

**Environmental Protection Agency
2007 Annual Performance Plan and Congressional Justification**

Table of Contents - Leaking Underground Storage Tanks

Resource Summary Table	1
Program Projects in LUST	1
Program Area: Compliance	3
Compliance Assistance and Centers	4
Program Area: IT / Data Management / Security	6
IT / Data Management	7
Program Area: Operations and Administration.....	9
Acquisition Management	10
Central Planning, Budgeting, and Finance	12
Facilities Infrastructure and Operations	14
Human Resources Management	16
Program Area: Research: Land Protection	17
Research: Land Protection and Restoration	18
Program Area: Underground Storage Tanks (LUST / UST)	20
LUST / UST	21
LUST Cooperative Agreements.....	24

**Environmental Protection Agency
FY 2007 Annual Performance Plan and Congressional Justification**

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

	FY 2005 Obligations	FY 2006 Enacted	FY 2007 Pres Bud	FY 2007 Pres Bud v. FY 2006 Enacted
Leaking Underground Storage Tanks				
Budget Authority / Obligations	\$70,589.5	\$79,953.0	\$72,759.0	(\$7,194.0)
Total Workyears	72.1	77.4	76.9	-0.5

BILL LANGUAGE: LEAKING UNDERGROUND STORAGE TANK PROGRAM

*For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$85,000 per project, [\$73,027,000] **\$72,759,000**, to remain available until expended. [For an additional amount for "Leaking Underground Storage Tank Program", not to exceed \$85,000 per project, \$8,000,000, to remain available until expended, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.]*

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

Program Project	FY 2005 Obligations	FY 2006 Enacted	FY 2007 Pres Bud	FY 2007 Pres Bud v. FY 2006 Enacted
Compliance				
Compliance Assistance and Centers	\$531.6	\$711.0	\$839.1	\$128.1
IT / Data Management / Security				
IT / Data Management	\$108.0	\$182.0	\$175.9	(\$6.1)
Operations and Administration				
Acquisition Management	\$337.0	\$358.0	\$360.8	\$2.8
Central Planning, Budgeting, and Finance	\$730.4	\$1,010.0	\$1,014.8	\$4.8
Facilities Infrastructure and Operations	\$982.9	\$894.0	\$916.8	\$22.8
Human Resources Management	\$5.0	\$3.0	\$3.0	\$0.0

Program Project	FY 2005 Obligations	FY 2006 Enacted	FY 2007 Pres Bud	FY 2007 Pres Bud v. FY 2006 Enacted
Subtotal, Operations and Administration	\$2,055.3	\$2,265.0	\$2,295.4	\$30.4
Research: Land Protection				
Research: Land Protection and Restoration	\$699.3	\$634.0	\$651.3	\$17.3
Underground Storage Tanks (LUST / UST)				
LUST / UST	\$10,146.4	\$10,514.0	\$10,590.1	\$76.1
LUST Cooperative Agreements	\$57,048.9	\$65,647.0	\$58,207.2	(\$7,439.8)
Subtotal, LUST Cooperative Agreements	\$57,048.9	\$65,647.0	\$58,207.2	(\$7,439.8)
Subtotal, Underground Storage Tanks (LUST / UST)	\$67,195.3	\$76,161.0	\$68,797.3	(\$7,363.7)

Program Area: Compliance

Compliance Assistance and Centers

Program Area: Compliance

Goal: Land Preservation and Restoration

Objective(s): Preserve Land; Restore Land

(Dollars in Thousands)

	FY 2005 Obligations	FY 2006 Enacted	FY 2007 Pres Bud	FY 2007 Pres Bud v. FY 2006 Enacted
Environmental Program & Management	\$27,207.0	\$27,935.0	\$28,890.7	\$955.7
<i>Leaking Underground Storage Tanks</i>	<i>\$531.6</i>	<i>\$711.0</i>	<i>\$839.1</i>	<i>\$128.1</i>
Oil Spill Response	\$270.1	\$284.0	\$280.2	(\$3.8)
Hazardous Substance Superfund	\$0.0	\$11.0	\$22.2	\$11.2
Total Budget Authority / Obligations	\$28,008.7	\$28,941.0	\$30,032.2	\$1,091.2
Total Workyears	200.4	212.4	212.1	-0.3

