



**United States
Environmental Protection Agency**

FISCAL YEAR 2024

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

Tab 09: Leaking Underground Storage Tanks

EPA-190-R-23-001

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**Environmental Protection Agency
2024 Annual Performance Plan and Congressional Justification**

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**Environmental Protection Agency
FY 2024 Annual Performance Plan and Congressional Justification**

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

	FY 2022 Final Actuals	FY 2023 Enacted Operating Plan	FY 2024 President's Budget	FY 2024 President's Budget v. FY 2023 Enacted Operating Plan
Leaking Underground Storage Tanks				
Budget Authority	\$84,427	\$93,205	\$108,739	\$15,534
Total Workyears	42.3	49.4	54.6	5.2

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, \$108,739,000, to remain available until expended, of which \$82,070,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act; \$26,669,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code: 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 2022 Final Actuals	FY 2023 Enacted Operating Plan	FY 2024 President's Budget	FY 2024 President's Budget v. FY 2023 Enacted Operating Plan
Enforcement				
Civil Enforcement	\$631	\$661	\$682	\$21
Operations and Administration				
Central Planning, Budgeting, and Finance	\$360	\$457	\$469	\$12
Facilities Infrastructure and Operations	\$922	\$754	\$727	-\$27
Acquisition Management	\$158	\$181	\$136	-\$45
Subtotal, Operations and Administration	\$1,440	\$1,392	\$1,332	-\$60
Underground Storage Tanks (LUST / UST)				
LUST / UST	\$9,707	\$9,991	\$14,665	\$4,674
LUST Cooperative Agreements	\$50,294	\$55,040	\$65,040	\$10,000
LUST Prevention	\$22,045	\$25,780	\$26,669	\$889
Subtotal, Underground Storage Tanks (LUST / UST)	\$82,045	\$90,811	\$106,374	\$15,563
Research: Sustainable Communities				
Research: Sustainable and Healthy Communities	\$312	\$341	\$351	\$10
TOTAL LUST	\$84,427	\$93,205	\$108,739	\$15,534

*For ease of comparison, Superfund transfer resources for the audit and research functions are shown in the Superfund account.

Enforcement

Civil Enforcement

Program Area: Enforcement

Goal: Enforce Environmental Laws and Ensure Compliance

Objective(s): Hold Environmental Violators and Responsible Parties Accountable

(Dollars in Thousands)

	FY 2022 Final Actuals	FY 2023 Enacted Operating Plan	FY 2024 President's Budget	FY 2024 President's Budget v. FY 2023 Enacted Operating Plan
Environmental Programs & Management	\$179,062	\$205,942	\$242,585	\$36,643
<i>Leaking Underground Storage Tanks</i>	<i>\$631</i>	<i>\$661</i>	<i>\$682</i>	<i>\$21</i>
Inland Oil Spill Programs	\$2,660	\$2,565	\$2,665	\$100
Total Budget Authority	\$182,354	\$209,168	\$245,932	\$36,764
Total Workyears	883.8	998.1	1,041.7	43.6

Program Project Description:

The Civil Enforcement Program's goal is to ensure compliance with the Nation's environmental laws to protect human health and the environment. The Program collaborates with the Department of Justice, and state, local, and tribal governments to ensure consistent and fair enforcement of environmental laws and regulations. The Civil Enforcement Program develops, litigates, and settles administrative and civil judicial cases against violators of environmental laws.

To protect the Nation's groundwater and drinking water from petroleum and hazardous substance 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.¹ The Enforcement and Compliance Assurance Program uses its Leaking Underground Storage Tanks (LUST) resources to oversee cleanups by responsible parties.

FY 2024 Activities and Performance Plan:

Work in this program directly supports Goal 3/Objective 3.1, Hold Environmental Violators and Responsible Parties Accountable in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2024, EPA will work with states and tribes on a case-by-case basis to prioritize LUST enforcement goals for cleanup. The Program will continue to provide guidance, technical assistance, oversight, and training to enforce cleanups at LUST sites by responsible parties.

Performance Measure Targets:

Work under this program supports performance results in the Civil Enforcement Program under the EPM appropriation.

¹ For more information, please refer to: <https://www.epa.gov/ust>.

FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):

- (-\$3.0) This net change to fixed and other costs is a decrease due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs. The reduction is offset by an increase in includes critical agencywide infrastructure support for Executive Order 14028 cybersecurity requirements, electronic discovery for FOIA and litigation support, and implementation of Trusted Vetting 2.0.
- (+\$24.0) This program investment supports enforcement under the Leaking Underground Storage Tanks Program by prioritizing LUST cleanup sites by responsible parties.

Statutory Authority:

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA’s organic authority); Subtitle I of the Solid Waste Disposal Act.

