decisions and establish tolerances for the maximum allowable pesticide residues on food and feed, EPA must balance the risks and benefits of using the pesticide, consider cumulative and aggregate risks, and ensure extra protection for children.

EPA began promoting reduced risk pesticides in 1993 by giving registration priority to pesticides that have lower toxicity to humans and non-target organisms such as birds, fish, and plants; low potential for contaminating ground water; lower use rates; low pest resistance potential; and compartment with Integrated Pest Management (IPM) approaches.<sup>65</sup> Several countries and international organizations have instituted programs to facilitate registering reduced risk pesticides. EPA works with the international scientific community and Organization for Economic Cooperation and Development (OECD) member countries to register new reduced-risk pesticides and establish related tolerances (maximum residue limits). Through these efforts, EPA can help reduce risks to Americans from foods imported from other countries.

The Agency’s regional offices provide frontline risk management that ensures the decisions made during EPA’s registration and reevaluation processes are implemented in pesticide use. Millions of agricultural workers are exposed to pesticides in occupations such as lawn care,

<sup>65</sup> See U.S. Environmental Protection Agency, Pesticides: Health and Safety, Reducing Pesticide Risk internet site: <http://www.epa.gov/pesticides/health/reducing.htm>.

health care, food preparation, and landscape maintenance. Each year, the risk assessments that EPA conducts yield extensive risk-management requirements for hundreds of pesticides and uses. EPA works to reduce the number and severity of pesticide exposure incidents by promulgating regulations under the Worker Protection Standard, training and certifying pesticide applicators, assessing and managing risks, and developing effective communication and outreach programs.

### **FY 2010 Activities and Performance Plan:**

During FY 2010, EPA will review and register new pesticides, new uses for existing pesticides, and other registration requests in accordance with FQPA standards and Pesticide Registration Improvement Renewal Act (PRIA 2) timeframes. EPA will process these registration requests with special consideration given to susceptible populations, especially children. Specifically, EPA will focus special attention on the foods commonly eaten by children to reduce pesticide exposure to children where the science identifies potential concerns. Pesticide registration actions focus on the evaluation of pesticide products before they enter the market.<sup>66</sup> EPA will review pesticide data and implement use restrictions and instructions needed to ensure that pesticides used according to label directions will not result in unreasonable risk. During its pre-market review, EPA will consider human health and environmental concerns as well as the pesticide's potential benefits.

In FY 2010, EPA will review existing pesticides and complete final work plans for pesticides in the registration review pipeline, for which dockets were opened and final work plans were completed in earlier years. Through registration review, EPA will ensure that pesticides already on the market meet current scientific standards and address concerns identified after the original registration.<sup>67</sup> The goal of the registration review program is to review all pesticide registrations every 15 years to ensure that they meet the most current standards. Implementing the program will allow EPA to continue to maintain the Agency's goal of ensuring that pesticides in the marketplace meet the latest health and safety standards.

Reregistration Eligibility Decisions (REDs) reflect changes the registration review process may determine are needed for an individual pesticide. As part of RED implementation, EPA will continue to address activities vital to effective "real world" implementation of the RED requirements. These activities include reviewing product label amendments that incorporate the mitigation measures from the REDs; publishing proposed and final product cancellations; promoting partnerships which provide fast/effective risk reduction; and approving product reregistrations. The Agency also will complete certain proposed and final tolerance rulemakings to implement the changes in tolerances and tolerance revocations required in the REDs. The end result of these activities is protecting human health by implementing statutes and taking regulatory actions to ensure pesticides continue to be available and safe when used in accordance with the label.

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<sup>66</sup> See U.S. Environmental Protection Agency, Pesticides: Topical & Chemical Fact Sheets, Pesticide Registration Program internet site: <http://www.epa.gov/pesticides/factsheets/registration.htm>.

<sup>67</sup> See U.S. Environmental Protection Agency, Pesticide Tolerance Reassessment and Reregistration internet site: [www.epa.gov/pesticides/reregistration](http://www.epa.gov/pesticides/reregistration).

EPA staff will continue to provide locally-based technical assistance and guidance to states and tribes on implementation of pesticide decisions. The Agency will address issues including newer/safer products and improved outreach and education. Technical assistance will include workshops, demonstration projects, briefings, and informational meetings in areas including pesticide safety training and use of lower risk pesticides.

EPA will engage the public, the scientific community and other stakeholders in its policy development and implementation to encourage a reasonable transition for farmers and others from the older, potentially more hazardous pesticides, to the newer pesticides that have been registered using the latest available scientific information. The Agency will update the pesticide review and use policies to ensure compliance with the latest scientific methods. EPA will emphasize the registration of reduced risk pesticides, including biopesticides, in order to provide farmers and other pesticide users with new alternatives. In FY 2010, the Agency, in collaboration with the United States Department of Agriculture, will work to ensure that minor use registrations receive appropriate support. EPA also will ensure that needs are met for reduced risk pesticides for minor use crops. EPA will assist farmers and other pesticide users in learning about new, safer products and methods of using existing products through workshops, demonstrations, small grants and materials available on the web site and in print.

**Performance Targets:**

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Improve or maintain a rate of incidents per 100,000 potential risk events in population occupationally exposed to pesticides.	<= 3.5/100,000	<= 3.5/100,000	<= 3.5/100,000	<= 3.5/100,000	Incid/100,000

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Efficiency	Percent reduction in review time for registration of conventional pesticides.	-37	10	10	10	Percent Reduction

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Efficiency	Reduced cost per pesticide occupational incident avoided.	2	2	6	8	Percent Cum. Reduction

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Percent reduction in concentrations of pesticides detected in general population.	N/A	No Target Established	30	No Target Established	Percent Cum. Reduction

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Output	Percentage of agricultural acres treated with reduced-risk pesticides.	Data Avail 10/2009	18.5	20	21	Percent Acre-Treatments

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Percent reduction in moderate to severe incidents for six acutely toxic agricultural pesticides with the highest incident rate.	43	20	30	40	Percent Cum. Reduction

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Output	Percent of Decisions completed on time (on or before PRIA or negotiated due date).				99	Percent

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

- (+\$1,477.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$167.0) This reflects an increase for workforce support costs.

**Statutory Authority:**

PRIA 2; FIFRA; FFDCA; ESA; and FQPA.

**Pesticides: Protect the Environment from Pesticide Risk**

Program Area: Pesticides Licensing

Goal: Healthy Communities and Ecosystems

Objective(s): Chemical and Pesticide Risks

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$37,443.3</b>	<b>\$41,236.0</b>	<b>\$42,318.0</b>	<b>\$1,082.0</b>
Science & Technology	\$1,998.2	\$2,011.0	\$2,292.0	\$281.0
Total Budget Authority / Obligations	\$39,441.5	\$43,247.0	\$44,610.0	\$1,363.0
Total Workyears	316.4	301.4	301.4	0.0

**Program Project Description:**

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), section 3(c)(5), states that the Administrator shall register a pesticide if it is determined that, when used in accordance with labeling and common practices, the product “will not generally cause unreasonable adverse effects on the environment.” Further, FIFRA defines “unreasonable adverse effects on the environment” as “any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.”

Along with assessing the risks that pesticides pose to human health, EPA conducts ecological risk assessments to determine potential effects on plants, animals, and ecosystems which are not the targets of the pesticide. In addition to these FIFRA responsibilities, the Agency has responsibilities under the Endangered Species Act (ESA).<sup>68</sup> Under FIFRA, EPA must determine that a pesticide is not likely to cause unreasonable adverse effects on the environment, taking into account the beneficial uses of a product. To ensure unreasonable risks are avoided, EPA may impose risk mitigation measures such as modifying use rates or application methods, restricting uses, or denying uses. In some regulatory decisions, EPA may determine that uncertainties in the risk determination need to be reduced and may subsequently require monitoring of environmental conditions, such as effects on water sources or the development and submission of additional laboratory or field study data by the pesticide registrant.<sup>69</sup>

Under ESA, EPA must ensure that pesticide regulatory decisions will not adversely modify critical habitat or jeopardize the continued existence of species listed by the U.S. Fish and Wildlife Service (FWS) or National Marine Fisheries Service (NMFS) as threatened or endangered. Given approximately 600 active ingredients in more than 19,000 products—many of which have multiple uses—and approximately 1,200 listed species with diverse biological attributes, habitat requirements and geographic range, this presents a great challenge. EPA

<sup>68</sup> The Endangered Species Act of 1973 sections 7(a)1 and 7 (a)2; Federal Agency Actions and Consultations, as amended (16 U.S.C. 1536(a)). Available at U.S. Fish and Wildlife Service, Endangered Species Act of 1973 internet site: <http://www.fws.gov/endangered/esa.htm#Lnk07>.

<sup>69</sup> Federal Insecticide, Fungicide and Rodenticide Act, as amended. January 23, 2004. Section 3(a), Requirement of Registration (7 U.S.C. 136a). Available online at [www.epa.gov/opp0001/regulating/fifra/pdf](http://www.epa.gov/opp0001/regulating/fifra/pdf).

works with FWS and NMFS to establish an efficient process for carrying out our ESA obligations.

EPA also has instituted processes to consider endangered species issues routinely in EPA reviews. As a result of a lawsuit filed against the Services, the United States District Court for the Western District of Washington overturned the most critical aspects of EPA's initial attempt at regulation, including EPA's authority to make certain determinations without further consultation with FWS and NMFS. EPA has made assessing potential risks to endangered species a priority and will continue to work with the Services to find efficiencies.

### **FY 2010 Activities and Performance Plan:**

Reduced concentrations of pesticides in water sources are an indication of the efficacy of EPA's risk assessment, management, mitigation, and communication activities. Using sampling data collected under the U.S. Geological Survey (USGS) National Water Quality Assessment (NWQA) Program for urban watersheds, EPA will monitor the impact of our regulatory decisions for four chemicals of concern—diazinon, chlorpyrifos, malathion, and cabaryl. In agricultural watersheds, the program will monitor the impact of our regulatory decisions on azinphos-methyl and chlorpyrifos, and consider whether any additional action is necessary.<sup>70</sup> In FY 2010 the Agency will continue to work with USGS to develop sampling plans and refine program goals, and will ask USGS to add additional insecticides to sampling protocols and establish baselines for newer products that are replacing organophosphates, such as synthetic pyrethroids.

To measure program work, EPA tracks reductions of concentrations for four organophosphate insecticides that most consistently exceeded EPA's levels of concerns for aquatic ecosystems during the last ten years of monitoring by the USGS NWQA Program. EPA will meet goals for reducing the number of watersheds with exceedences for these pesticides through a combination of programmatic activities. Registration review decisions and associated Reregistration Eligibility Decision (RED) implementation for these four compounds will result in lower use rates and the elimination of certain uses that will directly contribute to reduced concentrations of these materials in the nation's waters.

While review of pesticides currently in the marketplace and implementation of the decisions made as a result of these reviews are a necessary aspect of meeting EPA's goals, they are not sufficient in and of themselves. Attainment of the goal would be significantly hampered without the availability of alternative products to these pesticides for the consumer. Consequently, the success of the Registration program in ensuring lower risk and the availability of efficacious alternative products plays a large role in meeting the environmental outcome of improved ecosystem protection. EPA also will continue to assist pesticide users in learning about new, safer products and methods of using existing products through various means, including workshops, demonstrations, grants, printed materials and the Internet.

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<sup>70</sup>Gilliom, R.J., et al. 2006. *The Quality of Our Nation's Waters: Pesticides in the Nation's Streams and Ground Water, 1992–2001*. Reston, Virginia: U.S. Geological Survey Circular 1291. 171p. Available on the internet at: <http://pubs.usgs.gov/circ/2005/1291/>.

Another program focus in FY 2010 will be providing for the continued protection of threatened or endangered species from pesticide use, while minimizing regulatory burdens on pesticide users. EPA will use sound science and best available data to assess the potential risk of pesticide exposure to federally listed threatened or endangered species and will work with partners and stakeholders to improve complementary information and databases. As pesticides are reviewed throughout the course of the Registration Review cycle, databases that describe the location and characteristics of species, pesticides and crops will continually be refined with new information to help ensure consistent and efficient consideration of potential risks to listed species.

The Agency continues to provide technical support for compliance with the requirements of the ESA. In FY 2010, EPA will continue the integration of state-of-the-science models, knowledge bases and analytic processes to increase productivity and better address the challenge of potential risks of specific pesticides to specific species. Interconnection of the various databases within the program office will provide improved support to the risk assessment process during Registration Review by allowing risk assessors to more easily analyze complex scenarios relative to endangered species.

EPA will continue to implement use limitations through appropriate label statements, referring pesticide users to EPA-developed Endangered Species Protection Bulletins which are available on the Internet via *Bulletins Live!* These bulletins will, as appropriate, contain maps of pesticide use limitation areas necessary to ensure protection of listed species and, therefore, EPA's compliance with the ESA. Any such limitations on a pesticide's use will be enforceable under the misuse provisions of FIFRA. Bulletins are a critical mechanism for ensuring protection of listed species from pesticide applications while minimizing the burden on agriculture and other pesticide users by limiting pesticide use in the smallest geographic area necessary to protect the species.

In FY 2010, pesticides beginning Registration Review are expected to require comprehensive environmental assessments, including determining endangered species impacts. This may result in an expanded workload due to the necessity of issuing data call ins (DCIs) and conducting additional environmental assessments for pesticides already in the review pipeline.

**Performance Targets:**

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Percent of urban watersheds that exceeds EPA aquatic life benchmarks for three key pesticides of concern.	40 % diazinon, 0% chlorpyrifos, 30% malathion	25 % diazinon, 25% chlorpyrifos, 30% malathion	20% diazinon, 20% chlorpyrifos, 25% malathion	20% diazinon, 20% chlorpyrifos, 25% malathion	Percent Reduction

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Percent of agricultural watersheds that exceeds the aquatic life benchmarks for two key pesticides of concern.				5% azinphosmethyl, 10% chlorpyrifos,	Percent Reduction

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Output	Product Reregistration	1,194	1,075	2,000	1,500	Actions

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Output	Number of Registration Review Pesticide case dockets opened.				70	Dockets

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Output	Number of Final Work Plans for Reviewing Registered Pesticides.				70	Work Plans

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Efficiency	Average cost and time to produce or update an Endangered Species Bulletin.	N/A	19% (\$3240 & 81 hours)	28% (\$2916 & 73 hours)	35% (\$2625 & 66 hours)	Cum. Reduction (Dollars & Hours)

Some of the measures for this program are program outputs which, when finalized, represent the program's statutory requirements to ensure that pesticides entering the marketplace are safe for human health and the environment, and when used in accordance with the packaging label present a reasonable certainty of no harm. While program outputs are not the best measures of risk reduction, they do provide a means for reducing risk in that the program's safety review prevents dangerous pesticides from entering the marketplace.

In FY 2010, EPA is continuing to implement the Registration Improvement Act (PRIA) and the Pesticide Registration Improvement Renewal Act (PRIA 2) as well as the Registration Review process. As part of EPA's efforts to improve accountability, the Agency will track these areas through three measures. These include (1) percent of decisions completed in accordance with the PRIA and PRIA 2 or mutually negotiated times; (2) number of Registration Review dockets opened for each pesticide entering the review process to seek comments on the information the



Agency has on the active ingredient; (3) number of final work plans completed for each active ingredient after comments are evaluated and required data are complete.

The goal is to develop long-term consistent and comparable information on the amount of pesticides in streams, ground water, and aquatic ecosystems to support sound management and policy decisions. USGS is currently sampling in its second cycle (cycle II) from 2002-2012, and is developing sampling plans for 2013-2022. The monitoring plan calls for bi-yearly sampling in 8 urban watersheds and sampling every four years in a second set of 9 urban watersheds; and yearly monitoring in 8 agricultural watersheds and bi-yearly sampling in 3 agricultural dominated watersheds. The sampling frequency for these sites will range from approximately 13 to 26 samples per year depending on the size of the watershed and the extent of the pesticide use period. Sampling frequency is seasonally weighted so more samples are collected when pesticide use is expected to be highest.

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

- (+\$938.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$144.0) This reflects an increase for workforce support costs.

**Statutory Authority:**

PRIA 2; FIFRA; FFDCA; ESA; and FQPA.

**Pesticides: Realize the Value of Pesticide Availability**

Program Area: Pesticides Licensing  
Goal: Healthy Communities and Ecosystems  
Objective(s): Chemical and Pesticide Risks

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$11,529.6</i></b>	<b><i>\$12,984.0</i></b>	<b><i>\$13,372.0</i></b>	<b><i>\$388.0</i></b>
Science & Technology	\$442.4	\$445.0	\$508.0	\$63.0
Total Budget Authority / Obligations	\$11,972.0	\$13,429.0	\$13,880.0	\$451.0
Total Workyears	87.7	89.7	89.7	0.0

**Program Project Description:**

Within the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the definition of “unreasonable adverse effects on the environments” expands upon the concept of protecting against unreasonable risks to man or the environment, by adding “taking into account the economic, social and environmental costs and benefits of the use of any pesticide...”

The Realize the Value of Pesticides program focuses on ensuring that adequate pesticides are available both in emergency situations and through ongoing education and research in environmentally friendlier pest remediation methods. An example of actions that lead to these societal benefits are exemptions granted under FIFRA Section 18. In the event of an emergency, for example, a severe pest infestation, FIFRA Section 18 provides EPA the authority to temporarily exempt certain pesticide uses from registration requirements. Under Section 18, EPA must ensure that, under the very limiting provisions of the exemption, such emergency uses will not present an unreasonable risk to the environment. In such cases, EPA’s goal is to complete the more detailed and comprehensive review for potential unreasonable risk conducted for pesticide registration within three years following the emergency.

FIFRA clearly recognizes that there will be societal benefits beyond protection of human health and the environment from the pesticide registration process that it establishes. For example, an estimated \$1.8 billion in termite damage is avoided each year through the availability of effective termiticides.<sup>71</sup> While some effective termiticides have been removed from the market due to safety concerns, EPA continues to work with industry to register safe alternatives that meet or exceed all current safety standards and offer a high level of protection. Section 3 of FIFRA also authorizes EPA to register “me-too” products; that is, products that are identical or substantially similar to already-registered products. The entry of these new products, also known as “generics,” into the market can cause price reductions resulting from new competition and broader access to products. These price declines generate competition that provides benefits to farmers and consumers.

<sup>71</sup> U.S. Census Bureau data ([www.census.gov/compendia/statab/files/house.html](http://www.census.gov/compendia/statab/files/house.html)); University of Georgia Entomology Dept. ([www.ent.uga.edu/IPM/s100/household.htm](http://www.ent.uga.edu/IPM/s100/household.htm)); National Pest Management Association ([www.pestworld.org/Database/Article.asp?ArticleID=34&UserType](http://www.pestworld.org/Database/Article.asp?ArticleID=34&UserType)).

The Pesticide Environmental Stewardship program's (PESP) efforts to increase adoption of Integrated Pest Management (IPM) in schools has led to a substantial reduction in pest control costs and a 90 percent reduction in both pesticide applications and pest problems in participating schools.<sup>72</sup> This model is based on a case study in Monroe County, Indiana which achieved a 92 percent reduction in pesticide use, enabling them to direct their cost savings to hire a district-wide coordinator to oversee pest management in the schools. As a result of this achievement, Monroe County was awarded the Indiana Governor's Award for Pollution Prevention. The Monroe County IPM Program has now evolved into the Monroe School IPM Model. By using this model, the emphasis is placed on minimizing the use of broad spectrum chemicals and on maximizing the use of sanitation, biological controls and selective methods of application.<sup>73</sup> This "Monroe Model" serves as an example of how to implement IPM in school districts across the country.

### **FY 2010 Activities and Performance Plan:**

EPA's statutory and regulatory functions for pesticides include registration, product reregistration, registration review implementation, risk reduction implementation, rulemaking and program management. During FY 2010, EPA will review and register new pesticides, new uses for existing pesticides, and other registration requests in accordance with FIFRA and the Federal Food, Drug and Cosmetic Act (FFDCA) standards as well as Pesticide Registration Improvement Renewal Act (PRIA 2) timeframes. Many of these actions will be for reduced-risk pesticides which, once registered and used by consumers, will increase benefits to society. Working together with the affected user communities through PESP and the Strategic Agricultural Initiative, the Agency plans to accelerate the adoption of these lower-risk products.

Similarly, the Agency will continue its worksharing efforts with its international partners. Through these collaborative activities and resulting international registrations, international trade barriers will be reduced, enabling domestic users to more readily adopt these newer pesticides into their crop protection programs and reduce the costs of registration through work sharing.

