



**United States
Environmental Protection Agency**

FISCAL YEAR 2019

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

Inland Oil Spill Programs

EPA-190-R-18-001

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**Environmental Protection Agency
2019 Annual Performance Plan and Congressional Justification**

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**Environmental Protection Agency
FY 2019 Annual Performance Plan and Congressional Justification**

**APPROPRIATION: Inland Oil Spill Programs
Resource Summary Table
(Dollars in Thousands)**

	FY 2017 Actuals	FY 2018 Annualized CR	FY 2019 Pres Budget	FY 2019 Pres Budget v. FY 2018 Annualized CR
Inland Oil Spill Programs				
Budget Authority	\$17,940.1	\$18,085.0	\$15,673.0	-\$2,412.0
Total Workyears	92.4	98.3	75.7	-22.6

Bill Language: Inland Oil Spill Programs

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, \$15,673,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

Program Projects in Inland Oil Spill Programs

(Dollars in Thousands)

Program Project	FY 2017 Actuals	FY 2018 Annualized CR	FY 2019 Pres Budget	FY 2019 Pres Budget v. FY 2018 Annualized CR
Compliance				
Compliance Monitoring	\$145.2	\$138.0	\$0.0	-\$138.0
Enforcement				
Civil Enforcement	\$2,342.8	\$2,397.0	\$2,219.0	-\$178.0
Oil				
Oil Spill: Prevention, Preparedness and Response	\$14,422.5	\$14,311.0	\$12,273.0	-\$2,038.0
Operations and Administration				
Facilities Infrastructure and Operations	\$376.2	\$580.0	\$665.0	\$85.0
Research: Sustainable Communities				
Research: Sustainable and Healthy Communities	\$653.4	\$659.0	\$516.0	-\$143.0
TOTAL Inland Oil Spill Programs	\$17,940.1	\$18,085.0	\$15,673.0	-\$2,412.0

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

Compliance

Compliance Monitoring

Program Area: Compliance

Goal: Cooperative Federalism

Objective(s): Enhance Shared Accountability

(Dollars in Thousands)

	FY 2017 Actuals	FY 2018 Annualized CR	FY 2019 Pres Budget	FY 2019 Pres Budget v. FY 2018 Annualized CR
Environmental Program & Management	\$98,283.6	\$100,975.0	\$86,374.0	-\$14,601.0
<i>Inland Oil Spill Programs</i>	<i>\$145.2</i>	<i>\$138.0</i>	<i>\$0.0</i>	<i>-\$138.0</i>
Hazardous Substance Superfund	\$1,028.8	\$988.0	\$988.0	\$0.0
Total Budget Authority	\$99,457.6	\$102,101.0	\$87,362.0	-\$14,739.0
Total Workyears	506.4	538.9	428.7	-110.2

Program Project Description:

The Compliance Monitoring program is a key component of EPA's compliance assurance program that allows the Agency to detect noncompliance and promotes compliance with the nation's environmental laws.

Under the Inland Oil Spills Trust Fund, EPA integrates the data from the Facility Response Plans and Spill Prevention, Control, and Countermeasure systems into EPA's Integrated Compliance Information System. As a result of this data integration, EPA is able to focus compliance monitoring resources on areas of highest risk and increase transparency to the public. It also provides a more complete set of information for this program and improves data quality.

FY 2019 Activities and Performance Plan:

The Compliance Monitoring program funded from the Inland Oil Spills Trust Fund is proposed to be eliminated in FY 2019 due to streamlining of the program. The Agency's Office of Land and Emergency Management will maintain this work.

Performance Measure Targets:

Currently there are no performance measures specific to this program.

FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):

- (-\$138.0/ -0.9 FTE) This change proposes to eliminate funding to the Compliance Monitoring program under the Inland Oil Spills Trust Fund due to streamlining of the program.

Statutory Authority:

Clean Water Act; Oil Pollution 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 authority).