Operations and Administration

Acquisition Management

Program Area: Operations and Administration
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	FY 2022 Final Actuals	FY 2023 Enacted Operating Plan	FY 2024 President's Budget	FY 2024 President's Budget v. FY 2023 Enacted Operating Plan
Environmental Programs & Management	\$36,051	\$37,251	\$41,609	\$4,358
<i>Leaking Underground Storage Tanks</i>	<i>\$158</i>	<i>\$181</i>	<i>\$136</i>	<i>-\$45</i>
Hazardous Substance Superfund	\$23,550	\$27,247	\$33,758	\$6,511
Total Budget Authority	\$59,759	\$64,679	\$75,503	\$10,824
Total Workyears	281.7	307.7	355.7	48.0

Program Project Description:

Leaking Underground Storage Tank (LUST) resources in the Acquisition Management Program support the Agency's contract activities.

FY 2024 Activities and Performance Plan:

Work in this program provides Cross-Agency Mission and Science Support and is allocated across strategic goals and objectives in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2024, the Agency will continue to strengthen EPA's capacity to process new, increased, and existing award contract actions in a timely manner; advance EPA utilization of small and disadvantaged businesses; support "Made in America" initiatives; and support supply chain risk management activities for information and communication technology. Efforts to process and award contract actions in a timely manner will be in accordance with Federal Acquisition Regulation (FAR) and guidance from the Office of Management and Budget (OMB) Office of Federal Procurement Policy (OFPP).

EPA must scale up its federal grants and contractor workforce to support underserved communities, ensure the future is "Made in America," and manage global supply chains. This investment will enable national programs to target their critical resources on environmental and programmatic priorities in partnership with the states, tribes, and local governments. The Agency will work with agency partners and stakeholders to include environmental justice considerations into grants policies and requirements and provide underserved communities better awareness and access to the Agency's financial assistance opportunities.

Performance Measure Targets:

EPA's FY 2024 Annual Performance Plan does not include annual performance goals specific to this program.

FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):

- (-\$45.0) This program change reallocates system operations and development resources to Environmental Program Management and Superfund to better align funding needs.

Statutory Authority:

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA’s organic statute); Subtitle I of the Solid Waste Disposal Act.

Central Planning, Budgeting, and Finance
 Program Area: Operations and Administration
 Cross-Agency Mission and Science Support

(Dollars in Thousands)

	FY 2022 Final Actuals	FY 2023 Enacted Operating Plan	FY 2024 President's Budget	FY 2024 President's Budget v. FY 2023 Enacted Operating Plan
Environmental Programs & Management	\$82,781	\$87,099	\$99,812	\$12,713
<i>Leaking Underground Storage Tanks</i>	<i>\$360</i>	<i>\$457</i>	<i>\$469</i>	<i>\$12</i>
Hazardous Waste Electronic Manifest System Fund	\$149	\$0	\$0	\$0
Hazardous Substance Superfund	\$29,102	\$31,338	\$30,207	-\$1,131
Total Budget Authority	\$112,392	\$118,894	\$130,488	\$11,594
Total Workyears	435.5	469.0	480.0	11.0

Total workyears in FY 2024 include 2.0 FTE funded by TSCA fees.

Total workyears in FY 2024 include 39.0 FTE to support Central Planning, Budgeting, and Finance working capital fund (WCF) services.

Program Project Description:

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 providing financial payment and support services for specialized fiscal and accounting services for the LUST Programs.

FY 2024 Activities and Performance Plan:

Work in this program provides Cross-Agency Mission and Science Support and is allocated across strategic goals and objectives in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2024, EPA will ensure secure, efficient, and sound financial and budgetary management of the LUST Program using routine and ad hoc analysis, statistical sampling, and other evidence-based decision-making tools. Building on the work begun in previous years, EPA will continue to monitor and strengthen internal controls with a focus on sensitive payments and property. In addition, the Agency is reviewing its financial systems for efficiencies and effectiveness, identifying gaps, and targeting legacy systems for replacement.

Performance Measure Targets:

Work under this program supports performance results in the Central Planning, Budgeting, and Finance Program under the EPM appropriation.

FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):

- (+\$12.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.

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.) (EPA's organic statute); Subtitle I of the Solid Waste Disposal Act.

Facilities Infrastructure and Operations
 Program Area: Operations and Administration
 Cross-Agency Mission and Science Support

(Dollars in Thousands)

	FY 2022 Final Actuals	FY 2023 Enacted Operating Plan	FY 2024 President's Budget	FY 2024 President's Budget v. FY 2023 Enacted Operating Plan
Environmental Programs & Management	\$291,501	\$283,330	\$305,753	\$22,423
Science & Technology	\$68,347	\$67,500	\$72,043	\$4,543
Building and Facilities	\$24,681	\$42,076	\$105,009	\$62,933
Leaking Underground Storage Tanks	\$922	\$754	\$727	-\$27
Inland Oil Spill Programs	\$854	\$682	\$641	-\$41
Hazardous Substance Superfund	\$76,108	\$65,634	\$71,540	\$5,906
Total Budget Authority	\$462,412	\$459,976	\$555,713	\$95,737
Total Workyears	310.6	321.8	330.4	8.6

Total work years in FY 2024 include 5.4 FTE to support Facilities Infrastructure and Operations working capital fund (WCF) services.