The Section 18 program has helped growers confront emergency situations that require the use of pesticides that are not registered for their crops. The economic benefit of the Section 18 program to growers is the avoidance of potential losses incurred in the absence of pesticides exempted under FIFRA's emergency exemption provisions. The economic benefit of the Section 18 program to consumers could include savings in consumer expenditures associated with potential decreases in market prices for the affected crops.

EPA will continue to conduct pre-market evaluations of efficacy claims made for public health pesticides to ensure that the products will work for their intended purposes. Through the

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<sup>72</sup> Lame, M. L., 2008 "Assessment and Implementation of Integrated Pest Management Schools: Practical Implementation," Proceedings of the 2008 National Conference on Urban Entomology and Proceedings of the 2008 National Conference on Urban Entomology; Lame, April 5, 2008, "Measuring the Impacts of Implementing IPM programs in Schools," U.S. Environmental Protection Agency and U.S. Department of Agriculture's 5th National IPM Symposium Paper Presentation, St. Louis, MO. D. H. Gouge, M. L. Lame, and J. L. Snyder, 2006, "Use of an Implementation Model and Diffusion Process for Establishing Integrated Pest Management in Arizona Schools," *American Entomologist* 52:3, refereed.

<sup>73</sup> <http://www.epa.gov/pesticides/ipm/>

Antimicrobial Testing Program, the Agency also will conduct post-market surveillance to monitor the efficacy of hospital disinfectants.

**Performance Targets:**

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Billions of dollars in crop loss avoided by ensuring that effective pesticides are available to address pest infestations.	\$1.5B	\$1.5B	\$1.5B	\$1.5B	Loss avoided

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Millions of dollars in termite structural damage avoided annually by ensuring safe and effective pesticides are registered/re-registered and available for termite treatment.	\$900M	\$900M	\$900M	\$900M	Dollars/loss avoided

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Efficiency	Reduced cost per acres using reduced risk management practices compared to the grant and/or contract funds on environmental stewardship.	2% (\$2.57/acre)	2% (\$2.57/acre)	4% (\$2.52)	6% (\$2.47)	Reduc. (\$/acre)

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Output	Maintain timeliness of S18 decisions.	34	45	45	45	Days

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

- (+\$355.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$33.0) This reflects an increase for workforce support costs.

**Statutory Authority:**

PRIA 2; FIFRA; FFDCA; ESA; and FQPA.

**Science Policy and Biotechnology**  
 Program Area: Pesticides Licensing  
 Goal: Healthy Communities and Ecosystems  
 Objective(s): Chemical and Pesticide Risks

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$2,105.9</b>	<b>\$1,738.0</b>	<b>\$1,750.0</b>	<b>\$12.0</b>
Total Budget Authority / Obligations	\$2,105.9	\$1,738.0	\$1,750.0	\$12.0
Total Workyears	8.1	6.3	6.3	0.0

**Program Project Description:**

The Science Policy and Biotechnology program provides scientific and policy expertise, coordinates EPA interagency and international efforts, and facilitates the sharing of information related to core science policy issues concerning pesticides and toxic chemicals. Biotechnology is illustrative of the work encompassed by this program. Many offices within EPA regularly deal with biotechnology issues, and the coordination among affected offices allows for coherent and consistent scientific policy from a broad Agency perspective. The Biotechnology Team assists in formulating EPA and United States positions on biotechnology issues, including representation on United States delegations to international meetings when needed. Such international activity is coordinated with the Department of State. In addition, independent science review is provided by the FIFRA Scientific Advisory Panel (SAP), a scientific peer-review mechanism.

**FY 2010 Activities and Performance Plan:**

EPA will continue to play a lead role in evaluating the scientific and technical issues associated with plant-incorporated protectants based on plant viral coat proteins. EPA will also, in conjunction with an interagency workgroup, continue to maintain and further develop the U.S. Regulatory Agencies Unified Biotechnology Web site. The site focuses on the laws and regulations governing agricultural products of modern biotechnology and includes a searchable database of genetically engineered crop plants that have completed review for use in the United States.<sup>74</sup>

In addition, a number of international activities will continue to be supported by EPA. Examples include representation on the Organization for Economic Cooperation and Development's Working Group on the Harmonization of Regulatory Oversight in Biotechnology and the Task Force on the Safety of Food and Feed.

The SAP, operating under the rules and regulations of the Federal Advisory Committee Act, will continue to serve as the primary external independent scientific peer review mechanism for

<sup>74</sup> <http://usbiotechreg.nbio.gov/>

EPA's pesticide programs and pesticide-related issues. Scientific peer review is a critical component of EPA's use of the best available science.

EPA estimates that the SAP will be asked to complete approximately ten to twelve reviews in FY 2010. The specific topics to be placed on the SAP agenda are typically confirmed a few months in advance of each session and usually include difficult, new or controversial scientific issues identified in the course of EPA's pesticide program activities. In FY 2010, topics may include issues related to biotechnology, chemical-specific risk assessments, and endocrine disruptors, among others.

**Performance Targets:**

Currently there are no performance measures specific to this program. Work under this program supports the *Chemical and Pesticide Risks* objective. Supported programs include the registration of new pesticides and review of existing pesticides. The work in the Science Policy & Biotechnology program also supports efforts related to toxic substances, specifically, the Chemical Risk Review and Reduction program. In addition, science policy and biotechnology activities assist in meeting targets for measures under other programs such as *Endocrine Disruptors* through the conduct of the FIFRA Scientific Advisory Panel meetings and letter reviews.

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

- (+\$4.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$8.0) This funding supports increased operational costs for the FIFRA Scientific Advisory Panel.

**Statutory Authority:**

FIFRA; FFDCA; FQPA; TSCA.

**Program Area: Resource Conservation and Recovery Act (RCRA)**

**RCRA: Waste Management**

Program Area: Resource Conservation and Recovery Act (RCRA)

Goal: Land Preservation and Restoration

Objective(s): Preserve Land; Restore Land

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$66,432.8</b>	<b>\$64,511.0</b>	<b>\$67,550.0</b>	<b>\$3,039.0</b>
Total Budget Authority / Obligations	\$66,432.8	\$64,511.0	\$67,550.0	\$3,039.0
Total Workyears	404.4	397.0	397.0	0.0

**Program Project Description:**

The Waste Management program’s primary focus is to provide national policy directed by the Resource Conservation and Recovery Act (RCRA) to reduce the amount of waste generated; and to improve the recovery and conservation of materials by focusing on a hierarchy of waste management options that advocate reduction, reuse, and recycling; and to insure that wastes which cannot be safely reused or recycled are treated and disposed of in an environmentally sound manner. This program strives to prevent releases to the environment from both non-hazardous and hazardous waste management facilities, reduce emissions from hazardous waste combustion, and manage waste in more environmentally beneficial and cost-effective ways.

The Waste Management program continues to evolve to address the challenges of the 21<sup>st</sup> century, including new waste streams from new industrial processes and assessing technological advances and innovative methods of conducting business in the waste management arena. There is a continued focus on safe disposal practices, and conservation of resources. The program is engaged in regulatory and other reform efforts to strengthen waste management and improve the efficiency of the program. EPA actively participates in waste management and resource conservation efforts internationally.

Through the Resource Conservation Challenge (RCC), the program works with industry, states, tribes and environmental groups to explore new ways to reduce materials and energy use by promoting product and process redesign and increased materials and energy recovery from materials otherwise requiring disposal. Thus, EPA and its partners maintain the critical health and environmental protections provided by the base “cradle to grave” waste management system envisioned by RCRA.<sup>75</sup>

**FY 2010 Activities and Performance Plan:**

In FY 2010, EPA will continue to assist states in getting permits, permit renewals, or other approved controls in place at facilities that treat, store, or dispose of hazardous waste. The Agency also will focus on permitting the 44 remaining facilities that are operating under interim status. As will be proposed in EPA’s 2009-2014 Strategic Plan, EPA will prevent releases at 500

<sup>75</sup> Refer to (<http://www.epa.gov/rcc/>).



hazardous waste management facilities with initial approved controls or updated controls; this results in the protection of an estimated three million people living within a mile of all facilities with controls. EPA also will meet its annual target of implementing initial approved controls or updated controls at 100 RCRA hazardous waste management facilities. In addition to meeting these goals, the program is also responsible for the continued maintenance of the regulatory controls at about 10,000 process units (like incinerators, landfills and tanks) at facilities in the permitting baseline.<sup>76</sup>

The Agency will continue its high priority work on coal combustion residue. EPA will propose regulations for coal combustion residue by the end of 2009 aimed at increasing protection for human health and the environment. EPA will continue to work with interested parties to apply the voluntary “Guide for Industrial Waste Management”<sup>77</sup> which provides facility managers, state and Tribal regulators and public with recommendations and tools to better address the management of land-disposed non-hazardous industrial waste. EPA will continue to track state implementation of the Research, Development, and Demonstration rule to determine whether additional rulemaking is warranted.

The Waste Management program also will continue efforts to improve the implementation of the RCRA financial assurance program in order to ensure that owners and operators of hazardous waste facilities provide proof of their ability to pay for the clean up, closure, and post-closure care of their facilities. These improvements are a result of the implementation of EPA’s plans for the financial assurance program. “EPA’s Plan for Addressing Concerns with the Existing Financial Assurance Regulations,”<sup>78</sup> details the steps EPA is taking to address concerns with current regulations.

The Agency will continue to work on developing a proposed rule that will address solvent-contaminated industrial wipes under Subtitle C of RCRA. In FY 2010, the Agency plans to respond to public comments on a revised risk analysis. Based on the risk analysis and public comments, the Agency will then develop a final rule. The Agency is committed to ensuring that the rulemaking is based on sound science and protective of human health and the environment.

The Agency will continue its efforts in FY 2010 to ensure safe combustion of both hazardous and solid waste, including tightening of current standards. The Agency also will continue its efforts to promote the recycling of hazardous secondary materials, where it can be done safely. Increased environmentally sound recycling of hazardous secondary materials is an important part of moving toward sustainable industrial production by returning recoverable commodities to the economy, minimizing wasteful disposal of these valuable materials, and minimizing additional raw materials extraction.

Another important area of reform in FY 2010 will be the continuation of efforts to make the hazardous waste program more cost-effective and easy-to-use for the more than 100,000 generators of hazardous waste. EPA will prepare and issue guidance materials on issues raised

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<sup>76</sup> The permitting baseline universe currently has 2,446 facilities with approximately 10, 000 process unit groups.

<sup>77</sup> <http://www.epa.gov/epawaste/nonhaz/industrial/guide/index.htm>

<sup>78</sup> <http://www.epa.gov/osw/hazard/tsd/td/ldu/financial/documents/plan.pdf>

by the regulated community and, if determined necessary, propose regulatory changes to improve the program.

During FY 2010, the Waste Management program will continue working with the Department of Agriculture, the Food and Drug Administration, and the Department of Homeland Security to prepare for possible terrorist or natural disaster events and threats to the food chain. EPA will work to expand information on technologies and tools for use in decontamination/disposal operations related to terrorist events, natural disasters, or other disease outbreaks.

In FY 2010, the Agency will continue to issue Polychlorinated Biphenyl (PCB) disposal and cleanup approvals. EPA will work with the U.S. Navy to address the reefing of ships and will work with the Maritime Administration in order to safely dismantle its fleet of obsolete ships which contain equipment using PCBs and other materials. In addition, the Agency will work with the Department of Defense to oversee the disposal of PCBs in nerve agent rockets.

Providing grant funds, training, and technical assistance to tribes and Tribal organizations for the purpose of solving solid waste problems and reducing the risk of exposure to improperly disposed hazardous and solid waste also is a priority in FY 2010. While many of the 572 federally recognized tribes have waste management plans, 63 of those have met EPA's internal criteria under the strategic plan for having an integrated waste management plan. The 2014 GPRA goals are to increase the number of Tribal governments with an integrated waste management plan by 25 percent and to close, clean, or upgrade 118 open dumps. During FY 2010, EPA will increase the number of tribes covered by an integrated waste management plan by 23. In addition, EPA will increase the number of closed, cleaned up, or upgraded open dumps in Indian country or on other Tribal lands by 22. For FY 2010, the focus of the program will be on developing training and technical assistance tools for Tribal governments to develop sustainable waste management programs to meet these goals.

As part of an evaluation of the RCRA Base, Permits and Grants Program, EPA revised the baseline efficiency measure to 3.6 facilities with new or updated controls per million dollars of program cost (a total of 2,484 facilities and \$689.7 million in costs). Those costs include estimates of the permitting costs of the regulated entities plus appropriated dollars for the program, based on a three year rolling average. The 2009 target was 3.64 facilities with new or updated controls per million dollars of program cost and the 2010 target is 3.72 facilities per million dollars of program cost.<sup>79</sup>

**Performance Targets:**

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Efficiency	Number of facilities with new or updated controls per million dollars of program cost.	3.72	3.64	3.68	3.72	percent

<sup>79</sup> 2009 target established as one percent per year improvement over the previous year and two percent over the baseline year whereas the 2010 target is one percent per year improvement over 2009 and three percent improvement from the baseline.

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Number of hazardous waste facilities with new controls or updated controls.			100	100	facilities

During FY 2010, EPA will coordinate efforts with the states to meet permitting program goals for initial and updated controls to prevent releases. The reporting cycles for permitting and renewals were consolidated in FY 2008. The FY 2010 target for the number of hazardous waste facilities with new or improved controls is 100. These program objectives will contribute toward achieving the goals of EPA's FY 2009-2014 Strategic Plan.

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

- (+\$2,953.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$86.0) This reflects an increase to IT and telecommunications resources partially offset by a reduction to grants and contracts.

**Statutory Authority:**

SWDA, Section 8001, as amended; RCRA of 1976 as amended; Public Law 94-580, 42 U.S.C. 6901 et seq.; TSCA, Section 6, Public Law 94-496, 15 U.S.C. 2605; Department of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, Public Law 105-276, 112 Stat. 2461, 2499 (1988).

**RCRA: Corrective Action**

Program Area: Resource Conservation and Recovery Act (RCRA)

Goal: Land Preservation and Restoration

Objective(s): Restore Land

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$39,960.6</b>	<b>\$38,909.0</b>	<b>\$40,459.0</b>	<b>\$1,550.0</b>
Total Budget Authority / Obligations	\$39,960.6	\$38,909.0	\$40,459.0	\$1,550.0
Total Workyears	248.4	246.9	246.9	0.0

**Program Project Description:**

The Resource Conservation and Recovery Act (RCRA) authorizes EPA to implement a hazardous waste management program for the purpose of controlling the generation, transportation, treatment, storage and disposal of hazardous wastes. An important element of this program is the requirement that facilities managing hazardous waste clean up past releases. This program, which is largely implemented by authorized states, is known as the Corrective Action program. Although the states<sup>80</sup> are the primary implementers of the Corrective Action program, EPA Regional staff has the lead at a significant number of facilities undergoing corrective actions. Key program implementation activities include: development of technical and program implementation regulations, policies and guidance, and conducting corrective action activities including assessments, investigations, stabilization measures, remedy selection, remedy construction/implementation, and technical support and oversight for state-led activities.<sup>81</sup>

**FY 2010 Activities and Performance Plan:**

In FY 2010, the Agency will work in partnership with the states to coordinate cleanup program goals and direction. Ensuring sustainable future uses for RCRA corrective action facilities is considered in remedy selections and in the construction of those remedies. This is consistent with EPA's emphasis on land revitalization. The Agency will continue to present training that focuses on selecting and completing final remedies to Regional and state RCRA Corrective Action staff.

In FY 2010, EPA will continue to work toward the 2020 goal<sup>82</sup> of constructing final remedies at 95 percent of all facilities. As part of overall efforts toward that goal, first outlined in the EPA FY 2006 – FY 2011 Strategic Plan, EPA and states will control human exposures to toxins at a minimum of 95 percent of facilities and control the migration of contaminated groundwater at a minimum of 95 percent of facilities by 2020. These long-term goals have been set against the 2020 Corrective Action Universe, a baseline which EPA finalized in May 2007, which includes

<sup>80</sup> This includes both those states authorized for corrective action and those not authorized for corrective action through work sharing agreements with their EPA Regional Offices.

<sup>81</sup> For more information please refer to <http://www.epa.gov/correctiveaction/>.

<sup>82</sup> Office of Solid Waste and Management RCRA internal "Vision Plan" strategy planning process started in 2004.

3,746 facilities requiring corrective action. In FY 2009, the annual targets for RCRA Corrective Action were revised to align with this newly assessed baseline.

In FY 2010, the Agency will be working with states to continue developing and implementing program improvements in order to meet the ambitious 2020 goal. EPA and the states will continue to develop and implement approaches for selecting and constructing final remedies at operating facilities that are protective as long as the facility remains active and will ensure that protective controls are in place if the use changes in the future.

EPA will ensure that polychlorinated biphenyls (PCB) waste and PCB remediation sites are cleaned up. Specific activities include advising the regulated community on PCB remediation and reviewing and acting on disposal applications for PCB remediation waste.

To improve the RCRA Corrective Action program, EPA developed an efficiency measure for the program, which is the number of final remedy components constructed at RCRA corrective action facilities per Federal, state and private sector costs. The intent of the measure is to show, over time, the percent increase of final remedy components constructed per the costs related to the cleanup and oversight of cleanup at RCRA facilities. While the annual target has been, and continues to be 3 percent through FY 2010, the RCRA Corrective Action program achieved an efficiency increase of 6.2 percent in FY 2008.

**Performance Targets:**

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Cumulative percentage of RCRA facilities with final remedies constructed.				30	percent

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Cumulative percentage of RCRA facilities with human exposures to toxins under control.				63	percent

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Cumulative percentage of RCRA facilities with migration of contaminated groundwater under control.				55	percent

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Efficiency	Percent increase of final remedy components constructed at RCRA corrective action facilities per federal, state, and private sector dollars per year.	7.1	3	3	3	percent

For FY 2010 annual performance targets, EPA and states will complete construction at 30 percent of RCRA facilities in the 2020 Universe. EPA and states will continue to track the human exposures and groundwater control environmental indicators. In FY 2010, EPA and states will meet the goal of controlling human exposures to toxins at 63 percent of RCRA facilities on the 2020 Universe. EPA and states also will meet the FY 2010 goal of controlling the migration of contaminated groundwater at 55 percent of RCRA facilities on the 2020 Universe.

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

- (+\$1,452.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$98.0) This change reflects an increase to contracts, partially offset by a reduction to grants, IT, and telecommunications resources.

**Statutory Authority:**

SWDA, Section 8001 as amended; RCRA of 1976 as amended; Public Law 94-580, 42 U.S.C. 6901 et seq.; TSCA, Section 6, Public Law 94-469, 15 U.S.C. 2605; Department of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, Public Law 105-276, 112 Stat. 2461, 2499 (1988).

**RCRA: Waste Minimization & Recycling**

Program Area: Resource Conservation and Recovery Act (RCRA)

Goal: Land Preservation and Restoration

Objective(s): Preserve Land

Goal: Compliance and Environmental Stewardship

Objective(s): Improve Environmental Performance through Pollution Prevention and Other Stewardship Practices

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$14,731.9</i></b>	<b><i>\$13,471.0</i></b>	<b><i>\$14,122.0</i></b>	<b><i>\$651.0</i></b>
Total Budget Authority / Obligations	\$14,731.9	\$13,471.0	\$14,122.0	\$651.0
Total Workyears	85.6	82.2	82.2	0.0

**Program Project Description:**

The Resource Conservation and Recovery Act (RCRA) directs EPA to promote a reduction in the amount of waste generated and to improve recovery and conservation of materials through reducing, reusing, and recycling. In support of this goal, EPA has been working through its Resource Conservation Challenge (RCC) programs to build partnerships with government agencies<sup>83</sup>, businesses, and nonprofits to encourage recycling and waste prevention, and leverage resources to improve energy conservation and greenhouse gas (GHG) emissions reductions.<sup>84</sup>

Materials management considers the human health and environmental impacts associated with the full life cycle of materials – from the amount of raw materials extraction, through transportation, processing, manufacturing, use recycling, and disposal. By considering the impacts throughout the entire life cycle instead of just the resulting waste, materials management provides a platform for choosing policies, programs, and practices that carefully consider the effect on the amounts and types of materials used and the full system impacts of those choices. Recycled materials are a readily-available resource that can reduce the need for energy-intensive extraction, transportation and manufacturing processes using virgin materials. The climate benefits of waste prevention and recycling have been well established, and existing technologies are available to realize these benefits.

