



Goal 3:

Land Preservation and Restoration

Preserve and restore the land by using innovative waste management practices and cleaning up contaminated properties to reduce risks posed by releases of harmful substances.

Progress Toward the Strategic Goal and Objectives

EPA and its state, tribal, and local partners have made significant progress toward achieving the goal of preserving and restoring land. To protect land, the Agency and its partners use a hierarchy of approaches for managing wastes effectively, including reducing waste at its source, recycling waste, and regulating to prevent spills and releases of harmful materials. The Agency also works with its partners and the regulated community to clean up land that has already been contaminated by wastes and restore it to productive use.

PRESERVING LAND

As authorized by the Resource Conservation and Recovery Act (RCRA), EPA and its partners are on track to achieve the objective of mitigating the adverse effects to land by reducing waste generation, increasing recycling, and ensuring proper management of waste and petroleum products at facilities in ways that prevent releases. Data for 2000, the latest year for which information is available, indicate that the nation recycled 30 percent of its municipal solid waste (MSW), an annual increase of about 2 percent. MSW generation for 2000 remained similar to prior years' generation at 4.5 pounds per person per day.¹ Through various voluntary mechanisms, including the Agency's



Resource Conservation Challenge (RCC),² EPA continues working with businesses, manufacturers, and government agencies to reduce waste and to encourage additional recycling and the purchase of goods made from recycled materials. (Additional information regarding the RCC is presented in Goal 5).

Under the RCRA hazardous waste treatment, storage, and disposal facility permitting program, EPA works effectively in partnership with state, local, and

tribal governments and other stakeholders. Based on preliminary results for FY 2003, EPA, in cooperation with its partners, has already met its 80 percent objective for FY 2005—83.2 percent of the approximately 2,750 hazardous waste management facilities have permits or other approved controls in place to prevent dangerous releases to air, soil, and groundwater.³ This accomplishment

resulted mainly through the efforts of the states that are authorized to run the hazardous waste permitting program, although some permitting responsibility still resides with the EPA regions. Having already met its FY 2005 goal of 80 percent, EPA has set a more challenging goal of having 95 percent of facilities under approved controls by the end of FY 2008.

In addition, through the end of March 2003, the Underground Storage Tank (UST) Program, in partnership with the states, has ensured that more than 212,000 facilities⁴ (81 percent) of the 262,719 active facilities⁵ are in compliance with spill, overfill, and corrosion protection requirements, substantially reducing the threat of a release to the environment and the associated human health and environmental exposure. EPA continues to work with the states to reduce the number of releases that exceed state-set health and environmental standards.

RESTORING LAND

Through Superfund, EPA and its partners, including other federal agencies, states, local and tribal governments, as well as potentially responsible parties (PRPs), continue to make strides in restoring land and reducing risks to human health and the environment posed by dangerous contaminants in the air, soil, and water.⁶ Through August 2003, the Agency's emergency response program or PRPs under EPA's oversight initiated 380 emergency or time-critical removal actions.⁷ Since 1980, EPA has initiated more than 7,800 removals of hazardous substances at more than 5,500 sites⁸ that pose immediate public health and environmental threats. To date,

the Agency and its partners have also made final assessment decisions at 38,586 sites—an important indication of progress being made to reduce the risks from contaminated sites and to minimize the length of time for actual or potential human health or environmental exposures.

Remedial cleanup construction activities have been completed at 886 sites—58 percent of the sites on the Superfund National Priorities List (NPL) since 1980. Protective controls are in place at 82 percent of NPL sites where humans may be exposed to hazardous substances. For the 65 percent of NPL sites with contaminated groundwater, protective controls are in place to control its further migration.⁹ This progress has allowed EPA to substantially reduce the actual public

SUPERFUND: PROTECTING PEOPLE FROM ENVIRONMENTAL CONTAMINATION

Since its inception in 1980, EPA's Superfund program has:

- Provided alternative drinking water supplies to nearly 613,000 people at NPL and non-NPL sites to protect them from contaminated ground and surface water.
- Treated or removed 951 million cubic yards of hazardous solid waste.
- Addressed (treated, contained, or disposed of) 379 billion gallons of hazardous liquid waste (including contaminated groundwater).
- Relocated more than 33,000 people at NPL and non-NPL sites in instances where contamination posed the most severe immediate threats.