Program Project Description:

Leaking Underground Storage Tank (LUST) resources in the Facilities Infrastructure and Operations Program fund the Agency's rent, utilities, and security. The Program also supports centralized administrative activities and support services, including health and safety, environmental compliance and management, facilities maintenance and operations, space planning, sustainable facilities and energy conservation planning and support, property management, mail, and transportation services. Funding for such services is allocated among the major appropriations for the Agency.

FY 2024 Activities and Performance Plan:

Work in this program provides Cross-Agency Mission and Science Support and is allocated across strategic goals and objectives in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2024, EPA will continue reconfiguring EPA's workplaces with the goal of reducing long-term rent costs while increasing EPA facility resiliency and sustainability to combat the effects of climate change and ensure a space footprint that accommodates a growing workforce. Space reconfiguration enables EPA to reduce its footprint to create a more efficient, collaborative, and technologically sophisticated workplace. However, even if modifications are kept to a minimum, each move requires initial funding to achieve long-term cost avoidance and sustainability goals. These investments support sustainable federal infrastructure, a clean energy future, and goals to achieve net-zero emissions by 2050. For FY 2024, EPA is requesting \$509 thousand for rent in the LUST appropriation. EPA uses a standard methodology to ensure that rent charging appropriately reflects planned and enacted resources at the appropriation level. EPA also will continue working to increase sustainability and reduce carbon emissions through cost-effective solutions.

Performance Measure Targets:

EPA's FY 2024 Annual Performance Plan does not include annual performance goals specific to this program.

FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):

- (-\$27.0) This net program change reduces support for Agency facilities management and operations support. The reduction is offset by increases in rent and transit subsidy costs.

Statutory Authority:

Federal Property and Administration Services 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.) (EPA's organic statute).

Research: Sustainable Communities

Research: Sustainable and Healthy Communities

Program Area: Research: Sustainable Communities
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	FY 2022 Final Actuals	FY 2023 Enacted Operating Plan	FY 2024 President's Budget	FY 2024 President's Budget v. FY 2023 Enacted Operating Plan
Science & Technology	\$133,808	\$137,857	\$146,642	\$8,785
<i>Leaking Underground Storage Tanks</i>	<i>\$312</i>	<i>\$341</i>	<i>\$351</i>	<i>\$10</i>
Inland Oil Spill Programs	\$782	\$675	\$681	\$6
Hazardous Substance Superfund	\$16,562	\$16,937	\$17,364	\$427
Total Budget Authority	\$151,463	\$155,810	\$165,038	\$9,228
Total Workyears	422.1	421.8	444.3	22.5

Program Project Description:

EPA's Sustainable and Healthy Communities (SHC) Research Program under the Leaking Underground Storage Tanks (LUST) appropriation assists EPA's Office of Underground Storage Tanks, regions, tribes, and states to assess the degradation of Underground Storage Tanks (USTs). This assessment identifies vulnerable tanks before leaks occur and helps develop the tools to track and monitor the status of existing and abandoned USTs and their impact on the community in a changing climate. Specifically, this research provides information and tools designed to enable decision-makers to protect America's land, groundwater resources, and drinking water supplies that could be impacted by the Nation's more than 550 thousand underground fuel storage tanks.²

SHC will assess the impacts of climate change on USTs and understand the impacts on communities, including disadvantaged populations and those most vulnerable (e.g., tribes). SHC will develop tools and data to address issues related to USTs to protect public health and the environment based on the best available science.

Recent Accomplishments of the SHC Research Program include:

National Database on Underground Storage Tank Infrastructure (April 2022 and January 2023):³ In FY 2022, EPA's Office of Research and Development (ORD) continued a training program started in FY 2021 for the National Database on Underground Storage Tank Infrastructure (UST Finder) to describe the capabilities and functions of the model to our federal and state partners and their identified communities. In FY 2022 this training was extended to tribes to provide geospatial data on facilities and tanks in association with drinking water sources, critical data on the aging infrastructure, and facilities that may be impacted by flooding and

² For more information, please see: <https://www.epa.gov/ust>.