Through the National Partnership for Environmental Priorities (NPEP)<sup>85</sup>, which is also funded under this program, EPA promotes waste minimization activities that diminish chemicals of most concern to human health and the environment. This approach involves linking chemicals to waste streams and seeks to reduce not only the volume of wastes, but also the toxicity of wastes. A goal of reducing both the volume and toxicity of chemicals in wastes also will lead to safer

<sup>83</sup> Federal, state, local, and tribal agencies.

<sup>84</sup> <http://www.epa.gov/rcc/>.

<sup>85</sup> <http://www.epa.gov/osw/partnerships/npep/>.

chemical substitutions and processes upstream, and eliminate occupational exposures to the chemicals of concern.

### **FY 2010 Activities and Performance Plan:**

EPA has identified four national priorities or focus areas for the RCC: municipal solid waste, green initiatives-electronics/green buildings, industrial materials use/reuse, and priority and toxic chemicals reduction.

#### *Municipal Solid Waste*

EPA will increase its efforts in FY 2010 to motivate and provide leadership to industry, Federal, state, and local governments, public interest groups, and citizens to reduce, reuse, and recycle municipal wastes. In the FY 2009 - 2014 Strategic Plan, EPA will establish new strategic targets that quantify our environmental progress toward sustainable resource conservation and reductions in greenhouse gas emissions. Recycling remains one of the most cost-effective ways to address climate change.<sup>86</sup> In 2008 the United States recycled 85 million tons of municipal solid waste (MSW), roughly one third of the country's total. As a result, the U.S. avoided generation of 193 million metric tons of carbon dioxide equivalent, which is comparable to avoiding the emissions from 35 million passenger cars.<sup>87</sup>

In FY 2010, EPA will lead efforts focused on three large-volume material categories from municipal/commercial sources with the greatest opportunity for recycling: (1) paper; (2) organics; and (3) packaging and containers. These materials represent 60 to 70 percent of the current municipal solid waste stream and are key to increasing recycling. Focusing on these materials can achieve the reductions of GHG and increased energy savings that are attainable through waste reduction and recycling.

As part of the on-going WasteWise campaign, EPA will continue to provide enhanced tools to help communities reduce waste and increase recycling, and promote alliances between businesses and communities that can advance waste prevention and recycling. In FY 2010, WasteWise partners will be able to use the new WasteWise reporting system that will allow partners to track waste volumes and measure and report progress on their own internal waste reduction activities.

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<sup>86</sup> Recent international studies by McKinsey & Company in its Pathway to a Low-Carbon Economy: V. Global Greenhouse Gas Abatement Cost Curve (Jan. 2009) show waste recycling and industrial materials recycling as efficient and cost effective GHG abatement strategies, [http://www.mckinsey.com/client-service/ccsi/pathways\\_low\\_carbon\\_economy.asp](http://www.mckinsey.com/client-service/ccsi/pathways_low_carbon_economy.asp). See also Materials Management & Climate Waste Connection [http://www.epa.gov/osw/rcc/resources/meetings/rcc\\_2008/sessions/plenary/climate/allaway.pdf](http://www.epa.gov/osw/rcc/resources/meetings/rcc_2008/sessions/plenary/climate/allaway.pdf)

<sup>87</sup> [www.epa.gov/warm](http://www.epa.gov/warm) - WARM model calculates & totals GHG emissions of baseline and alternative waste management practices – source reduction, recycling, combustion, composting, and landfilling. The model calculates emission in metric tons of carbon equivalent (MTCE), metric tons of carbon dioxide equivalent (MTCO<sub>2</sub>E), and energy units (million BTU) across a wide range of material types commonly found in municipal solid waste (MSW). The WARM model is based on a life-cycle approach, which reflects emissions and avoided emissions upstream and downstream from the point of use. As such, the emission factors provided in these tools account for the net benefit of these actions to the environment.



EPA will finalize and promote the Benefit Evaluation Tool (BET) for participating cities to use to evaluate the economic and environmental savings in their own communities realize by adopting the Pay as You Throw (PAYT) program. In communities with pay-as-you-throw programs, also known as unit pricing or variable-rate pricing, residents are charged for the collection of municipal solid waste based on the volume of disposal. This creates a direct economic incentive to recycle more and to dispose of less. PAYT led to greenhouse gas (GHG) reductions of 10.5 million metric tons of carbon equivalent (MMTCE) and 85 million British Thermal Units (BTUs) annually. EPA will provide technical assistance to at least 10 large U.S. cities as part of the American Big City (ABC) campaign.

### *Green Initiatives-Electronics/Green Buildings*

In FY 2010, EPA will continue to address the nation's growing electronics waste stream through partnerships with private and public entities including Plug-In To eCycling, the Federal Electronics Challenge (FEC), and Electronic Product Environmental Assessment Tool (EPEAT). Through Plug-In, EPA has established partnerships with 25 major electronic businesses and more than 200 million pounds of consumer electronics have been collected and reused or recycled safely. Building on current Plug-In to eCycling activities, EPA will work to highlight the importance of recycling electronics and to motivate consumers to utilize electronics collection opportunities.

A key component of the FEC program is improving the manner in which Federal agencies manage their used electronic equipment. By 2010, 100 percent of non-reusable electronic equipment disposed of annually by FEC Partner facilities will be recycled using environmentally sound management, as defined by the Responsible Recycling (R2) Practices.<sup>88</sup>

### *Industrial Materials Use/Reuse*

Under the RCC, EPA will continue to pursue collaborative efforts to increase the safe use and recycling of industrial materials and byproducts, with resultant benefits of decreased disposal costs, energy savings, and reduced greenhouse gas emissions. For every ton of coal fly ash that is used in place of Portland cement nearly a ton of CO<sub>2</sub> emissions are avoided.

By working with manufacturers, utilities, government agencies, and transportation and building construction companies, the RCC Industrial Materials Recycling effort is focusing primarily on three large industrial non-hazardous waste streams: (1) coal combustion products; (2) construction and demolition debris; and (3) foundry sand.

In FY 2010, the program will continue to expand its voluntary Coal Combustion Partnership Program (C2P2) to increase the beneficial use of fly ash, for example, in concrete. EPA will use C2P2 as a collaborative model to foster the safe, beneficial use of other industrial non-hazardous waste streams, such as foundry sands and construction and demolition debris. Recognizing that Clean Air Act regulations will result in increased generation of flue gas desulfurization (FGD) materials, EPA and its partners will work to explore the expanded use of FDG gypsum as a soil

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<sup>88</sup> <http://www.epa.gov/osw/conservematerials/ecycling/r2practices.htm>

amendment. Ongoing and future research will be used to assist people in making beneficial use decisions regarding FGD gypsum.

EPA also will continue working with Federal, state, and private sector outreach programs to promote environmentally safe and sound reuse and recycling of construction and demolition (C&D) debris, which is a larger waste stream than MSW. EPA will work with States and the private sector, including the Associated General Contractors of America, to seek improvements in the recycling of C&D materials and the tracking of recycling activities.

*Priority and Toxic Chemicals Reduction*

In FY 2010, the National Partnership for Environmental Priorities (NPEP) will continue to reduce priority chemicals which are persistent, bio-accumulative, and highly toxic. By 2014, reduce 4 million pounds of priority chemicals as measured by the National Partnership for Environmental Priorities program, Supplemental Environmental Projects, and contributions from other tools used by EPA to achieve chemical reductions throughout the lifecycle of products. As of March 2009, the NPEP program has obtained industry commitments for over 7.6 million pounds of priority chemical reductions through FY 2009-2014, including 2.7 million already achieved in FY 2009.

EPA initiated the Mercury Challenge in FY 2006 to promote the voluntary early retirement of devices containing mercury. A formal challenge and request was issued to major industrial facilities, urging mercury elimination. As of March 2009, EPA achieved mercury reductions of 49,439 pounds due to NPEP partner commitments to the Mercury Challenge, source reduction, and recycling. The initial reduction commitment for mercury was 45,470 pounds from NPEP.

In FY 2010, EPA’s School Chemicals Cleanout Campaign and Prevention Program (SC3) will continue its work ensuring that K-12 schools in the U.S. are free from chemical hazards associated with poor chemical management in schools. The Agency will do this by working with teachers’ associations and pre-service teaching institutions to develop chemical management curricula. EPA will continue to promote innovation in chemical management in schools, by expanding the network of industry partners who have volunteered to assist schools in safely removing chemicals and helping schools develop effective measures to prevent chemical management problems before they can occur.

**Performance Targets:**

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Increase in percentage of coal combustion ash that is used instead of disposed.	Data Unavailable	1.8	1.8	1.8	percent

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Number of closed,	166	30	27	22	open dumps

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
	cleaned up, or upgraded open dumps in Indian Country or on other tribal lands.					

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Number of tribes covered by an integrated solid waste management plan.	35	26	16	23	tribes

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Billions of pounds of municipal solid waste reduced, reused or recycled.	Data Unavailable		19.5	20.5	Billion lbs.

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Number of pounds (in millions) of priority chemicals reduced, as measured by National Partnership for Environmental Priorities members.	5.7	1	1	0.75	Million lbs.

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Efficiency	Number of pounds of priority chemicals reduced from the environment per federal government costs.	2.59	0.422	0.429	0.435	pounds/dollar

In EPA's FY 2009 – 2014 Strategic Plan, EPA will establish a new measure to increase coal combustion ash use to 56 percent by 2014, from 40 percent in 2007, with an annual target of increasing the percentage of coal ash used by 1.8 percent during FY 2010. The most recent data from the 2007 annual survey show coal combustion ash beneficial use rose to 42.7 percent. The Agency will implement its new relationship with USDA as a major sponsor of C2P2 in order to

provide outreach, technical information, and assistance to increase the use of flue gas desulfurization material in agricultural applications.

In FY 2010, EPA will focus on resource conservation through efficient materials management from small businesses at the local level. In 2007, under the RCC programs (WasteWise, C2P2, and Carpets), EPA and its partners estimated GHG reductions of 35.6 million metric tons of carbon equivalent (MMTCO<sub>2</sub>E), equal to the annual emissions from 6.5 million cars, and savings of 329 trillion British Thermal Units (BTUs) of energy.<sup>89</sup>

In 2010, EPA will improve the Waste Reduction Model (WARM), used to measure GHG reductions, by: (1) adding additional materials and updating the supporting scientific information; (2) providing training and outreach; and (3) disseminating the tool and encouraging its use in RCC programs. WARM estimates the GHG emissions reductions possible with various waste management strategies for different materials, including assorted papers, packaging and organic materials.

EPA has developed an efficiency measure that will show, over time, the total reduction of priority chemicals from products and wastes per federal dollar spent. Federal spending consists of program implementation costs including federal RCRA program extramural dollars and FTE. Industry costs are assumed to be neutral. EPA has anecdotal evidence as well as quantitative information from its voluntary success stories that cost savings often result from this program. EPA assumes that costs incurred by these partners are offset by cost saving from the program, resulting in a net cost neutral program. The efficiency measure targets are an annual increase of 1.5 percent, in pounds of priority chemicals reduced from the environment per federal dollar spent. The target in FY 2010 is 0.435 pounds per dollar.

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

- (+\$608.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$43.0) This change reflects a shift of resources from primarily contracts to grants.

**Statutory Authority:**

SWDA, Section 8001 as amended; RCRA of 1976, as amended; Public Law 94-580, 42 U.S.C. 6901 et seq. Veterans Administration (VA) and Housing and Urban Development (HUD) and Independent Agencies Appropriations Act; Public Law 105-276; 112 Stat. 2461, 2499 (1988); Pollution Prevention Act of 1990 (42 U.S.C. 13101).

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<sup>89</sup> Equivalent to the energy consumption of over 3 million households.

**Program Area: Toxics Risk Review and Prevention**

## Endocrine Disruptors

Program Area: Toxics Risk Review and Prevention

Goal: Healthy Communities and Ecosystems

Objective(s): Chemical and Pesticide Risks

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$7,102.4</i></b>	<b><i>\$8,498.0</i></b>	<b><i>\$8,659.0</i></b>	<b><i>\$161.0</i></b>
Total Budget Authority / Obligations	\$7,102.4	\$8,498.0	\$8,659.0	\$161.0
Total Workyears	15.4	11.0	11.0	0.0

### **Program Project Description:**

The Endocrine Disruptor Screening Program (EDSP) establishes policies and procedures for implementing the endocrine effects screening authorities of the Food Quality Protection Act (FQPA) and Safe Drinking Water Act (SDWA). The program develops and validates approximately 19 candidate scientific test methods from which a battery of tests will be selected and used for the routine, ongoing evaluation of pesticides and other chemicals to determine their potential for adverse health or environmental effects by interfering with normal endocrine system function. Implementation of the Endocrine Disruptor Screening Program (EDSP) is currently proceeding in three areas:

- Developing and validating the test assays;
- Prioritizing and selecting chemicals for testing; and
- Developing the policies and procedures for testing.

For more information, please visit <http://www.epa.gov/scipoly/oscpendo/>.

### **FY 2010 Activities and Performance Plan:**

In FY 2010, the EDSP will further the goal of protecting communities from harm from substances in the environment which may adversely affect health through specific hormonal effects. Efforts include the validation of Tier 2 assays that will be used to confirm any chemical interactions with the endocrine system observed using Tier 1 screens, and provide information that can be used in risk assessment. The EDSP also will begin reviewing data received in response to the first set of test orders issued to pesticide manufacturers. Data that indicate the potential for interaction with the endocrine system in Tier 1 will undergo further testing in Tier 2.

EPA will continue collaboration with our international partners through the Organization for Economic Cooperation and Development (OECD), conserving EPA resources and promoting adoption of internationally harmonized test methods for identifying endocrine disrupting chemicals. EPA represents the U.S. as either the lead or a participant in the OECD projects involving improvements to EDSP Tier 1 screening assays, and on the further development and

validation of Tier 2 assays. This includes a more efficient and effective Tier 2 assay to replace the routine use of the mammalian two-generation assay, and life-cycle or multi-generation tests in fish, birds, frogs, and invertebrates.

A 2006 OMB assessment found that the program is free of major design flaws, has a clear purpose, and is reasonably well-managed.

**Performance Targets:**

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Cumulative number of assays that have been validated.	12/20	13/20	14/19	19/19	Assays

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Efficiency	Contract cost reduction per study for assay validation efforts in the Endocrine Disruptor Screening Program	3%	1%	1%	1%	Percent

This program’s output performance measure represents the progress toward completing the validation of endocrine test methods that will be used to screen chemicals for their potential to affect the endocrine system, as required by FQPA.

We anticipate that the FY 2009 actual will be below the target because the program experienced scientific and technical problems that could not have been predicted for the estrogen receptor binding assay. However, this assay is currently in peer review (the final stage of the validation process) and is expected to be completed and ready for use in time for the issuance of test orders in 2009.

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

- (+\$48.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$113.0) This reflects increased support for EDSP Tier 2 assay validation.

**Statutory Authority:**

PPA; CERCLA; RCRA; CWA; CAA; ERDDA; FIFRA; TSCA; FQPA; SDWA.

## **Toxic Substances: Chemical Risk Review and Reduction**

Program Area: Toxics Risk Review and Prevention

Goal: Healthy Communities and Ecosystems

Objective(s): Chemical and Pesticide Risks

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$48,399.3</b>	<b>\$47,078.0</b>	<b>\$55,005.0</b>	<b>\$7,927.0</b>
Total Budget Authority / Obligations	\$48,399.3	\$47,078.0	\$55,005.0	\$7,927.0
Total Workyears	249.9	241.1	246.1	5.0

### **Program Project Description:**

This program spans the full range of EPA activities associated with screening, assessing and reducing risks of new and existing chemicals. Key program efforts include:

- Accelerated implementation of EPA's efforts to assess the safety of and deploy the full range of Toxic Substances Control Act (TSCA) regulatory authorities to take risk management action where needed on more than 6,000 existing organic chemicals produced in amounts greater than 25,000 pounds per year.
- Continued work under the Voluntary Children's Chemical Evaluation program (VCCEP) as a key mechanism for acting in response to the results of safety assessments from Risk-Based Prioritizations (RBPs) and Hazard-Based Prioritizations (HBPs).
- Reviewing and reducing risks of other industrial/commercial chemicals of concern under TSCA, including reviewing and acting on 1,500 Pre-Manufacture Notices to ensure the safety of new chemicals before they are introduced into U.S. commerce, continued work to assess and address the potential risks of nanoscale materials, and continued development of Acute Exposure Guideline Levels (AEGs).

These programs reduce and prevent unreasonable risks to human health and the environment from new and existing chemicals and increase the efficiency of risk review and reduction efforts.

### **FY 2010 Activities and Performance Plan:**

#### ***High Production Volume (HPV) Chemicals Program***

One of EPA's primary responsibilities under TSCA is to assess the safety of the thousands of chemicals already in commerce before EPA began assessing new chemicals through the Pre-Manufacture Notice (PMN) program in 1979. These un-reviewed chemicals are used by U.S. industries to produce items widely used throughout society, including consumer products such as cleansers, paints, plastics, and fuels as well as industrial solvents and additives, leading to substantial public and occupational exposure. While these chemicals play an important role in people's everyday lives, some may adversely affect human health and the environment and need to be regulated to address health and safety risks. It is therefore critical that EPA fulfill its



mission to determine the safety of existing chemicals and act rapidly and effectively to reduce risks when they are identified.

To advance this mission, EPA began the planned extension of the HPV program in FY 2007 by initiating the chemical assessment phase, drawing on the success of the HPV Challenge program in making available critical chemical hazard and fate data and EPA's expansion of the TSCA Inventory Update Rule (IUR) which provides valuable new use data for large volume chemicals starting with the 2005 reporting cycle. The Agency is combining these data in screening-level risk characterizations that form the basis for RBPs that guide subsequent risk management actions for HPV chemicals. EPA will have developed and publicly posted 330 RBPs for HPV chemicals by the end of FY 2009.

In addition to initiating the assessment phase of the HPV program, EPA also expanded in late FY 2008 the scope of its existing chemicals assessment and risk management program to develop HBPs for the approximately 4,000 Moderate Production Volume (MPV) chemicals produced annually in quantities exceeding 25,000 pounds. HBPs differ from RBPs by focusing exclusively on chemical hazard and fate information because the expanded IUR chemical use data are only reported for large volume chemicals.

Further, since the HPV Challenge program did not include MPV chemicals in its data collection efforts, EPA is drawing on existing data and sophisticated Structure/Activity Relationship (SAR) models that enable the Agency to relate MPV chemicals to similar HPV "analogue" chemicals – for which hazards are being characterized – to develop the HBPs. EPA will have developed and publicly posted 155 HBPs by the end of FY 2009. The RBPs and HBPs categorize chemicals into three priority levels (high, medium, low) for subsequent more detailed assessment or direct risk management action.

EPA is proposing \$8 million to enhance the toxics program and initiate substantial risk management actions on high priority chemicals. Of the additional resources, \$3.0 million and 1.5 FTE will enable EPA to significantly accelerate its pace in developing RBPs (230 vs. 180 in FY 2009) and HBPs (325 vs. 100 in FY 2009). EPA will use the majority of the proposed investment (\$5.0 of the \$8.0 million and 3.5 FTE) to deploy the full arsenal of TSCA regulatory tools to initiate risk management actions on chemicals identified as the highest priorities. Specific actions the Agency will undertake starting in FY 2010 include exercising Section 6 authorities to prohibit the manufacture, import, processing, or distribution of chemicals, and Section 5 authorities to issue significant new use rules restricting uses of existing chemicals without submission of pre-manufacture notices.

The Agency also will use other TSCA authorities under Section 4 and 8 where necessary to obtain additional information to support regulatory risk management actions. EPA will utilize stewardship strategies to reduce priority chemical risks while rules are in development and conduct lifecycle and efficacy analyses to foster development of safer and effective alternatives.

In FY 2010, EPA will continue to support HPV and MPV chemicals with improvements to infrastructure through further development of systems to support submission and access to chemical data. Also in FY 2010, EPA will complete work to obtain remaining data for organic

HPV chemicals through Section 4 test rules for chemicals which have not been sponsored, including three test rules covering 87 chemicals. In addition, EPA will continue to partner with OECD to produce hazard characterizations in the international arena and hence leverage similar work undertaken by other countries.

The Agency also will “reset” the TSCA Inventory in FY 2010. The TSCA Inventory reset will effectively remove chemicals from the inventory which are no longer in production and have not been produced for some time. Chemicals that are removed from the Inventory will need to go through review in the TSCA New Chemicals program (see Other TSCA Chemicals of Concern below) before they are reintroduced into commerce.

EPA will allocate \$19.0 million to chemical assessment in FY 2010. For more information on EPA’s efforts to assess and act on HPV and MPV chemicals, please visit <http://www.epa.gov/hpv>.