Program Project Description:

To improve compliance with environmental laws, regulated entities, Federal agencies and the public benefit from easy access to tools that help them understand these laws and find efficient, cost-effective means for putting them into practice. To protect our Nation’s groundwater and drinking water from petroleum releases from underground storage tanks, EPA will continue to provide compliance assistance tools, technical assistance, and training to promote and enforce UST systems compliance. For more information visit: www.epa.gov/swrust1/cat/index.htm.

FY 2007 Activities and Performance Plan:

During FY 2007 the Agency will continue its work to obtain states’ commitments to increase their inspection and enforcement presence, where state-specific UST compliance goals are not met. The Agency and states will use innovative compliance approaches, along with outreach and education tools, to bring more underground storage tanks into compliance. The Agency will also continue to provide guidance to foster the use of new technology to enhance compliance.

Performance Assessment:
The Civil Enforcement Program was rated adequate in the last PART review completed for the Program in 2004 based on preparation of a Measures Improvement Plan (MIP) to better characterize pollutant reductions with respect to hazard and exposure.

Performance Targets:

This program was included in the Civil Enforcement PART review in 2004, which received an overall rating of Adequate. One of the program measures, pounds of pollutants reduced, looks at the overall reduction in pollution as a result of enforcement actions. We are exploring methodologies to extend the measure by: 1) adding components that deal with pollutant hazard; and 2) identifying an indicator of the population that would have been exposed to the pollutant. Work under this program supports the Preserve Land Goal. Currently, there are no performance measures specific to this program project.

FY 2007 Change from FY 2006 Enacted Budget (Dollars in Thousands):

- (+\$2.6) This reflects an increase in resources that support training to promote and enforce UST systems compliance.
- (+\$125.5) This reflects an increase for payroll and cost of living for existing FTE.

Statutory Authority:

PPA; CERFA; NEPA; AEA; UMTRLWA.

Program Area: IT / Data Management / Security

IT / Data Management

Program Area: IT / Data Management / Security

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

(Dollars in Thousands)

	FY 2005 Obligations	FY 2006 Enacted	FY 2007 Pres Bud	FY 2007 Pres Bud v. FY 2006 Enacted
Environmental Program & Management	\$84,371.1	\$94,567.0	\$96,807.2	\$2,240.2
Science & Technology	\$4,141.3	\$4,173.0	\$4,268.0	\$95.0
<i>Leaking Underground Storage Tanks</i>	<i>\$108.0</i>	<i>\$182.0</i>	<i>\$175.9</i>	<i>(\$6.1)</i>
Oil Spill Response	\$39.5	\$31.0	\$32.5	\$1.5
Hazardous Substance Superfund	\$17,734.0	\$17,053.0	\$17,120.4	\$67.4
Total Budget Authority / Obligations	\$106,393.9	\$116,006.0	\$118,404.0	\$2,398.0
Total Workyears	510.4	486.4	488.0	1.6

Program Project Description:

The LUST IT/Data Development supports 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 responsibilities as well as designs, develops and manages the Agency's Internet and Intranet resources including the Integrated Portal. In addition, the IT/Data Management 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, and provides a secure, reliable, and capable information infrastructure based on a sound enterprise architecture which includes data standardization, integration, and public access. The program manages the Agency's Quality System ensuring EPA's processes and data are of quality and adhere to Federal guidelines, and supports LUST information technology infrastructure, administrative and environmental programs, and telecommunications. These functions are integral to the implementation of Agency information technology programs and systems like the Exchange Network, the Central Data Exchange (CDX, <http://www.epa.gov/cdx>) and Permit Compliance System (PCS, <http://www.epa.gov/enviro/html/pcs/index.html>) Agency Offices rely on the IT/Data Management program and its capabilities to develop and implement tools for ready access to accurate and timely data.