³ For more information, please see: <https://www.epa.gov/emergency-response-research/underground-storage-tanks-preparing-and-responding-extreme-events>, https://mediaspace.nau.edu/media/t/1_qxjzc7vy, <https://www.epa.gov/ust/ust-finder>, and <https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=c220c67462e14763a8e0c4df75550278>.

wildfires. The training helps our partners assess facility risk and triage sites for cleanup and protection of drinking water sources. ORD continues to develop approaches to protect vulnerable populations from UST releases after extreme weather events. A public website is available and being updated to meet additional partner needs with version 2.0 planned by the end of FY 2023.

FY 2024 Activities and Performance Plan:

Work in this Program provides Cross-Agency Mission and Science Support and is allocated across strategic goals and objectives in the *FY 2022-2026 EPA Strategic Plan*.

Work in this Program will aim to characterize sites and contaminants released from LUSTs identified under the LUST Trust Fund with an emphasis on assisting the Agency, tribes, and states address the backlog of sites for remediation. SHC research will help communities remediate contaminated sites at an accelerated pace and lower costs, while reducing human health and ecological impacts. Resulting methodologies and tools will help localities, tribes, and states return properties to productive use, supporting the Agency's work to safeguard and revitalize communities.

In FY 2024, EPA research will continue to develop models, metrics, and spatial tools for EPA regions, tribes, and states to evaluate the vulnerability of groundwater to LUSTs, the impacts of climate change, and the subsequent human health risks that follow contamination, while considering environmental justice concerns. SHC will continue to focus on developing national datasets to better understand the potential vulnerabilities to LUSTs, such as flooding and drought, and vulnerabilities from LUSTs (*e.g.*, on ground water) to inform decisions to manage tanks. SHC will assist EPA's Underground Storage Tanks Program, tribes, and states by updating technical guidance manuals and evaluations of risk to underground storage tank systems.

Research Planning:

EPA research is built around six integrated and transdisciplinary research programs. Each of the six programs is guided by a Strategic Research Action Plan (StRAP) that reflects the research needs of Agency program and regional offices, states, and tribes, and is planned with their active involvement. Each research program has developed and published their fourth generation of the StRAPs,⁴ which will continue the practice of conducting innovative scientific research aimed at solving the problems encountered by the Agency and its stakeholders.

ORD works with various groups, including communities, to ensure the integrity and value of its research through a variety of mechanisms that include:

- EPA's Board of Scientific Counselors (BOSC)
 - ORD meets regularly with this committee, which provides advice and recommendations to ORD on technical and management issues of its research programs.

⁴ The StRAPs are available and located here: <https://www.epa.gov/research/strategic-research-action-plans-fiscal-years-2023-2026>.

- State Engagement
 - EPA's state engagement⁵ is designed to inform states about their role within EPA and EPA's research programs, and to better understand the science needs of state environmental and health agencies.
- Tribal Partnerships
 - Key tribal partnerships are established through the Tribal Science Program which provides a forum for the interaction between tribal and Agency representatives. These interactions identify research of mutual benefit and lead to collaborations on important tribal environmental science issues.

Performance Measure Targets:

Work under this program supports performance results in the Research: Sustainable and Healthy Communities Program under the S&T appropriation.

FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):

- (+\$41.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (-\$31.0) This program change reflects a decrease to the Sustainable and Healthy Communities LUST research program in their ability to help assess the degradation of underground storage tanks.

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.) (EPA's organic statute); Subtitle I of the Solid Waste Disposal Act.

⁵ For more information, please see: <https://www.epa.gov/research/epa-research-solutions-states>.

Underground Storage Tanks (LUST/UST)

LUST / UST

Program Area: Underground Storage Tanks (LUST / UST)

Goal: Safeguard and Revitalize Communities

Objective(s): Clean Up and Restore Land for Productive Uses and Healthy Communities, Reduce Waste and Prevent Environmental Contamination

(Dollars in Thousands)

	FY 2022 Final Actuals	FY 2023 Enacted Operating Plan	FY 2024 President's Budget	FY 2024 President's Budget v. FY 2023 Enacted Operating Plan
Environmental Programs & Management	\$11,807	\$12,021	\$14,451	\$2,430
Leaking Underground Storage Tanks	\$9,707	\$9,991	\$14,665	\$4,674
Total Budget Authority	\$21,512	\$22,012	\$29,116	\$7,104
Total Workyears	87.8	97.9	108.6	10.7

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. Potential adverse effects from chemicals such as benzene, methyl tertiary-butyl ether, alcohols, or lead scavengers in gasoline and the cost to clean up these contaminants underscore the importance of preventing UST releases and complying with UST requirements. Even a small amount of petroleum released from an UST can contaminate groundwater, the drinking water source for many Americans.