#### *Voluntary Children’s Chemical Evaluation Program (VCCEP)*

In FY 2010, EPA expects to bring the VCCEP pilot to a conclusion by ensuring that data needs decisions for the 20 pilot chemicals are completed, with most having been completed before the end of FY 2008. EPA expects to identify future chemicals for which there are concerns as to risks to children’s health through the development of RBPs and HBPs described above and follow up on those chemicals through EPA risk assessment and management approaches. EPA will devote \$507 thousand to this work area in FY 2010. For more information, visit <http://www.epa.gov/oppt/vccep/pubs/interim.htm>.

#### *Other TSCA Chemicals of Concern*

Additional resources in this program are devoted to reviewing and reducing risks of other chemicals of concern under TSCA, including review of new chemicals before they enter commerce. In FY 2010, EPA will continue its successful record of preventing the entry of chemicals that pose unreasonable risks to human health or the environment into the U.S. market. Each year, the Premanufacture Notice (PMN) Review component of EPA’s New Chemicals program reviews and manages the potential risks from approximately 1,500 new chemicals, 40 products of biotechnology, and new chemical nanoscale materials prior to their entry into the marketplace.

To measure performance under this program, in FY 2006, EPA adopted (with a FY 2004 baseline) a measure establishing a “zero tolerance” performance standard for the number of new chemicals or microorganisms introduced into commerce that pose an unreasonable risk to workers, consumers, or the environment. The Agency has achieved the 100 percent goal in three of four years that the measure has been tracked (FY 2004 to FY 2007), and has a 99.6 percent success rate overall. For more information, visit [www.epa.gov/opptintr/newchems](http://www.epa.gov/opptintr/newchems).

In FY 2010, EPA will continue to implement its Nanoscale Materials program for new and existing chemical nanoscale materials that are subject to TSCA requirements. EPA will focus on analyzing the data it has received through the program to understand which nanoscale materials

are produced, in what quantities, and what other risk-related data are available. EPA will use this information to understand whether certain nanoscale materials may present risks to human health and the environment and warrant further assessment, testing or other action. In FY 2009, EPA will begin action to address additional data needs and accelerate those actions in FY 2010. For more information, visit [www.epa.gov/oppt/nmsp](http://www.epa.gov/oppt/nmsp).

Another important focus is EPA's work on perfluorooctanoic acid (PFOA). PFOA is an essential processing aid in the manufacture of fluoropolymers, substances with special properties that have thousands of important manufacturing and industrial applications, and fluorinated telomers, which may be a breakdown product of other related chemicals. EPA will continue to evaluate and implement PFOA risk management actions.

In FY 2010, EPA also will continue biodegradation testing including the testing of fluoropolymer and fluorotelomer products to determine whether they contain PFOA and are able to release PFOA as they degrade. Also, the Agency launched a global PFOA stewardship program in January 2006 for U.S. fluoropolymer and telomer manufacturers. Eight major manufacturers of these chemicals have agreed to participate. Participating companies have committed to reduce PFOA emissions and product content by 95 percent no later than 2010, and to work toward eliminating PFOA emissions and product content no later than 2015. EPA received the second progress reports from companies participating in the PFOA stewardship program in October, 2008. Continued significant progress towards these goals is expected in FY 2010. The Agency will receive annual updates through 2015. For more information, visit [www.epa.gov/oppt/pfoa](http://www.epa.gov/oppt/pfoa).

An aspect of the Existing Chemicals program's work that has direct impact on the nation's homeland security is the development of values for Acute Exposure Guideline Levels (AEGLs). Emergency planners and first responders use AEGLs to prepare for and deal with chemical emergencies by determining safe exposure levels. Following September 11, 2001, a series of investments in the Homeland Security: Preparedness, Response, and Recovery chemical program augmented resources to support accelerated development of Proposed AEGL values.

Beginning in FY 2009, the program has shifted emphasis from producing Proposed values to creating Interim and ultimately Final status via peer review by the National Academies of Science. Accordingly, in FY 2010 the program plans to develop Proposed AEGL values for up to 18 additional chemicals, as needed, compared with 28 in FY 2008 and 33 in FY 2007, and will remain on target to meet its long-term goal of developing Proposed AEGL values for approximately 260 chemicals by 2011. In addition, Final values will be completed for at least six additional chemicals in FY 2010. EPA will allocate \$35.5 million to reviewing and reducing risks of these other TSCA chemicals of concern in FY 2010.

EPA is using the measures described below as well as implementing the previously mentioned toxics program enhancements to evaluate program performance. For more information, visit [www.epa.gov/oppt/aegl](http://www.epa.gov/oppt/aegl).

**Performance Targets:**

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Output	Annual number of chemicals with proposed values for Acute Exposure Guidelines Levels (AEGl)	28	24	18	18	Chemicals

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Output	Annual number of chemicals with final values for Acute Exposure Guidelines Levels (AEGl)	37	Baseline	6	14	Chemicals

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Percent of new chemicals or organisms introduced into commerce that do not pose unreasonable risks to workers, consumers or the environment.	Data Avail 10/2009	100	100	100	Chemicals

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Reduction in the current year production-adjusted risk-based score of releases and transfers of toxic chemicals from manufacturing facilities.	Data Avail 10/2010	3.5	3.2	3.0	Percent RSEI rel risk

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Output	Annual number of High Production Volume (HPV) chemicals with Risk Based Prioritizations Completed through the Chemical Assessment	150	150	180	230	HPV Chemicals

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
	and Management Program (ChAMP)					

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Output	Annual number of Moderate Production Volume (MPV) chemicals with Hazard Based Prioritizations Completed through the Chemical Assessment and Management Program (ChAMP)	14	55	100	325	MPV Chemicals

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Annual reduction in the production-adjusted risk-based score of releases and transfers of High Production Volume (HPV) chemicals from manufacturing facilities.	Data Avail 10/2010	2.5	2.4	2.2	Percent Reduction

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Efficiency	Reduction in cost of managing PreManufacture Notice (PMN) submissions through the Focus meeting as a percentage of baseline year cost	\$459,800	Baseline	No Target Established	61%	% Reductions

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Efficiency	Percent reduction from baseline year in total EPA cost per chemical for which proposed AEGL value sets are developed.	17.4%	4%	10%	11%	% Cost Savings

The cumulative and annual reductions in the production-adjusted risk-based score of releases and transfers of toxic chemicals from manufacturing facilities measures track EPA's progress in reducing risks from chemicals. These measures are based on the Risk Screening Environmental Indicator (RSEI) model, which calculates a risk index based on releases of approximately 600 chemicals reported through the Toxics Release Inventory (TRI). Data received through FY 2006 indicate a 39.5 percent reduction in the RSEI score, when compared to a 2001 baseline. A subset of the overall RSEI measure examines the cumulative and annual reductions in the production-adjusted risk-based score of releases and transfers of High Production Volume (HPV) chemicals. These measures look at the RSEI score for a subset of approximately 200 HPV chemicals that are reported through the TRI.

Data received through 2006 indicate a 35.3 percent reduction in the RSEI score when compared to a 1998 baseline. The RSEI index is expected to decrease less and less over time and annual targets decrease incrementally to address this trend. TRI data are subject to a two-year data lag, which means these measures have a corresponding two year reporting delay. FY 2007 performance results will be available for the FY 2009 Performance and Accountability Report.

Two supporting measures track progress in completing prioritization assessments for more than 6,000 High and Moderate Production Volume Chemicals. These chemicals are taken from chemicals reported under the 2006 IUR plus chemicals that were previously sponsored under the HPV Challenge program. Risk Based Prioritizations are completed where hazard, use, and exposure data are available and Hazard Based Prioritizations are completed where only hazard information is available. Prioritization targets will increase significantly with additional resources received in FY 2010. The majority of new resources were utilized for assessment work, increasing RBP target from 180 in FY 2009 to 230 in FY 2010, and increasing HBP target from 100 in FY 2009 to 325 in FY 2010.

The cumulative and annual measures tracking the number of chemicals with proposed values for AEGLs supports the Homeland Security program area. This program has consistently exceeded its performance targets reflecting significantly greater than expected progress in developing Proposed AEGL values due in part to unanticipated opportunities to develop values for categories of similar chemicals. The cumulative results are 246 proposed AEGLs completed which demonstrate significant progress towards completing 287 chemicals by 2011. In FY 2010, the program continues to shift its emphasis to interim and final status AEGLs, which explains the continuation of a reduced target of 18 in developing proposed AEGLs in FY 2010. This is offset by a commitment to complete 14 final AEGL values in FY 2010. The AEGL program shares resources with the "Homeland Security: Preparedness, Prevention and Response" and "Toxic Substances: Chemical Risk Review and Reduction" programs.

The cumulative and annual measures tracking the percent of new chemicals or organisms introduced into commerce that do not pose unreasonable risk to human health or the environment, illustrate the effectiveness of EPA's new chemicals program as a gatekeeper. This measure analyzes previously reviewed new chemicals with incoming TSCA 8(e) notices of substantial risk. TSCA requires that chemical manufacturers, importers, processors and distributors notify EPA within thirty days of new information on chemicals that may lead to a conclusion of unreasonable risk to human health or the environment. Information from

approximately thirty 8(e) notices each year is used to check the accuracy of New Chemicals analytical tools and to make process improvements for future review of new chemicals.

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

- (+\$977.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$8,000.0/+5.0 FTE) This investment will support significant enhancements to EPA's toxics program for high and moderate volume production chemicals including accelerating development of Risk-Based Prioritizations (RBPs) from 180 in FY 2009 to 230 in FY 2010 and Hazard-Based Prioritizations (HBPs) from 100 to 350. The increase includes five FTE with associated payroll. The Agency also will initiate risk management actions on the highest priority chemicals to prohibit the manufacture, import, processing, or distribution of chemicals; issue significant new use rules restricting uses of existing chemicals without submission of premanufacture notices; and obtain additional information to support regulatory risk management actions.
- (-\$1,050.0) This reflects a redirection from Other TSCA Chemicals of Concern to support enhancements to EPA's toxics program for high and moderate volume production chemicals.

**Statutory Authority:**

TSCA.

**Pollution Prevention Program**

Program Area: Toxics Risk Review and Prevention

Goal: Compliance and Environmental Stewardship

Objective(s): Improve Environmental Performance through Pollution Prevention and Other Stewardship Practices

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$15,538.0</i></b>	<b><i>\$18,334.0</i></b>	<b><i>\$18,874.0</i></b>	<b><i>\$540.0</i></b>
Total Budget Authority / Obligations	\$15,538.0	\$18,334.0	\$18,874.0	\$540.0
Total Workyears	73.9	86.6	86.6	0.0

**Program Project Description:**

The Pollution Prevention (P2) program is one of EPA’s primary tools for encouraging environmental stewardship by the Federal government, industry, communities, and individuals, both domestically and globally. The program employs a combination of collaborative efforts, innovative programs, and technical assistance and education to support stakeholder efforts to minimize and prevent adverse environmental impacts by preventing the generation of pollution at the source. For more information, please visit <http://www.epa.gov/p2/>.

The P2 program will be completing revisions to its FY 2014 strategic plan in FY 2009. The plan will describe the P2 program’s strategies for achieving three goals:

- Working with other EPA programs to establish EPA’s leadership role in the sustainability arena, and broadly communicating the importance of preventing pollution at the source;
- Increasing coordination among individual components of the EPA P2 program and ensuring a strong infrastructure within the EPA P2 program and external P2 networks to support the program’s mission; and
- Meeting or exceeding the environmental outcome targets established for the P2 program in the EPA Strategic Plan. The new P2 plan focuses the program on three critical outcomes:
  - Reducing production and use of hazardous materials;
  - Reducing generation of greenhouse gases; and
  - Conserving natural resources, specifically water.

The program accomplishes its mission through eight centers of results, including those described below under individual headings, as well as Regional offices and the Pollution Prevention Resource Exchange (P2Rx) program which are described together as P2 technical assistance.



## **FY 2010 Activities and Performance Plan:**

### *Environmentally Preferable Purchasing (EPP) Program*

The goal of this program is for the Federal government to serve as a model to others for environmental stewardship through incorporating environmental considerations into routine purchasing decisions. In FY 2010, EPA will continue to provide leadership to implement EPP efforts in partnership with other Federal agencies, notably to continue to implement, add new federal partners, and measure the benefits of the Federal Electronics Challenge and to promote the use of the Electronic Product Environmental Assessment Tool (EPEAT), a procurement tool designed to help institutional purchasers compare and select desktop computers, laptops, monitors, and other equipment based on environmental attributes. FY 2010 work on EPEAT will involve the development, through a consensus-based stakeholder process, of new standards for additional electronic products, likely including televisions, imaging equipment, mobile devices and/or servers. The program also will implement a partnership with the General Services Administration (GSA) to continue to “green” government meetings by minimizing the use of paper and utilizing hotels and facilities that have adopted water and energy conservation measures and other pollution prevention practices.

EPA will allocate \$4.4 million to this work area in FY 2010. See <http://www.epa.gov/oppt/epp/pubs/about/about.htm> for more information.

### *Green Suppliers Network*

Through this program, EPA partners with large manufacturers to help small and medium-sized suppliers identify opportunities to “lean and clean” their operations. These activities help suppliers save money and reduce their environmental impacts. The Green Suppliers Network will continue to partner with the National Institute of Standards and Technology (NIST) Manufacturing Extension Partnership (MEP) program and state pollution prevention programs to deploy the program across the nation’s largest manufacturing supply chains. In FY 2010 the program will work to train states and MEP centers delivering the Green Suppliers Network reviews on the latest “lean and clean” tools to ensure that reviews are consistent and making use of the most advanced techniques. In FY 2010, the Green Suppliers Network also will continue to strengthen its measurement efforts by implementing a results algorithm to support reporting rigorous and defensible program results.

As part of the program’s continuing focus on emerging issues and chemicals of national concern, the program will work with the automobile industry, under its Suppliers’ Partnership for the Environment organization, to develop a framework through which EPA risk screening tools can be used by suppliers to make more informed decisions regarding chemical use and substitutions. The program will also work with the Department of Energy to coordinate the “lean and clean” activities of the Green Suppliers Network with the energy efficiency technical assistance of DOE’s Industrial Assessment Centers.

EPA will allocate \$3.3 million to this work area in FY 2010. For more information, visit <http://www.greensuppliers.gov/gsn/home.gsn>.

### *Green Chemistry*

This program emphasizes the development of new chemistries that cost less, eliminate or reduce hazardous chemical usage and waste, and eliminate the need for potentially dangerous processes and end-of-pipe controls. In FY 2010, the Green Chemistry program will continue to administer the Presidential Green Chemistry Challenge and associated award ceremony and will focus on the development of environmentally preferable substitutes for chemicals of national concern.

EPA will allocate \$2.4 million to this work area in FY 2010. For more information, visit <http://www.epa.gov/opptintr/greenchemistry/>.

### *Design for the Environment*

The Design for the Environment (DfE) program works in partnership with a broad range of stakeholders to reduce chemical risks to people and the environment by preventing pollution through development and assessment of safer alternatives. DfE convenes partners, including industry representatives and environmental groups, to evaluate the human health and environmental considerations, performance, and cost of traditional and alternative technologies, materials, and processes. As incentives for participation and driving change, DfE offers unique technical tools, methodologies, and expertise. EPA's DfE program has reached more than 200,000 business facilities and approximately two million workers, reducing the use of chemicals of concern by approximately 205 million pounds per year.

In FY 2010, DfE will continue collaborating with industry and non-governmental organizations in two focus areas to reduce risk from chemicals. First, DfE's Formulator program encourages partners to reformulate products to be environmentally safer, cost competitive, and effective. By providing chemical and toxicological information and suggesting safer substitutes, the Formulator program is quickly growing and, as a result, is reducing more pounds of chemicals of concern each year. DfE is now working with the consumer cleaning products sector which uses large volumes of chemicals with the potential for substantial population and environmental exposures that can be reduced through reformulation.

In FY 2010, DfE will leverage partnerships with the electronics, wire and cable, polyurethane foam, chemical product formulation, furniture, and photovoltaic industries to help move these industries toward the manufacture, processing and use of safer chemicals, reducing the likelihood of unintended environmental and human health effects and associated liabilities. DfE partnerships will help these industries move away from substances that are considered health and environmental hazards, including lead, chromium, diisocyanates, and certain flame retardants, and to ensure the transition to alternative chemical substances that are safer for human health and the environment.

EPA expects these new partnerships to produce measurable results in FY 2010, such as the replacement of approximately 18.7 million pounds of flame retardants (a fully-realized result of the DfE partnership with the furniture industry to find safer flame retardants for furniture foam), and as much as 158 million pounds of lead per year with safer lead-free solder alternatives.

EPA will allocate \$3.0 million to this work area in FY 2009. For more information, visit <http://www.epa.gov/dfe/>

### *Green Engineering*

In FY 2010, the related Green Engineering program will continue partnerships with industries, states and other interested parties to apply green engineering approaches on specific industrial projects and continue to identify and leverage resources with other interested organizations. For example, the Green Engineering program is collaborating with the FDA, academia, and industry on regional workshops to advance the incorporation of green engineering approaches and tools in pharmaceutical processes with an aim towards reducing their environmental impact. The program also partners with the Center for Sustainable Engineering, which was established via NSF funding, to further disseminate green engineering educational materials that were developed through the Green Engineering program.

EPA will allocate \$0.2 million to this work area in FY 2009. For more information, visit, <http://www.epa.gov/opptintr/greenengineering/>

### *Partnership for Sustainable Healthcare (PSH)*

This voluntary program, formerly known as Hospitals for a Healthy Environment (H2E), with more than 1,250 hospital partners, became an independent non-profit organization in calendar year 2006, the first to do so in the history of EPA voluntary programs, significantly reducing EPA's costs for administering the program. Under the PSH program, EPA will continue to coordinate agency work that improves the environmental performance of the healthcare sector by providing technical expertise and facilitating cooperative working relationships with other programs such as Energy Star, Green Suppliers Network and EPEAT while the independent PSH organization continues to provide outreach, education, and recognition programs. In its current capacity, PSH is participating in EPA rulemaking workgroups in the area of pharmaceutical waste management. In addition, because significant amounts of the mercury found in air deposition in the U.S. originate in other countries, EPA is directing a series of pilot healthcare mercury reduction programs on an international scale, including programs in China, Argentina, Taiwan, India and Central America.

EPA will allocate \$.16 million to this work area in FY 2010. For more information, visit <http://www.epa.gov/oppt/pollutionprevention/pubs/h2e.htm>.

### *P2 Technical Assistance*

As directed by the Pollution Prevention Act, the P2 program devotes considerable effort towards assisting industry (primarily small and medium sized businesses), government, and the public in implementing pollution prevention solutions to chemical risk and other environmental protection challenges. In addition to the P2 grants to states and tribes and the Pollution Prevention Resource Exchange programs described under the companion Categorical Grants: Pollution Prevention program, resources are made available to a wide variety of applicants through Source Reduction Assistance (SRA) grants issued annually on a competitive basis through EPA's

Regional Offices. Thirty-four SRA grants were awarded in FY 2007 as were fifteen in FY 2008. In FY 2009, EPA expects to award 20 to 30 grants, awards for which range between \$10,000 and \$100,000.

SRA grants support P2 solutions resulting in energy and water conservation, reduction of greenhouse gases, and a wide variety of reductions in the use of hazardous materials and generation of other pollutants. Projects include Healthy Schools initiatives, toxics use reduction training, home and business light bulb replacement, mining operation improvement, state agency staff training, safer health care delivery, groundwater protection, and greening meetings, conferences, and buildings. EPA will allocate \$5.0 million of Environmental Programs and Management resources to this work area in FY 2010, augmented by \$4.9 million of P2 Categorical Grant resources.

EPA evaluates and implements Science Advisory Board Report recommendations for improving performance to better demonstrate Pollution Prevention results and work to reduce barriers confronted by industry and others in implementing source reduction.