FY 2007 Activities and Performance Plan:

In FY 2007 the LUST resources continue to support EPA's 'Readiness to Serve' infrastructure program. The program delivers secure information services to ensure that the Agency and

program have a full range of information technology infrastructure components (e.g., user equipment, network connectivity, e-mail, application hosting, and remote access) that make information accessible across the spectrum of mission needs at all locations.

Performance Targets:

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

FY 2007 Change from FY 2006 Enacted Budget (Dollars in Thousands):

- (-\$6.1) The reduction reflects efficiencies gained in the 'Readiness to Serve' infrastructure program.

Statutory Authority:

Federal Advisory Committee Act; Government Information Security Reform Action; CERCLA; CAA and amendments; CWA and amendments; Environmental Research, Development, and Demonstration Act; TSCA; FIFRA; Food Quality Protection Act; Safe Drinking Water Act and amendments; Federal Food, Drug and Cosmetic Act; Emergency Planning and Community Right-to-Know; RCRA; SARA; GPRA; GMRA; Clinger-Cohen Act; Paperwork Reduction Act; FOIA; Computer Security Act; Privacy Act; EFOIA; EPA Act.

Program Area: Operations and Administration

Acquisition Management

Program Area: Operations and Administration

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

(Dollars in Thousands)

	FY 2005 Obligations	FY 2006 Enacted	FY 2007 Pres Bud	FY 2007 Pres Bud v. FY 2006 Enacted
Environmental Program & Management	\$21,830.4	\$23,265.0	\$25,418.3	\$2,153.3
<i>Leaking Underground Storage Tanks</i>	\$337.0	\$358.0	\$360.8	\$2.8
Hazardous Substance Superfund	\$17,464.2	\$19,727.0	\$23,514.3	\$3,787.3
Total Budget Authority / Obligations	\$39,631.6	\$43,350.0	\$49,293.4	\$5,943.4
Total Workyears	343.5	364.8	357.2	-7.6

Program Project Description:

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

FY 2007 Activities and Performance Plan:

The Agency will improve electronic government capabilities and enhance the education of its contract workforce. The Agency will work to eliminate paper-processing in the LUST acquisition process and manage acquisition records electronically. In FY 2007 EPA plans to acquire and to begin implementing a new acquisition system. The new system will provide data on contracts that support mission oriented planning and evaluation. This will allow the Agency to reach President's Management Agenda (PMA) goals, e-government requirements and the needs of Agency personnel resulting in more efficient process implementation.

Performance Targets:

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

FY 2007 Change from FY 2006 Enacted Budget (Dollars in Thousands):

- (+\$1.6) This reflect an increase for payroll and cost-of-living for existing FTE.

- (+\$1.2) This increase will support the Agency in improving its electronic government capabilities and in enhancing the education of its contract workforce.

Statutory Authority:

EPA's environmental statutes; Annual Appropriations Act; FAR; contract law.

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

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

(Dollars in Thousands)

	FY 2005 Obligations	FY 2006 Enacted	FY 2007 Pres Bud	FY 2007 Pres Bud v. FY 2006 Enacted
Environmental Program & Management	\$68,045.9	\$73,680.0	\$83,548.1	\$9,868.1
<i>Leaking Underground Storage Tanks</i>	<i>\$730.4</i>	<i>\$1,010.0</i>	<i>\$1,014.8</i>	<i>\$4.8</i>
Hazardous Substance Superfund	\$20,620.3	\$24,349.0	\$25,540.8	\$1,191.8
Total Budget Authority / Obligations	\$89,396.6	\$99,039.0	\$110,103.7	\$11,064.7
Total Workyears	520.6	548.1	537.7	-10.4

Program Project Description:

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

FY 2007 Activities and Performance Plan:

EPA will continue efforts to modernize the Agency's financial systems and business processes. The modernization effort will reduce cost, comply with Congressional direction, and new Federal financial systems requirements. This work is framed by the Agency's Enterprise Architecture and will make maximum use of enabling technologies for e-Gov initiatives including e-Procurement, e-Payroll, and e-Travel.

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

In FY 2007, EPA will continue to strengthen 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 President's Management Agenda initiatives for improved financial performance.

