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## United States Environmental Protection Agency

# FISCAL YEAR 2018

### Justification of Appropriation Estimates for the Committee on Appropriations

Tab 08: Leaking Underground Storage Tanks

May 2017

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#### Environmental Protection Agency 2018 Annual Performance Plan and Congressional Justification

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#### **Environmental Protection Agency FY 2018 Annual Performance Plan and Congressional Justification**

#### (Dollars in Thousands) FY 2018 Pres Bud FY 2017 v. FY 2016 Annualized **FY 2018** FY 2017 Actuals CR **Pres Bud** Annualized CR Leaking Underground Storage Tanks \$93,702.6 \$91,766.0 \$47,429.0 (\$44,337.0) **Budget** Authority Total Workyears 50.4 54.1 40.7 -13.4

#### APPROPRIATION: Leaking Underground Storage Tanks Resource Summary Table

#### **Bill Language: Leaking Underground Storage Tanks**

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, \$47,429,000 to remain available until expended, of which \$47,429,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act: 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 Project	FY 2016 Actuals	FY 2017 Annualized CR	FY 2018 Pres Bud	FY 2018 Pres Bud v. FY 2017 Annualized CR
Enforcement				
Civil Enforcement	\$758.0	\$619.0	\$559.0	(\$60.0)
Operations and Administration				
Central Planning, Budgeting, and Finance	\$426.0	\$423.0	\$423.0	\$0.0
Facilities Infrastructure and Operations	\$785.2	\$782.0	\$785.0	\$3.0
Acquisition Management	\$152.5	\$145.0	\$138.0	(\$7.0)
Subtotal, Operations and Administration	\$1,363.7	\$1,350.0	\$1,346.0	(\$4.0)
Underground Storage Tanks (LUST / UST)				
LUST / UST	\$9,159.3	\$9,222.0	\$6,364.0	(\$2,858.0)
LUST Cooperative Agreements	\$55,832.9	\$54,935.0	\$38,840.0	(\$16,095.0)
LUST Prevention	\$26,273.2	\$25,321.0	\$0.0	(\$25,321.0)

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

Program Project	FY 2016 Actuals	FY 2017 Annualized CR	FY 2018 Pres Bud	FY 2018 Pres Bud v. FY 2017 Annualized CR
Subtotal, Underground Storage Tanks (LUST / UST)	\$91,265.4	\$89,478.0	\$45,204.0	(\$44,274.0)
Research: Sustainable Communities				
Research: Sustainable and Healthy Communities	\$315.5	\$319.0	\$320.0	\$1.0
Subtotal, Research: Sustainable and Healthy Communities	\$315.5	\$319.0	\$320.0	\$1.0
TOTAL, EPA	\$93,702.6	\$91,766.0	\$47,429.0	(\$44,337.0)

Program Area: Enforcement

#### **Civil Enforcement**

Program Area: Enforcement

	FY 2016 Actuals	FY 2017 Annualized CR	FY 2018 Pres Bud	FY 2018 Pres Bud v. FY 2017 Annualized CR
Inland Oil Spill Programs	\$2,444.0	\$2,408.0	\$2,266.0	(\$142.0)
Environmental Program & Management	\$174,120.9	\$171,051.0	\$140,470.0	(\$30,581.0)
Leaking Underground Storage Tanks	\$758.0	\$619.0	\$559.0	(\$60.0)
Total Budget Authority / Obligations	\$177,322.9	\$174,078.0	\$143,295.0	(\$30,783.0)
Total Workyears	1,064.6	1,080.4	858.7	-221.7

(Dollars in Thousands)

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

To protect our nation's groundwater and drinking water from petroleum releases from Underground Storage Tanks (UST, the Civil Enforcement program provides guidance, technical assistance, and training to promote and enforce cleanups at sites with UST systems.<sup>1</sup> The Enforcement and Compliance Assurance program uses its Leaking Underground Storage Tanks (LUST) resources to oversee cleanups by responsible parties.