**Performance Targets:**

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Business, institutional and government costs reduced by P2 program participants.	Data available 6/2009	45.9M	130M	300M	Dollars Saved

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Pounds of hazardous materials reduced by P2 program participants.	Data available 10/2009	429M	494M	522M	Pounds

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	BTUs of energy reduced, conserved or offset by P2 program participants.	Data available 6/2009	1,217.4B	8,000B	9,000B	BTUs

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Gallons of water reduced by P2 program participants.	21.602B	1.64B	1.791B	1.795 B	Gallons

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Metric Tons of Carbon Dioxide Equivalent (MTCO <sub>2e</sub> ) reduced, conserved or offset by Pollution Prevention (P2) program participants.	Data available 10/2009		2M	5M	MTCO <sub>2e</sub>

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Efficiency	Annual reductions of Design for the Environment (DfE) chemicals of concern per federal dollar invested in the DfE program.	116	90	100	110	lbs/\$

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Efficiency	Energy savings per dollar invested in the Federal Electronics Challenge (FEC) program	Data available 6/2009	1M	1.31M	1.89M	BTUs/\$

The P2 program has made significant progress towards meeting long-term goals for 2011 outlined within the Agency's Strategic Plan:

- The P2 program has set a long term target to reduce 4.5 billion pounds of hazardous materials. Data currently available indicate 2.2 billion pounds of hazardous materials have been reduced since FY 2000.
- Significant progress has also been made in meeting the long term target to save \$792 million in business, government, and institutional costs as the P2 program has saved \$458 million since 2002.
- The P2 program has made progress in meeting the long term target to reduce 39 million metric tons of Co<sub>2</sub> equivalent by reducing 3.4 million metric tons of Co<sub>2</sub> equivalent since 2006.

- The P2 program also has exceeded its long term target to reduce 19 billion gallons of water use by reducing 33 billion gallons of water since 2000.

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

- (+\$450.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$90.0) This reflects an increase for Design for the Environment efforts.

**Statutory Authority:**

PPA and TSCA.

**Toxic Substances: Chemical Risk Management**

Program Area: Toxics Risk Review and Prevention

Goal: Healthy Communities and Ecosystems

Objective(s): Chemical and Pesticide Risks

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$6,518.9</b>	<b>\$5,422.0</b>	<b>\$5,923.0</b>	<b>\$501.0</b>
Total Budget Authority / Obligations	\$6,518.9	\$5,422.0	\$5,923.0	\$501.0
Total Workyears	38.4	33.4	33.4	0.0

**Program Project Description:**

The Chemical Risk Management (CRM) program supports national programs to achieve reductions in use and to ensure safe removal, disposal and containment of certain prevalent, high-risk chemicals, known generally as legacy chemicals. Some of these chemicals were introduced into the environment before their risks were known. The CRM program currently focuses on providing assistance to Federal agencies and others with responsibility for ensuring proper use of PCBs, reducing or eliminating the use of products containing mercury, and implementing statutory requirements to address asbestos risks in schools.

**FY 2010 Activities and Performance Plan:**

*Polychlorinated Biphenyls (PCBs)*

In FY 2010, EPA will provide assistance on issues related to PCB use, distribution in commerce, manufacture, processing, and import and/or export for use or management other than disposal. These issues also include excluded manufacturing processes, storage for reuse, and the uncontrolled burning of materials containing PCBs. EPA also will consider any possible regulatory changes to address manufacturing processes that inadvertently generate PCBs as well as the review of existing use authorizations as needed. Some uses of PCB's are relatively old and could benefit from being revisited. Assessments will determine whether some existing uses need to be phased out.

*Mercury*

In FY 2010, EPA will continue to promote the reduction of mercury use in products, both domestically and internationally. The program maintains its work with the states and relevant stakeholders to create strategies for addressing the use of mercury in products such as measuring devices (e.g., thermostats and thermometers, switches and relays). The program will implement appropriate regulatory and educational programs to achieve the Agency's goal of addressing mercury exposure from use and disposal of mercury-containing products. The program will work through the states or through existing federal programs, including voluntary efforts with the private sector, to phase out the use of mercury in products where viable alternatives exist.

The program continues to update and expand its mercury use and products database. This database identifies potential products containing mercury and product alternatives and will help identify opportunities for risk reduction efforts including collaborative efforts to reduce the use of mercury.

In FY 2010, EPA will continue to implement a range of partnerships to address the use of mercury in developing countries under the United Nations Environment Programme (UNEP) mercury partnerships, with particular emphasis on reductions of mercury use in health care settings. Under these global mercury partnerships, the Agency is helping to promote the use of non-mercury products, develop mercury products inventory assessments and databases, and implement mercury-free programs in hospitals, schools and other sectors around the world. The program will continue to track mercury reductions from the UNEP mercury partnerships and build from successful pilots and lessons learned from these projects. In February 2009, the UNEP Governing Council adopted a mandate for the initiation of negotiations on a legally binding agreement on mercury. The U.S. delegation agreed to this mandate and reversed our prior position. The agreement is not yet in place and negotiations are ongoing. In the interim, EPA will continue to support voluntary reductions in the use of mercury through existing partnerships. For more information, visit <http://www.epa.gov/mercury/>.

#### *Asbestos/Fibers*

The Agency will continue its outreach and technical assistance under the asbestos program for schools, in coordination with other Federal agencies, states, and other organizations. EPA also will continue to provide oversight and regulatory interpretation to delegated state and local asbestos programs, respond to tips and complaints regarding the Asbestos-in-Schools Rule, respond to public requests for assistance, and help asbestos training providers comply with the Model Accreditation Plan requirements. For more information, visit [www.epa.gov/oppt](http://www.epa.gov/oppt).

#### **Performance Targets:**

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Output	Annual number of chemicals with proposed values for Acute Exposure Guidelines Levels (AEGL)	28	24	18	18	Chemicals

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Output	Annual number of chemicals with final values for Acute Exposure Guidelines Levels (AEGL)	37	Baseline	6	14	Chemicals



<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Percent of new chemicals or organisms introduced into commerce that do not pose unreasonable risks to workers, consumers or the environment.	Data Avail 10/2009	100	100	100	Chemicals

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Reduction in the current year production-adjusted risk-based score of releases and transfers of toxic chemicals from manufacturing facilities.	Data Avail 10/2010	3.5	3.2	3.0	Percent RSEI rel risk

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Output	Annual number of High Production Volume (HPV) chemicals with Risk Based Prioritizations Completed through the Chemical Assessment and Management Program (ChAMP)	150	150	180	230	HPV Chemicals

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Output	Annual number of Moderate Production Volume (MPV) chemicals with Hazard Based Prioritizations Completed through the Chemical Assessment and Management Program (ChAMP)	14	55	100	325	MPV Chemicals

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Annual reduction in the production-adjusted risk-based score of releases and transfers of High Production Volume (HPV) chemicals from manufacturing facilities.	Data Avail 10/2010	2.5	2.4	2.2	Percent Reduction

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Efficiency	Reduction in cost of managing PreManufacture Notice (PMN) submissions through the Focus meeting as a percentage of baseline year cost	\$459,800	Baseline	No Target Established	61%	% Reductions

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Efficiency	Percent reduction from baseline year in total EPA cost per chemical for which proposed AEGL value sets are developed.	17.4%	4%	10%	11%	% Cost Savings

Work under this program supports EPA's objective to manage risks from well known nationally recognized legacy chemicals. In the past EPA has targeted safe disposal of PCB electrical equipment. Starting in FY 2011, EPA will begin tracking reductions in mercury from international hospital projects, and will continue exploration of other measurement opportunities for legacy chemicals.

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

- (+\$213.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$288.0) This reflects an expansion of efforts to reduce the use of mercury in products, both domestically and through international partnerships, building on the success of efforts initiated in recent years.

**Statutory Authority:**

TSCA; ASHAA; AHERA; AIA.

**Toxic Substances: Lead Risk Reduction Program**

Program Area: Toxics Risk Review and Prevention

Goal: Healthy Communities and Ecosystems

Objective(s): Chemical and Pesticide Risks

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$12,083.7</i></b>	<b><i>\$13,927.0</i></b>	<b><i>\$14,442.0</i></b>	<b><i>\$515.0</i></b>
Total Budget Authority / Obligations	\$12,083.7	\$13,927.0	\$14,442.0	\$515.0
Total Workyears	77.6	87.0	87.0	0.0

**Program Project Description:**

Recent data from the Centers for Disease Control document tremendous progress on the government's goal of eliminating childhood lead poisoning as a public health concern. EPA's Lead Risk Reduction program contributes to the goal of alleviating the threat to human health, particularly to young children, from environmental lead exposure in the following ways:

- Establishes standards governing lead abatement practices and maintains a national pool of lead abatement professionals trained and certified to implement those standards;
- Provides information to housing occupants so they can make informed decisions and take actions about lead hazards in their homes;
- Establishes lead-safe work practice standards governing renovation, repair and painting of target housing and child-occupied facilities; and
- Works to establish a national pool of renovation contractors trained and certified to implement those standards.

See <http://www.epa.gov/opptintr/lead/index.html> for more information.

**FY 2010 Activities and Performance Plan:**

In FY 2010, the target year for achievement of the federal government's goal to eliminate childhood lead poisoning as a public health concern, EPA will implement a final regulation and a comprehensive program to address lead hazards created by renovation, repair and painting activities in homes with lead-based paint. To implement the Renovation, Repair and Painting (RRP) Rule, EPA will accredit training providers in all non-authorized states, tribes and territories; review state applications for authorization to administer training and certification programs; provide oversight and guidance to all authorized programs; and continue to disseminate model training courses for lead-safe work practices.

On June 23, 2008, states and tribes could begin to apply for program authorization. On April 22, 2009, the agency will begin to implement the regulation in all non-authorized states, territories and on Tribal lands. On this date, providers of renovator and/or dust sampling technician training may begin to apply for accreditation. On October 22, 2009 renovation firms may begin

applying for certification, and on April 22, 2010 the rule will be fully implemented. By that time, training providers must be accredited, and all firms conducting RRP must be certified and must comply with the lead-safe work practices prescribed in the rule.

Additionally, a significant and comprehensive outreach effort will be implemented to support the RRP regulation and more generally increase public awareness about preventing lead poisoning from lead-based paint, including a national public service advertising initiative with the Ad Council. In addition to these public service announcements, this comprehensive effort includes the following:

- Education efforts aimed at all regulated parties including training providers, contractors and landlords;
- Outreach to states, tribes, and territories to encourage delegation of authorized programs;
- Public awareness efforts targeted at homeowners, parents, educators and others to encourage use of lead-safe work practices when renovating; and
- Providing technical assistance to ensure compliance with the RRP rule requirements.

The Agency will continue to provide education and outreach to the public on the hazards of lead-contaminated paint, dust, and soil, with particular emphasis on low-income communities in support of the program’s goal to reduce disparities in blood lead levels between low-income children and other children. The program also will implement existing lead hazard reduction regulations and provide technical and policy assistance to states, tribes, and other Federal agencies. EPA will continue these efforts as work progresses on eliminating childhood lead poisoning as a public health concern by FY 2010. In addition, EPA will continue to provide support to the National Lead Information Center (NLIC) to disseminate information to the public through a telephone hotline and in electronic form.

EPA uses the following measures: Percent difference in the geometric mean blood level in low-income children 1-5 years old as compared to the geometric mean for non-low income children 1-5 years old, and annual percentage of lead-based paint certification and refund applications that require less than 20 days of EPA effort to process in order to evaluate program performance. EPA also has improved the consistency of grantee and regional accountability and the linkage between program funding and program goals with an emphasis on program grant and contractor funding.

**Performance Targets:**

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Efficiency	Annual percentage of lead-based paint certification and refund applications that require less than 20 days of EPA effort to process.	91	91	92	92	Percent Certif/Refund

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Number of cases of children (aged 1-5 years) with elevated blood lead levels (>10ug/dl).	Data Avail 10/2010	90,000	No Target Established	0	Children

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Percent difference in the geometric mean blood level in low-income children 1-5 years old as compared to the geometric mean for non-low income children 1-5 years old.	Data Avail 11/2011	29	No Target Established	28	Percent

The program's long-standing annual performance measure tracks the number of children aged 1 to 5 years with elevated blood lead levels (EBBL > or = 10 ug/dL). Data are collected from the Centers for Disease Control and Prevention's (CDC) National Health and Nutrition Examination Survey (NHANES). NHANES is recognized as the primary database in the United States for national blood lead statistics. Data are collected on a calendar year basis and released to the public in two-year data sets. In May 2005, NHANES released calendar years 1999-2002 data which estimated 310,000 cases of children (1.6 percent) with EBL. The Fourth National Report on Human Exposure to Environmental Chemicals is expected in calendar year 2009. However, a recent Pediatrics Journal Article has shown a continued decrease in the number of children with EEBL down to 1.4 percent from calendar years 1999 to 2004. In FY 2006 EPA's goal was to lower the amount to 216,000 cases and 90,000 cases in FY 2008, while eliminating childhood lead poisoning as a public health concern by FY 2010. CDC historical data are showing a slower rate of progress over time, reflecting increased challenges associated with reaching remaining vulnerable populations. After FY 2010, EPA will vigilantly seek to maintain the elimination of childhood lead poisoning as a public health concern. The opportunity for exposure through hazards posed by lead-based paint still exists in approximately 40 million homes built before 1978.

The lead program also tracks the disparities of geometric mean blood lead levels between low-income children and non low-income children. The program uses this performance measure to track progress toward eliminating childhood lead poisoning in harder to reach vulnerable populations. EPA's long-term goal, reflected in the FY 2006-2011 Strategic Plan, is to close the gap between the geometric means of blood lead levels among low income children versus non-low-income children, from a baseline percentage difference of 37 percent (1991-1994), to a difference of 28 percent by the FY 2010. In May 2005, NHANES released data which estimated the disparity of blood lead levels between low-income and non-low income children at 32 percent. Actual data for calendar year 2006 is expected in calendar year 2009, at which time it will be clearer if EPA reached its goal of lowering the disparity to 29 percent.

The lead program is introducing a supporting output measure in FY 2010 that will begin to track the number of individuals certified in Renovation Repair and Painting. These data will not be subject to the data lags of the biomonitoring measures mentioned above, and will show the total programmatic impact as the number of certified workers increases from zero in FY 2009 to several hundred thousand individuals anticipated by FY 2014.

The Lead program's annual efficiency measure tracks improvements in certification application time for lead-based paint professionals and refund applications. Certification work represents a significant portion of the lead budget and overall efficiencies in management of certification activities will result in numerous opportunities to improve program management effectiveness and efficiency. In FY 2007, this measure was revised to measure EPA processing time only, which resulted in a reduction in the number of days to process applications, from 40 days to 20 days. Since 2004, the percent of applicants processed under 20 days has increased from 77 to 92 percent. The FY 2010 targets sustain this high level of achievement.

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

- (+\$486.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$29.0) This reflects an expanded outreach effort to increase awareness of requirements promulgated in FY 2008 pertaining to new lead-safe renovation, repair and painting practices, which take effect in April 2010.

**Statutory Authority:**

TSCA.

**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)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$11,157.9</i></b>	<b><i>\$11,946.0</i></b>	<b><i>\$12,451.0</i></b>	<b><i>\$505.0</i></b>
Leaking Underground Storage Tanks	\$15,251.5	\$11,105.0	\$11,855.0	\$750.0
Total Budget Authority / Obligations	\$26,409.4	\$23,051.0	\$24,306.0	\$1,255.0
Total Workyears	119.7	132.0	132.0	0.0

**Program Project Description:**

EPA works with states, tribes and Intertribal Consortia to prevent, detect, and clean up leaks from Federally-regulated underground storage tanks (USTs) containing petroleum and hazardous substances. Potential adverse effects from the use of contaminants of concern such as benzene, methyl-tertiary-butyl-ether (MTBE), alcohols or lead scavengers in gasoline underscores the emphasis the Agency and its state partners place on promoting compliance with all UST requirements, including the requirements described in the Energy Policy Act (EPAAct)<sup>90</sup> of 2005. In support of this goal, EPA provides technical information, forums for information exchanges and training opportunities to states, tribes and Intertribal Consortia to encourage program development and/or implementation of the UST program.<sup>91</sup>

**FY 2010 Activities and Performance Plan:**

The EPAAct contains numerous provisions that significantly affect Federal and state UST programs. The EPAAct requires that EPA and states strengthen tank release prevention programs, through such activities as: mandatory inspections every three years for all underground storage tanks, operator training, prohibition of delivery for non-complying facilities and secondary containment or financial responsibility for tank manufacturers and installers.<sup>92</sup> In FY 2010, EPA will continue to focus attention on the need to bring all UST systems into compliance and keep them in compliance with the release detection and release prevention requirements. These activities include assisting states in conducting inspections and assisting other Federal agencies to improve their compliance at UST facilities.

In FY 2010, EPA will continue promoting cross-media opportunities to support core development and implementation of state and Tribal UST programs; strengthening partnerships among stakeholders; and providing technical assistance, compliance assistance, and training to promote and enforce UST facilities' compliance. To help states and tribes implement the UST

<sup>90</sup> [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109\\_cong\\_public\\_laws&docid=f:publ058.109.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_public_laws&docid=f:publ058.109.pdf) Energy Policy Act of 2005; Title XV - Ethanol And Motor Fuels, Subtitle B – Underground Storage Tank Compliance, on pages 500-513.

<sup>91</sup> Refer to <http://www.epa.gov/OUST/20comply.htm> and <http://www.epa.gov/OUST/20tnkprf.htm>.

<sup>92</sup> For more information on these and other activities please refer to [http://www.epa.gov/OUST/fedlaws/final\\_fr.htm](http://www.epa.gov/OUST/fedlaws/final_fr.htm).



prevention program, EPA will continue to provide assistance to states developing new requirements to implement the EPCRA requirements, and will provide training opportunities and assistance tools to better prepare UST inspectors and better inform UST owners.

EPA has the primary responsibility for implementation of the UST Program in Indian country and to maintain information on USTs located in Indian country. EPA also will continue implementing the FY 2006 UST Tribal strategy<sup>93</sup>, including developing regulatory requirements for secondary containment, delivery prohibition, and operator training in Indian country.

The Agency and states also will continue to use innovative compliance approaches, along with outreach and education tools, to bring more tanks into compliance and to prevent releases. For example, the emergence of alternative fuels containing ethanol poses several challenges for the UST program, requiring information, education, and innovative policy solutions.

Additionally, there are an unknown number of petroleum brownfield sites (estimated to be at least two hundred thousand) that are predominately old gas stations that blight the environmental and economic health of surrounding neighborhoods. The EPA petroleum brownfields program is jointly managed by the Office of Underground Storage Tanks and the Office of Brownfields and Land Revitalization. While both are co-leads, Brownfields tends to concentrate more on the low-risk sites (a limitation of their statutory authority) while OUST tends to concentrate more on high priority/high-risk sites. In FY 2008, EPA developed a new plan of action to promote reusing petroleum brownfields.<sup>94</sup> The plan demonstrates EPA’s commitment to cleaning up petroleum-contaminated sites and fostering their reuse. In FY 2009, EPA will bolster communication and outreach to petroleum brownfields stakeholders; provide targeted technical assistance to state, tribal, and local governments; evaluate policies to facilitate increased petroleum brownfields site revitalization; and begin to forge partnerships to promote investment in and the sustainable reuse of petroleum brownfields. In FY 2010, EPA will analyze tools that promote assessment, cleanup and reuse of petroleum brownfields; develop a petroleum brownfields catalog that showcases successful reuse, such as successful redevelopment on former petroleum-affected brownfields, including sustainable or “green” cleanup and reuse strategies; support the reuse of petroleum brownfields by small business owners; and continue cross-media and geographic multi-site petroleum brownfield projects.

To improve the LUST (prevention) program, EPA worked with its state partners to develop an efficiency measure of the annual confirmed releases per the annual underground storage tanks leak prevention costs.

**Performance Targets:**

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Increase the percentage of UST facilities	66	68	65	65.5	percent

<sup>93</sup> Refer to *Strategy for an EPA/Tribal Partnership to Implement Section 1529 of the EPCRA of 2005*, August 2006, EPA-510-F-06-005, [http://www.epa.gov/OUST/fedlaws/final\\_ts.htm](http://www.epa.gov/OUST/fedlaws/final_ts.htm).

<sup>94</sup> Petroleum Brownfields Action Plan, [www.epa.gov/oust/rags/petrobfactionplan.pdf](http://www.epa.gov/oust/rags/petrobfactionplan.pdf).

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
	that are in significant operational compliance (SOC) with both release detection and release prevention requirements by 0.5% over the previous year's target.					

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Minimize the number of confirmed releases at UST facilities to 9,000 or fewer each year.	7,364	<10,000	<9,000	<9,000	UST releases

At the end of FY 2008, EPA achieved 66 percent significant operational compliance and confirmed 7,364 new releases. The UST funds will assist the Agency in meeting its FY 2010 performance targets ensuring that 65.5 percent of UST facilities are in significant operational compliance with both the release detection and release prevention requirements and to minimize the number of confirmed releases at UST facilities to 9,000 or fewer.

