

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

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

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

	<b>FY 2007 Actuals</b>	<b>FY 2008 Pres Bud</b>	<b>FY 2008 Enacted</b>	<b>FY 2009 Pres Bud</b>	<b>FY 2009 Pres Bud v. FY 2008 Enacted</b>
<b>Oil Spill Response</b>					
Budget Authority	\$16,185.2	\$17,280.0	\$17,056.0	\$17,687.0	\$631.0
Total Workyears	90.7	102.2	102.2	102.2	0.0

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

<b>Program Project</b>	<b>FY 2007 Actuals</b>	<b>FY 2008 Pres Bud</b>	<b>FY 2008 Enacted</b>	<b>FY 2009 Pres Bud</b>	<b>FY 2009 Pres Bud v. FY 2008 Enacted</b>
Compliance					
Compliance Assistance and Centers	\$267.9	\$291.0	\$286.0	\$303.0	\$17.0
Enforcement					
Civil Enforcement	\$1,661.5	\$2,065.0	\$2,072.0	\$2,233.0	\$161.0
IT / Data Management / Security					
IT / Data Management	\$23.8	\$34.0	\$33.0	\$24.0	(\$9.0)
Oil					
Oil Spill: Prevention, Preparedness and Response	\$12,890.3	\$13,499.0	\$13,290.0	\$13,927.0	\$637.0
Operations and Administration					
Facilities Infrastructure and Operations					
Rent	\$447.0	\$438.0	\$431.0	\$438.0	\$7.0
Facilities Infrastructure and Operations (other activities)	\$53.4	\$52.0	\$57.0	\$58.0	\$1.0
Subtotal, Facilities Infrastructure and Operations	\$500.4	\$490.0	\$488.0	\$496.0	\$8.0
Subtotal, Operations and Administration	\$500.4	\$490.0	\$488.0	\$496.0	\$8.0
Research: Land Protection					
Research: Land Protection and	\$841.3	\$901.0	\$887.0	\$704.0	(\$183.0)

<b>Program Project</b>	<b>FY 2007 Actuals</b>	<b>FY 2008 Pres Bud</b>	<b>FY 2008 Enacted</b>	<b>FY 2009 Pres Bud</b>	<b>FY 2009 Pres Bud v. FY 2008 Enacted</b>
Restoration					
Subtotal, Research: Land Protection and Restoration	\$841.3	\$901.0	\$887.0	\$704.0	(\$183.0)
TOTAL, EPA	\$16,185.2	\$17,280.0	\$17,056.0	\$17,687.0	\$631.0

**Program Area: Compliance**

**Compliance Assistance and Centers**

Program Area: Compliance

Goal: Land Preservation and Restoration

Objective(s): Restore Land

(Dollars in Thousands)

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

**Program Project Description:**

EPA’s Compliance Assistance program includes a range of activities and tools designed to improve compliance with environmental laws. Regulated entities, Federal agencies, and the public benefit from easy access to tools that help them understand these laws and find efficient, cost-effective means for putting them into practice.

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

**FY 2009 Activities and Performance Plan:**

Pursuant to the Clean Water Act (CWA) Section 311 (oil spill and hazardous substances) requirements, the Agency will continue in FY 2009 to provide compliance assistance to regulated entities to assist them in understanding their legal requirements under the CWA and provide them with cost effective compliance strategies to help prevent oil spills.

The EPA Enforcement of Environmental Laws (Civil) PART program received an “adequate” rating in 2004 with the development of a measure implementation plan. In FY 2006, EPA conducted a review of enforcement and compliance measures used by states, other Federal agencies, and other countries, as well as consulting with academics and other measurement experts. The purpose of the review was to identify opportunities to improve measurement. As a result of this review, EPA is considering transitioning the Enforcement and Compliance Assurance Program from a tool-oriented to a problem-oriented GPRA strategic architecture.

**Performance Targets:**

Work under this program supports EPA's objective to achieve environmental protection through compliance. Currently, there are no performance measures for this specific program project.

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

- (+\$11.0) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$6.0) This change reflects restoration of the 1.56% rescission to all program projects

**Statutory Authority:**

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

**Program Area: Enforcement**



**Civil Enforcement**  
 Program Area: Enforcement  
 Goal: Land Preservation and Restoration  
 Objective(s): Restore Land

(Dollars in Thousands)

	<b>FY 2007 Actuals</b>	<b>FY 2008 Pres Bud</b>	<b>FY 2008 Enacted</b>	<b>FY 2009 Pres Bud</b>	<b>FY 2009 Pres Bud v. FY 2008 Enacted</b>
Environmental Program & Management	\$123,003.7	\$126,645.0	\$129,886.0	\$133,017.0	\$3,131.0
<b><i>Oil Spill Response</i></b>	<b><i>\$1,661.5</i></b>	<b><i>\$2,065.0</i></b>	<b><i>\$2,072.0</i></b>	<b><i>\$2,233.0</i></b>	<b><i>\$161.0</i></b>
Hazardous Substance Superfund	\$739.2	\$884.0	\$870.0	\$0.0	(\$870.0)
Total Budget Authority / Obligations	\$125,404.4	\$129,594.0	\$132,828.0	\$135,250.0	\$2,422.0
Total Workyears	914.1	969.1	969.1	958.2	-10.9