This program supports the Administration's priority of mitigating the negative environmental impacts to communities that are historically underserved, marginalized, and adversely affected by persistent poverty and inequality, as articulated in Executive Order 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. This program also supports the Administration's Justice 40 initiative, which seeks to ensure that 40 percent of the overall benefits of certain federal investments flows to communities that are marginalized, underserved, and overburdened by pollution.⁶ As of July 2021, there were approximately 53 million people living within a quarter mile of an active UST facility, representing 16 percent of the total U.S. population. These communities tend to be more minority and lower income than the U.S. population as a whole.⁷

Under this program, EPA supports the oversight and implementation of LUST cleanup programs in the states,⁸ and directly implements assessments and cleanups of petroleum contamination from

⁶ For more information, please refer to: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

⁷ U.S. EPA, Office of Land and Emergency Management 2021. Data collected includes: 1) UST information as of late-2018 to mid-2019 depending on the state from ORD & OUST, UST Map, <https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=b03763d3f2754461adf86f121345d7bc>; and 2) population data from the 2015-2019 American Community Survey.

⁸ 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.

USTs in Indian Country. EPA also provides technical assistance and training to states and tribes on how to conduct cleanups and improve the efficiency of state programs. As of September 2022, 59,890 LUST sites had not achieved cleanup completion.⁹ In FY 2022, 6,536 LUST cleanups were completed nationally, including 13 in Indian Country. EPA will continue to collect and analyze information about the initiation and cleanup of UST releases.

As the direct implementer of the Program in Indian Country, EPA oversees cleanups by responsible parties, conducts site assessments, remediates contaminated water and soil, and provides alternative sources of drinking water when needed. 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 2024 Activities and Performance Plan:

Work in this program directly supports Goal 6/Objective 6.1, Clean Up and Restore Land for Productive Uses and Healthy Communities in the *FY 2022 - 2026 EPA Strategic Plan*.

EPA requests an additional \$4.5 million and 5.2 FTE to increase the protection of fenceline communities. Requested resources will be used to complete an estimated 11 Trust Fund-led cleanups and five potentially responsible party (PRP)-led cleanups in Indian Country.

Additionally, in FY 2024, EPA will continue to engage in the following activities:

- Work with states and tribes 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.
- Continue developmental updates to the Tribal Underground Storage Tank Database (TrUSTD), which was launched in FY 2021. This database provides a central repository for Tribal UST/LUST data that will both improve data analysis on the tribal UST/LUST universe, as well as create a platform that will make it easier for EPA to obtain and share tribal UST/LUST data with the public.
- Monitor the soundness of financial mechanisms, particularly insurance and state cleanup funds that serve as financial assurance for LUST releases and ensure that money is available to pay for cleanups. In addition, EPA will continue to provide analysis and technical assistance to states to help them improve the environmental and financial performance of their cleanup funds.
- Provide support in Indian Country for site assessments, investigations, and remediation of

⁹ For more information, please refer to: <https://www.epa.gov/system/files/documents/2021-11/ca-21-34.pdf>.

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.

- Provide resources and support to states and tribes to quickly address emergency responses from releases to the environment. Releases from USTs can result in imminent threats to public safety when petroleum or petroleum vapors reach explosive levels in sewers, utility corridors, underground parking structures, and basements near a LUST site. Emergency response incidents across the country show that reporting, initial abatement measures, and free product removal activities may need to be implemented immediately upon discovery of a release to protect human health and the environment.¹⁰

Performance Measure Targets:

Work under this program supports performance results in the LUST Cooperative Agreements Program under the LUST appropriation.

FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):

- (+\$131.0) This change to fixed and other costs is an increase due to the recalculation of base payroll costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$4,543.0 / +5.2 FTE) This program change is requested to support an additional 11 Trust Fund-led cleanups and five PRP-led cleanups in Indian Country. This investment includes \$904.0 thousand in payroll.

Statutory Authority:

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

¹⁰ For more information, please refer to: <http://astswmo.org/compendium-of-emergency-response-actions-at-underground-storage-tank-sites-version-2/>.

LUST Prevention

Program Area: Underground Storage Tanks (LUST / UST)

Goal: Safeguard and Revitalize Communities

Objective(s): Reduce Waste and Prevent Environmental Contamination

(Dollars in Thousands)

	FY 2022 Final Actuals	FY 2023 Enacted Operating Plan	FY 2024 President's Budget	FY 2024 President's Budget v. FY 2023 Enacted Operating Plan
Leaking Underground Storage Tanks	\$22,045	\$25,780	\$26,669	\$889
Total Budget Authority	\$22,045	\$25,780	\$26,669	\$889

Program Project Description:

The goal of the Leaking Underground Storage Tank (LUST) Prevention Program is to ensure that groundwater sources are protected from petroleum and associated chemicals leaking from underground storage tanks (USTs). This work supports the Administration's priority of mitigating the negative environmental impacts to communities that are historically underserved, marginalized, and adversely affected by persistent poverty and inequality, as articulated in Executive Order 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*.¹¹ As of July 2021, approximately 53 million people lived within a quarter mile of an active UST facility, representing 16 percent of the total U.S. population. These communities tend to be more minority and lower income than the U.S. population as a whole.¹²