#### FY 2018 Activities and Performance Plan:

In FY 2018, the EPA will work with states and tribes on a case-by-case basis to prioritize LUST enforcement goals for cleanup.

A list of FY 2018 performance measures and targets is located in the FY 2018 Performance Measures tab.

#### FY 2018 Change from FY 2017 Annualized Continuing Resolution (Dollars in Thousands):

• (-\$60.0 / -0.6 FTE) The EPA will target funds to highest priority sites.

#### **Statutory Authority:**

Pollution Prevention Act; Community Environmental Response Facilitation Act; National Environmental Policy Act; Atomic Energy Act; Uranium Mill Tailings Radiation Control Act; Resource Conservation and Recovery Act

<sup>&</sup>lt;sup>1</sup> For more information, refer to: <u>www.epa.gov/swerust1/cat/index.htm</u>.

Program Area: Operations and Administration

#### **Facilities Infrastructure and Operations**

Program Area: Operations and Administration

	FY 2016 Actuals	FY 2017 Annualized CR	FY 2018 Pres Bud	FY 2018 Pres Bud v. FY 2017 Annualized CR
Inland Oil Spill Programs	\$679.6	\$583.0	\$680.0	\$97.0
Environmental Program & Management	\$304,456.9	\$310,948.0	\$301,001.0	(\$9,947.0)
Science & Technology	\$71,332.8	\$68,209.0	\$68,339.0	\$130.0
Building and Facilities	\$37,184.2	\$35,573.0	\$33,377.0	(\$2,196.0)
Leaking Underground Storage Tanks	\$785.2	\$782.0	\$785.0	\$3.0
Hazardous Substance Superfund	\$69,168.0	\$74,137.0	\$59,072.0	(\$15,065.0)
Total Budget Authority / Obligations	\$483,606.7	\$490,232.0	\$463,254.0	(\$26,978.0)
Total Workyears	332.9	357.7	312.2	-45.5

(Dollars in Thousands)

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

The EPA's Facilities Infrastructure and Operations program in the Leaking Underground Storage Tank (LUST) appropriation supports the agency's rent, transit subsidy, and facilities management services. Funding is allocated for such services among the major appropriations for the agency.

#### FY 2018 Activities and Performance Plan:

The agency will continue to conduct rent reviews and verify monthly billing statements for its lease agreements with the General Services Administration and other private landlords. For FY 2018, the EPA is requesting a total of \$0.60 million for rent in the LUST appropriation.

A list of FY 2018 performance measures and targets is located in the FY 2018 Performance Measures tab.

#### FY 2018 Change from FY 2017 Annualized Continuing Resolution (Dollars in Thousands):

• (+\$3.0) This increases funding to support basic operations and maintenance costs for the EPA facilities nationwide. While the resources are minimal, the funds are essential to support the agency, its mission, and its workforce.

#### **Statutory Authority:**

Federal Property and Administration Services Act; Public Building Act; Robert T. Stafford Disaster Relief and Emergency Assistance Act; Clean Water Act; Clean Air Act; Resource Conservation and Recovery Act (RCRA; Toxic Substances Control Act (TSCA); National Environmental Policy Act (NEPA); Community Environmental Response Facilitation Act (CERFA); Energy Policy Act of 2005; Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (the EPA's organic statute).

#### **Acquisition Management**

Program Area: Operations and Administration

	FY 2016 Actuals	FY 2017 Annualized CR	FY 2018 Pres Bud	FY 2018 Pres Bud v. FY 2017 Annualized CR
Environmental Program & Management	\$30,174.3	\$30,406.0	\$24,978.0	(\$5,428.0)
Leaking Underground Storage Tanks	\$152.5	\$145.0	\$138.0	(\$7.0)
Hazardous Substance Superfund	\$22,129.0	\$22,418.0	\$14,036.0	(\$8,382.0)
Total Budget Authority / Obligations	\$52,455.8	\$52,969.0	\$39,152.0	(\$13,817.0)
Total Workyears	276.7	304.5	214.2	-90.3

#### (Dollars in Thousands)

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

Leaking Underground Storage Tanks (LUST) resources in the Acquisition Management program support the agency's contract activities.