**Program Project Description:**

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

**FY 2009 Activities and Performance Plan:**

Pursuant to Clean Water Act Section 311 (Oil Spill and Hazardous Substances) requirements, EPA's Civil Enforcement program will develop policies, issue administrative cleanup orders and/or judicial actions for injunctive relief, assess civil penalties for violations of those orders or for spills into the environment, and assist in the recovery of cleanup costs expended by the government. In FY 2009, the program also will provide support for field investigations and inspections of spills as well as Spill Control Countermeasure compliance assistance.

The EPA Enforcement of Environmental Laws (Civil) PART program received an "adequate" rating in 2004 with the development of a measure implementation plan. In FY 2006, EPA conducted a review of enforcement and compliance measures used by states, other Federal agencies, and other countries, as well as consulting with academics and other measurement experts. The purpose of the review was to identify opportunities to improve measurement. As a result of this review, EPA is considering transitioning the Enforcement and Compliance Assurance program from a tool-oriented to a problem-oriented GPRA strategic architecture.

<sup>1</sup> For more information refer to: [www.epa.gov/oilspill/index.htm](http://www.epa.gov/oilspill/index.htm).

**Performance Targets:**

Work under this program supports EPA's objective to achieve environmental protection through compliance. Currently, there are no performance measures for this specific Program.

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

- (+\$180.0) This reflects an increase for payroll and cost of living for existing FTE.
- (-\$19.0) This change reflects restoration of the 1.56% rescission to all program projects in addition to small technical changes such as realignment of IT, travel or other support costs across programs

**Statutory Authority:**

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

**Program Area: IT / Data Management / Security**

**IT / Data Management**

Program Area: IT / Data Management / Security

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

(Dollars in Thousands)

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

**Program Project Description:**

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

This program manages and coordinates the Agency's Enterprise Architecture and develops analytical tools (e.g., Environmental Indicators) to ensure sound environmental decision-making. The program implements the Agency's e-Government (e-Gov) responsibilities and designs, develops, and manages the Agency's internet and intranet resources, including the Integrated Portal. The program: (1) supports the development, collection, management, and analysis of environmental data (to include both point source and ambient data) to manage statutory programs and to support the Agency in strategic planning at the national, program, and regional levels; (2) provides a secure, reliable, and capable information infrastructure based on a sound enterprise architecture which includes data standardization, integration, and public access; (3) manages the Agency's Quality System ensuring EPA's processes and data are of quality and adhere to Federal

guidelines; and (4) supports Regional information technology infrastructure, administrative and environmental programs, and telecommunications.

**FY 2009 Activities and Performance Plan:**

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

The Environmental Information program's FY 2009 technology efforts have three major components:

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

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

**Performance Targets:**

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

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

- (-\$9.0) This change reflects a redirection of costs from general expenses, contracts and grants originating in the Oil Spill portion of this program project, as well as the restoration of the 1.56% rescission to all program projects.

**Statutory Authority:**

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

**Program Area: Oil**

**Oil Spill: Prevention, Preparedness and Response**

Program Area: Oil

Goal: Land Preservation and Restoration

Objective(s): Restore Land

(Dollars in Thousands)

	<b>FY 2007 Actuals</b>	<b>FY 2008 Pres Bud</b>	<b>FY 2008 Enacted</b>	<b>FY 2009 Pres Bud</b>	<b>FY 2009 Pres Bud v. FY 2008 Enacted</b>
<b><i>Oil Spill Response</i></b>	<b><i>\$12,890.3</i></b>	<b><i>\$13,499.0</i></b>	<b><i>\$13,290.0</i></b>	<b><i>\$13,927.0</i></b>	<b><i>\$637.0</i></b>
Total Budget Authority / Obligations	\$12,890.3	\$13,499.0	\$13,290.0	\$13,927.0	\$637.0
Total Workyears	84.0	84.0	84.0	84.0	0.0

**Program Project Description:**

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

**FY 2009 Activities and Performance Plan:**

FY 2009 priorities include improvements to the Oil Spill program's regulatory requirements. In FY 2009, EPA intends to implement regulatory changes designed to clarify a number of technical issues associated with the SPCC rule requirements and to address small businesses, farms, and other sector adjustments that arose from regulatory work completed in calendar year 2006. EPA also expects to revise and update guidance that was issued to ensure it reflects current final rule requirements and input from stakeholders.

The largest oil storage facilities and refineries must prepare FRPs to identify response resources and ensure their availability in the event of a worst case discharge. FRPs establish communication, address security, identify an individual with authority to implement removal actions, and describe training and testing drills at the facility. In FY 2009, EPA will continue to review/approve FRPs and conduct inspections and exercises at an estimated 250 FRP facilities. EPA will emphasize emergency preparedness, particularly through the use of unannounced drills



and exercises, to ensure facilities and responders can effectively implement response plans. EPA also will finalize and begin using guidance for FRP inspectors.