Performance Targets:

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

FY 2007 Change from FY 2006 Enacted Budget (Dollars in Thousands):

- (+\$5.3) This increase will support costs associated with the financial management in support of the Leaking Underground Storage Tanks program.
- (-\$0.5) This decrease is the net effect of increases for payroll and cost of living increases for existing FTE, combined with a reduction based on the recalculation of base workforce costs.

Statutory Authority:

Annual Appropriations Act; Clinger-Cohen Act; CERCLA; Computer Security Act; E-Government Act of 2002; EFOIA; EPA's Environmental Statutes, and the Federal Grant and Cooperative Agreement Act; Federal Activities Inventory Reform Act; Federal Acquisition Regulations, contract law and EPA's Assistance Regulations (40CFR Parts 30, 31, 35, 40,45,46, 47); Federal Manager's Financial Integrity Act (1982); FOIA; GMRA (1994); Improper Payments Information Act; Inspector General Act of 1978 and Amendments of 1988; Paperwork Reduction Act; Privacy Act; The Chief Financial Officers Act (1990); GPRA (1993); The Prompt Payment Act (1982); Title 5 United States Code; EPAct.

Facilities Infrastructure and Operations
Program Area: Operations and Administration

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

(Dollars in Thousands)

	FY 2005 Obligations	FY 2006 Enacted	FY 2007 Pres Bud	FY 2007 Pres Bud v. FY 2006 Enacted
Environmental Program & Management	\$317,744.7	\$343,908.0	\$294,760.1	(\$49,147.9)
Science & Technology	\$8,892.1	\$8,511.0	\$70,239.5	\$61,728.5
Building and Facilities	\$32,244.5	\$28,295.0	\$28,430.9	\$135.9
<i>Leaking Underground Storage Tanks</i>	<i>\$982.9</i>	<i>\$894.0</i>	<i>\$916.8</i>	<i>\$22.8</i>
Oil Spill Response	\$552.1	\$500.0	\$499.3	(\$0.7)
Hazardous Substance Superfund	\$65,156.8	\$69,667.0	\$73,944.7	\$4,277.7
Total Budget Authority / Obligations	\$425,573.1	\$451,775.0	\$468,791.3	\$17,016.3
Total Workyears	364.1	437.2	438.6	1.4

Program Project Description:

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

FY 2007 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.
- EPA will provide transit subsidy to eligible applicants as directed by Executive Order 13150¹ "Federal Workforce Transportation."

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

Performance Targets:

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

FY 2007 Change from FY 2006 Enacted Budget (Dollars in Thousands):

- (+\$28.4) This reflects an increase for payroll and cost-of-living for existing FTE.
- (-\$5.6) This reduces resources for basic facilities management services in EPA's Headquarters and ten regions.

Statutory Authority:

FPASA; PBA; annual Appropriations Acts; CWA; CAA; D.C. Recycling Act; EO 10577 and 12598; United States Marshals Service, Vulnerability Assessment of Federal Facilities Report; Homeland Security PDD 63 (Critical Infrastructure Protection).

Human Resources Management
 Program Area: Operations and Administration

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

(Dollars in Thousands)

	FY 2005 Obligations	FY 2006 Enacted	FY 2007 Pres Bud	FY 2007 Pres Bud v. FY 2006 Enacted
Environmental Program & Management	\$46,795.7	\$41,275.0	\$40,202.5	(\$1,072.5)
<i>Leaking Underground Storage Tanks</i>	\$5.0	\$3.0	\$3.0	\$0.0
Hazardous Substance Superfund	\$5,250.8	\$5,665.0	\$5,270.2	(\$394.8)
Total Budget Authority / Obligations	\$52,051.5	\$46,943.0	\$45,475.7	(\$1,467.3)
Total Workyears	344.6	297.7	297.6	-0.1

Program Project Description:

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

FY 2007 Activities and Performance Plan:

In FY 2007, EPA will continue to meet the Department of Labor requirements for distributing workmen's compensation and disability.

Performance Targets:

Performance information for this program is included in the corresponding narrative in the Environmental Program and Management section.