#### FY 2018 Activities and Performance Plan:

Acquisition Management resources in LUST support information technology needs and the training and development of the EPA's acquisition workforce.

A list of FY 2018 performance measures and targets is located in the FY 2018 Performance Measures tab.

#### FY 2018 Change from FY 2017 Annualized Continuing Resolution (Dollars in Thousands):

• (-\$7.0) Resource changes reflect a minimal reduction in contractual resources from more effective business practices in the Acquisition Management program.

#### **Statutory Authority:**

Office of Federal Procurement Policy Act; Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (the EPA's organic statute).

#### **Central Planning, Budgeting, and Finance**

Program Area: Operations and Administration

	FY 2016 Actuals	FY 2017 Annualized CR	FY 2018 Pres Bud	FY 2018 Pres Bud v. FY 2017 Annualized CR
Environmental Program & Management	\$70,707.8	\$72,047.0	\$64,709.0	(\$7,338.0)
Leaking Underground Storage Tanks	\$426.0	\$423.0	\$423.0	\$0.0
Hazardous Substance Superfund	\$21,331.2	\$22,084.0	\$12,226.0	(\$9,858.0)
Total Budget Authority / Obligations	\$92,465.0	\$94,554.0	\$77,358.0	(\$17,196.0)
Total Workyears	458.5	493.4	394.1	-99.3

#### (Dollars in Thousands)

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

The EPA's financial management community maintains a strong partnership with the Leaking Underground Storage Tanks (LUST) program. 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 LUST resources. This includes developing, managing, and supporting a performance management system consistent with the Government Performance and Results Modernization Act 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 the EPA; managing the agencywide Working Capital Fund; providing financial payment and support services for the EPA through three finance centers, specialized fiscal and accounting services for the LUST programs; and managing the agency's annual budget process.

#### FY 2018 Activities and Performance Plan:

The EPA will continue to ensure sound financial and budgetary management of the LUST program through the use of routine and ad hoc analysis, statistical sampling, and other evaluation tools. Building on the work begun in previous years, the EPA will continue to monitor and strengthen internal controls with a focus on sensitive payments and property. In addition, structured and targeted use of financial systems that include funds control and oversight of expenses in the LUST program has led to a better understanding of program impacts as well as increased efficiencies.

A list of FY 2018 performance measures and targets is located in the FY 2018 Performance Measures tab.

#### FY 2018 Change from FY 2017 Annualized Continuing Resolution (Dollars in Thousands):

• (-0.7 FTE) This reduces ad hoc analyses as part of LUST financial management efforts.

#### **Statutory Authority:**

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98-80, 97 Stat. 485 (codified as Title 5, App.) (the EPA's organic statute).

Program Area: Underground Storage Tanks (LUST / UST)

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

	FY 2016 Actuals	FY 2017 Annualized CR	FY 2018 Pres Bud	FY 2018 Pres Bud v. FY 2017 Annualized CR
Environmental Program & Management	\$11,083.4	\$11,273.0	\$5,612.0	(\$5,661.0)
Leaking Underground Storage Tanks	\$9,159.3	\$9,222.0	\$6,364.0	(\$2,858.0)
Total Budget Authority / Obligations	\$20,242.7	\$20,495.0	\$11,976.0	(\$8,519.0)
Total Workyears	100.6	108.1	68.8	-39.3

(Dollars in Thousands)

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

The Leaking Underground Storage Tank (LUST) resources in the LUST / Underground Storage Tank (UST) program ensure that petroleum contamination is properly assessed and cleaned up which is different from the LUST/UST program in the Environmental Program and Management account which helps prevent releases of petroleum from UST. Under this program, the EPA issues, monitors, and oversees LUST cleanup cooperative agreements to states.<sup>2</sup> The EPA also provides technical assistance and training to states and tribes on how to conduct cleanups and improve the efficiency of state programs. In addition, the EPA has direct implementation authority and responsibilities in Indian country. In that role, the EPA oversees cleanups by responsible parties, conducts site assessments, remediates contaminated water and soil, and provides alternative sources of drinking water when needed.