One of EPA's challenges has been to maintain the UST compliance rates. Prior to the Energy Policy Act of 2005, many UST facilities were inspected infrequently and, as a result, there were low compliance rates. EPA and states are now inspecting those infrequently-inspected facilities, and finding that many are out of compliance, thus explaining the lower compliance rates. However, EPA believes that by doing more frequent inspections in the future we will ensure better compliance and fewer releases.

This program also supports the 2009 American Recovery and Reinvestment Act (ARRA) as detailed in "Tab 13" of this document. Additional details can be found at <http://www.epa.gov/recovery/> and <http://www.recovery.gov/>.

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

- (+\$455.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+ \$50.0) This change reflects a realignment of extramural resources with spending plans by increasing contract resources and reducing IT and telecommunications resources.

**Statutory Authority:**

SWDA of 1976, as amended by the Superfund Amendments and Reauthorization Act of 1986 (Subtitle I), Section 8001(a) and (b) as amended by the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616); and the EPCRA, Title XV - Ethanol And Motor Fuels, Subtitle B - Underground Storage Tank Compliance, Sections 1521 - 1533, P.L. 109-58, 42 U.S.C. 15801; RCRA of 1976.

**Program Area: Water: Ecosystems**

**Great Lakes Legacy Act**

Program Area: Water: Ecosystems

Goal: Healthy Communities and Ecosystems

Objective(s): Restore and Protect Critical Ecosystems

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$27,416.2</b>	<b>\$37,000.0</b>	<b>\$0.0</b>	<b>(\$37,000.0)</b>
Total Budget Authority / Obligations	\$27,416.2	\$37,000.0	\$0.0	(\$37,000.0)
Total Workyears	0.0	0.0	0.0	0.0

**Program Project Description:**

The Great Lakes Legacy Act Program cleans up contaminated sediments in the U.S. or bi-national Great Lakes Areas of Concern (AOCs). An AOC is a geographic area that fails to meet the objectives of the Great Lakes Water Quality Agreement where such failure has caused or is likely to cause impairment of beneficial use or of the area's ability to support aquatic life. The Great Lakes Legacy Act targets resources to clean up contaminated sediments, a significant source of Great Lakes toxic pollutants that can impact human health via the bio-accumulation of toxic substances through the food chain. Contaminated sediments are the cause of or significantly contribute to as many as 11 of the 14 impairments to beneficial uses (including restrictions on fish consumption due to high contaminant levels in fish tissue) in AOCs.<sup>95</sup> A quantitative estimate of the impact on fish tissue contamination is not available; however sediment remediation activities will contribute to the reduction of Polychlorinated Biphenyls (PCBs) and other contaminants by removing significant quantities of contaminants (or by capping to reduce the biological availability of contaminants).

**FY 2010 Activities and Performance Plan:**

Resources for this program are transferred to the new Great Lakes Restoration Initiative (GLRI) program. The GLRI will target the most significant problems in the region, such as aquatic invasive species, nonpoint source pollution, and toxics and contaminated sediment.

**Performance Targets:**

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Cubic yards of contaminated sediment remediated (cumulative) in the Great Lakes.	5.5	5.0	5.9	6.5	Million cubic yards

<sup>95</sup> International Joint Commission – Sediment Priority Action Committee, Great Lakes Water Quality Board. 1997. *OVERCOMING OBSTACLES TO SEDIMENT REMEDIATION in the Great Lakes Basin*. <http://www.ijc.org/php/publications/html/sedrem.html>.

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Efficiency	Cost per cubic yard of contaminated sediments remediated.			200	200	\$/cubic yard

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Cubic yards of contaminated sediment remediated (cumulative) in the Great Lakes.	5.5	5.0	5.9	6.5	Million cubic yards

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Efficiency	Cost per cubic yard of contaminated sediments remediated.			200	200	\$/cubic yard

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

- (-\$37,000.0) This reflects transferring GLLA resources to the new Great Lakes Restoration Initiative in FY 2010.

**Statutory Authority:**

2002 Great Lakes and Lake Champlain Act (Great Lakes Legacy Act); CWA; Coastal Wetlands Planning, Protection, and Restoration Act of 1990; Estuaries and Clean Waters Act of 2000; North American Wetlands Conservation Act; WRDA; 1990 Great Lakes Critical Programs Act; 1909 The Boundary Waters Treaty; 1978 GLWQA; 1987 GLWQA; 1987 Montreal Protocol on Ozone Depleting Substances; 1996 Habitat Agenda; 1997 Canada-U.S. Great Lakes Bi-national Toxics Strategy; U.S.-Canada Agreements.

**National Estuary Program / Coastal Waterways**

Program Area: Water: Ecosystems

Goal: Healthy Communities and Ecosystems

Objective(s): Restore and Protect Critical Ecosystems

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$26,046.7</b>	<b>\$26,557.0</b>	<b>\$26,967.0</b>	<b>\$410.0</b>
Total Budget Authority / Obligations	\$26,046.7	\$26,557.0	\$26,967.0	\$410.0
Total Workyears	52.2	48.1	48.1	0.0

**Program Project Description:**

The goal of this program is to restore the physical, chemical, and biological integrity of national estuaries and coastal watersheds by protecting and enhancing water quality and living resources. Major project efforts include:

- Supporting the 28 National Estuary Programs (NEP) by (1) continued implementation of Comprehensive Conservation and Management Plans (CCMPs) and (2) implementation of Clean Water Act (CWA) core programs in their estuarine ecosystems;
- Monitoring and coastal assessment resulting in the continued issuance of National Coastal Condition Reports; and
- Addressing non-NEP threats to estuary/coastal watersheds including: targeting hypoxia in the Gulf of Mexico, assisting communities and/or organizations to find financing for coastal protection and restoration, smart growth and green infrastructure, and adaptation to climate change by estuaries.

See <http://www.epa.gov/owow/estuaries/> for more information.

**FY 2010 Activities and Performance Plan:**

The resources in FY 2010 will support EPA's goal of protecting national estuaries of significance and other estuarine/coastal watersheds, and protecting and restoring additional acres of habitat in NEP study areas. This work will be undertaken in partnership with states, tribes, coastal communities and others. Estuarine and coastal waters are among the most environmentally and economically valuable resources in the nation.

The National Estuary Program

In FY 2010, EPA will continue support of the National Estuary Program, including \$16.8 million in CWA Section 320 grants for the 28 NEPs (\$600 thousand per NEP) to continue to support this flagship watershed protection program to help address continuing and emerging threats to the

nation's estuarine resources.<sup>1</sup> This includes continued support of CCMP implementation as well as implementation by NEPs of CWA core programs. Specifically, EPA's activities include:

- Supporting continuing efforts of all 28 NEP estuaries to maintain their leadership in promoting environmental sustainability through implementation of their CCMPs, which target protection and restoration of estuarine resources, including conducting fiscal and programmatic oversight and performance evaluation of CCMP implementation.
- Supporting efforts to achieve the EPA habitat restoration and protection goal of 250,000 additional acres by FY 2012.

The effects of climate change, such as sea level rise, changes in precipitation, increases in intensity of and damage from storms, and changes in commercial and ecologically-significant species, are a growing concern in U.S. coastal watersheds. EPA will continue working with our NEP and non-NEP partners to identify, develop, and promote programs that could provide mitigation or adaptation strategies to emerging climate change impacts (e.g. promotion of "climate-ready estuaries" in coastal communities).

As a result of a 2005 assessment, the program has improved its NEP data reporting and tracking system. The program began testing the system in FY 2006 and moved to full-scale implementation in FY 2007. The program has developed more ambitious targets for its annual and long-term measures for number of acres protected and restored. In addition, the Agency has improved our NEP implementation review program, now known as the Performance Evaluation Review process, to make it more objective and consistent. The comprehensive triennial reviews of each NEP evaluate the progress an NEP has made in reaching environmental and programmatic goals; enhancements will make the reviews more useful in future funding decisions as well as in future assessments.

### Coastal Monitoring and Assessment

In FY 2010, the program will lead the effort to monitor and assess the nation's coastal waters. Along with Federal, state, and local partners, EPA will continue to track coastal waters health and progress on NEP/Coastal Watershed strategic targets by issuing future editions of a National Coastal Condition Report (NCCR), supporting efforts to monitor and assess U.S. coastal waters, and developing additional indicators of coastal ecosystem health. The NCCR is the only statistically-significant measure of coastal water quality and covers both national and regional scales and includes indices covering coastal water quality, sediment quality, benthic condition, coastal habitat, and fish tissue contamination.

Information on coastal ecological conditions generated by the NCCR can be used by resource managers to efficiently and effectively target water quality actions and manage those actions to maximize benefits. The NCCR is based on data gathered by various Federal, state, and local

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<sup>1</sup> The means and strategies outlined under the Improve Ocean and Coastal Waters sub-objective must be viewed in tandem with the means and strategies outlined for achieving the Increase Wetlands sub-objective. The Improve Ocean and Coastal Waters sub-objective contains strategic measures for ocean and coastal programs, which are integral to the Agency's efforts to facilitate the ecosystem scale protection and restoration of natural areas.



sources using a probability design that allows extrapolation to represent all coastal waters of a state, region, and the entire U.S.

### Other Coastal Watersheds

In FY 2010, EPA will continue other coastal watershed work, including:

- *Gulf Hypoxia*: EPA's role in implementing the *Action Plan for Reducing, Mitigating, and Controlling Hypoxia in the Northern Gulf of Mexico* (Plan) will not only require overall leadership in coordinating activities among Federal and state agencies, but also places EPA in the lead role for several specific actions in the plan. One key action involves Federal strategies that provide a framework for state nutrient strategies. EPA's role in this action will include identification of key strategies and coordination of existing EPA efforts. These strategies may include TMDL, nutrient criteria, and standards development, as well as point source, wetlands, and air deposition activities that are aligned with the need to reduce the size of the Gulf Dead Zone. EPA staff leads the Gulf Hypoxia Task Force Communications Sub-Committee and in FY 2010 will continue to develop Annual Operating Plans and Annual Reports that track progress and increase awareness about Gulf of Mexico hypoxia-related progress and barriers along with other stakeholder outreach and education efforts. Other critical activities requiring ongoing EPA leadership and coordination include providing support for the sub-basin teams, coordinating Mississippi River-Atchafalaya River Basin monitoring activities, and enhancing research and modeling to identify the highest opportunity watersheds for nutrient reductions.
- *Large Aquatic Ecosystems*: EPA's Council of Large Aquatic Ecosystems (LAEs) is working to foster collaboration among the Agency's geographically-based efforts, such as the Chesapeake Bay and the Great Lakes, and national water programs. A goal is to improve the health of the nation's large aquatic ecosystems and strengthen links to the national water programs. LAEs share a number of priority issues, and the Council has formed workgroups to address topics including nutrient management, stormwater control, management plan implementation tracking tools, and toxics reduction. It has made progress in strengthening Core Water Program implementation, and has developed and applied leading-edge communication tools to share lessons learned among Council members, and to inform a larger audience of its progress.
- *Financing Coastal Protection and Restoration*: Development of long-term finance plans and effective partnerships, and promoting community support are key to successful funding of coastal watershed protection and restoration efforts. EPA will provide coastal resource managers with information about accessing the Agency's watershed funding portal and using its web-based resources, including a prioritization tool, step-by-step finance planning module, and funding databases.
- *Smart Growth*: EPA will continue to assist coastal land-use decision-makers by providing information necessary to promote innovative green infrastructure practices and restoration, plan for growth, and minimize the adverse impacts of development to

enhance protection of coastal communities' water quality and living resources. The Agency also will address the cumulative environmental impacts of growth in coastal watersheds through application of smart growth techniques.

- *Climate-Ready Estuaries:* EPA is building the capacity of NEPs and other coastal watershed entities to lead coastal communities' adaptation to the impacts of climate change. EPA has modified the successful National Park Service model, "Climate-Friendly Parks," by working with the NEPs to develop and implement "Climate-Ready Estuaries" models that assess climate change vulnerabilities, develop and implement adaptation strategies, engage and educate stakeholders, and share lessons learned with the other coastal managers. The primary focus will continue to be the adaptation of coasts to climate change, as well as actions to help mitigate greenhouse gas emissions. The national program will designate NEPs and other coastal communities as "climate ready," allowing coastal leaders to implement climate adaptation strategies within their communities and market their needs and actions to public and private interests.

**Performance Targets:**

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Efficiency	Program dollars per acre of habitat protected or restored.	909	500	500	500	Dollars

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Acres protected or restored in NEP study areas.	83,490	50,000	100,000	100,000	Acres

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

- (+\$265.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$145.0) This increase will assist in coastal monitoring and assessment.

**Statutory Authority:**

1990 Great Lakes Critical Programs Act; 2002 Great Lakes and Lake Champlain Act; CWA; Estuaries and Clean Waters Act of 2000; Protection, and Restoration Act of 1990; NAWCA; WRDA; 1909 The Boundary Waters Treaty; 1978 GLWQA; 1987 Great Lakes Water Quality Agreement; 1987 Montreal Protocol on Ozone Depleting Substances; 1996 Habitat Agenda; 1997 Canada-U.S. Great Lakes Bi-national Toxics Strategy; Coastal Wetlands Planning; U.S.-Canada Agreements.

## Wetlands

Program Area: Water: Ecosystems

Goal: Healthy Communities and Ecosystems

Objective(s): Restore and Protect Critical Ecosystems

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$21,868.0</b>	<b>\$22,539.0</b>	<b>\$23,336.0</b>	<b>\$797.0</b>
Total Budget Authority / Obligations	\$21,868.0	\$22,539.0	\$23,336.0	\$797.0
Total Workyears	148.7	147.0	147.0	0.0

### **Program Project Description:**

Wetlands improve water quality, recharge water supplies, reduce flood risks, provide fish and wildlife habitat, offer sites for research and education, and support valuable fishing and shellfish industries. EPA's Wetlands Protection Program relies on partnerships with other programs within EPA, other Federal agencies, state, Tribal, and local governments, private landowners, and the general public to improve protection of our nation's valuable wetland resources. Working with our partners, EPA ensures a sound and consistent approach to wetlands protection.

EPA's Wetlands Program operates under the national goal of no-net-loss of wetlands under the Clean Water Act Section 404 regulatory program. Major activities of the Wetlands Protection Program include administration of EPA's role in the CWA Section 404 Wetlands Regulatory Program; development and dissemination of rules, guidance, informational materials, and scientific tools to improve management and public understanding of wetland programs and legal requirements; and managing financial assistance to states and tribes to support development of strong wetland protection programs. EPA works with the Corps of Engineers to implement the provisions of Section 404 of the CWA to protect wetlands, free-flowing streams, and shallow waters. EPA also works in partnership with non-governmental organizations and state, Tribal, and local agencies to conserve and restore wetlands and other waters through watershed planning approaches, voluntary and incentive-based programs, improved scientific methods, information and education, and building the capacity of state and local programs.

See <http://www.epa.gov/owow/wetlands/> for more information.

### **FY 2010 Activities and Performance Plan:**

In FY 2010, EPA will work with its state and Tribal partners to strengthen state/tribal wetland programs in the areas of monitoring and assessment, voluntary restoration and protection, regulatory programs, and wetland water quality standards. The Agency will assist states/tribes to develop and implement broad-based and integrated monitoring and assessment programs that improve data for decision-making on wetlands within watersheds, address significant stressors, and report on conditions, as well as geo-locating wetlands on the landscape. In support of state and Tribal wetland programs, EPA will continue to administer Wetland Program Development

Grants, with a strengthened focus in FY 2010 on achieving program development outcomes and providing targeted technical assistance to states/tribes as resources allow.

The Agency, working with the Army Corps of Engineers and other partners, will implement the joint Corps-EPA Compensatory Mitigation Rule finalized in FY 2008. EPA's support will help avoid or minimize wetland losses and provide for full compensation for unavoidable losses of wetland functions through wetlands restoration and enhancement, using a watershed approach and tools such as mitigation banking. Greater emphasis will be placed on monitoring and achieving ecological performance standards at mitigation sites. EPA will continue to focus on wetland and stream corridor restoration to regain lost aquatic resources, and strengthen state and Tribal wetland programs to protect vulnerable wetland resources.

Another key activity in FY 2010 will be implementing the 2006 decision of the Supreme Court in the *Rapanos* and *Carabell* cases. The decision in *Rapanos* resulted in an increased demand on EPA and the Corps of Engineers for case-by-case decisions on whether specific streams and wetlands are within the scope of jurisdiction under the CWA. These thousands of case-by-case decisions have increased the amount of training needed for EPA and Corps field staff and the frequency of interagency analysis and coordination, including site visits.

Working with our Federal agency partners to accelerate the completion of the digital Wetlands Data Layer in the National Spatial Data Inventory (NSDI) is another critical activity for wetlands management. This baseline data is essential for local, state, Tribal, regional and national agencies so they can better manage and conserve wetlands in the face of challenges imposed by climate change, including sea level rise and related issues of flooding and drought. The Wetlands Data Layer is one of 34 layers of digital data that comprise the NSDI. The U.S. Fish and Wildlife Service (FWS) has responsibility for maintaining the Wetlands Data Layer and EPA works closely with the Service's National Wetlands Inventory to help ensure the map is updated and maintained. In FY 2010, EPA will continue to work closely with the FWS and seven other partner agencies (including the Corps of Engineers and Federal Highways Administration) to accelerate the completion of the Wetlands Data Layer. The Wetlands Data Layer is the primary source of coastal wetlands data for EPA's sea level rise model. The sea level rise model, also known as SLAMM (Sea Level Affecting Marshes Model), is the primary model used to predict sea level rise and is used by a number of Federal agencies. SLAMM simulates the dominant processes involved in wetland conversions and shoreline modifications during long-term sea level rise. Increasing the accuracy and completeness of the Wetlands Data Layer is important to the overall effectiveness of SLAMM and directly affects the accuracy of Federal sea level rise projections.

Although wetland acreage is increasing nationally, wetlands in coastal watersheds are declining. A recent report by the FWS and the National Oceanic Atmospheric Administration's National Marine Fisheries Service found that coastal wetlands in the Eastern U.S. are decreasing by 59,000 acres per year (*Status and Trends of Wetlands in the Coastal Watersheds of the Eastern United States 1998 to 2004* available at: <http://www.fws.gov/wetlands>). EPA will collaborate with other Federal agencies including FWS, National Marine Fisheries Service, U.S. Army Corps of Engineers, Federal Highways Administration, and the Natural Resources Conservation

Service to better understand the factors contributing to wetland losses and identify actions that could reduce or reverse trends in coastal wetland loss.

**Performance Targets:**

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Number of acres restored and improved, under the 5-Star, NEP, 319, and great waterbody programs (cumulative)	82,875	75,000	88,000	96,000	Acres/year

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	In partnership with the U.S. Army Corps of Engineers, states, and tribes, achieve “no net loss” of wetlands each year under the Clean Water Act Section 404 regulatory program	Data Avail 12/2009	No Net Loss	No Net Loss	No Net Loss	Acres

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

- (+\$742.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$55.0) This reflects an increase to support Section 404 regulatory program implementation.

**Statutory Authority:**

1990 Great Lakes Critical Programs Act; Great Lakes and Lake Champlain Act; CWA; 2002 CWPPR; Estuaries and Clean Waters Act of 2000; NAWCA; WRDA; 1909 The Boundary Waters Treaty; 1978 GLWQA; 1987 GLWQA; 1996 Habitat Agenda; 1997 Canada-U.S. Great Lakes Bi-national Toxics Strategy; U.S.-Canada Agreements.

**Program Area: Water: Human Health Protection**

**Beach / Fish Programs**

Program Area: Water: Human Health Protection

Goal: Clean and Safe Water

Objective(s): Protect Human Health

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$2,307.5</b>	<b>\$2,806.0</b>	<b>\$2,870.0</b>	<b>\$64.0</b>
Total Budget Authority / Obligations	\$2,307.5	\$2,806.0	\$2,870.0	\$64.0
Total Workyears	7.6	7.7	7.7	0.0

**Program Project Description:**

This program supports the Agency’s efforts to protect people from contaminated recreational waters and contaminated fish and shellfish. Recreational waters, especially beaches in coastal areas and the Great Lakes, provide recreational opportunities for millions of Americans. However, swimming in some recreational waters, or eating locally caught fish or shellfish, can pose a risk of illness as a result of exposure to microbial pathogens or other pollutants.

**Beaches Program**

The Beaches Program protects human health by reducing exposure to contaminated recreational waters. Agency activities include: 1) issuing guidance to improve beach monitoring and public notification programs, including effective strategies to communicate public health risks to the public; 2) developing and disseminating sound scientific risk assessment methods and criteria for use in evaluating recreational water quality, prioritizing beach waters for monitoring, and warning beach users of health risks or closure of beaches; 3) promulgating Federal water quality standards where a state or tribe fails to adopt appropriate standards to protect coastal and Great Lakes recreational waters; and 4) providing publicly accessible Internet-based information about local beach conditions and closures.