FY 2007 Change from FY 2006 Enacted Budget (Dollars in Thousands):

- No change in program funding.

Statutory Authority:

Title V USC.

Program Area: Research: Land Protection

Research: Land Protection and Restoration

Program Area: Research: Land Protection

Goal: Land Preservation and Restoration

Objective(s): Enhance Science and Research

(Dollars in Thousands)

	FY 2005 Obligations	FY 2006 Enacted	FY 2007 Pres Bud	FY 2007 Pres Bud v. FY 2006 Enacted
Science & Technology	\$10,257.6	\$11,606.0	\$10,552.8	(\$1,053.2)
<i>Leaking Underground Storage Tanks</i>	<i>\$699.3</i>	<i>\$634.0</i>	<i>\$651.3</i>	<i>\$17.3</i>
Oil Spill Response	\$841.0	\$838.0	\$903.1	\$65.1
Hazardous Substance Superfund	\$23,322.6	\$22,927.0	\$21,963.9	(\$963.1)
Total Budget Authority / Obligations	\$35,120.5	\$36,005.0	\$34,071.1	(\$1,933.9)
Total Workyears	138.9	135.4	142.8	7.4

Program Project Description:

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

Research is guided by the long term *Waste Research Strategy*², which was developed with participation from major clients and outlines research needs and priorities. These research efforts are guided by multi-year plans (MYPs)³, developed with input from across the Agency, which outline steps for meeting the needs of Agency programs and for evaluating progress through annual performance goals and measures. Specific human health risk and exposure assessments and methods are discussed and conducted under the Human Health Risk Assessment program.

The Board of Scientific Counselors (BOSC), a distinguished body of scientists and engineers who are recognized non-government experts from academia and industry, evaluates the Agency's research programs, national laboratories, centers, and offices, and management practices, and provides peer review, including evaluation of the program's peer review policies and research plans and products. The Land Protection and Restoration research program was

² EPA, Office of Research and Development, *Waste Research Strategy* (Washington: EPA). For additional information please go to: <http://www.epa.gov/ord/htm/documents/wastepub.pdf>

³ For additional information, please go to: <http://www.epa.gov/osp/myr>

The *Waste Research Strategy* outlines the research needs and priorities at the time it was prepared. To guide these research efforts as progress is made and new needs emerge, EPA develops multi-year research plans that are revised periodically. EPA is currently merging the Contaminated Sites and RCRA Multi-Year Plans (MYPs) into one cohesive Land Research MYP, with input from across the Agency, to ensure research conducted continues to support the Agency's mission to protect human health and the environment.

reviewed by the BOSC in FY 2006 (December, 2005). The BOSC will report its findings to the Agency in the 2nd quarter of 2006.

FY 2007 Activities and Performance Plan:

Leaking underground storage tanks (LUSTs) assessment research will focus on the development of online transport models that can be used by state project managers (R&D Criteria: Relevance). Remedies being investigated include active water treatment and monitored natural attenuation, with performance influenced by the nature of the fuel oxygenate. A capstone report on *ex situ* biological treatment methods will be produced so that the program office and project managers can evaluate alternative remedies (R&D Criteria: Performance).

<p>Performance Assessment: The Land Research and Restoration program is scheduled for PART review in FY 2006. The program has begun developing and refining outcome-based performance measures in order to demonstrate results.</p>
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A major concern of EPA is the fate of pollutants released from leaking underground tanks into ground water (R&D Criteria: Relevance). The Tools for Analysis of Contaminated Sites (TACS) version 2 contains methodologies and software to aid in the analysis of field data from these types of sites. The TACS utilizes a two-tiered structure, allowing for analysis of sites with either limited or extensive data sets to address important site management issues such as: contaminant plumes (contracting, stable, or expanding); and the occurrence (or non-occurrence) of biodegradation. (R&D Criteria: Relevance, Performance)

Performance Targets:

Work under this program supports restoring land. Research milestones are identified in the program's multi-year planning documents, but there are currently no annual performance measures that meet the requirements of the PART guidance (i.e., that can demonstrate progress toward established long-term outcome goals).