The EPA's funding for Indian country is the primary source of money for these activities. With few exceptions, tribes do not have independent program resources to pay for assessing and cleaning up UST releases, and in many cases, there are no responsible parties available to pay for the cleanups at sites in Indian country.

#### FY 2018 Activities and Performance Plan:

In FY 2018, the EPA will:

- Work with states and tribes within available resources to implement strategies to reduce the number of sites that have not reached cleanup completion, and to address new releases as they continue to be confirmed.
- Provide targeted training to states and tribes, such as remediation process optimization and rapid site assessment techniques.
- Monitor the soundness of financial mechanisms, in particular insurance and state cleanup funds that serve as financial assurance for LUST releases. The EPA works with states to seek ways to cover and control remediation costs.

 $<sup>^2</sup>$  States as referenced here also include the District of Columbia and five territories as described in the definition of state in the Solid Waste Disposal Act.

• Provide support in Indian country for site assessments, investigations, and remediation of high priority sites; enforcement against responsible parties; cleanup of soil and groundwater; alternate water supplies; cost recovery against UST owners and operators; oversight of responsible party lead cleanups; and technical expertise and assistance to Tribal governments.

A list of FY 2018 performance measures and targets is located in the FY 2018 Performance Measures tab.

#### FY 2018 Change from FY 2017 Annualized Continuing Resolution (Dollars in Thousands):

• (-\$2,858.0 / -12.1 FTE) This reduction will focus cleanups of LUST sites in Indian country on the highest priority sites and streamline our efforts to provide subject matter and technical expertise to states and tribes.

#### **Statutory Authority:**

Resource Conservation and Recovery Act, § 8001, 9001-9014.

#### **LUST Cooperative Agreements**

Program Area: Underground Storage Tanks (LUST / UST)

	FY 2016 Actuals	FY 2017 Annualized CR	FY 2018 Pres Bud	FY 2018 Pres Bud v. FY 2017 Annualized CR
Leaking Underground Storage Tanks	\$55,832.9	\$54,935.0	\$38,840.0	(\$16,095.0)
Total Budget Authority / Obligations	\$55,832.9	\$54,935.0	\$38,840.0	(\$16,095.0)
Total Workyears	0.0	0.0	0.0	0.0

(Dollars in Thousands)

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

The Leaking Underground Storage Tank (LUST) program ensures that petroleum contamination is properly assessed and cleaned up by providing states<sup>3</sup> with funding to assess and clean up these releases. Releases of petroleum from underground storage tanks (UST) can contaminate groundwater, the drinking water source for many Americans.

LUST funding supports states in managing, overseeing, and enforcing cleanups at LUST sites. This is achieved by focusing on increasing the efficiency of LUST cleanups nationwide, leveraging private and state resources, and enabling community redevelopment. Cleaning up LUST sites, which are often located along heavily travelled roads, makes them available for redevelopment opportunities and can return abandoned, blighted sites to productive uses such as retail, restaurants, pharmacies, and health clinics.

#### FY 2018 Activities and Performance Plan:

The Energy Policy Act (EPAct) of 2005 requires that states receiving LUST Cooperative Agreements funding meet certain release prevention requirements, such as inspecting every facility at least once every three years. With the proposed elimination of the LUST Prevention and UST STAG funding, the EPA may prioritize LUST Cleanup Cooperative Agreements with states that maintain compliance with EPAct requirements.

In FY 2018 some states may perform a more limited version of their core cleanup work. Some states also may be able to pursue strategies to maximize the effectiveness or efficiency in protectively completing cleanups and reducing their backlogs.

Approximately 71,000 releases remain that have not reached cleanup completion. In addition, thousands of new releases are discovered each year.<sup>4</sup> The EPA and state programs will consider best practices and implement strategies to reduce the backlog by targeting high priority sites and examining caseloads to look for sites that are ready for closure.

