

**American Recovery and Reinvestment Act of 2009
Program/Funding Summary**

Short title: Leaking Underground Storage Tanks (LUST)

ARRA Reference: Division Interior, Environment, and Related Agencies Title VII Section Leaking Underground Storage Tank Trust Fund Program

Funding by federal fiscal year:

Year	Total Florida State Budget Amount**	Amounts to Local Governments Passed Through State Agencies	Amounts to Directly to Local Governments	Amounts Directly to Individuals**
FFY 2009*	\$11,200,000	N/A	N/A	N/A
FFY 2010				
FFY 2011				
Later Years				
Total	\$11,200,000	N/A	N/A	N/A

*All funds are being made available at one time; DEP will contract directly with approved cleanup contractors. The funds must be committed by September 30, 2011; however, there are specific interim obligation and expenditure requirements. Within the first nine months of grant award, 35% of funds must be obligated and 15% must be spent; 50% of funds must be obligated within the first year after grant award and 25% must be spent. (EPA has advised that these obligation and expenditure requirements change as the program is implemented.) The federal OMB has determined that LUST moneys will not be considered “infrastructure” funding for purposes of the stimulus unless the project involves connection to a water system or paving, in which case Davis-Bacon labor provisions would apply to contracts. In practice, Davis-Bacon provisions will not apply to the assessment phases of projects and would only apply during remediation if paving is required to restore the site. Buy American labor provision do not apply.

Funding by state fiscal year:

SFY 2008 – 2009	N/A	N/A	N/A	N/A
SFY 2009 – 2010	\$11,200,000	N/A	N/A	\$11,200,000

SFY 2011 – 2012	N/A	N/A	N/A	N/A
Later Years	N/A	N/A	N/A	N/A
Total	\$11,200,000	N/A	N/A	\$11,200,000

Brief description of program or funding including funding distribution method (formula or competitive grant): Federal funds will be distributed through a set state allocation. Based on EPA guidance, funds may be spent on the cleanup of leaking underground (petroleum) storage tank sites where there is no responsible party or where the responsible party has been determined to be indigent or partially indigent. Florida currently has a list of candidate sites undergoing further assessment to determine the nature and extent of contamination, the potential cost of cleanup, and whether cleanup activities can be conducted within the ARRA time constraints. Once the determination has been finalized, funding will be awarded to approved contractors to carry out the work on the highest priority candidate sites, with a focus on those posing the greatest environmental threat and having the potential for successful source removal.

When funds are expected to be available: EPA awarded the state grant in July 2009.

How long are funds available: Funds will be available through September 2011.

Conditions or prerequisites for accessing funds (include matching or MOE requirements): No state match is required to access funds. Funds may only be spent on the cleanup of leaking underground storage tank sites where there is no responsible party or where the responsible party has been determined to be indigent or partially indigent. In addition, funds will only be committed to and spent on sites that can meet the ARRA time constraints. Stimulus-related budget authority is required for SFY 2009-10.

Federal agency: EPA

State agency: Department of Environmental Protection, Office of Regulatory Programs

If there is a link to a federal web site that describes the program or funding include here:

<http://www.epa.gov/recovery/index.html>

If there is a link to a state web site that describes the program or funding, include here:

<http://www.dep.state.fl.us/waste/categories/pcp/default.htm>

Contact Person (Name, telephone, email).

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