See <http://www.epa.gov/waterscience/> for more information.

**Fish and Shellfish Programs**

The Fish Advisory Programs provide sound science, guidance, technical assistance, and nationwide information to state, Tribal, and Federal agencies on the human health risks associated with eating locally caught fish with excessive levels of contaminants. The Agency pursues the following activities to support this program: 1) publishing criteria guidance that states and tribes can use to adopt health-based water quality standards, assess their waters, and establish permit limits; 2) developing and disseminating sound scientific risk assessment methodologies and guidance that states and tribes can use to sample, analyze, and assess fish tissue in support of waterbody-specific or regional consumption advisories, or to determine that no consumption advice is necessary; 3) developing and disseminating guidance that states and

tribes can use to communicate the risks of consuming chemically contaminated fish; and 4) gathering, analyzing, and disseminating information to the public and health professionals that enable informed decisions on when and where to fish, and how to prepare fish caught for recreation and subsistence.

Mercury contamination in fish and shellfish is a special concern, and EPA and the Food and Drug Administration (FDA) have issued a joint advisory concerning eating fish and shellfish. Mercury contamination of fish and shellfish occurs locally, as well as in ocean-caught fish, and at higher levels causes adverse health effects, especially in children and infants.

### **FY 2010 Activities and Performance Plan:**

In FY 2010, EPA will pursue the following:

#### Beaches Program:

- In our ongoing effort to improve the effectiveness of our program areas, we will continue working with states, territories, tribes and locales to implement beach monitoring and notification programs in an expeditious manner, including: (1) submission of grant applications; (2) awarding of grants; (3) expenditures of grant dollars; and (4) submission of annual data on advisories and closings for production of annual report.
- Work with states, territories, and tribes to obtain input on implementation issues associated with new recreational water quality criteria that are under development to ensure smooth transition in the use of the new criteria in the implementation of the Beach Monitoring and Notification Program.

#### Fish and Shellfish Programs:

- Continue to work with FDA and public health agencies to develop and distribute outreach materials related to the joint guidance issued by EPA and FDA for mercury in fish and shellfish and assess the public's understanding of the guidance.
- Continue to work with FDA to investigate the extent and risks of contaminants in fish, including the potential need for advisories for other pollutants, and to distribute outreach materials.
- Continue to provide technical support to states in the operation of their monitoring programs and on acceptable levels of contaminant concentrations, and in states' development and management of fish advisories.
- Continue to release the summary of information on locally issued fish advisories and safe-eating guidelines. This information is provided to EPA annually by states and tribes.
- Continue to reduce total blood mercury concentrations through ongoing work with FDA on joint guidance issued to the public, and by encouraging and supporting the states'



implementation of their fish advisory programs through such measures as the National Forum on Contaminants in Fish and publishing the National Listing of Fish Advisories.

**Performance Targets:**

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Percentage of women of childbearing age having mercury levels in blood above the level of concern.	Data Available 2009	5.5	5.2	5.1	Percent of Women

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Number of waterborne disease outbreaks attributable to swimming in or other recreational contact with coastal and Great Lakes waters measured as a 5-year average.	0	2	2	2	Number of Outbreaks

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Percent of days of beach season that coastal and Great Lakes beaches monitored by State beach safety programs are open and safe for swimming.	95	92.6	93	95	Percent Days/Season

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

- (+ \$38.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+ \$26.0) This reflects an increase for beach advisory activities.

**Statutory Authority:**

CWA; BEACH Act of 2000.

## **Drinking Water Programs**

Program Area: Water: Human Health Protection

Goal: Clean and Safe Water

Objective(s): Protect Human Health

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$107,454.8</i></b>	<b><i>\$98,779.0</i></b>	<b><i>\$102,856.0</i></b>	<b><i>\$4,077.0</i></b>
Science & Technology	\$3,292.5	\$3,555.0	\$3,720.0	\$165.0
Total Budget Authority / Obligations	\$110,747.3	\$102,334.0	\$106,576.0	\$4,242.0
Total Workyears	561.7	583.4	589.4	6.0

### **Program Project Description:**

EPA's Drinking Water program is based on the multiple-barrier approach to protecting public health from unsafe drinking water. Under this approach, EPA protects public health through: source water assessment and protection programs; promulgation of new or revised, scientifically sound and risk-based National Primary Drinking Water Regulations (NPDWRs); training, technical assistance, and financial assistance programs to enhance public water systems' capacity to comply with existing and new regulations; and the national implementation of NPDWRs by state and tribal drinking water programs through regulatory, non-regulatory, and voluntary programs and policies to ensure safe drinking water.

(See <http://www.epa.gov/safewater/> for more information.)

### **FY 2010 Activities and Performance Plan:**

Safe drinking water and clean surface waters are critical to protecting human health. More than 290 million Americans rely on the safety of tap water provided by public water systems that are subject to national drinking water standards.<sup>96</sup> In FY 2010, EPA will continue to protect sources of drinking water from contamination; develop new and revise existing drinking water standards; support states, tribes, and water systems in implementing standards; and promote sustainable management of drinking water infrastructure. As a result of these efforts, the Agency will ensure that 90 percent of the population served by community water systems will receive drinking water that meets all applicable health-based standards.

### **Drinking Water Implementation**

In FY 2010, the Agency will continue implementing requirements for newer risk based rules that require a higher degree of involvement by the state to ensure that systems do not install more treatment that is necessary to comply. These include provisions for *Cryptosporidium* (Long Term 2 Enhanced Surface Water Treatment Rule or "LT2"), Disinfection (Stage 2 Disinfectants

<sup>96</sup> U.S. Environmental Protection Agency Safe Drinking Water Information System (SDWIS/FED), <http://www.epa.gov/safewater/data/getdata.html>.

and Disinfection Byproducts Rule or “Stage 2”), and source water quality (Ground Water Rule). EPA also will assist states in implementing public health requirements for high-priority drinking water contaminants, including those covered under the Arsenic Rule and revised Lead and Copper Rule. By FY 2010, all water systems should be in compliance or on schedules to install treatment or develop alternative solutions to reduce their arsenic levels below the new standard. EPA will assist small water systems in choosing cost effective treatment technologies by maintaining and enhancing its Arsenic Virtual Trade Show website, through continuing its Arsenic Treatment Demonstration Program, and by coordinating with technical assistance providers. EPA also will continue collaborating with our state partners and other Federal agencies to assist these small water systems in finalizing and funding their arsenic reduction efforts.

In order to facilitate compliance with these newer rules, as well as existing rules, EPA will:

- Carry out the drinking water program where EPA has primacy (e.g., Wyoming, the District of Columbia, and tribal lands), and where states have not yet adopted new regulations;
- Continue to provide guidance, training (including webcasts), and technical assistance to states, tribes, laboratories and utilities on the implementation of drinking water regulations, especially the Ground Water Rule and revised Lead and Copper Rule. Monitoring under the Ground Water Rule begins in FY 2010. EPA will promote operation and maintenance best practices to small systems in support of long term compliance success with existing regulations;
- Support states in 2010 to complete: classification of drinking water systems based on source water *cryptosporidium* concentrations per the requirements of the LT2 rule; and technical reviews of public water system submissions required for the Stage 2 rule. EPA will coordinate with states to assist the approximately 30,000 small water systems as they complete their required monitoring under the Stage 2 rule, and with the small number of systems who are required to conduct additional *cryptosporidium* sampling. EPA will also provide training and technical assistance to states and to water systems that need to increase their treatment. Over 59,000 water systems will need to comply with the rules during 2010;
- Support states in their efforts to provide technical, managerial, and financial assistance to small systems to improve their capacity to consistently meet regulatory requirements through the use of cost-effective treatment technologies, proper disposal of treatment residuals, and compliance with contaminant requirements, including monitoring under the arsenic and radionuclide rules and rules controlling microbial pathogens and disinfection byproducts;
- Improve the quality of data in the Safe Drinking Water Information System (SDWIS) by continuing to work with states to improve data completeness, accuracy, timeliness, and consistency through: training on data entry, error correction, and regulatory reporting; conducting data verifications and analyses; and implementing quality assurance and

quality control procedures. Also, the Agency will support a database for the Underground Injection Control (UIC) program. Specifically, EPA will deploy and implement the UIC database through orientation and training of users and leveraging opportunities to reach users through their national association;

- Continue on-going oversight programs for categorical grants (Public Water System Supervision (PWSS), Underground Injection Control (UIC), as well as the Drinking Water State Revolving Fund (DWSRF);
- EPA will begin direct implementation of the Aircraft Drinking Water Rule, which will affect 63 airlines and over 7000 aircraft. EPA will also complete the development of a new data system in response to the promulgation of the Rule. During 2010, EPA will deploy the data system, which will include developing the user guides, piloting the system, and providing training to the air carrier industry to ensure compliance with the new requirements; and
- EPA also will work with State and local governments to explore how small water system customers can afford the costs of complying with future drinking water standards. As the Agency reviews its policy, alternatives to small system variances, such as targeted use of federal funding programs towards disadvantaged water systems, are important tools that must be considered.

### Drinking Water Standards

The Agency will publish the third Contaminant Candidate List (CCL3) in FY 2009. Potential contaminants include pesticides, industrial compounds, microbes, pharmaceuticals, and personal care products. In FY 2010, the Agency will compile and evaluate the available information on health effects and occurrence in drinking water to determine which CCL 3 contaminants have sufficient information on which to base a decision whether or not to regulate a contaminant under the Safe Drinking Water Act. The Agency will also work to prioritize research and data collection to fill the data gaps for the other CCL 3 contaminants for which there is insufficient information to make a decision. EPA will work to compile this information to make regulatory determinations for at least 5 CCL 3 contaminants by 2012. The Agency will also continue to evaluate and address drinking water risks through activities to implement the Safe Drinking Water Act (SDWA) including:

- Collecting, compiling and analyzing data on the frequency and level of occurrence of 25 unregulated contaminants in public water systems through implementation of the second Unregulated Contaminant Monitoring Rule;
- Developing analytical methods that can be utilized by laboratories across the U.S. to test for the presence of new and emerging contaminants in drinking water;
- Developing a proposal for revisions to the Total Coliform Rule based on recommendations from the Total Coliform Rule/Distribution Systems Federal Advisory

Committee to maintain or provide for greater public health protection. The proposed rule will be published in 2010;

- Releasing and taking public comment on the Agency's preliminary six-year review of existing national primary drinking water regulations (NPDWRs) and identifying what, if any, regulatory revisions are appropriate. The Agency plans to publish its final review results after considering public comments and evaluating any new, relevant information submitted by commenters;
- Identifying the highest priority research and information collection activities to better understand water quality issues in distribution systems. Collaborating with the Centers for Disease Control and Prevention to determine public health protection effects of risk management strategies for drinking water contamination, including waterborne disease; and
- Implementing the appropriate actions (i.e. regulatory revisions or revised guidance) to address the long term issues identified in the national review of the revised Lead and Copper Rule. Long term issues that could be addressed include the effectiveness of partial lead service line replacement and effectiveness of lead and copper sampling requirements.

#### Sustainable Infrastructure and Effective Utility Management

With the aging of the nation's infrastructure and a growing need for investment, the drinking water and wastewater sectors face a significant challenge to sustain and advance the achievements attained in protecting public health and the environment. EPA's sustainable infrastructure efforts are designed to promote more effective management of water utilities in order to continuously improve their performance and achieve long-term sustainability in their infrastructure, operations and other facets of their business. A number of activities will be undertaken by EPA in 2010 to assist drinking water utilities to be sustainable, by providing funding and technical assistance.

EPA's DWSRF provides states with funds for low-interest loans to assist utilities with financing drinking water infrastructure needs. In FY 2010, EPA will work with states to encourage targeting this affordable, flexible financial assistance to support utility compliance with safe drinking water standards and also will work with utilities to promote full-cost pricing as a critical means to meet infrastructure needs and ensure compliance. The Agency continues to implement a multi-faceted DWSRF management strategy to ensure effective oversight of these funds and optimization of program outcomes.

In 2009, the Agency released the fourth Drinking Water Needs Survey, based on data collected from utilities in 2007. The survey documents 20-year capital investment needs of public water systems that are eligible to receive DWSRF monies – approximately 52,000 community water systems and 21,400 not-for-profit non-community water systems. The survey reports infrastructure needs that are required to protect public health, such as projects to ensure compliance with the Safe Drinking Water Act (SDWA). As directed by the SDWA, EPA will

use the results of the 2007 survey to allocate DWSRF funds to the states and tribes beginning in FY 2010.

EPA will further contribute to the sustainable infrastructure initiative through partnership-building activities, including the Agency's capacity development and operator certification work with states, and efforts with leaders in the drinking water utility industry to promote asset management and the use of watershed-based approaches to manage water resources. The Agency also will engage states and other stakeholders to facilitate the voluntary adoption of best practices by drinking water utilities. EPA will partner with utilities and with other agencies to address operator workforce issues, promote water and energy efficiency, and identify options for utilities in response to climate change impacts and water resource limitations.

### Source Water Protection

EPA will continue supporting state and local efforts to identify and address current and potential sources of drinking water contamination. These efforts are integral to the sustainable infrastructure effort because source water protection can reduce the need for expensive drinking water treatment, along with related increased energy use and costs, which, in turn, can reduce the cost of infrastructure.

In FY 2010, the Agency will:

- Continue to work across EPA and with other Federal agencies to increase awareness of source water protection for better management of significant sources of contamination by providing training, technical assistance, and technology transfer capabilities to states and localities;
- Continue to work with national, state, and local stakeholder organizations and the multi-partner Source Water Collaborative to encourage broad-based efforts directed at encouraging actions at the state and local level to address sources of contamination identified in source water assessments;
- Continue to support source water protection efforts by providing training, technical assistance, and technology transfer capabilities to states and localities, and facilitating the adoption of Geographic Information System (GIS) databases to support local decision-making;
- Continue working with states and other stakeholders to characterize current and future pressures on water availability, variability and sustainability (WAVS) in the face of climate change;
- Direct national Underground Injection Control (UIC) program efforts to protect underground sources of drinking water by establishing priorities, developing guidance, measuring program results, and administering the UIC Grants;

- Expand energy permitting work to keep pace with the nation’s burgeoning energy exploration and development (by FY 2010, U.S. energy production is expected to grow by almost 9% from FY 2006 levels, according to DOE’s Energy Information Administration);
- Manage the regulation of potential new waste streams that will use underground injection, including residual waste from desalination and other drinking water treatment processes;
- Work in concert with the EPA Office of Air and Radiation, the Department of Energy, other Federal Agencies, and State co-regulators as necessary to ensure that wells injecting carbon dioxide do not endanger underground sources of drinking water; and
- Carry out responsibilities in permitting current and future geologic sequestration (GS) of carbon dioxide projects. FY 2010 funding for carbon sequestration work is \$2.6 million. Activities planned for FY 2010 include:
  - Continue development of a rule and supporting documents for the geologic sequestration (GS) of carbon dioxide recovered from emissions of power plants and other facilities;
  - Analyze data collected through Department of Energy pilot projects and industry efforts to 1) demonstrate and commercialize geologic sequestration of carbon dioxide technology and 2) to inform the regulatory development process;
  - Engage states and stakeholders through meetings, workshops, public outreach, and other avenues, as appropriate;
  - Provide technical assistance to states in permitting GS projects;
  - Work with the Office of Research and Development to understand key issues, identify knowledge gaps, and answer complex technical questions in order to develop an appropriate regulatory framework that is fully protective of human health and the environment, and ensures that underground sources of drinking water are not placed at risk; and
  - Review and revise the UIC Grant Allocation Funding Model to account for well class definitions, national Class V inventories, and primacy issues (e.g., recent approval of Primacy application from the Fort Peck Assinibone Tribe and the Navajo Nation).

**Performance Targets:**

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Percent of community water systems that meet all applicable health-based standards through approaches that include effective treatment and source water protection.	89	89.5	90	90	Percent Systems

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Percent of population served by community water systems that will receive drinking water that meets all applicable health-based drinking water standards through approaches incl. effective treatment & source water protection.	92	90	90	90	Percent Population

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Percent of community water systems that have undergone a sanitary survey within the past three years (five years for outstanding performance.)	87	95	95	95	Percent CWS

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Percent of person months during which community water systems provide drinking water that meets all applicable health-based standards.	97	95	95	95	Percent CWS

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Percent of the population in Indian country served by community water systems that receive drinking water that meets all applicable health-based drinking water standards	83	87	87	87	Percent Population



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

- (+ 810.0 / +6.0 FTE) This change provides for 6 FTE to support the increased workload associated with administering the larger Drinking Water State Revolving Fund grant program.
- (+\$2,858.0) This reflects an increase for payroll and cost of living for all FTE.
- (+409.0) This reflects an increase to support evaluation for engineering and scientific data (including treatment technology information).

**Statutory Authority:**

SDWA; CWA.

**Program Area: Water Quality Protection**

## **Marine Pollution**

Program Area: Water Quality Protection

Goal: Clean and Safe Water

Objective(s): Protect Water Quality

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$13,430.4</i></b>	<b><i>\$13,045.0</i></b>	<b><i>\$13,399.0</i></b>	<b><i>\$354.0</i></b>
Total Budget Authority / Obligations	\$13,430.4	\$13,045.0	\$13,399.0	\$354.0
Total Workyears	42.8	44.1	44.1	0.0

### **Program Project Description:**

The goals of the marine pollution programs are to ensure marine ecosystem protection by controlling point-source and vessel discharges, managing dredged material and ocean dumping, developing regional and international collaborations, monitoring ocean and coastal waters, and managing other marine issues, such as marine debris and invasive species.

Major areas of effort include:

- Developing and implementing regulations and technical guidance to control pollutants from vessels, and issuing permits for materials to be dumped in ocean waters.
- Designating, monitoring, and managing ocean dumping sites and implementing provisions of the National Dredging Policy.
- Operating the Ocean Survey Vessel (OSV) *Bold* to monitor coastal and ocean waters, including supporting ocean disposal site management and conducting baseline and trends assessments (e.g., Gulf of Mexico hypoxic zone, climate change indicators, and coral reefs).
- Supporting international marine protection programs with other Federal agencies through negotiations of international standards that address aquatic invasive species, harmful antifoulants, bilge water, dumping of wastes at sea, and marine debris.
- Working with a wide variety of stakeholders to develop and implement watershed management tools, strategies, and plans for coastal ecosystems in order to restore and maintain the health of coastal aquatic communities on a priority basis, including promotion of dredged material management in a watershed context.

See <http://www.epa.gov/owow/oceans/regulatory/index.html> for more information.

## **FY 2010 Activities and Performance Plan:**

Coastal and ocean waters are environmentally and economically valuable to the nation. To protect and improve water quality on a watershed basis, EPA will work with states, tribes, interstate agencies, and others on improving the quality of our valuable ocean resources. The health of ocean and coastal waters, as well as progress toward meeting the strategic targets, will be tracked through periodic issuance of National Coastal Condition reports, which are a cooperative project with other Federal agencies. Key FY 2010 actions include:

### Reducing Vessel Discharges

- Continue to work with the Department of Defense to finalize discharge standards for Armed Forces vessels (i.e., complete development for the first phase of the project and continue development of standards for remaining discharges).
- Continue to participate in the review of clean-up plans for individual Navy and Maritime Administration vessel-to-reef projects.
- Continue assessing program success in reducing sewage discharges from vessels and enhance controls of pollutant discharges from vessels.
- Continue to coordinate with the U.S. Coast Guard on ballast water discharge standards.
- Participate on the Marine Environment Protection Committee (MEPC) of MARPOL (The Protocol of 1978 Relating to the International Convention for the Prevention of Pollution From Ships, 1973) to develop international standards and guidance within the MARPOL Convention.
- Continue coordinating a consistent national approach for the designation of no discharge zones for vessel sewage.
- Continue evaluating the environmental impacts of sewage and graywater discharges from cruise ships.

### Managing the Marine Protection, Research, and Sanctuaries Act (MPRSA) / Ocean Dumping Management Program (including Dredged Material)

- Monitor active dredged material ocean dump sites to ensure achievement of environmentally acceptable conditions, as reflected in Site Management Plans.
- As co-chair of the National Dredging Team, EPA will continue working with the Army Corps of Engineers and EPA Regional Offices to create a tracking system for beneficial use of dredged materials (as an alternative to dumping in ocean or coastal waters).
- Continue working with other interested agencies and the international community on the issue of carbon sequestration by ocean fertilization and addressing any requests for

carbon sequestration in the sub-seabed or by ocean fertilization, including any required permitting under MPRSA.

