



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

Mail Code 5401P

April 2, 2009

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

MEMORANDUM

SUBJECT: Office of Underground Storage Tanks (OUST) Supplemental Program Guidance for FY 2009 Prevention Funding for Assistance Agreements Awarded under the Leaking Underground Storage Tank (LUST) Trust Fund Program

FROM: Carolyn Hoskinson, Acting Director
Office of Underground Storage Tanks (OUST)

A handwritten signature in black ink, appearing to read "Carolyn Hoskinson", is written over the printed name in the "FROM:" field.

TO: UST/LUST Regional Division Directors, Regions I - X

Attached is supplemental program guidance to reflect the funding made available to address underground storage tank prevention needs related to the Energy Policy Act (EPA) of 2005. In FY 2009, the Office of Budget in conjunction with OSWER, OUST, and the Office of General Counsel, established a separate program project (**301DJ6**) for the LUST Prevention Funding. Additionally, in FY 2008 as assistance agreements were processed in the Agency's Integrated Grants Management System (IGMS), there were several changes that were made after the issuance of the LUST Prevention Program Guidance.

This Supplemental Guidance supercedes Section 1 (Basic Information – Accounting Information, Delegation) and Section 3 (Environmental Results) of the original LUST Prevention Program Guidance. Please see the attached program guidance for more details. If you have any questions, please contact Mark Barolo of OUST at (703) 603-7141 or Lynn DePont of OUST at (703) 603-7148.

Attachment

cc: UST/LUST Deputy Division Directors, Regions I - X
UST/LUST Branch Chiefs, Regions I - X
UST/LUST Regional Program Managers, Regions I - X
Regional Grants Specialists, Regions I - X
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Regional Liaisons

**Office of Underground Storage Tanks Program Guidance
For
Prevention Assistance Agreements Awarded
Under the
Leaking Underground Storage Tank (LUST) Trust Fund Program**

SUPPLEMENTAL GUIDANCE

Background

In FY 2008, the Office of Underground Storage Tanks (OUST) issued new program guidance to reflect the LUST Prevention funding made available to address underground storage tank prevention needs related to the Energy Policy Act (EPA) of 2005. The program guidance is applicable to all Regions and is to be used in awarding LUST Prevention funding to States and Tribes. Regions must negotiate and award assistance agreements for these funds separate from the general LUST corrective action cooperative agreements, and must ensure that funds are tracked and accounted appropriately. The program guidance includes performance partnership eligibility, cost sharing, multiple appropriations/split funding, and eligible activities, as well as standard grants language. The terms of the assistance agreement shall be determined at the time of the award by the specific EPA Regional Grants Office.

Purpose of Supplemental Guidance

In FY 2009, the Office of Budget in conjunction with OSWER, OUST, and the Office of General Counsel, established a separate program project (**301DJ6**) for the LUST Prevention Funding. Additionally, in FY 2008 as assistance agreements were processed in the Agency's Integrated Grants Management System (IGMS), there were several changes that were made after the issuance of the LUST Prevention Program Guidance.

This Supplemental Guidance supercedes the following Sections of the original LUST Prevention Program Guidance as addressed below.

SECTION 1

Basic Information

Accounting Information

STAG 68-0103-01-304
"301D16C, D, or E" for STAG UST Grants

Goal 3, Objective 1, Categorical Grant: Underground Storage Tanks, Subobjective 2{tc
\\11 "16 - Categorical Grants: Underground Storage Tanks}

LUST 20-81-53-0-7-304

“301DJ6C, D, or E AA” for LUST Prevention Grants to States and for Tribes

Goal 3, Objective 1, Program Project J6, Subobjective 2

Program Code: L

Budget Object Class: 4188

Regional Site Codes for LUST Prevention:

0100GAA
0200GAA
0300GAA
0400GAA
0500GAA
0600GAA
0700GAA
0800GAA
0900GAA
1000GAA

(Fields 1 and 2 are for the Region, Fields 3, 4, 5 MUST BE USED AS “00G” [with the G reference for State Grants], Fields 6 and 7 MUST BE USED AS “AA” [which stands for the Energy Policy Act LUST Prevention])

Delegation

The delegation 8-38 authorizes Regional Administrators to take all necessary actions to approve and administer grants or cooperative agreements with States and Tribes using LUST “prevention” funds under Section 9011 and other applicable provisions of Subtitle I of the Solid Waste Disposal Act as amended and annual Appropriation. The EPA Administrator signed this temporary amendment on February 26, 2009. See <http://intranet.epa.gov/ohr/rmpolicy/ads/Transmittals/8-38.pdf>.

The Integrated Grants Management System (IGMS) will accept two separate delegations in the same Funding Recommendation. The Delegation for UST State Grants is 8-14 and the Delegation for LUST Prevention Cooperative Agreements or Grants is 8-38. Additionally, IGMS is able to accept two different statutory authorities, e.g., Section 2007(f)(2) for UST State Grants and Section 9011 for LUST Prevention cooperative agreements or grants and the Consolidated Appropriation Act, 2008 for tribal LUST Prevention cooperative agreements or grants.

SECTION 3

Policy Direction

Environmental Results

Regions are to negotiate assistance agreement-specific performance measures. For the national performance measures for the LUST prevention activities (see below), refer to the National Program Guidance for the Office of Solid Waste and Emergency Response: <http://www.epa.gov/ocfopage/npmguidance/index.htm>.

LUST Prevention Environmental Results:

- **Minimize the number of confirmed releases at UST facilities to 9,000 or fewer each year.**
- **Ensure the percentage of UST facilities that are in significant operational compliance with both release detection and release prevention requirements is at least 65 percent.**

There are no other changes to the original LUST Prevention Program Guidance, issued on May 8, 2008.