Enforcement

Civil Enforcement

Program Area: Enforcement

Goal: Rule of Law and Process

Objective(s): Compliance with the Law

(Dollars in Thousands)

	FY 2017 Actuals	FY 2018 Annualized CR	FY 2019 Pres Budget	FY 2019 Pres Budget v. FY 2018 Annualized CR
Environmental Program & Management	\$172,309.6	\$170,849.0	\$140,677.0	-\$30,172.0
Leaking Underground Storage Tanks	\$584.7	\$616.0	\$589.0	-\$27.0
<i>Inland Oil Spill Programs</i>	\$2,342.8	\$2,397.0	\$2,219.0	-\$178.0
Total Budget Authority	\$175,237.1	\$173,862.0	\$143,485.0	-\$30,377.0
Total Workyears	1,061.0	1,080.4	857.1	-223.3

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 United States Department of Justice, states, local agencies, 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.

The Civil Enforcement program's enforcement of Section 311 of the Clean Water Act (CWA), as amended by the Oil Pollution Act of 1990 (OPA), is designed to ensure compliance with the prohibition against oil and hazardous substance spills, as well as the oil spill prevention, response planning, and other regulatory requirements. The Civil Enforcement program develops policies, issues administrative orders or penalty actions, and refers civil judicial actions to the Department of Justice to address spills, violations of spill prevention regulations, response planning regulations and other violations (e.g., improper dispersant use or noncompliance with orders). The program also assists in the recovery of cleanup costs expended by the government. The program provides support for field investigations of spills, Spill Prevention, Control, and Countermeasure (SPCC), Facility Response Plan (FRP) and other requirements.

FY 2019 Activities and Performance Plan:

Work in this program directly supports Goal 3/Objective 3.1, Compliance with the Law in EPA's FY 2018 - 2022 Strategic Plan. In FY 2019, EPA will continue to streamline the Civil Enforcement program, prioritize resources to achieve regulatory compliance, and address oil or hazardous substance spills in violation of the statute and deter future spills. Civil Enforcement efforts will focus on facilities where enforcement will promote deterrence, and confirm that spills are cleaned up and mitigated. To increase deterrence, the Civil Enforcement program will coordinate with the Criminal Enforcement program, as appropriate.

Performance Measure Targets:

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

FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):

- (+\$16.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$194.0/ -0.9 FTE) This program change reflects increased coordination with the Criminal Enforcement program in carrying out enforcement of the Oil Pollution Act of 1990.

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); Clean Water Act; Oil Pollution Act.

Oil

Oil Spill: Prevention, Preparedness and Response

Program Area: Oil

Goal: Core Mission

Objective(s): Revitalize Land and Prevent Contamination

(Dollars in Thousands)

	FY 2017 Actuals	FY 2018 Annualized CR	FY 2019 Pres Budget	FY 2019 Pres Budget v. FY 2018 Annualized CR
<i>Inland Oil Spill Programs</i>	<i>\$14,422.5</i>	<i>\$14,311.0</i>	<i>\$12,273.0</i>	<i>-\$2,038.0</i>
Total Budget Authority	\$14,422.5	\$14,311.0	\$12,273.0	-\$2,038.0
Total Workyears	78.0	83.1	62.3	-20.8

Program Project Description:

The Oil Spill Prevention, Preparedness and Response program protects the American people by preventing, preparing for, responding to, and monitoring inland oil spills. EPA is the lead federal responder for inland oil spills, including transportation related spills from pipelines, trucks, railcars, and other transportation systems. In addition, the program may provide technical assistance, assets, and outreach to industry, states, and local communities as part of the Agency's effort to ensure national safety and security for chemical and oil incidents.¹

There are approximately 540,000 Spill Prevention, Control, and Countermeasure (SPCC) facilities, including a subset of 4,600 Facility Response Plan (FRP) facilities identified as high risk due to their size and location. The Oil Pollution Act requires certain facilities that store and use oil to prepare response plans that are reviewed by EPA to ensure availability of response resources in the event of a discharge.