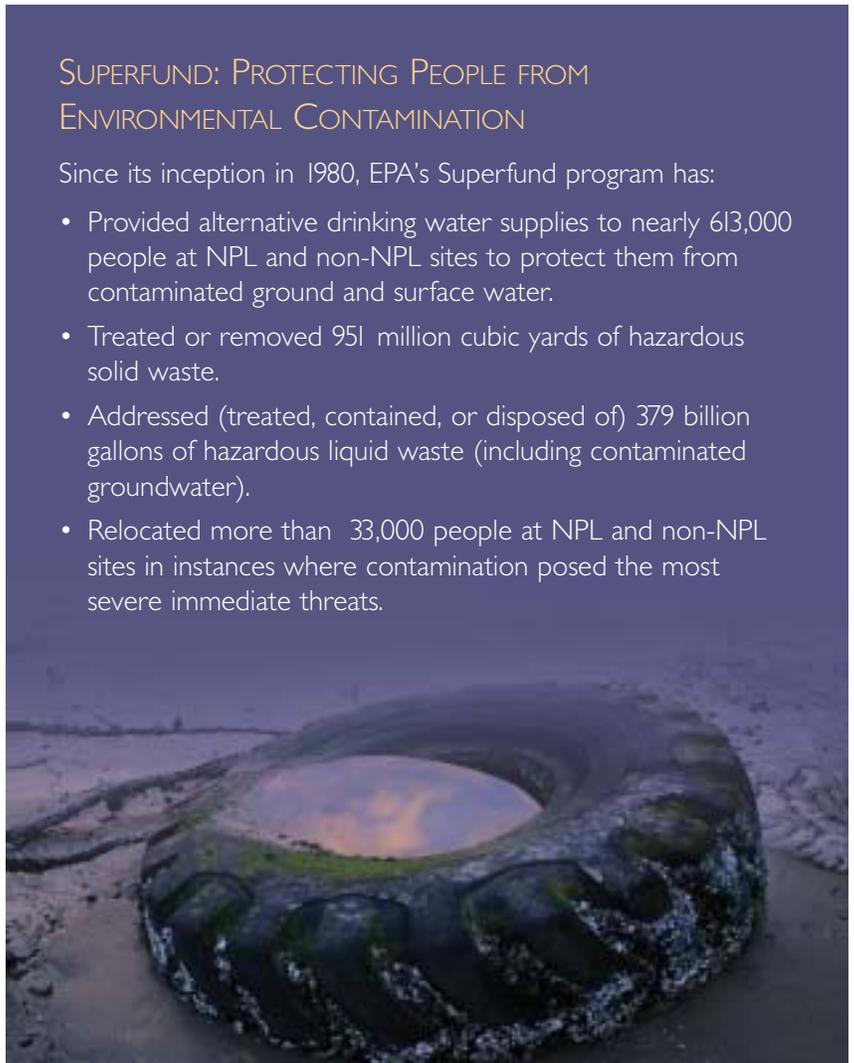
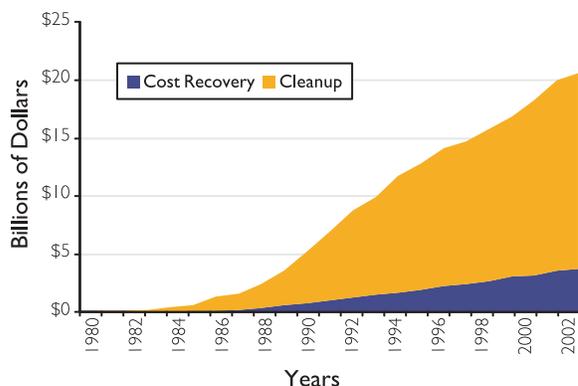


Figure 3-1: Over \$22 Billion in PRP Commitments for Cleanup and Cost Recovery since 1980



health and/or environmental threats posed by potential or actual exposure to hazardous substances at Superfund sites.

An important element of managing the Superfund program is to ensure that PRPs clean up contaminated sites or pay their fair share of cleanup costs, thereby leveraging Superfund Trust Fund resources and reducing the cleanup burden paid by taxpayers. Through FY 2003, EPA has achieved total private party commitments for cleanup and cost recovery valued at more than \$22 billion (more than \$18.1 billion in response settlements, and approximately \$3.9 billion in cost recovery settlements), resulting in more than \$8 in private party commitments for cleanup and cost recovery for every \$1 spent on Superfund enforcement.¹⁰ (See Figure 3-1 for PRP commitments.)

Superfund's Base Realignment and Closure¹¹ (BRAC) Program has also helped to accelerate cleanup at 107 military installations to date. EPA's technical and legal advice from dedicated senior-level project managers, who participate on the base closure teams, and joint EPA/state decision making have led to faster regulatory reviews, accelerating cleanups by an estimated 443 project years. As part of the Agency's agreement with the Department of Defense, a

project manager may be assigned to work full-time on these sites in order to provide expedited oversight and/or review of documents, which has hastened cleanup by an average of 4 years per base closure, and achieved an estimated cost savings of approximately \$356 million for the life of EPA's involvement in the BRAC Program. This has resulted in more than 253,000 BRAC acres being made available for lease or transfer.