FY 2007 Change from FY 2006 Enacted Budget (Dollars in Thousands):

- (+\$16.1) This change is the net result of technical adjustments of support resources to more accurately align with Agency research priorities. This includes a net increase for payroll and cost of living for existing FTE.
- (+\$1.2) This change is the net result of technical adjustments of support resources to more accurately align with Agency research priorities.

Statutory Authority:

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

**Program Area: Underground Storage Tanks
(LUST / UST)**

LUST / UST

Program Area: Underground Storage Tanks (LUST / UST)

Goal: Land Preservation and Restoration

Objective(s): Restore Land

(Dollars in Thousands)

	FY 2005 Obligations	FY 2006 Enacted	FY 2007 Pres Bud	FY 2007 Pres Bud v. FY 2006 Enacted
Environmental Program & Management	\$6,459.2	\$7,763.0	\$11,713.7	\$3,950.7
<i>Leaking Underground Storage Tanks</i>	<i>\$10,146.4</i>	<i>\$10,514.0</i>	<i>\$10,590.1</i>	<i>\$76.1</i>
Total Budget Authority / Obligations	\$16,605.6	\$18,277.0	\$22,303.8	\$4,026.8
Total Workyears	112.5	114.1	131.3	17.2

Program Project Description:

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

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

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

FY 2007 Activities and Performance Plan:

In FY 2007, EPA will continue to work with the states to complete more cleanups each year in an effort to reduce the backlog of 119,240 cleanups not yet completed.⁴ Since the beginning of the LUST program, EPA has cleaned up almost 74 percent of all reported releases (332,799).

EPA's LUST Program priorities are to continue to focus on cleaning up LUST sites; address contaminants of concern; and promote the continued use, reuse, and long-term management of

⁴ U.S. Environmental Protection Agency Memorandum, *FY 2005 Semi-Annual End-of-Year Activity Report*, from Cliff Rothenstein, Director, Office of Underground Storage Tanks to UST/LUST Regional Division Directors, Regions 1-10, dated December 15, 2005. See http://www.epa.gov/swerust1/cat/ca_05_34.pdf

LUST sites. EPA also will continue to measure and improve LUST program performance reporting and tracking, e.g., projecting cleanup goals, analyzing trends, looking at new and existing performance measures and their definitions, and developing diagnostic tools to help EPA and state managers optimize cleanups. (See <http://www.epa.gov/OUST/cat/index.htm>.)

EPA also will continue to:

- Coordinate the efforts of the LUST program and EPA’s Water program to jointly work with the states to address contamination in areas that are the sources of drinking water.
- Work with its partners in making progress in assessing, cleaning up and reusing abandoned gas stations and other sites with USTs while exploring ways to encourage public and private partnerships to leverage financial, technical, and managerial resources to advance the cleanup and reuse of abandoned gas station sites (see <http://www.epa.gov/OUST/rags/index.htm>).
- Help state and EPA regulators respond to releases and sites in a proactive manner, by providing a national web-based training module that addresses topics such as basic hydrogeology, source control, sampling techniques, remediation technologies, and performance monitoring (see <http://www.epa.gov/OUST/virtual.htm>).
- Encourage the use of multi-site cleanup approaches (see http://www.epa.gov/OUST/cat/ms_refs.htm) to expedite the cleanup, identifying ways to optimize traditional cleanup methods, and use performance-based contracting to achieve LUST program objectives. UST owners and operators undertake nearly all cleanups under the supervision of state or local agencies.
- Carry out LUST cleanup activities, including those with methyl tertiary butyl ether (MTBE) contamination⁵
- Perform its oversight responsibilities.

To educate owners and operators about the requirements for addressing leaking USTs in Indian

Performance Assessment: The Leaking Underground Storage program was initially assessed under PART in 2002, and in FY 2004, received an overall rating of “Adequate” from OMB’s third PART review. To achieve an adequate rating, EPA was asked to create two long-term performance measures that focus on environmental outcomes reducing the number of cleanups that exceed state risk-based standards for human exposure and groundwater migration a new measure of program efficiency compares LUST cleanups completed over a three-year rolling average with public and private sector cleanup costs. Due to the recent legislative changes from the Energy Act of 2005, EPA and the states are re-evaluating this measure.