The LUST Prevention Program provides funding to states¹³ and tribes to prevent releases from the 537,706 active USTs by ensuring compliance with federal and state laws through inspections and other activities.¹⁴ Preventing UST releases is more efficient and less costly than cleaning up releases after they occur. The Energy Policy Act (EPAct) of 2005 requires EPA or states to conduct inspections at each regulated UST once every three years. Funding for LUST Prevention grants is subject to an annual, formula-based allocation process.

FY 2024 Activities and Performance Plan:

Work in this program directly supports Goal 6/Objective 6.2, Reduce Waste and Prevent Environmental Contamination in the *FY 2022 - 2026 EPA Strategic Plan*.

¹¹ For additional information, please refer to: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

¹² U.S. EPA, Office of Land and Emergency Management 2021. Data collected includes: 1) UST information as of late 2018 to mid-2019 depending on the state from ORD & OUST, UST Map, <https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=b03763d3f2754461adf86f121345d7bc>; and 2) population data from the 2015-2019 American Community Survey.

¹³ 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.

¹⁴ For more information, please refer to: <https://www.epa.gov/system/files/documents/2021-11/ca-21-34.pdf>.

Due to the increased emphasis on inspections and release prevention requirements, the number of annual confirmed releases has decreased by 38 percent from FY 2008 to FY 20221 (from 7,364 to 4,568).¹⁵

EPA estimates that only two percent of the Nation's 125,000 retail fuel locations have the appropriate equipment to store higher blends of ethanol, which means that the remaining UST systems will need some level of upgrade before they can safely and legally store E15. This poses a greater risk of having an accidental oil release in nearby communities. EPA plans to continue the national program launched in FY 2023 to improve the compatibility of UST systems with E15 in fenceline communities. EPA will continue to support inspections to help ensure UST systems are compatible with E15 storage requirements and to triage sites that need more attention.

As of FY 2022, 51 states and territories have reported compliance with the UST Technical Compliance Rate (TCR) measure, which came about after the UST rule was revised in 2015.¹⁶ The TCR includes new compliance measures for spill prevention and overfill requirements as well as additional leak detection requirements. The states that reported TCR in FY 2022 produced a TCR rate of 57 percent, which is consistent with the 58 percent rate from FY 2021 but incorporates several states reporting for the first time.

Major FY 2024 activities include core program priorities, such as inspecting UST facilities to meet the three-year inspection requirement and assisting states in adopting prevention measures (for example: delivery prohibition, secondary containment, and operator training). These activities emphasize bringing UST systems into compliance with release detection and release prevention requirements and minimizing future releases.

A lack of proper operation and maintenance for UST systems is one of the main causes of petroleum releases and was the main impetus for EPA to propose changes to the federal UST rule that was finalized in October 2015. By the end of FY 2024, EPA anticipates that all states that originally had state program approval (SPA) based on the 1998 UST regulation will be granted SPA renewal based on the 2015 UST regulation. In FY 2024, EPA will continue working with a small number of remaining states to reapply for SPA. In addition, in FY 2022, one state was approved for SPA for the first time, and EPA anticipates two more new states will apply and be approved for SPA for the first time by the end of FY 2024.

EPA is responsible for implementing the UST regulations in Indian Country, in partnership with the tribes. Resources will be used to provide support with all aspects of the tribal prevention programs, including the development of inspection capacity. This includes providing money to support training for tribal staff and educating owners and operators in Indian Country about UST compliance requirements and, in some cases, assisting tribal staff to receive federal inspector credentials to perform inspections on behalf of EPA.

¹⁵ For more information, please refer to <https://www.epa.gov/system/files/documents/2021-11/ca-21-34.pdf>.

¹⁶ Beginning in FY 2023, TCR will be the measure reported from the remainder of the states.

Performance Measure Targets:

(PM UST01) Number of confirmed releases at UST facilities.

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Units
Target					No Target Established	5,150	5,075	5,000	Releases
Actual	5,678	5,654	5,375	4,944	4,991	4,568			

FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):

- (+\$889.0) This program change requests grant funding to support fenceline communities by increasing state inspections that will focus on ensuring UST systems are compatible with E15.

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.