EPA is on target to achieve its FY 2005 intermediate environmental indicator cleanup goals for the RCRA Corrective Action Program. Those goals are to have adequate controls in place for pathways of human exposure at 95 percent of 1,714 facilities, and adequate controls in place for controlling migration of contaminated groundwater at 70 percent of these facilities. Through FY 2003, adequate controls are in place to prevent human exposure to hazardous substances at 73 percent (1,246) of the 1,714 high-priority RCRA facilities where the potential for human exposure exists, and migration of contaminated groundwater is under control at 61 percent (1,049) of the 1,714 high-priority RCRA facilities.¹² This progress reflects strong partnerships among the regions and states, and has resulted in a substantial reduction in human exposures.

EPA and its partners have also made substantial progress toward protecting human health and the environment by performing, supporting, and overseeing cleanup at facilities that have experienced releases from underground storage tanks (USTs). Since 1987, the UST Program has initiated or completed cleanup action at more than 400,000¹³ UST facilities that will have met a health- or environmental-based standard after cleanup is completed.

FY 2003 Performance

PRESERVING LAND

Under its goal of preserving land and the effort to manage wastes effectively and prevent spills and releases of harmful materials, the Agency and its partners have ensured that more than 100 additional hazardous waste management facilities nation-wide have permits or other controls in place.¹⁴ In 2003, EPA also moved to a new system of mutual performance agreements to confirm state and regional commitments and projections toward FY 2004 RCRA permitting goals and to describe the method to achieve those goals.

EPA does not expect to meet its FY 2003 target of having 85 percent of UST facilities in compliance with the spill, overflow, and corrosion protection requirements (the mid-year compliance rate was 81 percent), nor does it expect to meet its target of 80 percent for facility compliance with the leak-detection requirements (the mid-year compliance rate was 72 percent). Although the Agency has been working with the states to improve their reporting of both compliance measures, the compliance rates for both measures have been steady or declining. State inspectors are currently reviewing whether UST facilities are in compliance with these requirements.

RESTORING LAND

In FY 2003, the Agency also focused on increasing its readiness to respond to accidental or intentional releases of harmful substances, particularly its ability to respond to simultaneous events and to communicate effectively and securely with other federal, state and local responders. During FY 2003, EPA completed baseline core emergency response evaluations in each region, for the Environmental Response Team (ERT), and at EPA headquarters against a defined set of criteria for assessing core emergency response capabilities.¹⁵ The average score was 823 (out of a possible 1,000 points). In future years,



EPA will conduct annual reviews of its emergency response readiness to assess progress toward annual targets.

Major accomplishments in FY 2003 for EPA's Superfund emergency response program included participating in several large-scale cleanups, including providing support to the U.S. Postal Service in designing and carrying out extensive cleanup plans for anthrax decontamination at the Brentwood mail sorting and distribution center in Washington DC, and the collection, tracking and testing of the potentially hazardous debris from the Space Shuttle Columbia disaster for environmental contamination. EPA worked closely with state environmental agencies, the National Aeronautics and Space Administration (NASA), and the U.S. Forest Service during the latter effort. As a result of EPA's demonstrated leadership and expertise, the Agency was asked to continue as the lead for the collection of the remainder of the shuttle debris, even after it was determined that the debris posed no imminent human health or environmental threat.

In addition to conducting emergency response actions at sites posing immediate threats, EPA recorded a net increase of 917 final assessment decisions¹⁶ in FY 2003 at sites that may pose a threat, significantly exceeding its target of 475 decisions. The dramatic increase in final assessment decisions was due, in part, to the Comprehensive Environmental Response, Compensation, and Liability

Information System (CERCLIS) enhancements, which provide a more detailed level of tracking, and to EPA's issuance of additional guidance, which clarifies when final assessment decisions can be made on existing sites.

In FY 2003, EPA met its target for completing construction at an additional 40 NPL sites, 3 of which were carried out in conjunction with the Agency's partners at federal facilities. While the cumulative total of federal facilities that have completed construction is now 40, hundreds of federal facilities nation-wide (e.g., abandoned mines, nuclear weapons production plants, fuel distribution areas, and landfills) remain contaminated with hazardous waste, unexploded ordnance, radioactive waste, fuels, and various other toxic contaminants. The size and complexity of Superfund cleanups at federal facilities, which require varied remedies and take considerable time to address, will continue to be a future challenge for the Agency.

