

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

	FY 2008 Actuals	FY 2009 Enacted	FY 2010 Pres Bud	FY 2010 Pres Bud v. FY 2009 Enacted
Leaking Underground Storage Tanks				
Budget Authority	\$108,093.9	\$112,577.0	\$113,101.0	\$524.0
Total Workyears	65.6	75.3	75.3	0.0

Bill Language: Leaking Underground Storage Tank Trust Fund Program

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, [\$112,577,000] \$113,101,000, to remain available until expended, of which [\$77,077,000] \$78,671,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; [\$35,500,000] \$34,430,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: Provided, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

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

Program Project	FY 2008 Actuals	FY 2009 Enacted	FY 2010 Pres Bud	FY 2010 Pres Bud v. FY 2009 Enacted
Compliance				
Compliance Assistance and Centers	\$787.5	\$817.0	\$788.0	(\$29.0)
IT / Data Management / Security				
IT / Data Management	\$178.0	\$162.0	\$162.0	\$0.0
Operations and Administration				
Facilities Infrastructure and Operations				
Rent	\$685.0	\$696.0	\$696.0	\$0.0
Facilities Infrastructure and Operations (other activities)	\$205.3	\$206.0	\$207.0	\$1.0
Subtotal, Facilities Infrastructure and Operations	\$890.3	\$902.0	\$903.0	\$1.0
Acquisition Management	\$154.2	\$165.0	\$165.0	\$0.0

Program Project	FY 2008 Actuals	FY 2009 Enacted	FY 2010 Pres Bud	FY 2010 Pres Bud v. FY 2009 Enacted
Central Planning, Budgeting, and Finance	\$708.9	\$987.0	\$1,122.0	\$135.0
Human Resources Management	\$3.0	\$3.0	\$0.0	(\$3.0)
Subtotal, Operations and Administration	\$1,756.4	\$2,057.0	\$2,190.0	\$133.0
Research: Land Protection				
Research: Land Protection and Restoration	\$567.7	\$475.0	\$484.0	\$9.0
Underground Storage Tanks (LUST / UST)				
LUST / UST				
EPAct & Related Authorities Implementation	\$1,058.5	\$0.0	\$0.0	\$0.0
LUST / UST (other activities)	\$14,193.0	\$11,105.0	\$11,855.0	\$750.0
Subtotal, LUST / UST	\$15,251.5	\$11,105.0	\$11,855.0	\$750.0
LUST Cooperative Agreements				
EPAct & Related Authorities Implementation	\$26,496.8	\$0.0	\$0.0	\$0.0
LUST Cooperative Agreements (other activities)	\$63,056.0	\$62,461.0	\$63,192.0	\$731.0
Subtotal, LUST Cooperative Agreements	\$89,552.8	\$62,461.0	\$63,192.0	\$731.0
LUST Prevention				
EPAct & Related Authorities Implementation	\$0.0	\$35,500.0	\$34,430.0	(\$1,070.0)
Subtotal, LUST Prevention	\$0.0	\$35,500.0	\$34,430.0	(\$1,070.0)
Subtotal, Underground Storage Tanks (LUST / UST)	\$104,804.3	\$109,066.0	\$109,477.0	\$411.0
TOTAL, EPA	\$108,093.9	\$112,577.0	\$113,101.0	\$524.0

Program Area: Compliance

Compliance Assistance and Centers

Program Area: Compliance

Goal: Land Preservation and Restoration

Objective(s): Preserve Land

(Dollars in Thousands)

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

To improve compliance with environmental laws, regulated entities, Federal agencies, and the public benefit from easy access to tools that help them understand these laws and find efficient, cost-effective means for putting them into practice. To protect our nation's groundwater and drinking water from petroleum releases from Underground Storage Tanks (UST), this program provides compliance assistance tools, technical assistance, and training to promote and enforce UST systems compliance and cleanups.¹

FY 2010 Activities and Performance Plan:

In FY 2010, EPA will continue to provide general and targeted compliance assistance to the regulated community and integrate assistance into its enforcement and compliance assurance efforts. The Agency also will continue to obtain state commitments to increase their inspection and enforcement presence where state-specific UST compliance goals are not met. The Agency and states will use innovative compliance approaches, along with outreach and education tools, to bring more USTs into compliance and to promote UST cleanups. The Agency also will continue to provide guidance to foster the use of new technology to enhance compliance.