LUST Cooperative Agreements

Program Area: Underground Storage Tanks (LUST / UST)

Goal: Safeguard and Revitalize Communities

Objective(s): Clean Up and Restore Land for Productive Uses and Healthy Communities

(Dollars in Thousands)

	FY 2022 Final Actuals	FY 2023 Enacted Operating Plan	FY 2024 President's Budget	FY 2024 President's Budget v. FY 2023 Enacted Operating Plan
<i>Leaking Underground Storage Tanks</i>	<i>\$50,294</i>	<i>\$55,040</i>	<i>\$65,040</i>	<i>\$10,000</i>
Total Budget Authority	\$50,294	\$55,040	\$65,040	\$10,000

Program Project Description:

This funding is used to award cooperative agreements to states¹⁷ to implement the Leaking Underground Storage Tank (LUST) Program. The LUST Program ensures that petroleum contamination is properly assessed and cleaned up by providing states with funding to address releases, including in groundwater, the primary drinking water source for many Americans.¹⁸

This program supports the Administration's priority of mitigating the negative environmental impacts to communities that are historically underserved, marginalized, and adversely affected by persistent poverty and inequality as articulated in Executive Order 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*.¹⁹ This program also supports the Administration's Justice 40 initiative, which seeks to ensure that 40 percent of the overall benefits of certain federal investments flows to communities that are marginalized, underserved, and overburdened by pollution. As of July 2021, there were approximately 53 million people living within a quarter mile of an active UST facility, representing 16 percent of the total U.S. population. These communities tend to be more minority and lower income than the U.S. population as a whole.²⁰

LUST funding supports states in managing, overseeing, and enforcing cleanups at LUST sites. At the end of FY 2022 there were 59,890 LUST sites nationally that had not reached cleanup completion. States are focusing on increasing the efficiency of LUST cleanups, leveraging private and state resources, and enabling community redevelopment. Cleaning up LUST sites protects people from exposure to contaminants and makes land available for reuse.

¹⁷ 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.

¹⁸ Almost half of the Nation's overall population and 99 percent of the population in rural areas rely on groundwater for drinking water. (See *EPA 2000 Water Quality Inventory Report*, https://archive.epa.gov/water/archive/web/html/2000report_index.html).

¹⁹ For more information, please refer to: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

²⁰ U.S. EPA, Office of Land and Emergency Management 2021. Data collected includes: (1) UST information as of late-2018 to mid-2019 depending on the state from ORD & OUST, UST Map, <https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=b03763d3f2754461adf86f121345d7bc>; and (2) population data from the 2015-2019 American Community Survey.

EPA's backlog study characterized the national inventory of sites that have not reached cleanup completion. The study found that almost half of the releases were 15 years old or older, and that groundwater was contaminated at 78 percent of these sites. Remediating groundwater contamination is often more technically complex, takes longer, and is more expensive than remediating soil contamination.²¹ Potential adverse health effects from chemicals in gasoline such as benzene, methyl tertiary-butyl ether (MTBE), alcohols, or lead scavengers contribute to the importance of cleaning up these contaminants and increase the cost of cleaning up these sites.²²

An EPA study published in 2018 determined the impact of high-profile UST releases on housing prices. The study found that high profile UST releases decrease nearby property values by two to six percent. Once a cleanup is completed, nearby property values rebound by a similar margin.²³

FY 2024 Activities and Performance Plan:

Work in this program directly supports Goal 6/Objective 6.1, Clean Up and Restore Land for Productive Uses and Healthy Communities in the *FY 2022 - 2026 EPA Strategic Plan*.

EPA requests an additional \$10 million in extramural funding to reduce the size of the national backlog. Additional resources will be used to cleanup an additional 570 sites this year in communities across the country.

The table below shows the progress made on the UST national backlog. EPA will continue to collect and analyze information about the initiation and cleanup of UST releases.²⁴