In FY 2003, PRPs continued to make substantial contributions toward Superfund cleanup by initiating more than 87 percent of new long-term clean-up actions at non-federal facility Superfund sites, exceeding the 70 percent target. EPA also secured private party commitments for clean up and cost recovery that exceeded \$1.1 billion. Of this amount, PRPs agreed to conduct more than \$904 million in future clean-up work and to reimburse EPA for more than \$225 million in past costs.¹⁷

EPA also measures its ability to eliminate human health and environmental risks at NPL sites and high-priority RCRA treatment, storage and disposal facilities that require corrective action. In FY 2003, in a manner similar to that historically used for the RCRA Corrective Action Program, EPA started setting targets for two new environmental indicators at appropriate Superfund sites, signifying whether adequate controls are in place at these sites to prevent any

unacceptable human exposures or migration of contaminated groundwater. The determination made (under control, not under control, or insufficient data) is based on the most recent data available to site project managers. This characteristic of the underlying data makes these measures dynamic, and the determination for a site may change during any given year, based on new data that reflect a better understanding of site conditions. The FY 2003 target for each indicator was 10.

In FY 2003, EPA recorded a net increase of 28 NPL sites where current actual or potential human exposures are under control, and a net increase of 54 sites where migration of contaminated groundwater is under control. Cumulatively, 82 percent (1,227 out of 1,494) of eligible NPL sites now have human exposures under control and 65 percent (826 out of 1,275) of eligible sites have groundwater migration controlled.¹⁸

In FY 2003, EPA met its environmental indicator goals for the RCRA Corrective Action Program. An additional 230 out of a total of 1,714 high-priority facilities controlled human exposures to acceptable levels, and an additional 175 of the 1,714 facilities controlled migration of contaminated groundwater.¹⁹ During FY 2003, EPA and the states initiated several activities that contributed to these accomplishments, including holding specialized technical training for corrective action project managers; using a specialized team to work with and accelerate progress at a number of federally-owned sites; and giving special recognition to RCRA partners.

During FY 2003, EPA continued to work with tribal waste program managers to develop waste program expertise in tribes and address the most pressing needs in Indian Country. EPA provided \$760,000 as



part of an interagency grant program totaling about \$1.8 million for closing municipal solid waste open dumps in Indian Country. Cumulatively, since 1999, the Interagency Workgroup has provided 85 tribes more than \$8.9 million that has resulted in the cleanup of 27 open dumps and other activities to prevent future dumping of wastes in Indian Country. EPA also provided \$432,000 in tribal grants for RCRA hazardous waste activities and developed an initial inventory of RCRA hazardous waste facilities in Indian Country. The inventory identified 10 treatment, storage and disposal facilities and nearly 100 large-quantity generator facilities in Indian Country. Cumulatively, since 1999, the Hazardous Waste Management Grant Program for Tribes has provided more than 25 tribes approximately \$3 million for household hazardous waste collection, used oil management systems, public education, and hazardous waste identification projects.

In FY 2003, EPA completed a draft FY 2002 report to Congress on the Superfund Innovative Technology Evaluation (SITE) Program. The SITE report describes results of full-scale demonstrations of innovative remediation processes on priority contaminated sites, including MTBE and oil contamination, and contaminated sediments and groundwater. Federal agencies, states, and local governments use these results in clean-up decisions to remediate sites more effectively and less expensively. The report details the costs of innovative technologies tested under the SITE Program and compares these costs to those of conventional technologies. This information about ongoing and completed demonstration projects stimulates applications of new technology through resulting performance and cost savings in clean-up projects and an improved market for technology developers.

Assessment of Impacts of FY 2003 Performance on FY 2004 Annual Plan

The target for final site assessment decisions under Superfund for FY 2004 has been increased from 475 to 500 to account for an additional 25 “Other Clean-up Activity” sites, such as Sites Deferred to States that were not previously accounted for as final site assessment decisions. For the most part, 917 final assessment decisions (FADs) account for a one-time effort in FY 2003 to capture an existing universe of NPL-eligible sites being addressed under other authorities, primarily state clean-up programs. Prior to FY 2003, these sites were not captured as FADs, even though Superfund assessment work was complete. Beginning in FY 2004, EPA expects that these types of FADs will occur at an additional 25 sites per year, bringing the total number of expected FADs to 500 per year.

EPA has also developed a new FY 2004 measure for the Superfund enforcement

program based on the Agency’s “Enforcement First” policy. The measure specifies that EPA will reach a settlement or take an enforcement action by the time of the start of remedial action at 90 percent of those Superfund sites having known non-federal, viable, liable parties (and where the remedial actions start during the fiscal year). This measure will describe more accurately the accomplishments of the Superfund enforcement program because the measure is no longer dependent upon the number of remedial actions started using trust fund resources.

Finally, EPA has also developed a new FY 2004 measure that reflects the number of confirmed UST releases nationally. States already report information for this measure and a baseline already exists.