To minimize the potential impacts to human health and the environment, the Agency will target facilities that pose the highest risk. The Agency currently inspects approximately .08 percent of SPCC facilities per year. In FY 2017, EPA found that 82 percent of FRP facilities and 77 percent of SPCC facilities inspected had inadequate prevention and response plans. Inspections are essential in ensuring that facility staff is knowledgeable about prevention and response plans, and quickly able to put these plans into action.

EPA is the lead federal response agency for oil spills occurring in inland waters. EPA receives all spill notifications at the National Response Center and retains the responsibility to ensure that all inland oil spills are responded to within 12 hours. EPA works closely with state and local first responders on smaller spills and leads the response on larger spills. EPA accesses the Oil Spill Liability Trust Fund, administered by the U.S. Coast Guard, to obtain reimbursement funds for site specific oil spill response activities. In FY 2017 EPA responded to approximately 85 oil spills across the nation.

¹ For additional information, refer to: <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations>.

FY 2019 Activities and Performance Plan:

Work in this program directly supports Goal 1/Objective 1.3, Revitalize Land and Prevent Contamination in EPA’s FY 2018 – 2022 Strategic Plan. In FY 2019, the Oil Spill Prevention, Preparedness and Response program will:

- Inspect oil facilities to ensure compliance with preventive measures. Inspections involve reviewing the facility’s preparedness and response plans, discussing key aspects of these plans with facility staff, and conducting unannounced exercises that test the facility owner’s ability to put these preparedness and response plans into action. EPA will focus inspections at high risk FRP facilities.
- Maintain the National Contingency Plan’s Subpart J product schedule, which identifies a list of products that may be used to clean oil spills.
- Maintain the National Oil Database, which compiles data for the program. The database manages information obtained from new and historical inspections and has streamlined the process for assisting facilities with compliance and equip inspectors with more efficient inspection processes.
- Deliver required annual oil spill inspector training to federal and state inspectors.

EPA is proposing to develop a new program that would authorize EPA to collect and use fees for compliance assistance. This fee and service will be voluntary and EPA would conduct an on-site walk through within one-year of the accepted request and provide a report to assist FRP and SPCC facilities in complying with EPA regulations. Authorizing language is proposed with the budget submission.

Performance Measure Targets:

(438) Number of inspections conducted at oil facilities subject to the Spill Prevention, Control and Countermeasure regulation.	FY 2018 Target	FY 2019 Target
	410	410

(437) Number of inspections conducted at oil facilities subject to the Facility Response Plan regulation.	FY 2018 Target	FY 2019 Target
	200	200

FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):

- (+\$1,219.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.

- (-\$3,257.0/ -20.8 FTE) This program change is a focus on SPCC and FRP facility inspections on facilities that pose the highest risk. It also reduces specialized training opportunities for Agency federal On Scene Coordinators and updates to regional Area Contingency Plans.

Statutory Authority:

The Clean Water Act, § 311 and the Oil Pollution Act.

Operations and Administration

Facilities Infrastructure and Operations

Program Area: Operations and Administration

Goal: Rule of Law and Process

Objective(s): Improve Efficiency and Effectiveness

(Dollars in Thousands)

	FY 2017 Actuals	FY 2018 Annualized CR	FY 2019 Pres Budget	FY 2019 Pres Budget v. FY 2018 Annualized CR
Environmental Program & Management	\$293,997.9	\$305,844.0	\$300,738.0	-\$5,106.0
Science & Technology	\$64,642.7	\$67,875.0	\$68,834.0	\$959.0
Building and Facilities	\$26,065.5	\$27,602.0	\$33,377.0	\$5,775.0
Leaking Underground Storage Tanks	\$502.2	\$793.0	\$773.0	-\$20.0
<i>Inland Oil Spill Programs</i>	<i>\$376.2</i>	<i>\$580.0</i>	<i>\$665.0</i>	<i>\$85.0</i>
Hazardous Substance Superfund	\$69,651.3	\$75,985.0	\$74,144.0	-\$1,841.0
Total Budget Authority	\$455,235.8	\$478,679.0	\$478,531.0	-\$148.0
Total Workyears	323.4	356.7	318.0	-38.7

Program Project Description:

EPA’s Facilities Infrastructure and Operations program in the Inland Oil Spill Response appropriation supports the Agency’s rent, transit subsidy, and facility operations. Funding is allocated for such services among the major appropriations for the Agency.