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.

¹ For more information refer to: www.epa.gov/swrust1/cat/index.htm.

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

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

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

- (-\$29.0) This decrease is the net effect of increases for payroll and cost of living for existing FTE, combined with a reduction based on the recalculation of base workforce costs.

Statutory Authority:

PPA; CERFA; NEPA; AEA; UMTRLWA; RCRA.

Program Area: IT / Data Management / Security

IT / Data Management

Program Area: IT / Data Management / Security

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

(Dollars in Thousands)

	FY 2008 Actuals	FY 2009 Enacted	FY 2010 Pres Bud	FY 2010 Pres Bud v. FY 2009 Enacted
Environmental Program & Management	\$91,928.2	\$93,171.0	\$103,305.0	\$10,134.0
Science & Technology	\$3,762.6	\$3,969.0	\$4,073.0	\$104.0
<i>Leaking Underground Storage Tanks</i>	<i>\$178.0</i>	<i>\$162.0</i>	<i>\$162.0</i>	<i>\$0.0</i>
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. The activities funded under the Leaking Underground Storage Tank (LUST) appropriation are IT/IM infrastructure and Internet Operations and Maintenance (IOME).

In FY 2010 the IT/Data Management LUST resources continue to provide EPA's "Readiness to Serve" IT infrastructure program. This program delivers secure information services to ensure that the Agency and its programs have a full range of information technology infrastructure components that make information accessible across the spectrum of mission needs at all locations. The program uses performance-based, outsourced services to obtain the best solutions

(value for cost) for the range of program needs. This includes innovative multi-year leasing that sustains and renews technical services in a least-cost, stable manner as technology changes over time (e.g. desktop hardware, software and maintenance).

FY 2010 Activities and Performance Plan:

In FY 2010, the following ITDM activities will continue to be provided for the LUST programs:

- **Internet Operations and Maintenance (IOME)** – FY 2010 activities in this area implement and maintain the EPA Home Page (www.EPA.gov) and over 200 top-level pages that facilitate access to the LUST program information resources available on the EPA Web site. In addition, IOME provides the funding to support Web hosting for all of the Agency's Web sites and pages. The EPA Web site is the primary delivery mechanism for environmental information to EPA staff, partners, stakeholders and the public, and is becoming a resource for emergency planning and response. (In FY 2010, IOME activities will be funded at \$0.06 million under the LUST appropriation)
- **IT/IM Infrastructure** – FY 2010 activities in 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 FY 2010, the IT/IM Infrastructure activities will be funded at \$0.10 million under the LUST appropriation)

Performance Targets:

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

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

- No change in program funding.

Statutory Authority:

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

Program Area: Operations and Administration

Facilities Infrastructure and Operations
Program Area: Operations and Administration

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

(Dollars in Thousands)

	FY 2008 Actuals	FY 2009 Enacted	FY 2010 Pres Bud	FY 2010 Pres Bud v. FY 2009 Enacted
Environmental Program & Management	\$296,235.0	\$303,884.0	\$320,612.0	\$16,728.0
Science & Technology	\$69,239.2	\$73,835.0	\$72,882.0	(\$953.0)
Building and Facilities	\$28,081.5	\$26,931.0	\$28,931.0	\$2,000.0
<i>Leaking Underground Storage Tanks</i>	<i>\$890.3</i>	<i>\$902.0</i>	<i>\$903.0</i>	<i>\$1.0</i>
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:

The Facilities Infrastructure and Operations Program provide activities and support services in many centralized administrative areas at EPA. These include health and safety, environmental compliance, occupational health, medical monitoring, fitness, wellness, safety, and environmental management functions. LUST resources for this program support a full range of ongoing facilities management services including facilities maintenance and operations, Headquarters security, space planning, shipping and receiving, property management, printing and reproduction, mail management, and transportation services.

FY 2010 Activities and Performance Plan:

- For FY 2010, the Agency is requesting a total of \$.7 million for rent and \$.06 million for transit subsidy in the LUST appropriation.
- The Agency will continue to manage its lease agreements with General Services Administration (GSA), and other private landlords by conducting rent reviews and verifying that monthly billing statements are correct.
- EPA will provide transit subsidy to eligible application as directed by Executive Order 13150² *Federal Workforce Transportation*.