Annual Performance Goals (APG) and Measures

GOAL 3: LAND PRESERVATION AND RESTORATION

SUMMARY OF RESULTS—GOAL 3

Number of Goals Met:	5
Number of Goals Not Met:	1
Number with Data Lag:	3

APG 25	Municipal Solid Waste Source Reduction	Planned	Actual
FY 2003	Divert an additional 1% (for a cumulative total of 32% or 74 million tons) of municipal solid waste from land filling and combustion, and maintain per capita generation of Resource Conservation and Recovery Act (RCRA) municipal solid waste at 4.5 pounds per day. Data Lag.	74 M 4.5 lbs	data available Dec. 2005
FY 2002	Same goal, different target. Data Lag.	69 M 4.5 lbs	data available Dec. 2004*
FY 2001	Same goal, different target. Data Lag.	67 M 4.3 lbs	data available Dec. 2003*
FY 2000	Same goal, different target. Goal Met.	64 M 4.3 lbs	69.9 M 4.5 lbs
<p>FY 2003 Result: FY 2003 results for this goal will be available in early 2006. Data for 2000, the latest year for which information is available, indicate that the nation recycled 30% of its municipal solid waste (MSW), an annual increase of about 2%. MSW generation for 2000 continued stable at 4.5 pounds per person per day.</p> <p>* NOTE: Data availability dates are updated for FYs 2001 and 2002.</p>			

APG 26	Facility Standards and Compliance	Planned	Actual
FY 2003	Increase the number of waste and petroleum facilities with acceptable or approved controls in place to prevent releases to the environment. Data Lag.		
	<i>Performance Measures</i>		
	—Percent of RCRA hazardous waste management facilities with permits or other approved controls.	77.2%	83.2%
	—Increase in UST facilities in significant operational compliance with leak detection requirements.	3%	data available Dec. 2003
	—Increase in UST facilities in significant operational compliance with spill, overfill and corrosion protection regulations.	3%	data available Dec. 2003

APG 26	Facility Standards and Compliance <i>(continued)</i>	Planned	Actual
FY 2002	75.8% of the hazardous waste management facilities will have approved controls in place to prevent dangerous releases to air, soil, and groundwater, representing an average increase of 39 additional facilities per year. Goal Met.	75.8%	79.0%
FY 2001	Same goal, different targets. Goal Met.	68%	74%
FY 2000	Same goal, different targets. Goal Met.	67%	67%
<p>FY 2003 Result: Although EPA met the target for one of the three performance measures in this goal, final data for the remaining two measures are not expected until December 2003. For the first measure, EPA met the target for FY 2003 by having 83.2% of approximately 2,750 hazardous waste management facilities with permits or other approved controls in place to prevent dangerous releases to air, soil, and groundwater. For the remaining measures, EPA does not expect to increase the UST facilities in significant operational compliance with leak detection requirements by 3% to 80% or with spill, overfill and corrosion protection requirements by 3% to 85% in FY 2003. At mid-year, the compliance rates for leak detection requirements and spill, overfill and corrosion protection requirements were 72% and 81%, respectively. Although the Agency has been working with the states to improve their reporting of both measures, the compliance rates for both have been steady or declining. There is some variability in reporting by states because some states have more stringent requirements, while other states have targeted non-compliant UST facilities so the facilities that are inspected are not representative of all facilities in the state.</p>			

APG 27	Assess Contaminated Land	Planned	Actual
FY 2003	Assess waste sites. Goal Met.		
	<i>Performance Measures</i>		
	— Number of Superfund final site assessment decisions.	475	917
	— Number of Superfund removal response actions initiated.	275	380
<p>FY 2003 Result: EPA significantly exceeded its target of 475 site assessment decisions by completing 917. The large number of final assessment decisions was due, in part, to CERCLIS system enhancements, that provide a more detailed level of tracking, and to EPA's issuance of additional guidance, which clarifies when final assessment decisions can be made on existing sites. It also represents a one-time effort in FY 2003 to capture an existing universe of NPL-eligible sites being addressed under other authorities, primarily state cleanup programs. EPA also substantially exceeded its target for Superfund removal action starts, primarily due to the large number (110) of removals initiated by potentially responsible parties (PRPs) voluntarily for which no enforcement instrument was in place. Such removals are difficult to predict and are not taken into consideration in developing planning estimates.</p>			

APG 28	Clean Up and Re-use Contaminated Land	Planned	Actual
FY 2003	Clean up and reduce risk at waste sites. Data Lag.		
	<i>Performance Measures</i>		
	— Number of Superfund construction completions.	40	40
	— Number of Superfund hazardous waste sites with human exposures controlled.	10	28
	— Number of Superfund hazardous waste sites with groundwater migration controlled.	10	54