FY 2019 Activities and Performance Plan:

Work in this program directly supports Goal 3/Objective 3.5, Improve Efficiency and Effectiveness in EPA’s FY 2018 – 2022 Strategic Plan. The Agency will continue to conduct rent reviews and verify monthly billing statements for its lease agreements with the General Services Administration and other private landlords. For FY 2019, EPA is requesting \$0.496 million for rent in the Inland Oil Spills appropriation.

Performance Measure Targets:

Currently there are no performance measures specific to this program.

FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):

- (+\$78.0) This change to fixed and other costs is an increase due to the recalculation of rent charged by appropriation, offset by a decrease in transit subsidy.
- (+\$7.0) This program change is an increase for facility operations.

Statutory Authority:

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

Research: Sustainable Communities

Research: Sustainable and Healthy Communities

Program Area: Research: Sustainable Communities

Goal: Rule of Law and Process

Objective(s): Prioritize Robust Science

(Dollars in Thousands)

	FY 2017 Actuals	FY 2018 Annualized CR	FY 2019 Pres Budget	FY 2019 Pres Budget v. FY 2018 Annualized CR
Science & Technology	\$142,429.1	\$133,415.0	\$52,549.0	-\$80,866.0
Leaking Underground Storage Tanks	\$358.0	\$318.0	\$320.0	\$2.0
<i>Inland Oil Spill Programs</i>	<i>\$653.4</i>	<i>\$659.0</i>	<i>\$516.0</i>	<i>-\$143.0</i>
Hazardous Substance Superfund	\$12,717.6	\$11,385.0	\$10,885.0	-\$500.0
Total Budget Authority	\$156,158.1	\$145,777.0	\$64,270.0	-\$81,507.0
Total Workyears	459.7	476.3	294.1	-182.2

Program Project Description:

EPA is the lead federal on-scene coordinator for inland oil spills and provides technical assistance, when needed, for coastal spills. EPA is therefore charged with responsibilities for oil spill preparedness and response and associated research. EPA's research, planned in concert with partner agencies (the U.S. Coast Guard, Department of the Interior, Department of Transportation, and Department of Commerce) supports EPA's lead role in developing protocols for testing spill response products and agents.

The Sustainable and Healthy Communities (SHC) research program for inland oil spills, funded through the Oil Spill Liability Trust Fund,² provides federal, regional, state, tribal, and community decision-makers with analysis and tools to protect human and ecosystem health from the negative impacts of oil spills. EPA provides assistance to communities by supporting local officials in their response to a spill. As a result of this research, responders can make better decisions on approaches and methods to reduce the spread and impact of coastal and inland oil spills, including pipeline and railway spills. Additionally, EPA's remediation expertise is critical in addressing potential impacts to communities and their environmental resources associated with pipeline and railway oil spills.

In support of these response efforts, EPA conducts research related to the Agency's National Contingency Plan (NCP) Product Schedule.³ The NCP is used nationwide by emergency responders and federal agencies in responding to oil spills. EPA's role is to develop and evaluate response approaches involving bioremediation, dispersants, and other additives, and to assess impacts to surface water and groundwater, especially as they affect drinking water supplies. EPA relies on this research to provide testing procedures that inform cleanup decisions during an emergency spill response.

² For more information, see: http://www.uscg.mil/ccs/npfc/About_NPFC/osltf.asp.

³ For more information, see: <http://www2.epa.gov/emergency-response/national-contingency-plan-subpart-j>.