Country, EPA will continue to provide support for site assessments, investigations and remediation; enforcement against responsible parties; cleanup of soil and/or groundwater; alternate water supplies and cost recovery against UST owners and operators; technical expertise and assistance by utilizing in-house personnel, contractors and grants/cooperative agreements to Tribal entities; response activities;

⁵For more information, http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_public_laws&docid=f:publ058.109.pdf

(scroll to Title XV - Ethanol and Motor Fuels, Subtitle B – Underground Storage Tank Compliance, on pages 500-513 of the pdf file) for information on the UST/LUST provisions.

oversight of responsible party lead cleanups; and support and assistance to Tribal governments. The Agency estimates that cleaning up all known and yet-to-be-discovered releases in Indian Country will take several years.

Performance Targets:

Measure Type	Measure	FY 2005 Actual	FY 2005 Target	FY 2006 Target	FY 2007 Target	Units
Outcome	Number of cleanups that meet risk-based standards for human exposure and groundwater migration on Indian Country.	53	30	30	30	cleanups

FY 2007 Change from FY 2006 Enacted Budget (Dollars in Thousands):

- (-0.5 FTE) This decrease reflects a change in EPA’s workforce management strategy that will help the Agency better align resources, skills and Agency priorities.
- (+\$159.4) This reflects an increase for payroll and cost of living for existing FTE.
- (-\$83.3) This reduces assistance to educate owners and operators about the requirements for addressing leaking USTs.

Statutory Authority:

States: Solid Waste Disposal Act (SWDA) of 1976, as amended by the Superfund Reauthorization Amendments of 1986 (Subtitle I), Section 9003(h); Section 8001(a) Tribal Grants: P.L. 105-276.

LUST Cooperative Agreements

Program Area: Underground Storage Tanks (LUST / UST)

Goal: Land Preservation and Restoration

Objective(s): Restore Land

(Dollars in Thousands)

	FY 2005 Obligations	FY 2006 Enacted	FY 2007 Pres Bud	FY 2007 Pres Bud v. FY 2006 Enacted
<i>Leaking Underground Storage Tanks</i>	\$57,048.9	\$65,647.0	\$58,207.2	(\$7,439.8)
Total Budget Authority / Obligations	\$57,048.9	\$65,647.0	\$58,207.2	(\$7,439.8)
Total Workyears	0.0	0.0	0.0	0.0

Program Project Description:

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

States are the primary implementing agencies (except in Indian country). Forty-nine states receive LUST funding from EPA to implement the program (see <http://www.epa.gov/swerust1/20cleanup.htm>). These states and territories have the authority to respond to petroleum releases from USTs using LUST Trust funds where owners and operators are unknown, unwilling, or unable to take corrective actions. States and territories use the LUST Trust Fund to administer their corrective action programs, oversee cleanups by responsible parties, undertake necessary enforcement actions, and pay for cleanups in cases where a responsible party cannot be found or is unwilling or unable to pay for a cleanup (see

<http://www.epa.gov/OUST/ltffacts.htm>).

States and territories may also oversee and enforce responsible party cleanups and cost recover from responsible parties who are unwilling to pay for cleanups. When the LUST Trust Fund is used, tank owners/operators are liable to the state for costs incurred and are subject to cost recovery actions.

Performance Assessment: The Leaking Underground Storage program was initially assessed under PART in 2002, and in FY 2004, received an overall rating of “Adequate” from OMB’s third PART review. To achieve an adequate rating, EPA was asked to create two long-term performance measures that focus on environmental outcomes reducing the number of cleanups that exceed state risk-based standards for human exposure and groundwater migration a new measure of program efficiency compares LUST cleanups completed over a three-year rolling average with public and private sector cleanup costs. Due to the recent legislative changes from the Energy Act of 2005, EPA and the states are re-evaluating this measure.