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

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):

- (+\$1.0) Provides additional resources for increases in transit subsidy cost.

Statutory Authority:

Federal Property and Administration Services Act; Public Building Act; annual Appropriations Acts; CWA; CAA; D.C. Recycling Act of 1988; Executive Orders 10577 and 12598; Homeland Security Presidential Decision Directive 63 (Critical Infrastructure Protection).

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 2008 Actuals	FY 2009 Enacted	FY 2010 Pres Bud	FY 2010 Pres Bud v. FY 2009 Enacted
Environmental Program & Management	\$29,868.9	\$31,872.0	\$32,281.0	\$409.0
<i>Leaking Underground Storage Tanks</i>	<i>\$154.2</i>	<i>\$165.0</i>	<i>\$165.0</i>	<i>\$0.0</i>
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:

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

FY 2010 Activities and Performance Plan:

In FY 2010, the Agency will continue to refine electronic government capabilities and enhance the education of its contract workforce. In addition, LUST resources will also support the Superfund/RCRA Regional Procurement Operations Division (SRPOD) in its contract and acquisition management activities.

Performance Targets:

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

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

- No change in program funding.

Statutory Authority:

EPA's Environmental Statutes; Annual Appropriations Acts; FAR; contract law.

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

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

(Dollars in Thousands)

	FY 2008 Actuals	FY 2009 Enacted	FY 2010 Pres Bud	FY 2010 Pres Bud v. FY 2009 Enacted
Environmental Program & Management	\$68,083.1	\$73,432.0	\$85,215.0	\$11,783.0
<i>Leaking Underground Storage Tanks</i>	<i>\$708.9</i>	<i>\$987.0</i>	<i>\$1,122.0</i>	<i>\$135.0</i>
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. This includes developing, managing, and supporting a goals-based management system for the Agency that involves strategic planning and accountability for environmental, fiscal, and managerial results; providing policy, systems, training, reports and oversight essential for the financial operations of EPA; coordinating the Agency-wide planning processes for the Working Capital Fund; provides financial payment and support services for EPA through three finance centers, as well as, specialized fiscal and accounting services for many EPA programs; and managing the Agency's annual budget process. GPRA coordination is also a priority. (Refer to <http://www.epa.gov/ocfo/functions.htm> for additional information).

FY 2010 Activities and Performance Plan:

The Agency will continue to ensure sound financial and budgetary management of the Leaking Underground Storage Tanks (LUST) program through the use of routine and ad hoc analysis, statistical sampling and other evaluation tools. In addition, more structured and more targeted use of performance measurements has led to better understanding of program impacts as well as leverage points to increase effectiveness.

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):

- (+\$135.0) This increase is the net effect of increases for payroll and cost of living for FTE.

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 (40CFR Parts 30, 31, 35, 40,45,46, 47); FMFIA (1982); FOIA; GMRA(1994); IPIA; IGA of 1978 and Amendments of 1988; PRA; PR; CFOA (1990); GPRA (1993); The Prompt Payment Act (1982); Title 5 USC.

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 2008 Actuals	FY 2009 Enacted	FY 2010 Pres Bud	FY 2010 Pres Bud v. FY 2009 Enacted
Environmental Program & Management	\$40,886.6	\$44,141.0	\$47,106.0	\$2,965.0
<i>Leaking Underground Storage Tanks</i>	<i>\$3.0</i>	<i>\$3.0</i>	<i>\$0.0</i>	<i>(\$3.0)</i>
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:

This program supports 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 2010 Activities and Performance Plan:

There are no proposed LUST funded activities under this program in FY 2010.

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 President's Budget (Dollars in Thousands):

- (-\$3.0) This reduction eliminates the LUST appropriation's share of workers compensation and unemployment cost.

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

Program Project Description:

Leaking underground storage tanks (LUSTs) research focuses on the assessment and cleanup of leaks for fuels and various fuel additives, including methyl tertiary butyl ether (MTBE). EPA's Land Research Program provides the scientific foundation for the Agency's actions to protect America's land. The purpose of the Land Protection LUST research program is the prevention and control of pollution at LUST sites. Specific activities include the development of source term and transport modeling modules for use by state project managers and the development of multiple remediation approaches applicable to spilled fuels, with or without oxygenates.

