



At a Glance

Why We Did This Review

The Office of Inspector General received a request from the House Committee on Transportation and Infrastructure to review the U.S. Environmental Protection Agency's (EPA's) steps to ensure the quality and consistency of oil spill prevention and response plans, and to review how EPA tracks violators under the Clean Water Act (CWA) Section 311 program.

Background

In 1973, EPA issued the Spill Prevention, Control, and Countermeasure (SPCC) Rule to establish procedures, methods, and equipment requirements to prevent oil discharges from non-transportation-related facilities. The SPCC Rule requires facilities to prepare plans outlining their spill prevention procedures and countermeasures to address the effects of an oil spill.

For further information, contact our Office of Congressional and Public Affairs at (202) 566-2391.

The full report is at:
www.epa.gov/oig/reports/2012/20120206-12-P-0253.pdf

EPA Needs to Further Improve How It Manages Its Oil Pollution Prevention Program

What We Found

Although EPA has taken steps to improve its program to prevent oil spills from known facilities to waters of the United States, the Agency remains largely unaware of the identity and compliance status of the vast majority of CWA Section 311 regulated facilities. Effective program management requires EPA to know the identity and nature of the facilities it is responsible for regulating. EPA has taken a number of steps to improve the quality and consistency of SPCC Plans and Facility Response Plans (FRPs). EPA has also improved its ability to track individual CWA Section 311 violations and violators in a new national database. However, EPA still does not have knowledge of most facilities it is responsible for regulating. In addition, Agency data systems cannot exchange data with each other, and lack consistent and sufficient codes to categorize deficiencies and noncompliance. These data systems limitations prevent EPA from capturing the full details of a known violator's history or identifying trends in compliance and enforcement. As a result, EPA cannot assess the success of steps it has taken to improve the quality and consistency of SPCC Plans, FRPs, or the oil pollution prevention program as a whole. Therefore, the Agency is unable to assess the degree to which its actions will help prevent future oil spills or mitigate their associated impacts.

What We Recommend

We recommend that the Assistant Administrator for Solid Waste and Emergency Response, in consultation with the Assistant Administrator for Enforcement and Compliance Assurance, improve oversight of facilities regulated by EPA's oil pollution prevention program. Specifically, we recommend that EPA improve oversight by biennially assessing and reporting on the quality and consistency of SPCC Plans and FRPs, implementing a risk-based inspection strategy, updating guidance, and consistently interpreting SPCC and FRP regulations. We further recommend that the two Assistant Administrators work together to establish a national oil program database that contains compliance histories for regulated facilities, can track compliance trends, and exchanges data with other EPA databases. While the Agency recognized that it could improve the program, it neither agreed nor disagreed with most of our recommendations. Although the Agency disagreed with our recommendation regarding consistently interpreting regulations, we believe the recommendation is valid. In response to Agency comments, we added the recommendation about biennially assessing the quality and consistency of plans. All recommendations in this report are unresolved.