EPA, with few exceptions, does not

perform the cleanup of LUSTs. Thirty-seven states have active state cleanup funds to pay for the

majority of owners' and operators' cleanup costs. The vast majority of LUST cleanups are paid for by state LUST cleanup funds and not by private parties; state funds are separate from the Federal LUST Trust Fund. For statutory reasons, EPA will not use LUST appropriations to implement any provision of the Underground Storage Tank Compliance Act of 2005 (USTCA) that is not also a leaking underground storage tank activity authorized by Section 205 of SARA.

FY 2007 Activities and Performance Plan:

In FY 2007, EPA will continue to work with the states to achieve more cleanups completed each year, and reduce the FY 2005 backlog of 119,240 cleanups not yet completed. Since the beginning of the UST program, EPA has cleaned up almost 74 percent (or 332,799) of all reported releases. At the FY 2007 request level the Agency will provide not less than 80 percent (80%) of LUST appropriated funds to states to carry out specific purposes.⁶ EPA will distribute LUST funding to states under a previously established allocation process.

Performance Targets:

Measure Type	Measure	FY 2005 Actual	FY 2005 Target	FY 2006 Target	FY 2007 Target	Units
Outcome	Number of cleanups that meet state risk-based standards for human exposure and groundwater migration (tracked as the number LUST cleanups completed).	14,583	14,500	18,300	13,000	cleanups

In FY 2005, EPA and state tank programs completed 14,583 cleanups in states and territories; 53 cleanups were completed in Indian Country.

The LUST Program developed a measure of program efficiency in FY 2004 that will compare LUST cleanups completed over a 3-year rolling average with public and private sector cleanup costs. The rolling average of cleanups will create a more meaningful and stable measure of efficiency as cleanups completed can vary significantly from year to year. EPA is in the process of developing and re-evaluating this efficiency measure with the states based on legislative changes to the program.

FY 2007 Change from FY 2006 Enacted Budget (Dollars in Thousands):

- (+\$560.2) This increase will support the states' activities to achieve more cleanups completed.

⁶ Underground Storage Tank Compliance Act of 2005 (USTCA), which was enacted as Title XV, Subtitle B of the Energy Policy Act of 2005, Solid Waste Disposal Act (SWDA) of 1976, as amended by the Superfund Reauthorization Amendments of 1986 (Subtitle I), Section 9004(f).

- (-\$8,000.0) Reduction reflects funds received in FY 2006 supplemental for Katrina Relief activities.

Statutory Authority:

States: Solid Waste Disposal Act (SWDA) of 1976, as amended by the Superfund Reauthorization Amendments of 1986 (Subtitle I), Section 9003(h); Section 9004(f); Section 8001(a)(1); Tribal Grants: P.L. 105-276.

**Environmental Protection Agency
FY 2007 Annual Performance Plan and Congressional Justification**

Leaking Underground Storage Tanks

Acquisition Management	1, 2, 10
Central Planning, Budgeting, and Finance	1, 2, 12
Civil Enforcement	4
Compliance	1, 3, 4, 7, 23, 26
Compliance Assistance and Centers	1, 4
Drinking Water	8
Environmental Information	7, 10, 12, 14, 16
Exchange Network	7
Facilities Infrastructure and Operations	1, 2, 14
Gulf of Mexico	1
Homeland Security	15
Human Health Risk Assessment	19
Human Resources Management	1, 2, 16
Information Security	8
IT / Data Management	1, 6, 7
IT / Data Management / Security	1, 6, 7
Land Protection	1, 18, 20
Land Protection and Restoration	20
LUST / UST	1, 2, 22
LUST Cooperative Agreements	1, 2, 25
Oil	4, 7, 14, 19
Operations and Administration	1, 2, 9, 10, 12, 14, 16
Puerto Rico	25
Research	
Land Protection	1, 2, 19
Land Protection and Restoration.....	1, 2, 19
Underground Storage Tanks	1, 2, 4, 7, 10, 12, 13, 14, 16, 19, 21, 22, 25, 28
Underground Storage Tanks (LUST / UST)	1, 2, 21, 22, 25