These research efforts are guided by the Land Multi-Year Plan (MYP)³, developed with input from across the Agency, which outlines steps for meeting the needs of Agency programs and for evaluating progress through annual performance goals and measures. To enhance communication with customers, EPA developed a Land Research Program web site.⁴ The site includes a description of the program; fact sheets (science issues, program research, and impacts); research publications and accomplishments; and links to tools and models.

FY 2010 Activities and Performance Plan:

In FY 2010, resources will continue to be utilized to address prevention and control. This goal is best achieved by proper characterization of both fuels and release sites, as well as the development of effective risk management approaches. The expected increase in the use of various biofuels that may not be compatible with existing fuel storage infrastructure makes this research even more important. Research activities will include:

- Fuels analysis, including understanding current and future shifts in supply.

³ EPA, Office of Research and Development, *Land Research Program MYP*. Washington, D.C.: EPA. For more information, see <http://www.epa.gov/ord/htm/multi-yearplans.htm#land>

⁴ For more information, see www.epa.gov/ord/landscience.

- Understanding fate and transport of MTBE, ethanol, and other fuel oxygenates in the subsurface using models that incorporate defining characteristics of releases.
- Working with the public and private sectors, analysis of infrastructure to determine vulnerabilities in the tank storage system to prevent water quality impairment.
- Development of treatment options, including a patented Biomass Concentrator Reactor for cost-effective treatment of ground water to remove contamination due to oxygenates, fuels, and fuel blends. Use of this reactor ensures that treated ground water meets established drinking water standards.
- Treatment options anticipating fuel composition changes and the nature of sites where releases will occur.
- Determining the role of vapor release of gasoline from underground storage tanks on fuel constituent contamination in ground water both in the field and in laboratory settings.
- Technical support to regulators in various states including California, Michigan, New York, Rhode Island, Utah, Virginia, West Virginia, and Wisconsin. Examples of this support include fate and transport studies at Long Island, New York, sites and presentation of a course on Modeling and Transport for a state of West Virginia Agency.

This research will complement biofuels research conducted in the global change and air programs.

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 LUST research activities are included under the Superfund Land Protection and Restoration 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.

Statutory Authority:

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

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)

	FY 2008 Actuals	FY 2009 Enacted	FY 2010 Pres Bud	FY 2010 Pres Bud v. FY 2009 Enacted
Environmental Program & Management	\$11,157.9	\$11,946.0	\$12,451.0	\$505.0
<i>Leaking Underground Storage Tanks</i>	<i>\$15,251.5</i>	<i>\$11,105.0</i>	<i>\$11,855.0</i>	<i>\$750.0</i>
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:

The Leaking Underground Storage Tank (LUST) program promotes rapid and effective responses to releases from Federally-regulated underground storage tanks (USTs) containing petroleum and hazardous substances by enhancing state, local, and Tribal enforcement and response capability. Under this program project, EPA provides oversight and financial assistance for states, tribes and non-profit organizations. Activities in support of this mission include providing technical information, forums for information exchange, and training opportunities to encourage program development and/or implementation. These activities support the LUST cooperative agreements, awarded by EPA to assist states in implementing their oversight and programmatic role.⁵

EPA works with state and Tribal UST programs to clean up LUST sites, promote innovative and environmentally friendly approaches in corrective action in order to enhance and streamline the remediation process, and measure and evaluate national program progress and performance. In addition, the Energy Policy Act⁶ (EPAAct) of 2005 authorized LUST Trust Fund resources to develop and implement a strategy to implement and enforce EPAAct requirements concerning USTs in Indian country.

EPA has primary responsibility for implementing the LUST program in Indian country, and will use a portion of its LUST funding for these activities, including providing tribes with financial assistance for cleanups.

FY 2010 Activities and Performance Plan:

Almost 80 percent (or 377,019) of all reported leaks have been addressed to date, leaving a backlog of almost 103,000 old leaks that have not yet been cleaned up.⁷ In FY 2010, EPA will

⁵ Refer to <http://www.epa.gov/swerust1/20clenup.htm>.