- Continue working to ensure that U.S. policy and procedures regarding ocean dumping are consistent with the London Convention of 1972 and 1996 London Protocol.
- Continue managing the ocean dumping vessels database which is used for determining compliance with a general permit under MPRSA for ocean dumping of vessels in the United States.

#### Monitoring and Assessment

- During FY 2010, the *OSV Bold* is expected to continue supporting the following types of activities: collection of environmental data from several offshore areas for use in the designation of dredged material disposal sites (such as in Long Island Sound), periodic environmental monitoring of 10 to 20 of the 64 active ocean disposal sites, monitoring of 5 to 10 offshore waste disposal sites or wastewater outfalls, and monitoring of significantly impacted or important coastal waters such as the Gulf of Mexico hypoxic zone and Florida coral reefs.
- The Agency will use the *OSV Bold* to stay abreast of climate change science by working with the Regional Offices and other EPA program offices to identify and develop basic climate change indicators through the *OSV Bold's* monitoring activities.

#### Reducing Marine Debris

- Work with other members of the Interagency Marine Debris Coordinating Committee (IMDCC) to implement an action plan for assessing and reducing marine debris in response to the 2008 IMDCC Report to Congress, which was submitted in August 2008.
- As co-chair of the IMDCC, by the end of FY 2010, develop a new report to Congress on progress implementing the action plan.
- Lead an EPA workgroup tasked with developing a comprehensive approach to address the types, sources, movement, and impacts of marine debris.

#### Interagency Collaborations for Ocean and Coastal Protection

- Continue to be an active participant in the Ocean Action Plan, using this interagency process to make progress in addressing various issues, including climate change, regional collaborations, and vessel discharges.
- Continue participation on the U.S. Coral Reef Task Force to address new issues and problems arising with coral reefs and to expand efforts to reduce stresses on reefs from rising water temperatures, vessel discharges, and ocean acidification.

On an annual basis, EPA Regional Offices will determine whether dredged material ocean dump sites are achieving environmentally acceptable conditions, as defined by each individual Site Management Plan. Corrective actions will be taken by the appropriate parties should a site not achieve acceptable conditions.

**Performance Targets:**

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Outcome	Percent of active dredged material ocean dumping sites that will have achieved environmentally acceptable conditions (as reflected in each site's management plan).	99	95	98	95	Percent Sites

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

- (+\$242.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$112.0) This reflects increased support for development of policy, guidance and technical materials associated with controlling vessel discharges of pollutants.

**Statutory Authority:**

Certain Alaskan Cruise Ship Operations Act (PL 106-554); Clean Boating Act; CWA; CZARA of 1990; FIFRA; MDRPRA of 2006; MPPRCA of 1987; MPRSA; National Defense Authorization Act for Fiscal Year 2004, Section 3516; NEPA, Section 102; NISA of 1996; NAFTA; Ocean Dumping Ban Act of 1988; OAPCA; PPA; RCRA; SDWA; SPA; TSCA; WRDA; Wet Weather Water Quality Act of 2000.

**Surface Water Protection**

Program Area: Water Quality Protection

Goal: Clean and Safe Water

Objective(s): Protect Water Quality

(Dollars in Thousands)

	<b>FY 2008 Actuals</b>	<b>FY 2009 Enacted</b>	<b>FY 2010 Pres Bud</b>	<b>FY 2010 Pres Bud v. FY 2009 Enacted</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$197,780.0</i></b>	<b><i>\$197,772.0</i></b>	<b><i>\$210,437.0</i></b>	<b><i>\$12,665.0</i></b>
Total Budget Authority / Obligations	\$197,780.0	\$197,772.0	\$210,437.0	\$12,665.0
Total Workyears	1,069.4	1,092.4	1,098.4	6.0

**Program Project Description:**

The EPA Surface Water Protection Program under the Clean Water Act (CWA) directly supports efforts to protect, improve and restore the quality of our nation’s rivers, lakes, and streams. EPA works with states and tribes to make continued progress toward the clean water goals identified in EPA’s Strategic Plan by implementing core clean water programs, including accelerating innovations that apply programs on a watershed basis. EPA works in cooperation with partners to achieve long-term sustainability of the nation’s water infrastructure.

**FY 2010 Activities and Performance Plan:**

In FY 2010, EPA will focus its work with states, interstate agencies, tribes and others in key areas of the National Water Program. The main components and requested funding levels are: water quality standards and technology (\$52 million), National Pollutant Discharge Elimination System (NPDES) (\$42 million), water monitoring (\$23 million, including \$5.1 million for the Monitoring Initiative), Total Maximum Daily Loads (TMDLs) (\$29 million), watershed and nonpoint source management (\$26 million), sustainable infrastructure management (\$19 million), water infrastructure grants management (\$13 million), and CWA Section 106 program management (\$7 million).

Water quality criteria and standards provide the scientific and regulatory foundation for water quality protection programs under the CWA. These criteria define which waters are clean and which waters are impaired, and thereby serve as benchmarks for decisions about allowable pollutant loadings into waterways. See <http://www.epa.gov/waterscience/> for more information.

In FY 2010, EPA will continue to support state and Tribal programs by providing scientific water quality criteria information, which will include conducting scientific studies and developing or improving criteria for nutrients and pathogens in ambient water. EPA will work with state and Tribal partners to help them develop standards that are “approvable” under the CWA, including providing advance guidance and technical assistance where appropriate before the standards are formally submitted to EPA. EPA expects that 85 percent of state submissions will be approvable in FY 2010.

Excessive nutrients continue to be one of the leading causes for impaired waters. Although some progress has been made, much remains to be done. One of the keys to making progress is the development of numerical nutrient water quality standards. However, many states lack the technical and financial resources to develop them. This request includes a \$5 million increase for EPA technical and financial assistance to the states to accelerate adoption of numerical nutrient standards and to support any Federal determinations or promulgations.

In FY 2010, EPA will continue the Monitoring Initiative, begun in 2005, which includes enhancements to state and interstate monitoring programs consistent with their monitoring strategies, and collaboration on statistically-valid surveys of the nation's waters. In FY 2010, states and tribes, working with EPA, will issue a report on the statistically-valid baseline conditions of lakes nationwide. States, tribes, EPA, and other partners will analyze samples for a statistically-valid survey of rivers and streams. The results of this survey will be issued in FY 2012, with a report on the baseline condition of rivers and changes in stream condition since 2006. During FY 2010, field sampling for a fifth statistically-valid survey of coastal waters will occur. Planning for a survey of baseline conditions of wetlands will also occur and the results of this survey will be released in 2013. FY 2010 CWA Section 106 Monitoring Initiative funds will be used for sampling and analysis for a wetlands condition survey.

In FY 2010, EPA will work closely with states as they continue to enhance their monitoring programs. EPA stresses the importance of using statistical surveys to generate statewide assessments, targeted monitoring to develop and evaluate local controls and the transmission of water quality data to the national STORET (short for STOrage and RETrieval) warehouse using the new Water Quality Exchange (WQX) protocol. The Water Quality Exchange (WQX) is a new framework that makes it easier for states, tribes, and others to submit and share water quality monitoring data over the Internet. States, tribes and other organizations can now submit data directly to the publicly-accessible STORET Data Warehouse using the WQX framework. EPA will assist tribes in developing monitoring strategies appropriate to their water quality programs and encourage tribes to provide data in a format accessible for storage in EPA data systems.

EPA's goal is to achieve greater integration of Federal, regional, state, and local monitoring efforts to connect monitoring and assessment activities across geographic scales, in a cost-efficient and effective manner, so that scientifically defensible monitoring data is available to address issues and problems at each of these scales. In addition, EPA will work with states and other partners to address research and technical gaps related to sampling methods, analytical approaches, and data management.

Development and implementation of TMDLs for 303(d) listed waterbodies is a critical tool for meeting water quality restoration goals. TMDLs focus on clearly defined environmental goals and establish a pollutant budget, which is then implemented via permit requirements and through local, state, and Federal watershed plans/programs. In FY 2010, EPA will encourage states to organize schedules for TMDLs to address all pollutants on an impaired segment when possible. Where multiple impaired segments are clustered within a watershed, EPA encourages states to organize restoration activities across the watershed (i.e., apply a watershed approach). To assist in the development of watershed TMDLs, EPA recently developed two tools: *Draft Handbook*



*for Developing Watershed TMDLs* ([www.epa.gov/owow/tmdl/pdf/draft\\_handbook.pdf](http://www.epa.gov/owow/tmdl/pdf/draft_handbook.pdf)) and a 'checklist' for developing mercury TMDLs where the source is primarily atmospheric deposition: [www.epa.gov/owow/tmdl/pdf/document\\_mercury\\_tmdl\\_elements.pdf](http://www.epa.gov/owow/tmdl/pdf/document_mercury_tmdl_elements.pdf). For waters impaired by problems for which TMDLs are not appropriate, EPA will work with partners to develop and implement activities and watershed plans to restore these waters. States and EPA have made significant progress in the development and approval of TMDLs. Cumulatively, EPA and states completed more than 35,000 total TMDLs through FY 2008 and expect to complete approximately 3,000 TMDLs in FY 2010.

Nonpoint source management is the key to addressing most of the remaining water quality problems and threats in the United States. Protection and restoration of water quality on a watershed basis requires a careful assessment of the nature and sources of pollution, the location and setting within the watershed, the relative influence on water quality, and the amenability to preventive or control methods. In FY 2010, EPA will support efforts of states, tribes, other Federal agencies, and local communities to develop and implement watershed-based plans that successfully address all of these factors to enable impaired waters to be restored through the national nonpoint source program (Section 319) while also continuing to protect those waters that are healthy. The \$5 million increase for EPA technical and financial assistance to the states to accelerate adoption of numerical nutrient standards is also a tool to address some of these water quality problems.

In FY 2010, EPA will provide program leadership and technical support by:

- Creating, supporting, and promoting technical tools that states and tribes need to accurately assess water quality problems and analyze and implement solutions.
- Implementing a new web-based tool to support watershed planning.
- Continuing to enhance accountability for results through the use of EPA's nonpoint source program grants tracking system, which will continue to track all pollutant load reductions achieved by each project. The system also will allow EPA to better track waters fully restored by Section 319-funded projects by relating Section 319 project information to other data management systems. EPA will also continue to track the remediation of waterbodies that had been primarily impaired by nonpoint sources and that were subsequently restored so that they may be removed from the Section 303(d) list of impaired waters.
- Focusing on the development and dissemination of new tools to promote Low Impact Development (LID), thereby preventing new nonpoint sources of pollution. LID is an innovative, comprehensive land planning and engineering design approach with a goal of maintaining and enhancing the pre-development water quality and flow in urban and developing watersheds. See <http://www.epa.gov/owow/nps/lid/lidlit.html> for more information.
- Implementing a Healthy Watersheds strategy, in cooperation with states, academia, and non-governmental organizations, that focuses on protection of the watersheds of healthy

waters (as well as healthy components of other watersheds). This strategy will include the development of a guide to protect aquatic ecosystems, the development of a detailed Healthy Watersheds agenda with both short-term and long-term components, and initiation of a Healthy Watersheds Website replete with tools for assessment of healthy watersheds and implementation of approaches to maintain their health, as well as information on successful state and local approaches that are already underway.

- Continuing coordination with the U.S. Department of Agriculture to ensure that Federal resources, including grants under Section 319 and Farm Bill funds, are managed in a coordinated way to maximize water quality improvement in impaired waters and protection in all others. Also, EPA will continue to work with the U.S. Forest Service, Bureau of Land Management, and other Federal agencies with land management responsibilities to address water quality impairments by maintaining and restoring National Forest System watersheds.

In FY 2010, EPA will continue to implement and support the core water quality programs that control point source discharges. The NPDES program requires point source dischargers to be permitted and requires pretreatment programs to control discharges from industrial and other facilities to the nation's wastewater treatment plants. EPA is working with states to structure the permit program to better support comprehensive protection of water quality on a watershed basis and recent increases in the scope of the program arising from court orders and environmental issues. EPA will also focus on several other key strategic objectives for the NPDES and effluent guideline programs:

- Use the results of the *“Permitting for Environmental Results Strategy”* and Regional program assessments and permit quality reviews to ensure the health of the NPDES program, continue to address workload concerns in permit issuance, focus resources on priority permits that have the greatest benefit for water quality, encourage trading and watershed-based permitting, and foster efficiency in permitting program operations through use of electronic and other streamlining tools. See <http://cfpub.epa.gov/npdes/per.cfm> for more information.
- Collaborate with partner organizations to implement the Green Infrastructure Action Strategy released in January 2008 to help incorporate green infrastructure solutions at the local level to protect water quality from stormwater and Combined Sewer Overflows.
- Implement strategies to improve management of pretreatment programs. Strategies include implementation of pretreatment program results-based measures based on a pilot study evaluating nine draft results-based measures, a draft Measures Implementation Handbook and widescale testing in 2009, to determine the viability of the measures and refine their description, source, and reporting factors; implementation of the strategy, *“Oversight of Significant Industrial Uses Discharging to Publicly Owned Treatment Works Without Approved Pretreatment Programs,”* issued on May 18, 2007; and pretreatment training provided for regions and states, including onsite and web-based and self-directed courses.

- Issue the annual plan that describes the CWA-mandated review of industrial categories to determine if new or revised effluent guidelines are warranted.
- Issue effluent regulations for discharges from construction and development activities. Respond to public comment and continue development of regulations for discharges from airport deicing facilities, and also for aquatic protection at cooling water intakes.

The Clean Water Act regulations for Concentrated Animal Feeding Operations (CAFO) were revised in 2003 and further revised in 2008 in response to a 2<sup>nd</sup> Circuit Court ruling. EPA will work with states and tribes to implement the CAFO rule to assure that all CAFOs that discharge waste seek and obtain NPDES permit coverage. EPA also will work with permitting authorities to identify which CAFOs need to seek permit coverage and provide the tools and information needed to prevent discharges. In addition, EPA will monitor the number of facilities covered by stormwater and CAFO permits.

EPA will continue to implement a Sustainable Infrastructure Strategy and work with its partners to facilitate the voluntary adoption of effective management practices by water sector utilities that focus on maximizing the value of their infrastructure and ensuring protection of water quality and public health on a watershed basis. A key element of this strategy will be the promotion of utility management strategies centered on a series of Attributes of Effectively Managed Utilities and Keys to Management Success, agreed to by EPA and six major water and wastewater associations in May 2007. These Attributes define the outcomes that EPA and our partners believe all water utilities should strive to achieve in order to ensure that long-term sustainability of their operations and infrastructure. In addition, the Agency will work with other key partners such as local officials and academia to help increase public understanding and support for sustaining the nation's water infrastructure.

One of the key components of the Agency's broader efforts to ensure long-term sustainable water infrastructure is its water-efficiency labeling effort called WaterSense. WaterSense gives consumers a reference tool to identify and select water-efficient products with the intent of reducing national water and wastewater infrastructure needs by reducing demands and flows, allowing for deferred or downsized capital projects. The Agency has issued voluntary specifications for four water-efficient service categories (certification programs for irrigation system auditors, designers, and installation and maintenance professionals) and two product categories (residential High-Efficiency Toilets (HETs) and bathroom faucets). Product specifications include water efficiency as well as performance criteria to ensure that products not only save water but also work as well as standard products in the marketplace. After testing by an independent laboratory to meet WaterSense specifications, products may bear the WaterSense label.

In less than three years, WaterSense has already become a national symbol for water efficiency among utilities, plumbing manufacturers, and consumers. Awareness of the WaterSense label is growing every day. More than 250 different models of high-efficiency toilets have earned the label, and more than 750 faucet models have earned the WaterSense label. In addition to working with manufacturers and retailers to deliver labeled products to consumers, EPA continues to partner with utilities, irrigation professionals, and community organizations to

educate consumers on the benefits of switching to water-efficient products. By March 2009, the program had more than 1,200 partners, including utilities from across the country that is adopting WaterSense as a key component of their water-efficiency efforts.

The Agency will continue to work with utilities to incorporate WaterSense promotion as part of their broader conservation efforts, which include behavioral changes as well. EPA will continue to ask our retail and distribution partners to stock WaterSense labeled products and make it easy for their customers to find water-saving options. EPA will employ articles, promotional material templates, and other cost-effective marketing tactics to educate consumers and building managers about the availability of WaterSense labeled products. By promoting this easily recognizable, consistent national brand, EPA hopes WaterSense will make water-efficient products the clear and preferred choice among consumers and facility managers.

In FY 2010, the Agency will release its first voluntary specification for a commercial-type product--water-efficient urinals. This will be the first of several specifications for water-using products in the commercial sector. Additional specifications will be developed based on research done and input gathered in FY 2009. Additional future product and service categories include showerheads, irrigation control technology, medical devices (e.g., steam sterilizers), landscape management, and drip irrigation. EPA also will focus on developing, implementing, and promoting its new home program that provides benchmark criteria for water-efficient new homes and spurs water-efficiency in construction of new homes. With program growth, WaterSense anticipates launching its New Homes program and recruiting builders into the partnership program.

The Clean Water State Revolving Funds (CWSRFs) provide low interest loans to help finance wastewater treatment facilities and other water quality projects. Policy and oversight of the fund is supported by this program. In managing the CWSRF, EPA continues to work with states to meet several key objectives:

- Funding projects designed as part of an integrated watershed approach to sustain communities, encourage and support green infrastructure, and preserve and create jobs;
- Linking projects to environmental results through the use of water quality and public health data;
- Maintaining the excellent fiduciary condition of the funds;
- Continuing to support states' efforts in developing integrated priority lists to address nonpoint source pollution, estuary protection, and wastewater projects; and
- Working with state and local partners to develop a sustainability policy including management and pricing to encourage conservation and to provide adequate long-term funding for future capital needs.

The OMB-reviewed Clean Watersheds Needs Survey (CWNS) Report to Congress documents needs and provides technical information for publicly-owned wastewater collection and

treatment facilities, combined sewer overflows (CSOs), control facilities, stormwater management facilities, and other water pollution control. The information used to produce the CWNS Report to Congress will support funding prioritization and outreach activities as well as support permitting and other watershed-based management activities.

The Agency also will provide oversight and support for Congressionally mandated projects related to water and wastewater infrastructure as well as management and oversight of grant programs, such as the Section 106 grants, the U.S-Mexico Border program and the Alaska Native Village program.

**Performance Targets:**

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Output	Percent of high priority EPA and state NPDES permits that are reissued on schedule.	119	95	95	95	Percent Permits

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Efficiency	Loading (pounds) of pollutants removed per program dollar expended.	332	332	368	371	Pounds of Pollutants

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Output	Percentage of waters assessed using statistically valid surveys.	65	65	65	82	Percent Waters

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>FY 2010 Target</b>	<b>Units</b>
Output	Number of TMDLs that are established or approved by EPA [Total TMDLs] on a schedule consistent with national policy (cumulative). A TMDL is a technical plan for reducing pollutants in order to attain water quality standards. The terms “approved”	35,979	33,801	38,978	41,992	Number of TMDLs

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
	and “established” refer to the completion and approval of the TMDL itself.					

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Output	Percentage of submissions of new or revised water quality standards from States and Territories that are approved by EPA.	92.5	87	85	85	Percent State/Terr Submissions

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Number of waterbody segments identified by States in 2002 as not attaining standards, where water quality standards are now fully attained (cumulative).	2,165	1,550	2,270	2,525	Number of Segments

Note: A TMDL is a technical plan for reducing pollutants in order to attain water quality standards. The terms “approved” and “established” refer to the completion of the TMDL itself and not necessarily its implementation.

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

- (+\$5,000.0) This reflects an increase to provide additional technical and financial assistance to states to accelerate the pace of state adoption of numerical nutrient water quality standards, and also enable EPA to address the additional legal work they will require.
- (+\$810.0/ +6.0 FTE) This reflects an increase for the increased workload associated with administering the larger Clean Water State Revolving Fund grant program which includes payroll for 6.0 additional FTE.
- (+\$353.0) This reflects an increase in travel for additional responsibilities in program administration.
- (+\$40.0) This reflects an increase in administrative needs associated with the increase to the Clean Water State Revolving Fund.

- (-\$60.0) This reflects a reduction of funding for FY 2009 E-Gov needs.
- (+\$912.0) This reflects an increase to support increased workload, particularly in the NPDES permits area due to new regulations for CAFO, stormwater, pesticides, and vessel discharge.
- (+\$5,610.0) This reflects an increase for payroll and cost of living for existing FTE.

**Statutory Authority:**

CWA.