APG 28	Clean Up and Re-use Contaminated Land <i>(continued)</i>	Planned	Actual
FY 2003 (continued)	Performance Measures (continued) —Number of high priority RCRA facilities with human exposures to toxins controlled.	197	230
	—Number of high priority RCRA facilities with toxic releases to groundwater controlled.	158	175
	—Number of leaking underground storage tank cleanups completed.	21,000	data available Dec. 2003
FY 2002	(Superfund Cleanup) EPA and its partners will complete 40 Superfund cleanups (construction completions). Forty-seven construction completions were completed in FY 2001. Goal Met.	40	42
FY 2001	Same goal, different targets. Goal Not Met.	75	47
FY 2000	Same goal, different targets. Goal Met.	85	87
FY 2002	(RCRA Corrective Actions) 172 (for a cumulative total of 995 or 58%) of high priority RCRA facilities will have human exposures (HE) controlled and 172 (for a cumulative total of 882 or 51%) of high priority RCRA facilities will have groundwater releases (GWR) controlled. Goal Met.	172 HE 172 GWR	205 HE 171 GWR
FY 2001	Same goal, different targets. Goal Not Met.	172 HE 172 GWR	179 HE 154 GWR
FY 2000	Same goal, different targets. Goal Met.	172 HE 172 GWR	191 HE 168 GWR
FY 2002	(Leaking Underground Storage Tank Cleanups) EPA and its partners will complete 22,000 Leaking Underground Storage Tank (LUST) cleanups for a cumulative total of approximately 290,000 cleanups since 1987. Goal Not Met.	22,000	15,769
FY 2001	Same goal, different targets. Goal Not Met.	21,000	19,074
FY 2000	Same goal, different targets. Goal Met.	21,000	20,834

FY 2003 Result: In FY 2003, EPA met the majority of its performance measures for cleaning up and reducing risk at waste sites. Data for one performance measure (relating to leaking underground storage tank (UST) cleanups) will not be available until December 2003. EPA met the target for completing construction at an additional 40 National Priority List (NPL) sites for a cumulative total of 886 sites over the life of the Superfund program. Of the 40 sites, 3 were carried out in conjunction with the Agency's partners at federal facilities. Also, EPA significantly exceeded its targets by recording an additional 28 NPL sites where current actual or potential human exposures are under control, and an additional 54 sites where migration of contaminated groundwater is under control. These targets were exceeded because FY 2003 is the first year that targets have been set for these two new environmental indicators at appropriate Superfund sites. Cumulatively, 82% (1,227 out of 1,494) of eligible NPL sites now have human exposures under control and 65% (826 out of 1,275) of eligible sites have groundwater migration controlled. In the RCRA corrective action program, EPA and its partners recorded an additional 230 high-priority RCRA facilities with human exposure to toxins under control, and an additional 175 facilities with groundwater migration under control, thereby exceeding the targets for both of these environmental indicators. Cumulatively, 1,248 high-priority RCRA facilities have human exposures controlled and 1,051 facilities have groundwater migration controlled. According to the FY 2003 mid-year activity report for the UST program, more than half of the cleanups expected by year end had been completed by EPA and its partners (12,369).

APG 29	Superfund Potentially Responsible Party Participation	Planned	Actual
FY 2003	Maximize all aspects of potentially responsible party (PRP) participation which includes maintaining PRP work at 70% of the new remedial construction starts at non-Federal Facility Superfund sites, and emphasize fairness in the settlement process. Goal Met.	70%	87%
FY 2002	Same goal. Goal Met.	70%	71%
FY 2001	Same goal. Goal Not Met.	70%	67.3%
	Performance Measures		
	—Ensure fairness by making orphan share offers at 100% of all eligible settlement negotiations for response work.	100%	100%
	—Provide finality for small contributors by entering into de minimis settlements and report the number of settlers.	18	15
FY 2000	Same goal. Goal Not Met.	70% 100% (orphan) 20 (de minimis)	68% 100% 18
<p>FY 2003 Result: In FY 2003, PRPs continue to make substantial contributions toward Superfund cleanup by initiating more than 87% of new long-term cleanup actions at non-federal facility Superfund sites, exceeding the 70% target. The PRP participation percentage is determined by two factors, the number of PRP-lead remedial action starts and the number of Fund-lead starts. Shifts in both of these factors influenced this year's increased percentage—the 87% participation rate resulted from the combination of having additional PRP-lead starts and fewer Fund-lead than in previous years. EPA also secured private party commitments for cleanup and cost recovery that exceeded \$1.1 billion. This amount includes \$125 million for an innovative settlement with ASARCO (a metals smelting and refining company), providing funds to partially fulfill ASARCO's obligations under numerous prior federal and state consent decrees and administrative orders for work at CERCLA and non-CERCLA sites, work conducted for or by other non-EPA federal agencies, and work conducted or overseen by state agencies. Of the \$1.1 billion, PRPs agreed to conduct more than \$895 million in future cleanup work and to reimburse EPA for more than \$226 million in past costs.</p>			