⁶ Refer to http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_public_laws&docid=f:publ058.109.pdf (scroll to Title XV - Ethanol And Motor Fuels, Subtitle B – Underground Storage Tank Compliance, on pages 500-513 of the pdf file).

⁷ U.S. Environmental Protection Agency Memorandum, *FY 2008 End of Year Activity Report*, from Cliff Rothenstein, Director, Office of Underground Storage Tanks to UST/LUST Regional Division Directors, Regions 1-10, dated November 20, 2008, http://www.epa.gov/swerust1/cat/ca_08_34.pdf.

continue to work with the states and tribes to complete LUST cleanups in an effort to reduce the remaining backlog.

EPA's LUST cleanup program priorities continue to focus on increasing the efficiency of LUST cleanups nationwide; addressing contaminants of concern; and promoting the continued use, reuse, and long-term management of LUST sites. In FY 2010, EPA will continue to help states and tribes improve LUST cleanup performance through an active, collaborative initiative with states and tribes to identify the underlying causes for the slowing pace of cleanups. EPA will work with states in better characterizing sites still requiring remediation and develop both national and state-specific strategies to overcome obstacles and accelerate cleanups. EPA also will continue its efforts to monitor the soundness of state cleanup funds, a significant source of funding for addressing LUST cleanups.

The EPAct requirement to develop a strategy⁸ for implementing the program in Indian country enhanced EPA's efforts and provided renewed focus to reduce the cleanup backlog and to prevent future releases in Indian country. To address leaking USTs in Indian country, EPA will continue to provide support for site assessments, investigations and remediation; enforcement against responsible parties; cleanup of soil and/or groundwater; alternate water supplies; and cost recovery against UST owners and operators. EPA also will continue to provide technical expertise and assistance by utilizing in-house personnel, contractors and grants/cooperative agreements to Tribal entities; response activities; oversight of responsible party lead cleanups; and support and assistance to Tribal governments.

To improve the LUST (cleanup) program, EPA created two long-term performance measures that focus on environmental outcomes to increase the number of cleanups that meet state risk-based standards for human exposure and groundwater migration, and to increase the number of cleanups that meet risk-based standards for human exposure and groundwater migration in Indian country.

In FY 2008, EPA and state tank programs completed 98 percent of the nation's target for cleanups completed (12,768).⁹ Of this total, 40 cleanups were completed in Indian country. In FY 2009, EPA and OMB agreed to revise the program's goal for LUST cleanups to 12,250, with a subset of 30 LUST cleanups in Indian country. The FY 2010 total program goal for LUST cleanups is 12,250 and the Indian country remains at 30.

Work under this program supports EPA's objectives under Goal 3 of the Agency's proposed FY 2009-2014 Strategic Plan commitments. The program tracks the annual number of cleanups that meet state risk-based standards for human exposure and groundwater migration and the annual number of cleanups that meet risk-based standards for human exposure and groundwater migration in Indian country.

⁸ Refer to *Strategy for an EPA/Tribal Partnership to Implement Section 1529 of the Energy Policy Act of 2005*, August 2006, EPA-510-F-06-005, http://www.epa.gov/oust/fedlaws/epact_05.htm#Final.

⁹ http://www.epa.gov/swerust1/cat/ca_08_34.pdf.

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/>.

Performance Targets:

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Number of LUST cleanups completed that meet risk-based standards for human exposure and groundwater migration in Indian country.	40	30	30	30	cleanups

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

- (+\$1,533.0) This reflects an increase for payroll and cost of living for existing FTE.
- (-\$783.0) This decrease reduces funding for contract resources. This decrease will not impede achievement of program objectives.

Statutory Authority:

SWDA of 1976, as amended by the Superfund Amendments and Reauthorization Act of 1986 (Subtitle I), Section 9003(h); Section 8001(a); Tribal Grants Public Law 105-276; EPA Act of 2005, Title XV - Ethanol And Motor Fuels, Subtitle B - Underground Storage Tank Compliance, Sections 1521 - 1533, P.L. 109-58, 42 U.S.C. 15801.