<sup>&</sup>lt;sup>3</sup> States as referenced here also include the District of Columbia and five territories as described in the definition of state in the Solid Waste Disposal Act.

<sup>&</sup>lt;sup>4</sup> For more information, visit: <u>http://www.epa.gov/ust/ust-performance-measures</u>.

A list of FY 2018 performance measures and targets is located in the FY 2018 Performance Measures tab.

#### FY 2018 Change from FY 2017 Annualized Continuing Resolution (Dollars in Thousands):

• (-\$16,095.0) This change reflects a focus on cleaning up the highest priority sites.

### **Statutory Authority:**

Resource Conservation and Recovery Act, § 9003(h)(7).

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

	FY 2016 Actuals	FY 2017 Annualized CR	FY 2018 Pres Bud	FY 2018 Pres Bud v. FY 2017 Annualized CR
Leaking Underground Storage Tanks	\$26,273.2	\$25,321.0	\$0.0	(\$25,321.0)
Total Budget Authority / Obligations	\$26,273.2	\$25,321.0	\$0.0	(\$25,321.0)
Total Workyears	0.0	0.0	0.0	0.0

(Dollars in Thousands)

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

The Leaking Underground Storage Tank (LUST) Prevention program works to ensure that groundwater is protected from petroleum and associated chemicals leaking from underground storage tanks (USTs), while the LUST Cooperative Agreement program provides funding to states to assess and clean up LUST sites. This program has provided funding to states,<sup>5</sup> tribes, and/or intertribal consortia to inspect, prevent releases, ensure compliance with federal and state laws, and enforce these laws for the 561,000 federally regulated active USTs. The Energy Policy Act (EPAct) of 2005 requires the EPA or states to inspect every UST once every three years.

#### FY 2018 Activities and Performance Plan:

Resources have been eliminated for this program in FY 2018. States could elect to maintain core program work with state resources rather than federal.

#### FY 2018 Change from FY 2017 Annualized Continuing Resolution (Dollars in Thousands):

• (-\$25,321.0) This funding change eliminates the LUST Prevention grant program.

#### **Statutory Authority:**

Solid Waste Disposal Act of 1976, as amended by the Superfund Amendments and Reauthorization Act of 1986, § 2007(f); Energy Policy Act, § 9011.

<sup>&</sup>lt;sup>5</sup> States as referenced here also include the District of Columbia and five territories as described in the definition of state in the Solid Waste Disposal Act.

**Program Area: Research: Sustainable Communities** 

#### **Research: Sustainable and Healthy Communities**

Program Area: Research: Sustainable Communities

	FY 2016 Actuals	FY 2017 Annualized CR	FY 2018 Pres Bud	FY 2018 Pres Bud v. FY 2017 Annualized CR
Inland Oil Spill Programs	\$862.0	\$663.0	\$503.0	(\$160.0)
Science & Technology	\$154,349.4	\$139,709.0	\$54,211.0	(\$85,498.0)
Leaking Underground Storage Tanks	\$315.5	\$319.0	\$320.0	\$1.0
Hazardous Substance Superfund	\$13,622.3	\$14,005.0	\$5,655.0	(\$8,350.0)
Total Budget Authority / Obligations	\$169,149.2	\$154,696.0	\$60,689.0	(\$94,007.0)
Total Workyears	460.3	476.3	265.1	-211.2

(Dollars in Thousands)

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

The EPA's Sustainable and Healthy Communities (SHC) research program under the Leaking Underground Storage Tanks (LUST) appropriation provides federal, regional, and community decision-makers with tools, methods, and information to prevent and control pollution at LUST sites. Specifically, this research enables decision-makers to better:

- Assess sites and evaluate the implications of alternative remediation techniques, policies, and management actions to assess and cleanup leaks at fueling stations.
- Identify the environmental impacts and unintended consequences of existing and new biofuels available in the marketplace.
- Protect America's land and groundwater resources and drinking water supplies that could be impacted by the nation's approximately 560,000 underground fuel storage tanks<sup>6</sup>.