Recent accomplishments in this research area include:

- **Developing an Oil Surface Washing Agent Protocol:** Surface Washing Agents (SWAs), also known as shoreline cleaning agents, are listed in the NCP and can be used following an oil spill event to enhance the removal of stranded oil from shoreline surfaces. EPA has and will continue to develop a laboratory effectiveness test for SWA. The effectiveness test will serve as a basis for proposed new listing criteria for the SWA products in the NCP. A product derived from this protocol is slated for FY 2019.
- **Providing the Land and Emergency Management Program with Information on Biodegradability for Crude Oils and Dispersants:** EPA's research results in this area inform decision makers on how long surfactant chemicals can potentially persist in the environment after use in responding to an oil spill, thus supporting the Agency's goal of protecting communities. This information was delivered in the fourth quarter of 2017.

FY 2019 Activities and Performance Plan:

Work in this program directly supports Goal 3/Objective 3.3, Prioritize Robust Science in EPA's FY 2018 - 2022 Strategic Plan. More specifically, SHC's FY 2019 research will focus explicitly on conducting research to support regulatory activities and protocol development for the National Oil and Hazardous Substances Pollution Contingency Plan and provide on-demand technical support at federal-, tribal-, or state-managed cleanup sites, as well as assistance during emergencies. The program conducts health, environmental engineering, and ecological research and prepares planning and analysis tools for localities nationwide to use in facilitating regulatory compliance and improving environmental and health outcomes.

Specific SHC activities in FY 2019 include:

- Developing or revising protocols to test oil spill control agents or products for listing on the National Contingency Plan (NCP) Product Schedule and will conduct other research, as needed by EPA's Emergency Management Program.
- Conducting studies on the effectiveness of bioremediation of petroleum-based oil, vegetable oil, and biodiesel. Bioremediation is a treatment that uses naturally occurring organisms to breakdown hazardous substances into less toxic or nontoxic substances to improve clean up.
- Researching dispersants' performance and behavior in deep water and arctic spills, in collaboration with the Department of the Interior's Bureau of Safety and Environmental Enforcement (BSEE) and Canada's Department of Fisheries and Oceans.

EPA scientists will produce a report on surface washing agents, solidifiers, and oil herding agents used in salt and freshwater responsive to Subpart J of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) during FY 2019. EPA also will expand research efforts regarding oil biodegradation and the characterization of crude oil.

Performance Measure Targets:

Work under this program supports performance results in the Sustainable and Healthy Communities Program under the S&T appropriation. EPA is reconstituting a subcommittee under the Office of Research and Development's (ORD) Board of Scientific Counselors (BOSC) for the SHC program to evaluate its performance and provide feedback to the Agency. The SHC program will meet regularly with both the BOSC and Science Advisory Board over the next several years to seek their input on topics related to research program design, science quality, innovation, relevance and impact. This includes advising EPA on its strategic research direction midway through the 4-year cycle of Strategic Research Action Plans (StRAPs).

EPA collaborates with several science agencies and the research community to assess our research performance. For example, EPA is partnering with National Institutes of Health, the National Science Foundation, Department of Energy, and Department of Agriculture. ORD's state engagement program is designed to inform states about ORD's research programs and role within EPA, and to enable ORD to better understand the science needs of state environmental agencies. Key partners at the state level include the Environmental Council of the States, with its Environmental Research Institute of the States and the Interstate Technology and Regulatory Council, as well as state media associations such as the Association of State and Territorial Solid Waste Management Officials. The Agency also works with the White House's Office of Science and Technology Policy and supports the interagency Science and Technology in America's Reinvestment - Measuring the Effect of Research on Innovation, Competitiveness and Science (STAR METRICS) effort.⁴

FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):

- (+\$16.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$159.0) This program change streamlines research to study the performance and behavior of oil dispersants in deep water and arctic spills, as well as revised protocols for testing oil spill control agents pursuant to the National Contingency Plan Product Schedule.

Statutory Authority:

Oil Pollution Act; Clean Water Act, § 311.

⁴ STAR METRICS: <https://www.starmetrics.nih.gov/>.