LUST Cooperative Agreements

Program Area: Underground Storage Tanks (LUST / UST)

Goal: Land Preservation and Restoration

Objective(s): Restore Land

(Dollars in Thousands)

	FY 2008 Actuals	FY 2009 Enacted	FY 2010 Pres Bud	FY 2010 Pres Bud v. FY 2009 Enacted
<i>Leaking Underground Storage Tanks</i>	\$89,552.8	\$62,461.0	\$63,192.0	\$731.0
Total Budget Authority / Obligations	\$89,552.8	\$62,461.0	\$63,192.0	\$731.0
Total Workyears	0.0	0.0	0.0	0.0

Program Project Description:

EPA provides resources to states and territories through cooperative agreements authorized under Section 9003(h) of the Solid Waste Disposal Act (SWDA) for the oversight and cleanup of petroleum releases from Underground Storage Tanks (USTs). The Agency will continue to fund research, studies and training that directly support state oversight and Leaking Underground Storage Tank (LUST) cleanup. Almost 80 percent (or 377,019) of all reported leaks have been addressed to date, leaving a backlog of almost 103,000 old leaks that have not yet been cleaned up.¹⁰ For additional information, refer to the following site: <http://www.epa.gov/swrust1/overview.htm>.

States are the primary implementing agencies, except in Indian country. States use the cleanup funds provided under this program to administer their corrective action programs, oversee cleanups by responsible parties, undertake necessary enforcement actions, pay for cleanups in cases of emergency and where a responsible party cannot be found or is unwilling or unable to pay for a cleanup, and recover costs from responsible parties who are unwilling to pay for cleanups.¹¹

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. Thirty-six states¹² have UST cleanup funds that pay for most UST cleanups and are separate from the LUST Trust Fund; collectively states raise and spend more than \$1 billion annually.

FY 2010 Activities and Performance Plan:

In FY 2010, EPA will continue to work with the states and Tribes to complete LUST cleanups in an effort to reduce the remaining backlog. EPA's LUST cleanup program will focus on increasing the efficiency of LUST cleanups nationwide. EPA and its state partners will continue

¹⁰ U.S. Environmental Protection Agency Memorandum, *FY 2008 End of Year Activity Report*, from Cliff Rothenstein, Director, Office of Underground Storage Tanks to UST/LUST Regional Division Directors, Regions 1-10, dated November 20, 2008, http://www.epa.gov/swrust1/cat/ca_08_34.pdf.

¹¹ Refer to <http://www.epa.gov/OUST/ltffacts.htm>

¹² There are 36 state funds that accept new releases and an additional 7 that have "sunset," meaning that they stopped accepting claims. Because the span of these "sunset" funds varies, the program has characterized this number as approximately 40 states.

to make progress in cleaning up petroleum leaks by initiating and completing cleanups, and reducing the backlog of sites not yet cleaned up. At the FY 2010 request level, the Agency will provide not less than 80 percent of LUST appropriated funds to states to carry out specific purposes.¹³ EPA will distribute the LUST funding to states under a previously established allocation process for the cleanup activities.

To improve the LUST (cleanup) program, EPA created two long-term performance measures that focus on environmental outcomes to increase the number of cleanups that meet state risk-based standards for human exposure and groundwater migration, and to increase the number of cleanups that meet risk-based standards for human exposure and groundwater migration in Indian country.

Performance Targets:

Measure Type	Measure	FY 2008 Actual	FY 2008 Target	FY 2009 Target	FY 2010 Target	Units
Outcome	Number of LUST cleanups completed that meet state risk-based standards for human exposure and groundwater migration.	12,768	13,000	12,250	12,250	cleanups

In FY 2008, EPA and state tank programs completed 98 percent of the nation’s target for cleanups completed (12,768).¹⁴ Of this total, 40 cleanups were completed in Indian country. In FY 2009, EPA and OMB agreed to revise the program’s goal for LUST cleanups to 12,250, with a subset of 30 LUST cleanups in Indian country. The targets for FY 2010 are the same.

Work under this program will support EPA’s objectives under Goal 3 of the Agency’s proposed FY 2009-2014 Strategic Plan commitments. The program tracks the annual number of cleanups that meet state risk-based standards for human exposure and groundwater migration and the annual number of cleanups that meet risk-based standards for human exposure and groundwater migration in Indian Country.

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):

- (+\$731.0) This increase will provide additional grant resources to states for LUST cleanup.

¹³ Title XV, Subtitle B of the EPAct of 2005; SWDA of 1976, as amended by the Superfund Reauthorization Amendments of 1986 (Subtitle I), Section 9004(f).