#### Recent accomplishments include:

- **Developing Field Screening Methodology to Assess Petroleum Vapor Intrusion:** The SHC program has developed field screening methods to assist in the implementation of the EPA Office of Land and Emergency Response's (OLEM) guide for petroleum vapor intrusion. The screening methodology and software tool provides site managers with an economical and practical approach for addressing petroleum vapor intrusion in their site cleanup plans.
- Analyzing Three National Databases to Assess Variability in Fuel Composition: In recent years, varying fuel composition has been associated with vapor and liquid releases from underground storage tanks and corrosion of tank components. SHC's study increases the EPA's understanding on the fate and transport of contaminants from LUST sites and their potential impact on groundwater contamination and vapor intrusion.

<sup>&</sup>lt;sup>6</sup> For more information, please visit: <u>https://www.epa.gov/ust</u>.

• Estimating Site Densities of Private Domestic Wells (PDWs): PDWs are not subject to the testing requirements of the Safe Drinking Water Act and are therefore more susceptible to contamination. For public health and planning purposes, it is important to determine the locations of high density PDW use. This information on PDWs assists states in evaluating the degree of urgency in their inspections to address potential vulnerabilities to communities that are reliant on these drinking water supplies.

#### FY 2018 Activities and Performance Plan:

In FY 2018, the EPA will continue to conduct research on contaminated sites to assist the agency and the states in addressing the backlog of sites for remediation. This research will help communities characterize and remediate contaminated sites at an accelerated pace and lower costs while reducing human health and ecological impacts. Resulting methodologies and tools will help localities and states return properties to productive use, thus supporting the agency mission of protecting human health and the environment in the context of communities.

Also, in FY 2018, the EPA's scientists will continue to work with the Underground Storage Tanks program to deliver improved characterization and remediation methods for fuels released from leaking underground storage tanks. Research also will address contaminant plume elongation and the associated risks to communities from the many underground storage tanks at fueling stations located near residences and residential water supplies. This research will inform tool development to assist communities and states to determine what remediation is needed to protect local ground water resources and reduce the potential for vapor intrusion into buildings. These tools will ultimately reduce costs to communities while better protecting future drinking water resources and preventing vapor intrusion.

The EPA has established a standing subcommittee under the EPA's Board of Scientific Counselors (BOSC) for the SHC program to evaluate its performance and provide feedback to the agency. In addition, the EPA meets with the BOSC and the Science Advisory Board (SAB) annually for input on topics related to research program design, science quality, innovation, relevance, and impact. The EPA will be advised on its strategic research direction as part of the review of the Research and Development program's recently-released Strategic Research Action Plans (StRAPs).<sup>7</sup>

The EPA collaborates with the National Institutes of Health (NIH), National Science Foundation (NSF), Department of Energy (DOE), U.S. Department of Agriculture (USDA), and the White House's Office of Science and Technology Policy (OSTP) to assess research performance. The EPA supports the interagency Science and Technology in America's Reinvestment, Measuring the Effect of Research on Innovation, Competitiveness, and Science (STAR METRICS) efforts.<sup>8</sup>

A list of FY 2018 performance measures and targets is located in the FY 2018 Performance Measures tab.

<sup>&</sup>lt;sup>7</sup> EPA Strategic Research Action Plans, <u>https://www.epa.gov/research/strategic-research-action-plans-2016-2019</u>.

<sup>&</sup>lt;sup>8</sup> STAR METRICS, <u>https://www.starmetrics.nih.gov/</u>.

#### FY 2018 Change from FY 2017 Annualized Continuing Resolution (Dollars in Thousands):

• (+\$1.0) This increases research to characterize and remediate contaminated leaking underground storage tank sites.

#### **Statutory Authority:**

Resource Conservation and Recovery Act, §§ 1002, 1006, 8001; Safe Drinking Water Act, § 1442.