Working with state, local and Federal officials in a given geographic location, EPA will continue to enhance the existing National Preparedness for Response Exercise Program by strengthening area contingency plans (ACPs) and Regional contingency plans. The ACPs detail the responsibilities of various parties in the event of a spill/release, describe unique geographical features, sensitive ecological resources, and drinking water intakes for the area covered, and identify available response equipment and its location. EPA conducts a small number of ACP exercises each year to evaluate and strengthen the plans.

EPA’s Oil Spill program was assessed under PART in 2005 and received an overall rating of “adequate.” Program performance is determined by measuring the gallons of oil spilled to navigable waters from facilities subject to EPA’s FRP regulations and measuring the compliance rate of facilities with the FRP and SPCC requirements. The efficiency measure reflects long-term performance with targets set every three years. The program is also developing stronger strategic planning procedures to ensure continuous program improvement, ensuring data quality, and developing a forum to share best spill prevention practices across regions. In FY 2009, the Agency expects to initially test and set baselines for at least two new outcome performance measures to be developed during FY 2008.

**Performance Targets:**

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2007 Actual</b>	<b>FY 2007 Target</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>Units</b>
Efficiency	Gallons of oil spilled to navigable waters per million program dollar spent annually on prevention and preparedness at Facility Response Plan (FRP) facilities.		no target	90,000	no target	gallons

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2007 Actual</b>	<b>FY 2007 Target</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>Units</b>
Output	Percentage of inspected facilities subject to Spill Prevention, Control and Countermeasures (SPCC) regulations found to be in compliance.	40%	53	55	58	percent

<b>Measure Type</b>	<b>Measure</b>	<b>FY 2007 Actual</b>	<b>FY 2007 Target</b>	<b>FY 2008 Target</b>	<b>FY 2009 Target</b>	<b>Units</b>
Output	Percentage of inspected facilities subject to Facility Response Plan (FRP) regulations found to be in compliance.	67%	75	78	82	percent

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

- (+\$905.0) This reflects an increase for payroll and cost of living for existing FTE.
- (-\$268.0) This change reflects the net effect of the restoration of the 1.56% rescission across all program projects combined with technical changes such as realignment of IT, travel or other support costs across programs.

**Statutory Authority:**

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

**Program Area: Operations and Administration**

**Facilities Infrastructure and Operations**  
Program Area: Operations and Administration

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

(Dollars in Thousands)

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

**Program Project Description:**

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

**FY 2009 Activities and Performance Plan:**

- For FY 2009, the Agency is requesting a total of \$438 thousand for rent and \$58 thousand for transit subsidy in the Oil Spill appropriation.
- The Agency will continue to manage its lease agreements with the General Services Administration and other private landlords by conducting rent reviews and verifying that monthly billing statements are correct.

- EPA will provide transit subsidy to eligible applicants as directed by Executive Order 13150<sup>2</sup> *Federal Workforce Transportation*.

**Performance Targets:**

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

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

- (+\$8.0) This change reflects restoration of the 1.56% rescission to all program projects, and will fund projected increases in transit subsidy costs as well as rent.

**Statutory Authority:**

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

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

**Program Area: Research: Land Protection**

**Research: Land Protection and Restoration**

Program Area: Research: Land Protection

Goal: Land Preservation and Restoration

Objective(s): Enhance Science and Research

(Dollars in Thousands)

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

**Program Project Description:**

Land protection research in the oil spills area focuses on three aspects: test protocol development, fate and transport modeling, and remediation. EPA develops and uses these protocols for testing various spill response product classes to pre-qualify products as required by the preparedness and response requirements of the Oil Pollution Act of 1990.

Research is guided by the by the Land Multi-Year Plan (MYP)<sup>3</sup>, developed with input from across the Agency, which outlines steps for meeting the needs of Agency programs and for evaluating progress through annual performance goals and measures. Testing products ensures that they work as claimed and provides access to effective means to reduce damage when an oil spill occurs. Specific human health risk and exposure assessments and methods are discussed and conducted under the Human Health Risk Assessment program.

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

**FY 2009 Activities and Performance Plan:**

Remediation research continues on advances associated with physical, chemical, and biological risk management methods for petroleum and non-petroleum oils spilled into freshwater and marine environments as well as development of a protocol for testing solidifiers and treating oil.

<sup>3</sup> EPA, Office of Research and Development, Land Research MYP. Washington, DC: EPA. For more information, see

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

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

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

#### **Performance Targets:**

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

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

- (+\$15.0) This reflects an increase for payroll and cost of living for existing FTE.
- (-\$200.0) This reduction discontinues an oil spill dispersant study and further work on the ERO3s model for predicting migration of contaminants from oil spills. This reduction will eliminate the planned model development to link ERO3s to existing EPA water quality and hydrodynamic models.
- (+\$2.0) This change reflects restoration of the 1.56% rescission to all program projects in addition to small technical changes such as realignment of IT, travel or other support costs across programs.

#### **Statutory Authority:**

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

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