¹⁴ http://www.epa.gov/swerust1/cat/ca_08_34.pdf.

Statutory Authority:

SWDA of 1976, as amended by the Superfund Amendments and Reauthorization Act of 1986 (Subtitle I), Section 9003(h); Section 9004(f); Section 8001(a)(1); Section 9003(h)(7) of the SWDA.

LUST Prevention

Program Area: Underground Storage Tanks (LUST / UST)

Goal: Land Preservation and Restoration

Objective(s): Preserve Land

(Dollars in Thousands)

	FY 2008 Actuals	FY 2009 Enacted	FY 2010 Pres Bud	FY 2010 Pres Bud v. FY 2009 Enacted
<i>Leaking Underground Storage Tanks</i>	<i>\$0.0</i>	<i>\$35,500.0</i>	<i>\$34,430.0</i>	<i>(\$1,070.0)</i>
Total Budget Authority / Obligations	\$0.0	\$35,500.0	\$34,430.0	(\$1,070.0)
Total Workyears	0.0	0.0	0.0	0.0

Program Project Description:

Since the beginning of the Leaking Underground Storage Tank (LUST) program, preventing petroleum releases into the environment has been one of the primary goals. EPA and its state partners have made major progress in reducing the number of new releases, but thousands of new leaks are still discovered each year. The lack of proper operation and maintenance of underground storage tank (UST) systems is a main cause of these new releases. EPA continues to work with the states, tribes and other partners to advance prevention efforts and quickly detect releases when they occur.

In recent years, these efforts have been enhanced by the release prevention requirements mandated by the Energy Policy Act of 2005 (EPAAct). The LUST Prevention program will provide assistance to States to meet their responsibilities under Title XV, Subtitle B of the Energy Policy Act of 2005 and for Tribes to implement the LUST Prevention program, as highlighted in EPA’s “Strategy For An EPA/Tribal Partnership To Implement Section 1529 Of The Energy Policy Act Of 2005.” At the end of FY 2008, there were over 623,000 federally-regulated active USTs at approximately 235,000 sites across the country. The LUST Prevention program will assist States with inspections and other release prevention and compliance assurance activities for federally-regulated underground storage tanks, as well as for enforcement activities related to release prevention. For Tribes, the LUST Prevention program will assist with all aspects of the Tribal programs, e.g. inspection capacity.

FY 2010 Activities and Performance Plan:

This new program project was implemented in the Agency’s FY 2009 Operating Plan to fund EPAAct pollution prevention activities from the LUST Trust Fund appropriation rather than the State and Tribal Assistance Grant (STAG) appropriation. The FY 2010 President’s Budget is the first request to reflect this new structure.

In FY 2010, EPA will make grants or cooperative agreements to states and tribes, and/or Intertribal Consortia for activities authorized by the EAct.¹⁵ Major activities will include inspections, enforcement, development of leak prevention regulations and other program infrastructure. Specifically, these major activities include inspecting UST facilities to complete the three-year inspection requirement, and assisting States in adopting measures (e.g., delivery prohibition, secondary containment, operator training, etc.), as required by the EAct and EPA's grant guidelines. These activities are geared toward bringing all UST systems into compliance with release detection and release prevention requirements and minimizing future releases.

For Tribes, the LUST Prevention program will assist with all aspects of the Tribal programs, e.g., develop inspection capacity. To help prevent future releases, EPA will continue to help tribes develop the capacity to administer UST programs, such as providing funding to support training for Tribal staff and to educate owners and operators in Indian Country about UST requirements.

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:

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.

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

- (-\$1,070.0) This reduction to grants resources will not impede achievement of program objectives.

Statutory Authority:

Sections 9003(i), 9003(j), 9005(c), 9010, 9011, 9012 and other applicable provisions of Subtitle I of the Solid Waste Disposal Act (SWDA) of 1976, as amended for States and Territories and EPA's annual Appropriation Acts for Tribes and Intertribal Consortia, and P.L. 105-276.

¹⁵ Refer to http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_public_laws&docid=f:publ058.109.pdf (scroll to Title XV - Ethanol And Motor Fuels, Subtitle B – Underground Storage Tank Compliance, on pages 500-513 of the pdf file).