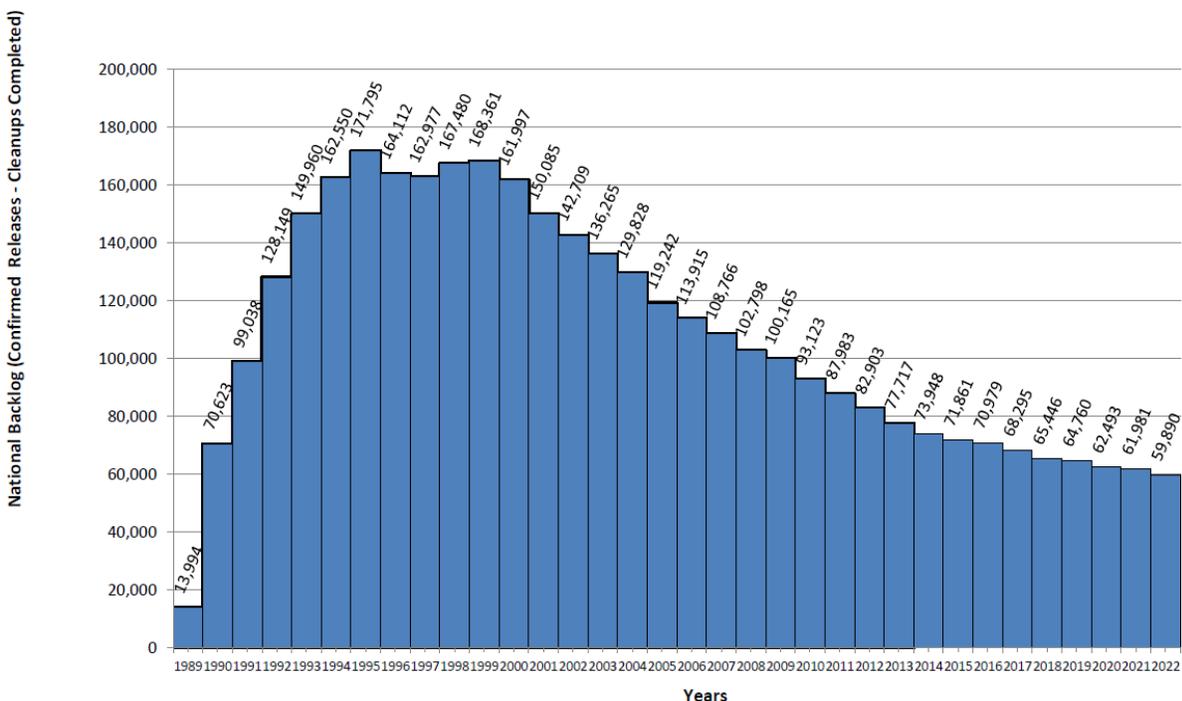
²¹ Please refer to *The National LUST Cleanup Backlog: A Study Of Opportunities*, September 2011, <http://www.epa.gov/ust/national-lust-cleanup-backlog-study-opportunities>.

²² Please see *Technologies for Treating MTBE and Other Fuel Oxygenates*, May 2004, pages 2-6 and 2-7, <https://nepis.epa.gov/Exe/ZyPDF.cgi/10004E5P.PDF?Dockey=10004E5P.PDF>

²³ Guignet, D., Jenkins, R., Ranson, M., & Walsh, P. J. (2018). Contamination and incomplete information: Bounding implicit prices using high-profile leaks. *Journal of environmental economics and management*, 88, 259-282. <https://doi.org/10.1016/j.jeem.2017.12.003>.

²⁴ Data from Annual Report of UST Measures End of Fiscal Year 2022, <https://www.epa.gov/system/files/documents/2022-11/ca-22-34.pdf>

**UST National Backlog:
FY 1989 Through End-of-Year FY 2022**



In FY 2024, EPA will continue to engage in the following activities with base resources:

- Collaborate with states to develop and implement flexible, state-driven strategies to reduce the number of remaining LUST sites that have not reached cleanup completion and address new releases that are confirmed each year. Through the cooperative efforts between EPA and states, the backlog was reduced by approximately 42 percent between the end of 2008 and the end of 2022 (from 102,798 to 59,890).²⁵ This also includes providing resources to states to perform core cleanup work.
- Leverage funding by developing best practices and supporting management, guidance, and enforcement activities through LUST Cleanup Cooperative Agreements. LUST Cleanup Cooperative Agreements help achieve approximately 7,000 cleanups annually, whereas, if EPA were to apply the funding directly, only about 366 cleanups would occur annually (assuming an average cleanup cost of \$150 thousand per site).²⁶
- Provide resources and support to states to quickly address emergency responses from releases to the environment. Emergency response incidents across the country show that reporting, initial abatement measures, and free product removal activities need to be

²⁵ For more information, please refer to: <http://www.epa.gov/ust/ust-performance-measures>.

²⁶ Average cleanup cost per site based on ASTSWMO's 2019 Annual State Fund Survey Results at: <http://astswmo.org/2019-annual-state-fund-survey/>.

implemented immediately upon discovery of a release to protect human health and the environment.²⁷

The Energy Policy Act (EPAAct) 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. In FY 2024, EPA will continue to factor state compliance with EPAAct requirements into LUST Cleanup Cooperative Agreement decisions.

Performance Measure Targets:

(PM 112) Number of LUST cleanups completed that meet risk-based standards for human exposure and groundwater migration.

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Units
Target	8,600	11,200	11,200	11,200	11,200	7,439	7,125	6,970	Cleanups
Actual	8,775	8,128	8,358	7,211	7,271	6,536			

FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):

- (+\$10,000.0) This program change is requested to increase EPA’s progress in addressing the national backlog. Additional extramural resources are estimated to result in cleanups at an additional 570 sites across the country.

Statutory Authority:

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

²⁷ For more information, please refer to: <http://astswmo.org/compendium-of-emergency-response-actions-at-underground-storage-tank-sites-version-2/>.