APG 30	Superfund Cost Recovery	Planned	Actual
FY 2003	Ensure trust fund stewardship by getting PRPs to initiate or fund the work and recover costs from PRPs when EPA expends trust fund monies. Address cost recovery at all NPL and non-NPL sites with a statute of limitations on total past costs equal to or greater than \$200,000. Goal Met.	100%	100%
FY 2002	Same goal. Goal Met.	100%	100%
FY 2001	Same goal. Goal Not Met.	100%	97.8%
FY 2000	Same goal. Goal Not Met.	100%	98.5%
<p>FY 2003 Result: In FY 2003, EPA continued to ensure trust fund stewardship by recovering costs from PRPs when EPA expends trust fund monies. Using enforcement, settlement or compromise/write-off, EPA achieved its goal of addressing 100% of the pending cost recovery cases with outstanding unaddressed past costs greater than \$200,000 and pending statute of limitations (SOL) concerns. EPA addressed 216 cost recovery actions at 201 NPL and non-NPL sites, of which 87 had total past costs greater than or equal to \$200,000 and potential SOL concerns, meeting the target for this activity.</p>			

APG 31	Prevent and Prepare for Accidental or Intentional Releases	Planned	Actual
FY 2003	<p>Improve homeland security response readiness and continue assessment of critical facility vulnerability. Goal Not Met.</p> <p><i>Performance Measures</i></p> <ul style="list-style-type: none"> —Develop baseline data for response readiness, incorporation of Homeland Security into community contingency plans, and critical facilities requiring vulnerability assessments. —Number of oil facilities in compliance with spill prevention, control and countermeasure provisions of oil pollution prevention regulations. 	<p>Baseline data</p> <p>600</p>	<p>823 (Baseline)</p> <p>525</p>

FY 2003 Results: In FY 2003, EPA did not meet its overall goal to improve the Agency's emergency readiness for response to accidental or intentional releases of harmful substances. During the year, EPA achieved its goal of establishing baseline data for response readiness, a significant accomplishment. EPA completed evaluations of core emergency response capabilities in each region, for the Environmental Response Team (ERT), and at EPA headquarters to determine a baseline from which to assess future improvements in those capabilities. Each entity was evaluated using a defined set of criteria, where the highest possible score is 1,000 points. The average score from these evaluations was 823, so this score will be used as the baseline for subsequent annual reviews of the Agency's emergency response readiness. EPA did not meet its target for the Agency's Spill Prevention, Control, and Countermeasures (SPCC) Program, which involves working with several hundred thousand oil storage facilities to prevent the discharge of all kinds of oil into the waters of the United States. In July 2002, EPA issued a final rule amending the Oil Pollution Prevention regulation that included requirements for SPCC plans, which are prepared by owners or operators of certain oil storage facilities and describes the facility's spill prevention and control measures. Several lawsuits were filed in November 2002 challenging various aspects of the rule, which resulted in a decision by EPA in April 2003 to extend by 18 months the deadlines by which facilities must amend (or, for new facilities, prepare) and implement their SPCC plans. As a result of the prevailing uncertainty, there were 75 fewer SPCC inspections nationally than anticipated.

APG 32	Oil Spill Response	Planned	Actual
FY 2003	<p>Respond to or monitor 300 significant oil spills in the inland zone. Goal Met.</p>	300	322
<p>FY 2003 Result: Although many oil spills are contained and cleaned up by the party responsible for the spill, some spills require assistance from local and state agencies, and occasionally, the federal government. Under the National Contingency Plan, EPA is the lead federal response agency for oil spills occurring in inland waters. In FY 2003, EPA exceeded its goal by responding to or monitoring 322 oil spills in the inland zone.</p>			

APG 33	Scientifically Defensible Decisions for Site Clean-up	Planned	Actual
FY 2003	<p>To ensure cost-effective and technically sound site clean-up, deliver state-of-the-science reports and methods to EPA and other stakeholders for risk management of fuel oxygenates; organic and inorganic contamination of sediments, ground water and/or soils; and oil spills. Goal Met.</p> <p><i>Performance Measure:</i></p> <ul style="list-style-type: none"> —Complete draft of the FY 2002 Annual Superfund Innovation Technology Evaluation (SITE) Report to Congress. 	1	1

APG 33 Scientifically Defensible Decisions for Site Clean-up <i>(continued)</i>		Planned	Actual
FY 2002	<p>Provide at least 6 innovative approaches that reduce human health and ecosystem exposures from dense non-aqueous phase liquids (DNAPLs) and methyl-tertiary butyl ether in soils and groundwater, and from oil and persistent organics in aquatic systems. Goal Met.</p> <p>Performance Measures</p> <p>—Deliver the Annual Superfund Innovation Technology Evaluation (SITE) Program Report to Congress detailing 4-6 innovative approaches, their cost savings and future direction; reports summarizing pilot scale evaluation of in situ remedies for solvents.</p>		
FY 2001	<p>Provide technical information to support scientifically defensible and cost-effective decisions for cleanup of complex sites, hard-to-treat wastes, mining, oil spills near shorelines, and Brownfields to reduce risk to human health and the environment. Goal Not Met.</p> <p>Performance Measures</p> <p>—Deliver the Annual SITE Program Report to Congress.</p>		0
FY 2000	<p>Enhance scientifically defensible decisions for site cleanup by providing targeted research and technical support. Goal Not Met.</p> <p>Performance Measures</p> <p>—Report of natural attenuation case studies of MTBE.</p> <p>—Deliver the SITE report to Congress.</p> <p>—Report of key research on methods, models and factors relating to risk evaluation of dermal route of exposure.</p> <p>—Review 20 soil contaminants and develop screening levels.</p>	 9/30/00 9/30/00 9/30/00	0 1/30/01 12/31/00 9/30/00
<p>FY 2003 Result: EPA prepared state-of-the-science reports and methods for risk management of fuel oxygenates; organic and inorganic contamination of sediments, ground water and/or soils; and oil spills. The completed draft of the FY 2002 SITE Program Annual Report to Congress details the cost of innovative technologies tested under the SITE Program and provides a comparison of these costs to those of conventional technologies. This information assists decision makers in choosing technologies based on cost and performance.</p>			

FY 2002 Annual Performance Goals

(No Longer Reported for FY 2003)

- Within 18 months after final listing on the NPL, EPA will make a final offer for an interagency agreement that is consistent with Agency policy and guidance at 100% of Federal facility Superfund sites.

NOTES

1. US EPA, June 2002. *Characterization of Municipal Solid Waste in the United States—2000 Update*. Washington, DC: Government Printing Office. Available at <http://www.epa.gov/epaoswer/non-hw/muncpl/msw99.htm>. Last updated October 29, 2002.
2. US EPA, Office of Solid Waste. Available at <http://www.epa.gov/epaoswer/osw/consERVE/index.htm>. Last updated August 20, 2003.
3. US EPA, *Resource Conservation and Recovery Act Information System (RCRAInfo)*. Available at <http://www.epa.gov/epaoswer/hazwaste/permit/charts/charts.pdf>. Last updated July 1, 2003.
4. US EPA, Office of Underground Storage Tanks, *FY 2003 Semi-Annual (Mid-Year) Activity Report*, June 19, 2003. Available at http://www.epa.gov/oust/cat/ca_031_2.pdf.
5. While this number is not in the *FY 2002 End-of-Year Activity Report* for the Office of Underground Storage Tanks (note 2 above), it is derived from data primarily found in that report and is based on the following calculations: There were 696,205 active tanks as of March 31, 2003. A facility number can be derived from the tank number by dividing 696,205 by 2.65, which is the average number of tanks per facility. Thus, there were 262,719 facilities at the end of March 2003. Then, the number of facilities can be multiplied by the compliance rate of 81 percent, which results in the estimate of 213,000 facilities in compliance with spill, overflow, and corrosion protection requirements.
6. US EPA, Superfund Information Systems, CERCLIS database.
7. Ibid.
8. Ibid.
9. Ibid.
10. Ibid.
11. US EPA Federal Facilities Restoration and Reuse web page topics available at: <http://cfpub.epa.gov/fdr/>.
12. US EPA, RCRAInfo database, Corrective Action, Facility Information. Available at <http://www.epa.gov/epaoswer/hazwaste/ca/facility.htm>. Facility information is updated monthly at <http://www.epa.gov/epaoswer/hazwaste/ca/facility/stofcra.htm>.
13. US EPA, Office of Underground Storage Tanks, *FY 2003 Semi-annual (Mid-Year) Activity Report*, June 19, 2003. Available at http://www.epa.gov/oust/cat/ca_031_2.pdf.
14. US EPA, *Resource Conservation and Recovery Act Information System (RCRAInfo)*. Available at <http://www.epa.gov/epaoswer/hazwaste/permit/charts/charts.pdf>. Last updated July 1, 2003.
15. The FY 2003 OSWER Core Emergency Response baseline will be reported in the *FY 2003 Core Emergency Response National Report*, which is expected to be issued during the first quarter of FY 2004.
16. US EPA, Superfund Information Systems, CERCLIS database.
17. Ibid.
18. Ibid.
19. US EPA, RCRAInfo database, Corrective Action, Facility Information. Available at <http://www.epa.gov/epaoswer/hazwaste/ca/facility.htm>. Facility information is updated monthly at <http://www.epa.gov/epaoswer/hazwaste/ca/facility/stofcra.htm>.